

AMENDMENTS TO LB 91

Introduced by Haar

1 1. Strike section 3 and insert the following new
2 sections:

3 Sec. 3. Section 81-3528, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-3528 (1) The practice or offer to practice for others
6 of geology by individuals licensed under the Geologists Regulation
7 Act through an organization is permitted if the criteria for
8 organizational practice established by the board are met and the
9 organization has been issued a certificate of authorization by the
10 board. All technical submissions by an organization involving the
11 practice of geology when issued or filed for public record shall be
12 dated and bear the ~~signature and seal~~ of the licensed geologist who
13 prepared the submission or under whose immediate direction it was
14 prepared.

15 (2) An organization desiring a certificate of
16 authorization shall file with the board an application, using the
17 form provided by the board, which also contains a list of the names
18 and addresses of all officers of the organization, duly licensed to
19 practice geology in the state through the organization. Any change
20 in the list of officers during the certificate period shall be
21 designated on the same form and filed with the board within thirty
22 days after the effective date of the change. If the requirements
23 of this section are met, the board shall issue a certificate of

1 authorization to the organization and the organization may contract
2 for and collect fees for furnishing professional services.

3 (3) The Geologists Regulation Act shall not prevent an
4 organization from performing professional services for itself.

5 (4) An organization is not relieved of its responsibility
6 for the conduct or acts of its agents, employees, officers,
7 or partners by reason of its compliance with this section. An
8 individual practicing geology is not relieved of his or her
9 responsibility for services performed by reason of employment or
10 any other relationship with an organization holding a certificate
11 of authorization.

12 (5) Commencing one year after January 1, 1999, the
13 Secretary of State shall not issue a certificate of authority
14 to an applicant or a registration of name to a foreign firm
15 to an organization which includes among the objectives for which
16 it is established geology or any modification or derivation of
17 geology, unless the board has issued the applicant a certificate
18 of authorization or a letter indicating the eligibility of
19 the applicant to receive a certificate of authorization. The
20 organization shall supply the certificate or letter with its
21 application for incorporation or licensure.

22 (6) Commencing one year after January 1, 1999, the
23 Secretary of State shall not register any trade name or service
24 mark which includes the words professional geologist, or any
25 modification or derivative of such word, in its firm name or
26 logotype except to those organizations holding a certificate of
27 authorization issued by the board.

1 (7) The certificate of authorization shall be renewed
2 periodically as required by the board.

3 (8) A geologist who renders occasional, part-time, or
4 consulting services to or for an organization may not for purposes
5 of this section be designated as being responsible for the
6 professional activities of the organization.

7 Sec. 4. Section 81-3529, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-3529 (1) The board shall issue to any applicant
10 who, on the basis of education, experience, and examination, if
11 required pursuant to section 81-3539, has met the requirements
12 of the Geologists Regulation Act a certificate of licensure
13 giving the licensed geologist proper authority to carry out the
14 prerogatives of the act. The certificate of licensure shall carry
15 the designation Licensed Professional Geologist. The certificate of
16 licensure shall give the full name of the licensee and the license
17 number and shall be signed by the chairperson of the board and the
18 secretary of the board.

19 (2) The certificate shall be prima facie evidence
20 that the person is entitled to all rights, privileges, and
21 responsibilities of a professional geologist while the certificate
22 of licensure remains unrevoked and unexpired.

23 (3) (a) Each licensee authorized to practice geology must
24 obtain a seal. ~~It shall be unlawful for a licensee to affix~~
25 ~~his or her seal and signature or to permit his or her seal and~~
26 ~~signature to be affixed to any document after the expiration of the~~
27 ~~certificate of licensure or for the purpose of aiding or abetting~~

1 any other person to evade or attempt to evade any provisions of
2 the act. The design of the seal shall be determined by the board.
3 The following information shall be on the seal: State of Nebraska;
4 licensee's name; licensee's license number; and the words Licensed
5 Professional Geologist.

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

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

20 (c) The seal, signature, and the date of its placement
21 shall be placed on all technical submissions and calculations
22 whenever presented to a client or any public or governmental
23 agency. It shall be unlawful for a licensee to affix his or her
24 seal or to permit his or her seal to be affixed to any document
25 after the expiration of the certificate or for the purpose of
26 aiding or abetting any other person to evade or attempt to evade
27 the act.

1 (d) The seal~~7~~ signature~~7~~ and date shall be placed on
2 all originals, copies, tracings, or other reproducible documents
3 in such a manner that the seal, signature, and date will be
4 reproduced. The application of the licensee's seal and signature
5 shall constitute certification that the work was done by the
6 licensee or under the licensee's control. In the case of multiple
7 sealings, the first or title page shall be sealed~~7~~ signed~~7~~ and
8 dated by all involved. In addition, each sheet shall be sealed~~7~~
9 signed~~7~~ and dated by the licensee responsible for each sheet. In
10 the case of an organization, each sheet shall be sealed~~7~~ signed~~7~~
11 and dated by the licensee involved. The geologist in responsible
12 charge shall sign~~7~~ seal~~7~~ and date the title or first sheet.

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

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

21 (g) (4) The board shall issue to any applicant who, in
22 the opinion of the board, has met the requirements of the act,
23 an enrollment card as geologist-intern which indicates that his
24 or her name has been recorded as such in the board office. The
25 geologist-intern enrollment card does not authorize the holder to
26 practice as a professional geologist.

27 Sec. 5. Section 81-3530, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-3530 (1) A professional geologist shall only ~~use~~ affix
3 his or her seal and signature when he or she was in responsible
4 charge of the work. ~~being stamped.~~

5 (2) A professional geologist shall ~~use~~ affix his or her
6 seal and signature on geologic reports, documents, maps, plans,
7 logs, and sections, or other public records offered to the public
8 and prepared or issued by or under the direct supervision of the
9 professional geologist.

10 2. On page 13, line 17, strike "81-3529" and insert
11 "81-3528, 81-3529, 81-3530".

12 3. Renumber the remaining sections accordingly.