

Nebraska Board of Engineers and Architects
Public Rulemaking Hearing Minutes – March 21, 2025, 8:30 a.m.
2077 N St Ste 310, Lincoln, NE – Nebraska Environmental Trust

The Board of Engineers and Architects is holding this hearing to consider revisions and receive public comment on proposed changes to Title 110, Nebraska Administrative Code, Rules and Regulations, Chapters 1 and 4-9.

Public Rulemaking Hearing Convened

The hearing was held at 2077 N St Ste 310, Lincoln, Nebraska. Chair Suelter convened the hearing at 8:30 a.m. and noted the location of the Open Meetings Act. Notice of the hearing was published in the Lincoln Journal Star on February 13, 2025, on the Board's website on February 14, 2025, and an email notice was sent to Nebraska-licensed architects and professional engineers on February 14, 2025.

Board Members Present: Jason Suelter, Chair; Brian Kelly, Vice-Chair; Bruce Dvorak, Secretary; Brett Foley; Brian Kelly; Lenora Nelson; Dan Thiele

Staff Present: Jon Wilbeck, Executive Director (ED); Jean Lais, Administrative Programs Officer (APO); Amy Habe, Compliance Officer (CA); Lilliana Irvine, Compliance Assistant (CA); Cole Gressley, Administrative Programs Officer (APO)

Public Comment

No members of the public were present.

TITLE 110, NAC, Rules and Regulations

Legislative and clean copies of the proposed rules and regulations were provided.

Written Comments Received

The following written comments were received:

[Anne DeVries](#)

DeVries suggested modifying the definition of public works and adding wastewater treatment plants and water systems.

[Lucas Billesbach](#)

Billesbach suggested replacing the term *structure* with *infrastructure*.

[NCEES](#)

NCEES suggested revising a new rule related to licensing requirements for international engineers to clarify that it applies only to those listed on the International Registry **and** licensed in a country that is a member of either the International Professional Engineers Agreement or the APEC Engineer Agreement.

[Kyle Kauzlarich](#)

Kauzlarich inquired regarding proposed Rule 4.1.5 related to the licensure requirements for international individuals.

[SEAON](#)

The Structural Engineers Association of Nebraska (SEAON) inquired regarding proposed Rule 4.1.5 related to the licensure requirements for international individuals.

[James Harper](#)

Requested clarification and background on the proposed revisions to Rule 5.3.3. The proposed rule relates would add a time period in which a licensee has to report a possible violation. A response was provided to state the change is patterned after NCEES Model Rule 240.15.A.8, with the only consequential change being the addition of the requirement to report the possible violation within 90 days.

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NeSPE

The Nebraska Society of Professional Engineer (NeSPE)/Professional Engineer’s Coalition requested clarification on how the Board intends to interpret the 24-hour period related to the number of continuing education hours that can be claimed. A response was provided indicating that the Board would revise the proposed rule to change the term “24-hour period” to “calendar day.”

Chair Suelter noted that the decision to modify, reject, or adopt the proposed rules and regulations would be made during the regular Board meeting, which will be held immediately after the rulemaking hearing.

Written comments follow.

DRAFT

HEARING SUMMARY

REGULATION:

Title 110 Chapters 1, 4-9

Program Name: Board of Engineers and Architects

DATE OF HEARING:

March 21, 2025

Name/Affiliation of Person Commenting	Comments	Department Response
Anne DeVries, self	See attached email comment related to Rule 1.1.17. (page 3)	The Board did not change the proposed rule based on this comment.
Lucas Billesbach, self	See attached letter related to proposed Rule 1.1.17. (p. 4)	The Board did not change the proposed rule based on this comment.
Davy McDowell, National Council of Examiners for Engineering and Surveying (NCEES)	See attached email thread related to proposed Rule Section 4.1.5. (pp. 5-6)	<p>The Board had originally proposed different language for this rule, and this proposed rule's first hearing was held on January 24, 2025.</p> <p>The Board changed the proposed rule's language to align with this comment, and scheduled a second rules hearing on March 21, 2025 for an opportunity to receive additional public comment.</p>
Kyle Kauzlarich, P.E., S.E.; Andrew Gilliam, P.E.; Kellen Petersen, P.E.; Alec Drey, P.E.; Ryan Bateman, P.E.; Mark Giesmann, P.E.;	See attached email thread and letter regarding proposed Rule Section 4.1.5. (pp. 7-15)	<p>This proposed rule grew out of a mutual recognition agreement (MRA) that NCEES and the Engineering Council-UK signed last year. The Nebraska Board of Engineers and Architects is a member of NCEES.</p> <p>These rules are intended to set up the license requirements for those engineers who meet the requirements set out in the proposed rule and who seek licensure in Nebraska. The rule is intended to be plainly interpreted. Additionally, the MRA should also help US-licensed professional engineers get licensed in foreign countries.</p> <p>Anyone granted a license would still have to meet any other requirement Nebraska has in place, including establishing their lawful presence in the United States in accordance with N.R.S. §4-108.</p> <p>The Board's position is there is no need to include an explicit reference to lawful presence in the new proposed section because N.R.S. §4-108 is already law and would apply to that proposed Rule Section as it would to any rule regarding any public benefit a state agency provides. A professional engineering license is most certainly a public benefit and has applied to every license the Board has issued since N.R.S. §4-108 was enacted in 2009. Including a reference to that section would be redundant.</p> <p>The Board did not see the need to add an explicit reference to N.R.S. §4-108 and made no changes to the proposed rule based on this comment.</p>
Jeff Stevens, P.E., Structural Engineers Association of Nebraska	See attached email thread related to proposed Rule Section 4.1.5. (pp. 16-17)	See attached email thread referenced. The Board made no changes to the proposed rule based on this comment.

Jim Harper, self	See attached email thread related to proposed changes to Rule 5.3.3 (pp. 18-20)	See attached email thread referenced. The Board made no changes to the proposed rule based on this comment.
Katy Boggs, Nebraska Society of Professional Engineers	See attached email thread related to proposed changes to Rule 9.3.6. (pp. 21-23)	<p>The Board had originally proposed different language for this rule, and this proposed rule's first hearing was held on January 24, 2025.</p> <p>The Board changed the proposed rule's language to align with this comment, and scheduled a second rules hearing on March 21, 2025 to receive additional public comment.</p>

Wilbeck, Jon

From: Bennett, Allyson
Sent: Tuesday, March 4, 2025 10:16 AM
To: Wilbeck, Jon
Subject: FW: Question for March 19 webinar

Categories: Rules Promulgation



Allyson Bennett

Public Information Officer

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From: DeVries, Anne <Anne.Devries@nebraska.gov>
Sent: Monday, March 3, 2025 1:52 PM
To: Bennett, Allyson <Allyson.Bennett@nebraska.gov>
Subject: Question for March 19 webinar

Could the definition of Public Works be expanded to be more than ‘such as roads or dams built’? What about adding wastewater treatment plants and water systems that are put in with public money?

Anne DeVries

Professional Engineer I

Technical Assistance Section

Nebraska Department of Environment and Energy

245 Fallbrook Blvd.

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02/13/2025

State of Nebraska Board of Engineers and Architects
215 Centennial Mall South
Ste 400
Lincoln, NE 68508

Subject: Proposed Rule Changes, Title 110, Nebraska Administrative Code

To whom this may concern,

Thank you for providing the proposed rule changes for comment. I would like to address the definition of Public Works proposed in the rules as "Structures such as roads or dams built by government for public use and paid for by public funds."

The term Public Works is only used at one other location within the rules and relates to the delineation of responsibilities between registered land surveyors and professional engineers in the preparation of preliminary and final plats. Within that section (10.5.6) it references "streets (other than rights-of-way), sewer, water lines, or engineering works" that would need to be prepared by a professional engineer. This paragraph then follows with a statement of "Physical details, such as grading, *public works*, or construction are the responsibility of the professional engineer". This would imply that the previous examples including sewer, water lines, or other engineer works are included within the definition of public works along with streets, yet the proposed definition of public works does not adequately capture this.

Although the definition of public works is only used once within the rule, it is understood that this term and definition could be used further in the future. Therefore, a definition that more fully captures public works would be desirable. The proposed definition only includes the narrow examples of "roads and dams", which may be construed as limiting what public works encompasses. Furthermore, the use of "Structures" in the definition can be commonly construed as "building structures".

I would propose the use of the word "infrastructure" and a definition that leaves it broader such as "Infrastructure built for public use which is to be owned, operated, and maintained by government with public funds."

Sincerely,

Lucas C. Billesbach, PE
PE #E-13139

lcb

NCEES Comments

From: Davy McDowell dmcowell@ncees.org
Sent: Friday, December 20, 2024 11:45 AM
To: Wilbeck, Jon jon.wilbeck@nebraska.gov
Subject: RE: Notice of Rulemaking Hearing; Nebraska Board of Engineers and Architects

Jon,

Hope you are doing well.

The topics listed are not showing a lot of specifics but I did want to comment on a couple:

- Clarifying that professional engineer applicants who are designated as a Model Law Engineer by NCEES but hold only a degree accredited by the Engineering Technology Accrediting Board of ABET do not qualify for licensure unless they have been licensed for 15 years in another jurisdiction recognized by the Board;

You probably already know this but to be a Model Law Engineer you have to have an EAC degree. That is defined in Professional Policy 5. The vote at the annual meeting to add ETAC as an additional pathway to the Model Law does not have any impact on the Model Law Engineer designation. Now, if you guys are being preemptive in the event someone wants to change PP5, I get it.

- Adding a licensure pathway for professional engineers licensed in any foreign country that is an Authorized Member of either the International Professional Engineer's Agreement or the APEC Engineer Agreement, as developed and published by the International Engineering Alliance;

This reads like any professional engineer from an IPEA / APEC member country can be considered, but what I think you want is for any IntPE – international professional engineer. Marie Nebesky can help with wording or explanation if you need it.

Have a great holiday. Our office is closed next week but I will be checking email on and off.

Davy

From: Wilbeck, Jon
Sent: Friday, December 20, 2024 1:51 PM
To: Davy McDowell
Cc: Marie Nebesky

Appreciate the review and comments, Davy. How would NCEES suggest we rewrite that proposed rule?

Jon Wilbeck

NCEES Comments

Hi Jon,

I might suggest adding something about the International Registry per authorized member nation of APEC / IPEA, so it's clear the pathway is intended for those members of each nation's international registry, and not all professional engineers in the country.

- Adding a licensure pathway for licensed/chartered professional engineers on the international registry in any foreign authorized member country of either the International Professional Engineers Agreement or the APEC Engineers Agreement, as developed and published by the International Engineering Alliance;

Let me know please if you need anything further.

Hope you have a wonderful holiday break,

Marie Nebesky
International Engagement Strategist
NCEES
T: 800-250-3196, ext. 5278

From: kyle.kauzlarich@gmail.com
Sent: Monday, February 17, 2025 1:39 PM
To: Wilbeck, Jon jon.wilbeck@nebraska.gov
Subject: Proposed Rule 4.1.5

Hi Jon,

I'm trying to learn more about proposed administrative rule 4.1.5 that is up for discussion at the upcoming hearing. Do you have any background information you can share on rule? It appears to me that the rule would allow the registration of foreign engineers based abroad provided they are registered by the international engineers register and the country is in the APEC. I think this is plainly stated in the text, but let me know if that is not accurate.

I'm mostly interested to know if other states implemented such a rule and if the board is concerned about possible harm of such a rule?

Appreciate your time in responding.

Thanks,

Kyle Kauzlarich

On Feb 18, 2025, at 8:41 AM, Wilbeck, Jon wrote:

Certainly can give you more info.

This proposed rule grew out of a mutual recognition agreement (MRA) that NCEES and the Engineering Council-UK signed last year. You may read more about it here: <https://ncees.org/ncees-signs-historic-mutual-recognition-agreement-with-the-engineering-council-uk/>. These rules are intended to set up the license requirements for those engineers in the UK and other countries who are members of the International Registry for Professional Engineers seek licensure in Nebraska. The rule is intended to be plainly interpreted as you note.

Remember this agreement is a two-way street. The MRA should also help US professional engineers get licensed in the United Kingdom.

Anyone granted a license would still have to meet any other requirement Nebraska has in place, including establishing their lawful presence in the United States in accordance with Neb. Rev. Stat. §4-108.

A few states can accommodate the MRA now, and based on the number of state boards that signed the agreement, the Board expects that number to grow. The board doesn't anticipate any issues or potential harm.

Jon Wilbeck
Executive Director
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From: kyle.kauzlarich@gmail.com

Sent: Tuesday, February 18, 2025 12:40 PM

To: Wilbeck, Jon

Subject: Re: Proposed Rule 4.1.5

Hi Jon- I appreciate the quick response. I have a few more questions.

1) How long after the public hearing will the board have to finalize the new rule? Is it helpful to submit written comments in advance of the meeting or at the meeting?

2) the state code referenced in your email below, Neb. Rev. Stat. §4-108, appears to outline the criteria for determining if an entity is considered a "state agency" for the purposes of the act and the requirements for employees of the state agency to participate in the retirement system. Is this the section you intended to send? This wouldn't seem applicable to private companies or individuals. Perhaps there is a lawful presence clause elsewhere that the board has considered?

3) is it the intent to require lawful presence/legal right to work (valid work visa) in order to be licensed as suggested?

4) Do you know which state boards specifically signed on to the MRA- it appears this is a NCEES initiative?

I want to make sure I have the full picture of this new rule in case I decide to formally comment. Your input is helpful.

Appreciate your time as always!

Thanks,

Kyle

On Feb 18, 2025, at 1:01 PM, Wilbeck, Jon <jon.wilbeck@nebraska.gov> wrote:

1. Once the board finalizes the proposed rules, they have to go through further approvals from the Attorney General, Legislative Council, and the Governor. That can take some time and is out of our control. You can submit comments anytime up to the end of day, Thursday, March 20, or provide them at the meeting itself.

2. That is the correct statutory section. The important part of that section is this:

4-108.

Public benefits; state agency or political subdivision; verification of lawful presence; employee; participation in retirement system; restriction.

(1) Notwithstanding any other provisions of law, unless exempted from verification under section 4-110 or pursuant to federal law, no state agency or political subdivision of the State of Nebraska shall provide public benefits to a person not lawfully present in the United States.

Which means no agency can confer any benefit or credential to someone not lawfully present in the United States. Granting a P.E. license is most certainly a credential.

3. Yes, that is checked for anyone seeking licensure as an architect or P.E.

4. I don't have a definitive list but I will ask NCEES. States that I know either have existing language that already works with the MRA or are working on new rules to accommodate the MRA are Nevada, North Carolina, Illinois, Maine, Nevada, New Mexico, Texas, Oklahoma, and California. The MRA itself is more of a ceremonial document, in that it doesn't have effect of law. But it does signal intent and what we are trying to do with this rule is align that intent with a lawful framework whereby we can license engineers listed on the international registry.

Jon Wilbeck
Executive Director

From: kyle.kauzlarich@gmail.com
Sent: Tuesday, February 18, 2025 2:34 PM
To: Wilbeck, Jon
Subject: Re: Proposed Rule 4.1.5

This is great stuff Jon. Thanks for filling me in. The plain reading of this rule without the legislative background seems to suggest that licenses could be issued to non-resident foreign engineers. That scenario is quite concerning to me for a variety of reasons.

If I understand our correspondence correctly, it certain sections of chapter 4, including 108, prevent that scenario. Instead, the proposed rule addresses licensure of qualified foreign engineers physically located in the United States with legal authorization to work but the inability to gain licensure due to credentialing issues. This is certainly reasonable.

Thank you,

Kyle

On Feb 18, 2025, at 4:24 PM, Wilbeck, Jon <jon.wilbeck@nebraska.gov> wrote:

Yes, we check on the status of all non-U.S. citizens through the federal Department of Homeland Security.

Jon Wilbeck
Executive Director

From: kyle.kauzlarich@gmail.com <kyle.kauzlarich@gmail.com>
Sent: Tuesday, February 25, 2025 12:06 PM
To: Wilbeck, Jon jon.wilbeck@nebraska.gov
Subject: Re: Proposed Rule 4.1.5

Hi Jon- following up some more on this.

Chapter for of the Nebraska Revised Statutes is titled "Aliens".

Section 4-108 says no public benefits can go to people "not lawfully present in the United States," and 4-109 defines "public benefits" to include professional licenses. But an engineer based abroad isn't "present" in the U.S., lawfully or otherwise. They're not in the country, so the "lawful presence" requirement may not apply to them.

1) Is it the boards assertion that this provision is applicable to those not in the country equally to those within the US?

2) Would the board see reason to oppose international applicants based abroad in absence of other constraining laws/regulations?

Appreciate your response.

Thanks

Kyle

From: Wilbeck, Jon
Sent: Tuesday, February 25, 2025 12:18 PM
To: kyle.kauzlarich@gmail.com
Subject: RE: Proposed Rule 4.1.5

We interpret that provisions consistent with the Nebraska Attorney General, in that anyone seeking a credential must establish their lawful presence status through Homeland Security, whether they intend to be physically present in the United States or not.

Jon Wilbeck
Executive Director

From: kyle.kauzlarich@gmail.com

Sent: Friday, March 14, 2025 7:21 AM

To: Wilbeck, Jon

Subject: Re: Proposed Rule 4.1.5

Thank you Jon. Your insights have been helpful in the formulation of my understanding here.

I have a couple final questions and then I think I'll have what I need.

1) on the SoS docket, it looks like the proposed change may have originally been brought up back in December with a hearing in January. Did the hearing happen? Are the notes or information from that meeting available?

2) W/R/T our Canadian colleagues that are registered in Nebraska- how does the lawful presence requirement cited in our previous discussions apply to them?

Appreciate your input. Have a great weekend.

On Mar 14, 2025, at 8:11 AM, Wilbeck, Jon <jon.wilbeck@nebraska.gov> wrote:

That SoS docket is showing changes pre-January hearing. That hearing did take place. The Board revised its proposed rules and now we're essentially starting the promulgation process over. The SOS site will get updated after the newer public hearing next Friday.

For those licensed now, the lawful presence requirement already applies and has done so since that law was enacted in 2009. Anyone seeking licensure has to establish that they are either a U.S. citizen or have established their lawful presence.

Jon Wilbeck

Executive Director

From: kyle.kauzlarich@gmail.com

Sent: Friday, March 14, 2025 8:31 AM

To: Wilbeck, Jon

Subject: Re: Proposed Rule 4.1.5

So those Nebraska Engineers listed in the license lookup who are residents of Canada must have an active work visa?

Sorry for all the questions. I'm very concerned that this is a step in the wrong direction.

From: Wilbeck, Jon

Sent: Friday, March 14, 2025 8:46 AM

To: kyle.kauzlarich@gmail.com

Subject: RE: Proposed Rule 4.1.5

We need an affirmation from the U.S. Department of Homeland Security that anyone who is not a U.S. citizen has established their legal presence in the United States before we will grant that person a license. That has been in place since 2009. Anyone licensed before that time did not have to meet this requirement.

Jon Wilbeck

Executive Director

Wilbeck, Jon

From: Wilbeck, Jon
Sent: Wednesday, March 19, 2025 7:50 AM
To: 'kyle.kauzlarich@gmail.com'
Subject: RE: Opposition to proposed rule 4.1.5

Categories: Rules Promulgation

Just to add this and maybe put it another way... through Section 4-108, the lawful presence requirement already applies to anyone seeking a P.E. license, an architect license, enrollment as an engineer intern, or admittance to the NCEES PE Exam.

You will not find the phrase “lawful presence” anywhere in the E&A Regulation Act or the Board’s rules. To do so would be redundant.



Executive Director

Nebraska Board of Engineers and Architects

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From: Wilbeck, Jon
Sent: Wednesday, March 19, 2025 7:30 AM
To: kyle.kauzlarich@gmail.com
Subject: RE: Opposition to proposed rule 4.1.5

Kyle, regarding your letter.

There is no lawful presence requirement in our Act for this Proposed Rule 4.1.5 because it doesn’t need to be explicitly there. Neb. Rev. Stat. 4-108 is already law and applies state-wide to anyone seeking any license or credential from a state agency.



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March 20, 2025

Nebraska Board of Engineers and Architects

215 Centennial Mall South, Suite 400
Lincoln, NE 68508

Subject: Concern with Proposed Rule 4.1.5

Dear Members of the Nebraska Board of Engineers and Architects,

We are writing to express concern with proposed Rule 4.1.5 Non-United States Jurisdictional Comity, as outlined in the Notice of Rulemaking Hearing dated February 3, 2025. This rule, which facilitates licensure for engineers from the UK and other foreign jurisdictions, may have impacts to public safety and the integrity of the engineering profession in the United States.

The Engineers and Architects (E&A) Act's rules should be clear, consistent, and aligned with state and federal regulations. Proposed Rule 4.1.5, by endorsing broad licensure for foreign engineers, appears inconsistent with this principle. Notably, it omits a requirement for lawful presence or citizenship, relying instead on external regulations to limit its application¹. **We urge the Board to explicitly include a lawful presence requirement in Rule 4.1.5** to ensure compliance with Nebraska law and federal standards.

The omission of a lawful presence requirement could be viewed as an endorsement for widespread licensure of foreign engineers whose knowledge of U.S. and local standards may be limited. For over a century, the United States has treated civil engineering as a local profession, with licensure managed state-by-state to ensure familiarity with regional codes and ethics. Yet, NCEES, by promoting its Mutual Recognition Agreement (MRA), and the Board, by omission of a lawful presence requirement, seem to support a shift toward international licensure. Nebraska has licensed foreign engineers from Canada in the past so despite assurances from the Board, it is not unreasonable to think that Rule 4.1.5 might be used in the future to register foreign engineers.

Recall ASCE's "raise the bar" initiative, which aspired for higher educational requirements, advanced certifications, specialized licenses, and continuing education with the aim to elevate our profession. Proposed Rule 4.1.5 contradicts this standard. Rather than raising the bar, the rule

¹ Mr. Jon Wilbek, Executive Director of NEBEA, has explained via email correspondence that anyone granted licensure in Nebraska must first establish their lawful presence in accordance with Neb. Rev. Stat. §4-108. Chapter 4 of Nebraska Revised Statutes, titled "Aliens", deals with the rights, obligations and restrictions of non-US citizens within in the State.

“opens the floodgates” to foreign engineers. NCEES claims this is a “two-way street” benefiting U.S. engineers, but evidence suggests otherwise. The Engineering Council UK’s 2023 statistics show one-quarter of its titles are held outside the UK, primarily in Asia, while the licensure of UK based engineers is in steady decline². India alone graduates nearly 10 times more engineers than the U.S. and employ them for less than prevailing minimum wage of most states. An influx of cheap, potentially under-qualified labor could accelerate outsourcing, raise serious questions about the Board’s ability to regulate individuals practicing outside US jurisdictions, threaten public safety, and lead to the decline of the engineering profession in the United States.

We respectfully urge the Board to reconsider Rule 4.1.5. **Consider the unintended consequences of this rule and amend the rule to include a lawful presence requirement to align with state law and demonstrate your commitment to strengthen the profession in Nebraska and beyond.** We are available to discuss this further or provide additional insights. Thank you for your attention to this critical issue.

Respectfully,

Kyle Kauzlarich, PE SE
Nebraska License # E-16482
kyle.kauzlarich@gmail.com
402-885-0324

Kellen Petersen, PE
Nebraska License # E-13733
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503-568-6862

² [004 \(MF\) 20240523 Management Forum Update - MarComms May 2024](#) page 8 of 8

From: Jeff Stevens jeff@s3pc.com

Sent: Tuesday, February 18, 2025 9:55 AM

To: Wilbeck, Jon jon.wilbeck@nebraska.gov

Cc: Jeff Pankoke (jpankoke@acre-design.com) jpankoke@acre-design.com

Subject: Fwd: NBEA Notice of Rulemaking Hearing

Jon,

We have a few SEAON members asking questions regarding the proposed licensing pathway for engineers licensed in a foreign country. I am not very familiar with this other than what I see on the NCEES web site. Can you provide any information through a document or link to share with our members? Thank you.

Best regards,

Jeff Stevens, PE, SE
Vice President, Senior Structural Engineer
Shaffer Stevens & Schaap, PC
NE CoA: CA 0789
1070 Howard Street
Omaha, NE 68102

On 2/18/2025 10:00 AM, Wilbeck, Jon wrote:

Certainly can give you more info.

This proposed rule grew out of a mutual recognition agreement (MRA) that NCEES and the Engineering Council-UK signed last year. You've probably already hit this link, but you may read more about it here: <https://ncees.org/ncees-signs-historic-mutual-recognition-agreement-with-the-engineering-council-uk/>. These rules are intended to set up the license requirements for those engineers in the UK and other countries who are members of the International Registry for Professional Engineers seek licensure in Nebraska. The rule is intended to be plainly interpreted.

Anyone seeking licensure through this provision would have to have an NCEES Record.

The IPEA and APEC agreements referenced in the proposed rule may be found under the Agreements at the International Engineering Alliance's website: <https://www.internationalengineeringalliance.org/>

Remember this agreement is a two-way street. The MRA should also help US professional engineers get licensed in the United Kingdom and other countries listed.

Anyone granted a license would still have to meet any other requirement Nebraska has in place, including establishing their lawful presence in the United States in accordance with Neb. Rev. Stat. §4-108.

A few states can accommodate the MRA now, and based on the number of state boards that signed the agreement, the Board expects that number to grow. The board doesn't anticipate any issues or potential harm.

Jon Wilbeck
Executive Director
Nebraska Board of Engineers and Architects
215 Centennial Mall South, Suite 400 · PO Box 95165
Lincoln, NE 68509-5165
Main: 402.471.2021
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From: Jeff Stevens
Sent: Tuesday, February 18, 2025 12:58 PM
To: Wilbeck, Jon
Subject: Re: NBEA Notice of Rulemaking Hearing

Thank you Jon.

Best regards,

Jeff Stevens, PE, SE

James Harper Comments

From: Jim Harper james-m-harper@hotmail.com
Sent: Thursday, January 16, 2025 2:26 PM
To: Wilbeck, Jon jon.wilbeck@nebraska.gov
Subject: Hearing

John,

I was reading the agenda for next Fridays rulemaking hearing. Were the changes to Sec. 5.3.3 vetted by an impartial committee before the hearing ? I've been retired for some time but found this interesting.

Jim Harper

From: Jon Wilbeck
Sent: Thursday, January 16, 2025 4:12 PM
To: Jim Harper

Hi Jim. That change is patterned after NCEES Model Rule 240.15.A.8, with the only consequential change from that being the addition of the "shall report it to the board within 90 days" phrase, which the Board is proposing to add.

Jon Wilbeck
Executive Director
Nebraska Board of Engineers and Architects

From: Jim Harper
Sent: Thursday, January 16, 2025 4:45 PM
To: Wilbeck, Jon

Thanks for responding so quickly and sorry I misspelled your name. I don't know if you remember me from my days as plan examiner and building official. I'm not involved in these issues anymore other than being a citizen. You can probably guess I have reservations about the approach to this issue albeit it's in the rules already. The 90 days would cause persons to avoid reporting after that time as they would be in violation. I am looking at this as a licensed municipal plan reviewer point of view. I also wonder about the "legal standing" of any involved individuals. I also understand licensed professionals should have their house in order before enforcing rules on unlicensed persons.

Jim Harper

James Harper Comments

From: Jon Wilbeck
Sent: Thursday, Jan 16, 2025 4:48 PM
To: Jim Harper

Oh I certainly remember you from your examiner/building official days, Jim. And seeing you at legislative committee hearings and negotiated rulemaking.

I'll add your comments and have them available for the Board to review next Friday. Appreciate them very much!

Jon Wilbeck

From: Jim Harper
Sent: Friday, January 17, 2025 7:53 AM
To: Wilbeck, Jon

Jon, since Rule Sec. 5.3.3 makes it a legal duty to report any knowledge of a violation or suspicion of a violation, does that eliminate any civil lawsuit claiming damages against the person reporting the violation? I realize this question may go beyond the proposed change.

From: Jon Wilbeck
Sent: Friday, Jan 17, 2025 7:55 AM
To: Jim Harper

Jim, notwithstanding just my observation that your question would be valid to both the existing and proposed-to-be-changed rule, I don't know the answer to that. I am not an attorney.

Jon Wilbeck

From: Jim Harper
Sent: Friday, January 17, 2025 10:36 AM
To: Wilbeck, Jon
Subject: RE: RE: Hearing

I'm not an attorney either! The cities of Omaha and Hastings would defend me against criminal acts. Damages brought in a civil suit may be different. I just know a code official looks at an enormous number of plans and engages with many professional engineers and architects.

The problem with asking for public input is you might get it!

Thanks for what you and the board do. Have a good day. Jim

Wilbeck, Jon

From: Jim Harper <james-m-harper@hotmail.com>
Sent: Tuesday, March 18, 2025 3:00 PM
To: Wilbeck, Jon
Subject: RE: RE: Hearing

Categories: Rules Promulgation

Hi Jon,

I noticed the 90 day notification is on the agenda again. Did anything happen at the last rule-making hearing? If time is of the essence in reporting violations, maybe instead of putting 90 days in the law just say it must be reported immediately.

I would like to visit with you on another topic that I believe the Board could be helpful on. It has to do with release of information by a public entity.

Hope you are well and thanks for what you and the Board do. It is important. Jim

Wilbeck, Jon

From: Wilbeck, Jon
Sent: Tuesday, January 14, 2025 12:00 PM
To: Katy Boggs
Cc: 'Matt Kruse'
Subject: RE: Notice of Rulemaking Hearing; Nebraska Board of Engineers and Architects

Thanks Katy and Matt. I am fairly sure your example aligns with the Board's intent behind this rule, in that we would be looking at a calendar day, and that we would enforce that rule accordingly. I'll add your comment to those already listed and the Board will have all comments available to review next Friday.



Executive Director

Nebraska Board of Engineers and Architects

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From: Katy Boggs <katy.boggs@nspenebraska.org>
Sent: Tuesday, January 14, 2025 11:35 AM
To: Wilbeck, Jon <jon.wilbeck@nebraska.gov>
Cc: 'Matt Kruse' <Matt.Kruse@LampRynearson.com>
Subject: RE: Notice of Rulemaking Hearing; Nebraska Board of Engineers and Architects

Hi Jon –

The below information was shared with our PEC constituents, and we received one piece of feedback/clarification, see below.

Thanks!

Katy

NeSPE

Requesting clarification on the 24 hour period and how that would be identified as at some multi day trainings 10 hours can be exceeded in a 24 hour period that spans over two calendar days without intending to exceed 10 hours in a 24 hour “calendar day” period.

Example: Day one Training starts at 12:00 pm and goes to 6:00 pm with 0.5 hour break (5.5 hours) Evening training 7:30 pm to 9:00 pm (1.5 hours)

Day two training 7:00 am to 12:00 pm 5 hours with 0.5 hour break (4.5 hours) in this example 1.5 hours would not be eligible

It may be simpler to say the 24 hour period is limited to a Calendar Day to remove the difficulty of tracking start and stop time over the period of two days or if there is focused training.

Recommend:

Limiting the number of continuing education (CE) hours the Board will grant in a calendar day (24-hour period 12:00 am to 11:59:59 pm) to 10, along with revisions to CE recordkeeping rules

It just seems simpler to do it by calendar day than by a 24-hour period being training can be focused over periods within 24 hours but on separate days with adequate rest and breaks.

I interpret the board is working to limit any participant that is trying to just get hours in over a very short period of time.

Wilbeck, Jon

From: Katy Boggs <katy.boggs@nspenebraska.org>
Sent: Friday, January 24, 2025 4:30 PM
To: Wilbeck, Jon
Cc: Matt Kruse
Subject: Re: Notice of Rulemaking Hearing; Nebraska Board of Engineers and Architects

Categories: Rules Promulgation

Thank you, Jon for the update. We will pass this along to our fellow PEC members.

Katy

On Jan 24, 2025, at 4:18 PM, Wilbeck, Jon <jon.wilbeck@nebraska.gov> wrote:

Hi Katy and Matt,

After discussion today, the Board is going to make a change to what it originally proposed.

Now, Rule 9.3.6 will now be proposed to read, "The Board will grant a maximum of 10 hours in any calendar day."

<image003.jpg>

Jon Wilbeck

Executive Director

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From: Katy Boggs <katy.boggs@nspenebraska.org>
Sent: Tuesday, January 14, 2025 12:05 PM
To: Wilbeck, Jon <jon.wilbeck@nebraska.gov>
Cc: 'Matt Kruse' <Matt.Kruse@LampRynearson.com>
Subject: RE: Notice of Rulemaking Hearing; Nebraska Board of Engineers and Architects

Thanks for the quick reply, Jon!

We'll share with PEC and look forward to reviewing the comments next week.

Take care,
Katy

CONCLUSION

Chair Suelter concluded the hearing at 8:33 a.m.

Dan Thiele, Secretary

DRAFT