

**NEBRASKA STATE BOARD OF GEOLOGISTS**  
**Meeting Minutes–Monday, July 17, 2006**  
**Nebraska State Office Building - 301 Centennial Mall South**  
**Nebraska Board of Geologists Board Room, 6<sup>th</sup> Floor - Lincoln, Nebraska**  
**Phone: 402-471-8383**

**Board Members**

John (Jack) Shroder, Chairperson, Omaha; Dennis J. Anderson, Vice-Chairperson, Omaha;  
David J. Becker, Secretary, Omaha; Andrew E. Grimm, Public Member, Omaha; Jeffrey S. Johnson, Lincoln;  
Robert S. (Steve) Kemp, Lincoln; Susan Olafsen Lackey, Winside; Nan Lindsley-Griffin, Emeritus Member, Lincoln;  
Sandra Weaver, Administrative Assistant, Lincoln

**Call to Order**

Anderson called the meeting of the Nebraska Board of Geologists to order at 1:20 p.m. Since a quorum was not present, no votes were taken until Johnson arrived at 1:27 p.m.

**Roll Call**

Dr. John (Jack) Shroder, Vice-Chairperson, Educational Member, Professional Geologist – Omaha – Absent  
David J. Becker, Secretary, Professional Geologist – Omaha  
Dennis J. Anderson, Professional Geologist – Omaha  
Andrew E. Grimm, Public Member – Omaha – Absent  
Jeffrey S. Johnson, Professional Geologist – Lincoln  
Robert S. (Steve) Kemp, Professional Geologists – Lincoln  
Susan Olafsen Lackey, Professional Geologist – Winside  
Dr. Nan Lindsley-Griffin, Emeritus Member (Non-Voting), Professional Geologist – Lincoln – Absent  
Sandra Weaver, Administrative Assistant – Lincoln

**Guests:** Richard L Ehrman, Lincoln, Past Chairperson (Term expired); DeMaris Johnson, Legislative Liaison (1:15 p.m.); Melinda Pearson, Executive Director, Board of Engineers and Architects; Gary Bush, DAS Budget Management Analyst

**Approval of April 13, 2006, Board Meeting Minutes**

Motion by Olafsen Lackey to approve the April 13, 2006, Board meeting minutes. Second by Kemp. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

**Recognition of Former Board Member Ehrman**

In the absence of Chairperson Shroder, Anderson expressed appreciation to former member, Dick Ehrman, on behalf of the Board. A plaque and a letter of appreciation were presented in recognition of over five years of commitment and service to the Board.

**Financial Fiscal Year-End Report**

The Board reviewed the Financial Year-End Report for April 1, 2006, through June 30, 2006, and a fiscal year summary and historical financial profile charts. Motion by Kemp to approve the Financial Report as provided. Second by Olafsen Lackey. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

**Activity Fiscal Year-End Report**

The Activity Report for July 1, 2005, through June 30, 2006, was submitted by Weaver. On June 30, 2006, the roster contained 279 licensees current through December 31, 2006, and eight enrolled geologist-interns. Four registrants had not renewed their license. Second renewal reminders were mailed the first part of July. Motion by Olafsen Lackey to approve the activity report. Second by Kemp. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

**Correspondence**

Correspondence mailed since the last Board meeting was reviewed.

**Committee Reports**

1. Rules and Regulations

Dick Ehrman reported completing the Governor's Policy Pre-Review Checklist and submitted it for review. The fiscal impact statement was discussed. It was suggested that minimal growth in geology would cause little impact on the

economy. Statewide impact would be relatively small. Consulting firms might be impacted since entities such as municipalities or private industry requiring geologic services will need to hire licensed geologists in the State of Nebraska. Minor changes will be made to the Pre-Review Checklist as per Board discussion. A public hearing on Rules and Regulations could be held at the October Board meeting if the Policy Research Office finishes their review in time for the Board to publicize a hearing 30 days before the date. Ehrman indicated the Board needed to formally delegate his role as contact for coordinating the review by the Policy Research Office, since he was no longer a Board member. Motion by Becker to authorize Ehrman to act on behalf of the Board in furthering the approval of the Rules and Regulations. Second by Johnson. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

**Action Item:** The Rules and Regulations and edited Pre-Review Checklist will be submitted to the Governor's Policy Research Office for review as soon as Ehrman finishes the final edit to the Pre-Review Checklist.

Weaver reported Nebraska Statute 84-617 (3) allows the State Treasurer to assess a returned check charge or a charge for an electronic payment not accepted against a state agency. The agency may assess the charge to the payer of the check or the person who authorized the electronic payment.

## 2. Legislative Report

DeMaris Johnson reported the hearing on the interim study to examine the exemption of certain individuals from the requirements of the Geologists Regulation Act could be postponed until November. Senator Shrock will be leaving the legislature because of term limits. Senator Chris Langemeier may be the next Natural Resources Committee Chair. Jim Ruby indicated that Senator Carol Hudkins' office may have an interest in shepherding the bill. Since Senator Hudkins also represents Nebraska Cattlemen, it would be a good fit for mediation. DeMaris Johnson will be setting up meetings with interested parties in August and Jim Ruby may attend. Jody Gittins, attorney for the committee, is also interested. Ms. Johnson encouraged contact with senators or candidates to educate them on the bill. Ehrman pointed out that Langemeier was a former NRD member and would have a good understanding of the bill. Ms. Johnson distributed a list of legislative candidates for the 2006 General Election.

### **New Applications**

03-006 Richard Hahler (NE) – GI Requesting to sit for PG Examination for Licensure  
05-004 Jesse T. Korus (NE) – GI Requesting to sit for PG Examination for Licensure  
05-021 George Joyce (NE) – GI Requesting to sit for PG Examination for Licensure  
06-007 Andrew D. Smits (WY) – Requesting Registration by Reciprocity  
06-008 Jessica L. Kidwell (KS) – Requesting Registration by Reciprocity  
06-009 Michael R. Cartwright (NV) – Requesting Registration by Reciprocity  
06-010 Erica Sorensen (NE) – Requesting to sit for FG Examination for GI Enrollment  
06-011 Jeffrey A. Humenik (MO) – Requesting Registration by Reciprocity  
06-012 Erik J. Waiss (NE) – Requesting to sit for FG Examination for GI Enrollment

### **Pending Applications**

06-003 Teyona Damon (NE) – Requesting to sit for FG Examination for GI Enrollment

The Board took a break from 4:09 p.m. to 4:23 p.m.

### Executive Session

Motion by Kemp to go into executive session to discuss pending applications for registration and examination at 4:25 p.m. Second by Olafsen Lackey. Presiding Officer, Anderson, restated on record that the Board would be going into closed session to discuss pending applications for registration and examination. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

Motion by Olafsen Lackey to leave executive session at 4:39 p.m. Second by Kemp. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

### **Application Action**

Motion by Johnson to accept the recommendation of the Board applicant reviewers to approve Andrew Smits, Jessica Kidwell, and Michael Cartwright for reciprocity; approve Richard Hahler and Jesse Korus to sit for the ASBOG PG examination (an updated experience record must be submitted by Korus before licensure is granted to verify 5 years of professional experience); and approve Teyona Damon, Erica Sorensen and Eric Waiss to sit for the ASBOG FG examination to obtain GI status. Jeffrey Humenik is to be approved for reciprocity contingent on receiving verification from Florida stating that the examination given was eight hours and equivalent to the ASBOG examination. George Joyce was denied to sit for the ASBOG PG examination because of not meeting the experience requirement subsequent to his

degree. Second by Kemp. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

#### **ASBOG®**

1. The Board reviewed the Nebraska March 2006 examination results and the Fundamentals and Practice of Geology examination score distributions for examinations administered nationwide.

The Board was in consensus to send Kemp to the Annual ASBOG meeting in the fall if he is able to attend.

#### **New Business**

1. Fee and Cash Fund Justification Report

Becker submitted a document outlining justification for the cash fund and fee levels. The Board will review the status of the cash reserve at least annually and the cash reserve will be kept at a level necessary to cover reasonable enforcement-related expenses or planned legislative issues if possible. Motion by Kemp to accept the justification policy for cash reserve and fees and designate the summer meeting to annually review of fees and the cash reserve. Second by Johnson. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously. Fees will remain at \$60 per renewal for 2007.

2. Renewal of Memorandum of Understanding with Board of Engineers and Architects

Melinda Pearson, Executive Director of the Board of Engineers and Architects entered the meeting for discussion. A renewal letter was presented proposing a monthly fee for Fiscal Year 2006/2007 at \$1,000 a month. Previous agreements had been allowed to be less than actual cost so the Board of Geologists could gain financial footing. As presented by Pearson, the next biennium would include increased contract amounts of 10% a year (if current hours continued to be used by the administrative assistant) until the Board caught up to actual costs appearing to be in the 2012-2013 biennium. An adjustment was made from the previous letter to reduce the percentage of rent and maintenance. The level of fair and equitable cost was discussed. Pearson stated the Board of Engineers and Architects would be open to a counter proposal. The Board of Geologists concurred they wanted to pay their fair share. Motion by Johnson to approve up to \$1403 a month for services of the Board of Engineers and Architects provided the agreement was reviewed and renewed each fiscal year with appropriate backup information. Second by Olafsen Lackey. Kemp amended the motion to approve up to \$1000 for Fiscal Year 2006-2007 as proposed and up to \$1403 for Fiscal Year 2007/2008. Second by Johnson. Voting aye on the motion: Anderson, Becker, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion as amended carried unanimously.

3. Budget Narrative for 2007-2009 Biennium

DAS Budget Division is asking agencies with cash funds to be especially diligent in completing the Budget Narrative for the new biennium. If an agency determines that an adjustment of fees/charges would be advisable, narrative information should be included outlining any agency plans for making the adjustments. Preliminary Budget Narrative is to be submitted by July 31.

**Action Item:** Weaver will be working on the narrative and Board input was requested.

4. Budget for 2007-2009 Biennium

DAS Budget Analyst, Gary Bush, explained the budget process and pointed out the need to account for potential expenditures in the budget request. Becker mentioned adding a line item for an investigator or for legislative aid. The new cost of administration and equipment will cause the expenditures to be higher than expected revenue. The deadline for submitting the Budget Request is September 15, 2006.

Weaver mentioned that the Board of Engineers and Architects is using Agee Towne Parking for Board member parking during meetings. Members bring a ticket to the meeting to be stamped and parking is charged back to the Board on a monthly billing. Since meter parking is inconvenient and hard to find, the Board agreed it would be a good option.

5. The 2006 NEBOG newsletter will be sent out in November and Weaver requested submittal of new articles.

**Action Item:** All articles or ideas should be submitted to the administrative assistant in the next two months.

#### **Old Business**

1. LB 898 – Changes to Public Meeting Laws

LB 898 made several changes to the Open Meetings Act. Changes were effective July 14, 2006. The Board was encouraged to read the listed changes in the Board packet.

2. Support of October 2006 Midwest Groundwater Conference in Lincoln is continued to be encouraged as discussed at previous meetings.

**Adjournment**

Motion by Becker to adjourn the meeting at 4:46 p.m. Second by Johnson. Voting aye on the motion: Becker, Anderson, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Absent: Shroder, Grimm. Motion carried unanimously.

**Next Board Meeting Dates**

Wednesday, October 25, 2006, at 1:00 p.m., Nebraska State Office Building – Centennial Mall South, 6<sup>th</sup> Floor – Lincoln, Nebraska.

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**Board Member**

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**Title**