

# Operational Planning Committee Agenda

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30 April 2018

- **Review schedule** .....9 – 9:05 am
- **A - Future legislation/statute change discussion** .....9:05 – 9:45 am
  - Decoupling PE exam from experience
  - Allowing ARE testing for IPAL-enrolled students, prior to graduation
  - Aligning temp permit duration provisions
  - Others
- **B - Decoupling – stakeholder engagement strategy / plan** .....9:45 – 10:15 am
- **Break** .....10:15 – 11 am
- **C - Rules promulgation review** .....11 am – noon
  - Continuing Education
  - Jurisdictions recognized by the Board
- **Lunch** ..... noon – 12:30 pm
- **D - FY 2019-21 Biennium Budget Priorities** ..... 12:30 – 1:15 pm
  - Processing compliance cases
  - Board staffing
  - Outreach
- **E - Partner agency process** ..... 1:15 – 1:30 pm
- **Break** ..... 1:30 – 1:45 pm
- **F - Other Issues** .....1:45 pm – 2:45 pm
  - Emeritus status, automatic for all who have practiced in good standing? What is the point of them paying a fee and renewing every year?
  - Pocket cards, worthwhile?
  - New, emerging technologies
- **G - Committee assignments**.....2:45 – 3 pm
  - Legal Services Search
  - Legislative Outreach
  - Executive (Chair, Vice Chair, Secretary)
  - Others...
- **Adjournment**

Nebraska Board of Engineers and Architects  
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**CALL TO ORDER**

The Operational Planning Meeting was held at 2200 Vine St, Prem S. Paul Research Center at Whittier School, Rm 344, Lincoln, Nebraska. Chair Klein called the meeting to order at 9:05 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

**Member Roll Call:** Jennifer Klein, Chair; Lenora Isom, Vice-Chair; Jan Bostelman, Secretary; Mark Champion; Brian Kelly; Daniel Thiele. Absent: Randy Peters.

**Staff Present:** Jon Wilbeck, Executive Director (ED); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager; Jean Lais, Administrative Assistant; Molly Mayhew, Public Information Officer (PIO).

Peters arrived at 9:14 a.m.

**A - Future legislation/statute change discussion**

The Board discussed issues related to potential E&A Regulation Act or Board rules changes, including the following:

- Neb. Rev. Stat. § 81-3428(4) indicates the secretary of the board shall receive and account for all money derived from operation of the Engineers and Architects Regulation Act and shall remit money to the State Treasurer for credit to the Fund. This archaic language is proposed to be removed since Board staff handles these tasks and the Board reviews financial reports.
- Neb. Rev. Stat. § 81-3433 states, "The board shall file the roster with the Secretary of State.....". This statute is no longer needed since the Board publishes a roster on its website that is routinely updated.
- ED Wilbeck will draft language in the rules and regulations concerning architect licensure by comity to coincide with Neb. Rev. Stat. 81-3448(2)(b).
- Processes for continuing education audits of license renewals will be reviewed. The Board was in agreement that audits could be separated from the renewal of a license. A revision of Rule 9.7.3 concerning the 120 days after notification of a continuing education audit to substantiate the claim or earn other credit will be considered as a process should be developed.
- Staff will review Neb. Rev. Stat. § 81-3451(3)(b) and Rules 4.1.2 and 4.1.3.1.6 for possible language changes to allow for experience credit for graduate degrees and timing of the Masters degree on Model Law engineer council records. A recommendation will be brought back to the Board.
- Language in statute to align ARE testing for IPAL-enrolled students prior to their graduation.

The Board will review a draft of potential rules changes at its May 2018 meeting.

The Board took a break at 10:38 a.m. The meeting reconvened at 10:45 a.m.

**B - Decoupling – stakeholder engagement strategy / plan**

Board members discussed their stance on decoupling the experience requirement before taking the PE examination. As of November 2017, 14 states allow early admission to sit for the PE examination. Nebraska currently requires candidates to provide a record of four years or more of progressive post-accredited-degree experience on engineering projects before taking the PE examination. The Board recognized a need for proactive outreach to all stakeholders, as it will be important to ensure stakeholder consensus before proceeding with legislation. The Society of Women Engineers will be added to the stakeholder list. ED Wilbeck was tasked with reaching out to all stakeholders and the Executive Director of the Nebraska Society of Professional Engineers (NeSPE) to see if a presentation on the possibility of decoupling could be provided at the Summer Annual Meeting in June. An article on decoupling will be published in the 2018 spring addition of *The Nebraska Professional* newsletter.

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LB 299, the Occupational Board Reform Act, was approved by the Governor on April 23, 2018. Decoupling would simplify the process for those seeking professional engineer licensure by examination, without removing the engineering experience component required for licensure. It will be important for the Board to reduce unnecessary barriers from licensure requirements. Neb. Rev. Stat. § 81-3451(2) would need to be modified to allow decoupling. If a bill is carried in the 2019 legislature, proposed language will need to be finalized and a sponsor selected by late summer.

Bostelman left at 11:49 a.m.

**C - Rules promulgation review**

ED Wilbeck went through proposed rules and regulation revisions with the Board. A revised copy with changes as discussed will be provided at the May Board meeting.

**Jurisdictions recognized by the Board**

Staff reported receiving requests for jurisdictions recognized in Nebraska when applying for licensure and certificates of authorization. Rule 5.6.2.2.1 states architects or professional engineers may identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the architect or professional engineer holds a valid and current license in another jurisdiction recognized by the board. The term "recognized by the Board" was removed from 5.6.2.2.1 on the rules language proposal document.

**D - FY 2019-21 Biennium Budget Priorities**

**Processing compliance cases**

CO Rauscher expressed concern about maintaining quality work on compliance issues with the rising number of initial project reviews and compliance cases. Each initial project review takes a minimum of one and one-half weeks to determine if subsequent investigatory steps are needed. Many project reviews involve projects that are nearly finished by the time the case is reviewed. Concern was addressed about how to reach and educate the public about the requirements of the Engineers and Architects Regulation Act before a project is started. ED Wilbeck noted the Public Information Officer position was created to assist the Compliance Officer and the Board with dissemination of compliance information.

**Board staffing**

The Board asked about the potential need to increase the number of staff. Concern was expressed about the Compliance Officer's immediate need for assistance. It will be over a year before appropriation is allotted for the 2019-2021 biennium budget. The Board suggested channeling work toward the most severe compliance cases. ED Wilbeck will review cases before submitting them on to the Compliance Officer to help lighten the workload. ED Wilbeck will look further into the cost and requirements of a new FTE hire and bring information back to the Board.

**Outreach**

PIO Mayhew will bring ideas and costs for a public information plan to the June Board meeting. ED Wilbeck suggested setting up an outreach committee. The committee could consider worthwhile ideas, form a plan for outreach, and make recommendations to the Board. Providing pertinent information to the public has a potential to reduce the compliance caseload. Starting a radio public awareness campaign along with reaching out to television stations was suggested.

**E - Partner agency process**

The Board discussed options to help streamline the partner agency process. Since there appears to be a lag in submittals, CO Rauscher voiced a need understand the notification pattern. The Board agreed it was important not to overburden partner agency staff. Three areas of consideration are:

- Reinforcing relationship with partner agency
- Receiving electronic submittals
- Receiving submittals frequently rather than in large batches

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**F - Other Issues**

**Emeritus Status**

The Board discussed whether charging a \$25 fee for emeritus status and renewal was necessary. Publications could be provided electronically without incurring postage fees. The Board agreed that yearly renewal fees for Emeritus could be discontinued if Rule 1.13.4.3 is removed.

**Issuance of pocket cards**

In the past, the Board has issued and mailed peel-off pocket cards to licensees and those with new emeritus status. The Engineers and Architects Regulation Act and the rules of the Board do not address this practice. As of FY 2017-18, over 97% of architect and professional engineer licensees now renew their license online and are not mailed a pocket card. After discussion, the Board agreed to stop the costly practice of issuing peel-off pocket cards.

**G - Committee assignments**

Chair Klein stated committee assignments would be discussed at the May Board meeting. ED Wilbeck will work with Chair Klein to set up committees.

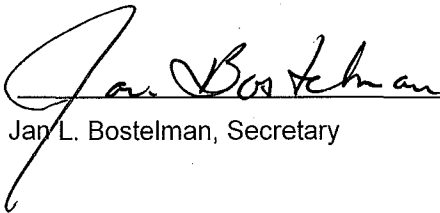
Isom suggested appointing two legislative committees for the Board. One could deal with the decoupling issue and the other committee could deal with other legislative issues.

ED Wilbeck reported Board Policy 14.08 states the position of the Board's Special Assistant Attorney General may be open for competitive selection at least every three years from the appointment date of the last Special Assistant assigned to the Board. A search committee could be appointed by the Chair to consider the credentials of at least three candidates. The committee would make a recommendation to the Board and the Board would recommend a candidate for appointment to the Attorney General.

Kelly noted he would be unable to attend the June 2018 and January 2019 Board meetings.

**Adjournment**

The meeting adjourned at 2:30 p.m.

  
Jan L. Bostelman, Secretary