

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 890

Introduced by Friend, 10

Read first time January 7, 2004

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Geologists Regulation Act; to amend
2 sections 81-3501, 81-3503, 81-3527, 81-3529, 81-3539, and
3 81-3540, Reissue Revised Statutes of Nebraska; to provide
4 for enrollment of geologist-interns; to harmonize
5 provisions; to provide an operative date; and to repeal
6 the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-3501, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-3501. Sections 81-3501 to 81-3541 and section 3 of
4 this act shall be known and may be cited as the Geologists
5 Regulation Act.

6 Sec. 2. Section 81-3503, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-3503. For purposes of the Geologists Regulation Act,
9 the definitions found in sections 81-3504 to 81-3519 and section 3
10 of this act shall be used.

11 Sec. 3. Geologist-intern means a person who has passed
12 an examination in the fundamentals of geology as provided in
13 section 81-3540.

14 Sec. 4. Section 81-3527, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-3527. (1) Application for licensure as a geologist or
17 enrollment as a geologist-intern shall be made on a form prescribed
18 and furnished by the board. It shall contain statements made under
19 oath showing the applicant's education and a detailed summary of
20 technical experience and shall include the names and complete
21 mailing addresses of the references, none of whom shall be members
22 of the board. The board may accept the verified information
23 contained in the National Association of State Boards of Geology
24 for applicants in lieu of the same information that is required on
25 the form prescribed and furnished by the board.

26 (2) Application, and licensure, and enrollment fees shall
27 be established by the board and shall accompany the application.
28 Original and reciprocal fees shall not exceed three hundred dollars

1 for licensure as geologist and one hundred dollars for enrollment
2 as geologist-intern and shall be in addition to the examination fee
3 which shall be set to recover the costs of the examination and its
4 administration.

5 (3) The certificate of authorization fee for
6 organizations shall be established by the board and shall accompany
7 the application. The fee shall not exceed three hundred dollars
8 per year.

9 (4) The fee for emeritus status shall be established by
10 the board and shall accompany the application. The fee shall not
11 exceed one hundred dollars per year.

12 (5) If the board denies the issuance of a certificate to
13 any applicant, including the application of an organization for a
14 certificate of authorization, the board shall retain the fee.

15 Sec. 5. Section 81-3529, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-3529. (1) The board shall issue to any applicant who,
18 on the basis of education, experience, and examination, has met the
19 requirements of the Geologists Regulation Act a certificate of
20 licensure giving the licensed geologist proper authority to carry
21 out the prerogatives of the act. The certificate of licensure
22 shall carry the designation Licensed Professional Geologist. The
23 certificate of licensure shall give the full name of the licensee
24 and the license number and shall be signed by the chairperson of
25 the board and the secretary of the board.

26 (2) The certificate shall be prima facie evidence that
27 the person is entitled to all rights, privileges, and
28 responsibilities of a professional geologist while the certificate

1 of licensure remains unrevoked and unexpired.

2 (3) (a) Each licensee authorized to practice geology must
3 obtain a seal. It shall be unlawful for a licensee to affix his or
4 her seal and signature or to permit his or her seal and signature
5 to be affixed to any document after the expiration of the
6 certificate of licensure or for the purpose of aiding or abetting
7 any other person to evade or attempt to evade any provisions of the
8 act.

9 (b) The seal may be a rubber stamp or may be generated
10 electronically. Whenever the seal is applied, the licensee's
11 written signature and the date shall be across the seal. No
12 further words or wording are required. Electronic signatures
13 applied to electronic seals shall be protected with an electronic
14 revision approval system. Documents without electronic revision
15 approval system protection that are transmitted electronically to a
16 client or a governmental agency shall have the seal removed from
17 the file. The electronic media shall have the following inserted
18 in lieu of the seal, signature, and date:

19 This document was originally issued and sealed by
20 (name of sealer), (license number), on (date of
21 sealing). This media should not be considered a
22 certified document.

23 (c) The seal, signature, and date shall be placed on all
24 technical submissions and calculations whenever presented to a
25 client or any public or governmental agency.

26 (d) The seal, signature, and date shall be placed on all
27 originals, copies, tracings, or other reproducible documents in
28 such a manner that the seal, signature, and date will be

1 reproduced. The application of the licensee's seal and signature
2 shall constitute certification that the work was done by the
3 licensee or under the licensee's control. In the case of multiple
4 sealings, the first or title page shall be sealed, signed, and
5 dated by all involved. In addition, each sheet shall be sealed,
6 signed, and dated by the licensee responsible for each sheet. In
7 the case of an organization, each sheet shall be sealed, signed,
8 and dated by the licensee involved. The geologist in responsible
9 charge shall sign, seal, and date the title or first sheet.

10 (e) In the case of a temporary permit issued to a
11 licensee of another state, the licensee shall use his or her state
12 of licensure seal and shall affix his or her signature and
13 temporary permit to all his or her work.

14 (f) The design of the seal shall be determined by the
15 board. The following information shall be on the seal: State of
16 Nebraska; licensee's name; licensee's license number; and the words
17 Professional Geologist.

18 (g) The board shall issue to any applicant who, in the
19 opinion of the board, has met the requirements of the act, an
20 enrollment card as geologist-intern which indicates that his or her
21 name has been recorded as such in the board office. The
22 geologist-intern enrollment card does not authorize the holder to
23 practice as a professional geologist.

24 Sec. 6. Section 81-3539, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 81-3539. Applications for licensure as a professional
27 geologist, ~~or~~ for temporary or reciprocal licensure, or for
28 enrollment as a geologist-intern shall be on forms prescribed and

1 furnished by the board and shall be accompanied by the fee
2 established by the board. The requirements of subdivisions (1)
3 through (3) of this section may be considered by the board to be
4 fulfilled if the applicant maintains a current certificate of
5 licensure to practice geology issued pursuant to the authority of
6 any state or possession of the United States or the District of
7 Columbia based on requirements that do not conflict with the
8 Geologists Regulation Act and were of a standard not lower than
9 that specified in the applicable licensure law in effect in this
10 state at the time the certification was issued. The following
11 shall be considered as minimum evidence satisfactory to the board
12 that the applicant is qualified for licensure as a professional
13 geologist or enrollment as a geologist-intern:

14 (1) The applicant is of good character and reputation and
15 submits four references with his or her application for licensure
16 as a professional geologist. Two of the references shall be
17 professional geologists having personal knowledge of his or her
18 geological experience; ~~During the twelve-month period beginning~~
19 ~~on January 1, 1999, the board shall consider, for the purpose of~~
20 ~~application references, as a professional geologist a person who~~
21 ~~meets the education and experience requirements for licensure as a~~
22 ~~professional geologist specified in the act;~~

23 (2) The applicant has successfully completed a minimum of
24 thirty semester hours or forty-five quarter hours of course work in
25 geology and has received a baccalaureate or advanced degree in
26 geology or a geologic specialty from a program accredited by an
27 organization recognized by the board; ~~During the twelve-month~~
28 ~~period beginning on January 1, 1999, the board may waive the~~

1 education requirements for a person who derives his or her
2 livelihood from the practice of geology and who does not meet the
3 academic requirements but who can demonstrate to the satisfaction
4 of the board his or her competency and who has at least eight years
5 of progressive experience in geologic work of a grade and character
6 which indicates to the board that the applicant is qualified to
7 assume responsible charge of such work upon licensure as a
8 geologist,

9 (3) ~~Except as otherwise provided in subdivision (2) of~~
10 ~~this section,~~ the The applicant has a documented record of a
11 minimum of five years of progressive experience, obtained
12 subsequent to completion of the education requirements, in geologic
13 work of a grade and character which indicates to the board that the
14 applicant is qualified to assume responsible charge of such work
15 upon licensure as a geologist, except that no work experience is
16 required for enrollment as a geologist-intern; and

17 (4) The applicant has completed an examination covering
18 the fundamentals and practice of geology prescribed by the board.
19 Upon passing the fundamentals of geology examination, the applicant
20 may be enrolled as a geologist-intern. Upon passing the practice
21 of geology examination, the applicant shall be granted a
22 certificate of licensure to practice geology in this state if
23 otherwise qualified. ~~During the twelve-month period beginning~~
24 ~~January 1, 1999, the board shall waive the examination requirement~~
25 ~~for applicants qualified by education and experience.~~ A person who
26 holds a valid certificate of licensure to engage in the practice of
27 geology, issued pursuant to the authority of any state or
28 possession of the United States or the District of Columbia based

1 on requirements that do not conflict with the act and were of a
2 standard not lower than that specified in the applicable licensing
3 law in effect in this state at the time the certificate was issued,
4 may, upon application, be licensed without further examination.
5 Geologic teaching of advanced subjects and the design of geologic
6 research and projects in a college or university offering an
7 accredited geologic curriculum may be considered by the board as
8 geologic experience.

9 Sec. 7. Section 81-3540, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-3540. (1) The board shall direct the time and place
12 of geology examinations. The board shall determine the acceptable
13 grade on examinations.

14 (2) The examination shall be given in two sections as
15 follows:

16 (a) A fundamentals of geology examination designed to
17 test the academic preparation of the applicant in geology. At the
18 board's discretion, the examination may be taken at any time
19 following completion of the applicant's educational requirements.
20 Passing this examination qualifies the examinee for a
21 geologist-intern enrollment card, if all other requirements for
22 enrollment as a geologist-intern are met; and

23 (b) A principles and practice of geology examination
24 designed to test the applicant's ability to apply geologic
25 knowledge and to assume responsible charge of geologic work. The
26 geologic practice examination may be taken only after the applicant
27 has acquired the experience required for licensure as a geologist.

28 (3) A candidate failing one examination may apply for

1 reexamination, which may be granted upon payment of a fee
2 established by the board. In the event of a second failure, the
3 examinee may, at the discretion of the board, be required to appear
4 before the board with evidence of having acquired the necessary
5 additional knowledge to qualify before admission to the
6 examination.

7 (4) The board may prepare and adopt specifications for
8 the examinations. The specifications shall be published and be
9 available to any person interested in being licensed.

10 Sec. 8. This act becomes operative on January 1, 2005.

11 Sec. 9. Original sections 81-3501, 81-3503, 81-3527,
12 81-3529, 81-3539, and 81-3540, Reissue Revised Statutes of
13 Nebraska, are repealed.