

Nebraska Board of Geologists
Board Meeting Minutes
January 20, 2021

WebEx Conference

CALL TO ORDER

The meeting was held via WebEx in accordance with the Governor's Executive Order 20-36. Chairperson Hallum called the meeting to order at 1:04 pm, and noted the location of the link to the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on January 7, 2021, and also on the Board's website in accordance to the Open Meetings Act.

Roll Call: Douglas Hallum, Charles Joyce, Martha Link, Harmon Maher, David Svingen

Absent: Ralph Martin, Andrew Grimm

Staff Present: Jean Lais, Business Manager (BM); Gail Parris, Administrative Assistant (AA)

PUBLIC COMMENT/APPOINTMENTS

Public in attendance: Sanford Kaplan, PG

A CONSENT AGENDA

October 27, 2020 Meeting Minutes

Action

Motion by Maher, second by Link to approve the Consent Agenda as presented and amended.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

B REPORTS

Office/Staff

BM Lais informed the members that biweekly meetings have been scheduled with the new database provider, inLumon, beginning on January 21, 2021. The tentative completion date is January 2022. The board was also apprised that a new staff assistant, Tina Hall, had been hired effective November 2021.

C OLD BUSINESS

Strategic Plan

Hallum approved the addition to the Creation of an Exam section referring to Svingen's preparation and submission of a draft exam. Hallum also discussed the comments he received from the Nebraska Geological Society regarding the exam.

"As a database manager, I correctly guessed my way through most of the questions. My thought - I don't think these questions will stop those who have not reviewed Nebraska regulations from getting a license to practice in Nebraska. Is that the intent? I agree that acronyms need to be spelled out in the first reference."

"Sometimes 'professional geologist' is capitalized, sometimes not. Please check all. I not sure if all need to be, such as when used as an adjective (e.g., professional geologist seal)."

"3rd bullet point: delete 'or very similar'. What is the difference between similar and very similar?"

"Item #1 misspelled 'reject'. Spell check all."

"Of course Draft Exam Reviewers probably know what the acronym NBEA means, but its first use should be spelled out followed by the acronym in parentheses."

"Likewise, should 'NEBOG' and 'Board' be defined? It appears that the terms are used interchangeably."

"A few years ago, there was some confusion among the existing NGS executive committee regarding question 12. I would like that question to be included in every exam."

"When did we get a State of Nebraska Professional Geologists Handbook? Is there a link for this document? Should that link be included?"

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The Core Course Equivalency section will also be updated to reflect that Harmon, Joyce, and Svingen met at UNO to make revisions and edits. They will also perform additional review after the rescheduled Task Analysis.

Geologist Regulation Act Revisions Updated: Verbal

Chairperson Hallum informed the members that the Nebraska Geological Society (NGS) did not move forward with procuring a sponsor for the drafted statute revisions due to a concern that by introducing a bill it would open the Act up to other possible revisions by outside parties. NGS didn't feel the revisions being made were significant enough to risk this possibility.

BM Lais stated that with the push for deregulation, while the revisions are not major, it would be in the Board's interest to be proactive in making the changes; rather than having to respond to outside revisions that may not be in the best interest of protecting the health, safety, and welfare of the public. She also reminded the Board, that except for some minor wordsmithing, the revisions are the same as were sent to NGS in the spring of 2020.

While it is too late to introduce a bill for 2020, Chairperson Hallum and Maher will continue discussions with the NGS board with a goal to having the revisions introduced in 2021.

D NEW BUSINESS

Travel Policy Revision

As a result of the passage of LB381 2020, the Department of Administrative Services (DAS) – Accounting Division revised the State's Travel Policies. The most significant change is the switch from actual meals and incidental expense reimbursement to a per diem basis. As a result the Board's Travel Policy, G-P08.02, was revised to incorporate these changes.

The members requested AA Parris and BM Lais to revise the opening language clarifying that both member and staff travel must be approved by the Board or Board Chairperson. They also requested that they research whether the state policy requires individuals to provide proof of insurance when using their personal vehicle for travel and, if so, bring a revision reflecting such to the April meeting.

Action

Motion by Svingen, second by Link to accept and approve changes in the Travel and Reimbursement Policy as discussed.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

Legislative

LB83 – Open Meetings Act Revisions

A copy of LB83 was provided for review. The bill would allow a state agency, board, commission, council, or committee, or an advisory committee of any such state entity among other entities who are subject to the Open Meetings Act, to hold virtual meetings for up to one-half of the entities' meetings during an emergency as defined by Neb. Rev. Stat. § 81-829-39 is declared pursuant to the Emergency Management Act.

LB112 – Open Meetings Act Revisions

A copy of LB112 was provided was provided for review. The bill would require an entity subject to the Open Meetings Act to allow the public to speak at every meeting.

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LB213 – Efficiency Review of State Agencies

A copy of LB213 was provided for review. The bill would require the Department of Administrative Services (DAS) to conduct an efficiency review of all listed agencies, including the Nebraska Board of Geologists (NEBOG), and submit the results to the Legislative Council no later than January 1, 2023.

An independent source will conduct the review and provide an outside study to make the delivery of services more cost effective; identify outdated delivery practices that can be eliminated; identify increased efficiencies in service delivery; identify potential new sources of funding, other than taxation, for services; and make government more accountable to residents of the state.

LB263 – Occupational Board Reform Act Revisions

A copy of LB236 was provided for review. LB263 is similar to LB1187 introduced in 2020. It would require an occupational board to issue a license or certification to an individual if the individual has been licensed in another state or the U.S. military for at least one year; passed an examination or met the other jurisdiction's education, training, or experience standards; has not had a license or certification revoked due to negligence or intentional misconduct related to the applicant's work in the occupation, nor has not surrendered a license or certificate of such; does not have a complaint, allegation, or investigation pending against them; and has paid all applicable fees.

If the other jurisdiction does not use a license or certificate to regulate the occupation, the applicant must have at least three years of experience in the occupation; has not had a license or certificate revoked for negligence or intentional misconduct, nor has not surrounded a license or certificate of such; does not have a complaint, allegation, or investigation pending against them; and has paid all applicable fees.

If the individual holds a private certification and has worked for at least two years in the occupation; holds a private certification in the occupation; is in good standing with the provider; has not had a license or certification revoked due to negligence or intentional misconduct related to the applicant's work in the occupation, nor has not surrendered a license or certificate of such; does not have a complaint, allegation, or investigation pending against them; and has paid all applicable fees.

Applications must be approved within sixty days after receiving a completed application. This would result in the Board having to schedule additional meetings in order to comply, resulting in additional operating costs.

The applicant may appeal the denial of the license or certificate in accordance to the Administrative Procedures Act.

Action

Motion by Maher, second by Joyce to authorize Hallum to respond on behalf of the board, and submit a letter to the committee.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum: Voting No: None

Other New Business

Executive Order 21-02

Copies of the Governor's declaration of state of emergency and related Executive Orders affecting the Board's operations were provided for review. Executive Order 21-02 allows for videoconferencing or teleconferencing by boards and commission until April 30, 2021.

2022 Proposed Meeting Dates

Board members reviewed the dates for potential conflicts.

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ASBOG

Spring COE Workshop

The ASBOG Executive Committee will make a decision on February 26, 2021, whether to hold the workshop in person or virtually. In anticipation to the workshop being held in person, Maher and Joyce were approved to attend in person. Chairperson Hallum was approved as an alternate if it is held virtually.

Action

Motion by Maher, second by Svingen to approve Maher and Joyce to attend the workshop if held in person, and Chairperson Hallum as the alternate to attend if held virtually.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

E COMPLIANCE - None

F APPLICATIONS

Copies of the Core Course Equivalency Chart and Rationale were provided for review.

Administratively Approved

Licensure/Examinations

Licensure by Experience Applications

Approved: Paul G. Ivancie, CO

Licensure from Other Jurisdictions

Approved: Kevin R. Wierengo, CO

FG Exam Applications

Approved: Ryan M. Penn, NE; Jacqueline M. Polashek, NE; Taylor S. Young, NE

PG Exam Applications

Approved: Allison M. Joy, NE; Nathan R. Rossman, NE

Renewal Applications

Approved: Sanford S. Kaplan, NE

Action

Motion by Svingen, second by Maher to approve the applications as reviewed and discussed.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

G FINANCIAL MATTERS

Financial Reports

Budget Status Report

MTD General Ledger Detail Report

Fund Summary Report

FY 2020-21 Financial Profile

BM Lais reported that with over 50% of the fiscal year elapsed as of December 31, 2020, 43 % of the allotted appropriation has been expended and just over 85% of the projected revenue has been received. Lower expenditures are mainly due to no travel expenses for annual meeting and Fall COE Workshop. The Cash Fund Balance was \$76, 559, which was \$1,434 higher than the same time last year.

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Motion by Svingen, second by Link to approve the financial reports as presented and discussed.
Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

Other Financial Matters

2021 Mileage Rates

A letter from the Department of Administrative Services was provided for review. Effective January 1, 2021, the standard reimbursable mileage rate will be \$.56 per mile for use of a personal vehicle.

LB380 2021-23 Biennium Budget Bill

LB380 outlines the Governor's proposed budgets for FY 2021-22 and FY 2022-23. A copy of the bill was provided for review. The bill grants the Board the requested allotment of \$36,609 in FY 2021-22 and \$37, 210 in FY 2022-23. A hearing on the bill has not been set yet.

Action

Motion by Hallum, second by Link to authorizing Hallum to send a letter to the Appropriations committee accepting the allocation in LB380.

Voting Yes: Joyce, Link, Svingen, Maher, Hallum; Voting No: None

H GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting will be held via WebEx on April 14, 2021 beginning at 1:00pm.

Chairperson Hallum noted that this was most likely the last board meeting for Svingen and Link. He thanked them for their help, mentorship, knowledge and expertise.

The members requested AA Parris to extend an invitation to Deana Sneyd, ASBOG Executive Director, to participate in the April meeting by giving a presentation on the role of ASBOG and its services to member boards. An alternate date for her to attend would July 14, 2021.

A roster of the Board members was provided.

Licensing and Certification Trends

Individuals and organizations authorized to practice in Nebraska as of January 20, 2021:

Professional Geologists: 295

Certificates of Authorization: 63

Temporary Permits: 0

Other information

The website dashboard reports showed the following number of total visits:

October: 304

November: 293

December: 411

A copy of the approved Board Policies as of January 20, 2021 was provided for review.

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ADJOURNMENT: Chairperson Hallum adjourned the meeting at 3:00pm

Douglas R. Hallum

Board Member

04/14/21

Date