

Nebraska Board of Engineers and Architects  
**Operational Planning Meeting Minutes – April 16, 2019**

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## **CALL TO ORDER**

The April 16, 2019 Operational Planning Meeting was held at the Prem S. Paul Research Center at Whittier School, Rm 344, 2200 Vine St, Lincoln, Nebraska. Chair Isom called the meeting to order at 9:03 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: Lenora Isom, Chair; Jan Bostelman, Vice-Chair; Brett Foley, Secretary; David Johnson, Jennifer Klein, Randy Peters, Daniel Thiele. Absent: Brian Kelly.

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).

## **Public Comment**

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group, Inc.

## **Potential E&A Act Changes in 2020**

A tracking list of potential changes to the Engineers and Architects Regulation Act (E&A Act) was provided for Board review. ED Wilbeck summarized efforts to inform stakeholders about what decoupling the engineering PE exam from the experience requirement would look like. It was reported that the Nebraska Society of Professional Engineers (NeSPE) would send a member survey to obtain feedback on the concept of decoupling. A decision whether to support decoupling may be made by NeSPE at its state annual meeting in June. The Board reviewed a 2015 Texas white paper on decoupling. Raw data for applicants from other states in relation to decoupling was provided.

Legislative Liaison Lombardi took part in the Board discussion of possible revisions to the E&A Act. Discussion included:

- Clarification or removal of unnecessary language;
- Addition of a provision for the Integrated Path to Architectural License (IPAL) program, model language of the National Council of Architectural Registration Boards (NCARB) could be used;
- Allowing ARE testing for IPAL-enrolled students;
- Aligning the engineering temporary permit duration provision;
- Direct registration for the ARE and PE exams;
- Addition of language for applicants who do not meet the engineering degree requirement;
- Updating references from Intern Development Program (IDP) to Architectural Experience Program (AXP); and
- Clarification of Board duties that qualify for per diem compensation.

Currently under consideration, LB30 would update the Professional Landscape Architects Act by requiring a coordinating professional on a landscape architecture project involving more than one design professional. Although the E&A Act does not reference landscape architects, the Board agreed that having a coordinating professional who understands protecting public safety is crucial. ED Wilbeck will contact Assistant Attorney

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General John Jelkin to see if the Board should clarify the Board's requirements for a coordinating professional in its rules and regulations.

Lombardi stated the biggest challenge for introducing a bill in 2020 would be time since the session is a short one. He indicated it would be ideal to choose a bill sponsor that is a member of the legislative committee holding the public hearing. Providing proposed language to stakeholders as early as possible will be crucial to ensure they are comfortable with any changes. A list of current Health and Human Services Committee members was provided.

The Board's Legislative Committee will review proposed changes to the E&A Act and return a recommendation to the Board.

Break - 10:48 a.m. to 10:59 a.m.

## **Regulations**

### **Survey of Surrounding States regarding Military/Spouse Licensure + Criminal History**

ED Wilbeck reported surveying surrounding states on statutes and/or rules allowing expedited or increased mobility for licensing veterans and their spouses, and pathways for applicants with a criminal history to determine if such a history would preclude them from being licensed. NCARB has a tool available on its website to compare differences in requirements between jurisdictions. Survey responses included:

- In Iowa, House File 288 created an Act relating to military and veterans' benefits. It includes a provision to establish procedures by January 1, 2020, to expedite the licensing of an individual licensed in a similar profession or occupation in another state and who is the spouse of an active duty member of the military forces of the United States. House Study Bill 180 is an Act related to professional licensing allowing a review of professional licenses and allowing for pre-application qualification reviews and a recouping fee for the determination.
- In Kansas, proposed regulation KAR66-7-4 allows a person with a felony conviction or a civil finding of conduct that violates the technical professions act to obtain an advisory opinion to determine if their conviction or conduct may disqualify them from licensure. The proposed regulation will be considered at a public hearing on July 19, 2019.
- In South Dakota, HB 1111 concerning military transfers to South Dakota and licensing of spouses in relation to that move was signed by the Governor on March 21, 2019. A license application or renewal fee will not be charged as long as the military member is stationed in South Dakota.

LB 299, the Occupational Board Reform Act, was signed by the Governor on April 23, 2018. Section 17 of the bill would allow an individual with a criminal history to petition the appropriate occupational board, prior to obtaining the necessary education for the occupation, for a determination as to whether their criminal history would disqualify them from obtaining the applicable license. Standards for disqualification are set out and the disqualification would be required to meet three specified circumstances. ED Wilbeck noted some legislatures in other states are asking their licensing boards for a list of offenses that would disqualify an individual from licensure.

The Board will consider adding a provision allowing expedited or increased mobility for licensing veterans and their spouses to its regulations.



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**Practice as it relates to Building Information Modeling**

The National Council of Examiners for Engineering and Surveying (NCEES) created a Technology Task Force in 2016 to study how emerging technologies are affecting the engineer and surveying professions. Draft guidelines for project use of Building Information Modeling (BIM) were produced by NCEES to serve as an interpretative guide for the use of BIM and the proper signing and sealing of BIM-produced documents. Some states may have added the guidelines to their rules and regulations. The Board concluded that, language in the rules and regulations should allow flexibility although it was too soon to add any specific guidelines. A Board ad hoc committee will be created to monitor future discussions related to BIM and review information and potential additions to the model rules and laws of NCEES and NCARB.

**Discussion of FY2019-20 outreach priorities (for Marketing Plan)**

PIO Mayhew provided a summary of the outreach activities during the current fiscal year.

- A letter was mailed to the editor of 124 newspapers to raise awareness about the Board and its mission.
- A public service announcement was placed in the annual League of Nebraska Municipalities Directory. The directory includes information and listings of counties, cities, code officials, architecture/engineering firms and related professionals. The directory also includes contact information for all of Nebraska's State Senators as well as Congressional Representatives. It is a cost effective way to reach municipal officials statewide.
- The Nebraska Engineers and Regulation Handbooks and brochures were mailed to 50 towns and counties to target the public and municipal officials in 2018. Approximately 487 updated handbooks and over 400 *Before You Build* brochures will be mailed to 62 towns/cities and 19 counties in 2019.
- On November 16, 2018, an online software program called Mailchimp was utilized to email *The Nebraska Professional* newsletter to 11,427 licensees, emeritus architects and emeritus professional engineers, organizations with certificates of authorization, and professional societies. License renewal reminders were emailed in November and December of 2018.
- In 2018, there were fourteen presentations encompassing becoming licensed, ethics, safe building, and the concept of decoupling. Outreach included students, professional organizations and societies, and school associations. Meetings were also held with various organizations associated with engineering and/or architecture. Additional presentations and events have been scheduled through the end of 2019.

Current outreach projects include video production, the spring newsletter, mailing updated handbooks, the addition of a FAQ section for students on the website and architecture week related activities. Going forward, a letter will be sent to Nebraska school superintendents. Pending availability of appropriation, a program through the Nebraska Broadcasters Association is being considered to broadcast radio public service ads to familiarize the public with the Nebraska Board and its purpose. PIO Mayhew will continue efforts to reach out to the public and licensees on the website, the Board's Facebook page, and with videos. The initial video will help the public to determine whether an architect or professional engineer is required for a project since this is the question asked most frequently. An Emeritus Architect from Lincoln, has indicated a desire to work with PIO Mayhew to develop a history of Nebraska architects.

Awarding an honorary license to Thomas Kimball in conjunction with a proclamation was discussed. Thomas Kimball will be formally inducted into the Nebraska Hall of Fame in June 2019. As an appointee to the Nebraska State Capitol Commission, Kimball administered construction of the State Capitol until completed in 1932. Kimball died in 1934, three years before the Board was established in 1937. The subject of issuing an honorary license will be considered at the April 18, 2019 Board meeting.

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The Board discussed ways to provide information to contractors. PIO Mayhew indicated the Department of Labor has a search on its website for registered contractors. The Board will continue to maintain and build relationships with agencies that receive plans.

Peters will get in touch with the person at the University of Nebraska-Lincoln responsible for television screen announcements in the engineering college.

A new marketing plan will be created for FY 2019-20. PIO Mayhew will bring a draft to the May and June Board meetings for Board review.

#### **Partner agency relationships**

The Board discussed outreach and the status of current relationships with partner agencies. CO Rauscher will schedule a meeting with the State Fire Marshal when the legislation session is over.

### **Other Topics**

#### **Compliance with Occupational Board Reform Act**

As referenced earlier in the minutes, LB299 passed in 2018. The intent of the revisions is to establish a process to review existing regulations to make sure they protect the public from present and substantiated harm, are the least restrictive, and impose the lowest burden and cost to applicants. LB 299 also addressed occupational licensing blocks for re-entry of people with a criminal record. A person would be able to petition an agency to see if their criminal history would disqualify them from licensure. An agency would have 90 days to return a determination in writing after receiving a preliminary application. ED Wilbeck stated boards or commissions would need legal counsel since the determination appears to involve the practice of law. The legislative standing committees would review one-fifth of boards that issue occupational credentials each year, allowing the review of all boards in five years. ED Wilbeck summarized communications with legal counsel representing the legislative standing committee that held the public hearing on LB 299. Concerns with budgeting was expressed since there is no indication when the Board would be reviewed or the time and resources needed to create a report. The first reports are due December 15, 2019, but review schedules or guidance has not been provided. In lieu of additional information, ED Wilbeck will start a report draft and bring it back to the Board to review.

#### **Continuity Plan**

Work on the Continuity Plan will begin this summer. ED Wilbeck stated he was obtaining processes from staff.

#### **Compliance processes/renewal disclosure questions**

CO Rauscher asked about revising disclosure language on license renewals. Since all disclosure must be provided each time a licensee renews a license, a suggestion was made to add a two-year limit to all but two of the eight questions. Discussion will continue at the April 18 meeting.

#### **Database conversion**

ED Wilbeck reported conducting a thorough review of the new database user documentation provided by the Office of the Chief Information Officer (OCIO), and was not satisfied with the condition or progress of the documentation. The next database conversion meeting with OCIO is on April 25. An attempt will be made to pin down a set a time to start user testing.



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### Board Consultant Services

The Board reviewed its policies related to consultants. Every three years, the Board can go through a competitive selection process for its consultants. Chair Isom will form a committee to identify potential candidates for the legislative liaison position. The existing contractor will be included in the search list. The top two selections will come to the Board for a vote.

### Board FY19-20 committee makeup + members

The following Board Ad Hoc Committees were designated for FY 2019-20:

- Professional Services
- Practice Reform
- Building Information Modeling (BIM)
- Legislative Committee

If needed, a decoupling ad hoc committee will be added later. Chair Isom asked members to let her know if there was interest in an appointment to a specific committee. ED Wilbeck will provide input for committee charges. Chair Isom will announce committee member appointments at the April 18 Board meeting.

Peters stated he would not be able to attend the Board meeting on Thursday, April 18.

### ADJOURNMENT

The meeting was adjourned at 1:59 p.m.



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Brett P. Foley, Secretary