

MINUTES
GENERAL ISSUES COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS
May 26, 2016—8:30 am

CALL TO ORDER. Lamberto “Bobby” Ballí, P.E., Chair called the General Issues Committee of the Texas Board of Professional Engineers to order at 8:30 am on May 26, 2016, at Texas Board of Professional Engineers, 1917 S. Interstate 35 in Austin, Texas. A quorum was present. (Note: all votes are unanimous unless noted)

1. Roll call and welcome visitors.

Lamberto “Bobby” Ballí, P.E.	Chair
Elvira Reyna	Member
Catherine “Cathy” Norwood., P.E.	Member
Sam Kannappan, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez was present.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Morgen Cuming, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

Visitors: Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Kent O’Brien, P.E., Texas Department of Transportation (TxDOT); Bill Tucker, TxDOT; Marc Young, P.E.; Peyton McKnight, American Council for Engineering Companies - Texas (ACEC); Daniel O. Wong, Ph.D., P.E.

2. Public comment.

Mr. Young addressed the Committee regarding the four year rule review. He suggested that the Committee review issues regarding in-state vs. out-of-state issues. It is his belief that the Legislature gives the Board the authority to deal with anyone practicing engineering whether they are doing it for in-state or out-of-state projects.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-6):

3. Discuss and possibly adopt the following rule proposal.

- **Texas Board of Professional Engineer, 4 year Rule Review**
 - **Chapter 131: Organization and Administration**
 - **Subchapters A, B, C, D, E, F, G**
 - **Chapter 133: Licensing**
 - **Subchapters A, B, C, D, E, F, G, H**
 - **Chapter 135: Firm Registration**
 - **Chapter 137: Compliance and Professionalism**
 - **Subchapters A, B, C, D**
 - **Chapter 139: Enforcement**
 - **Subchapters A, B, C, D, E**

Mr. Howell reported that the rules were posted for comment in the Texas Register and that he received a few comments that dealt with specific rules regarding licensing requirements which were outside the scope of this review. This posting is part of the 4 year rule review process required by each state agency to ensure that all rules in place are still applicable. Staff recommends the rule review be adopted.

Mr. Young commented that he reviewed the rules after receiving the response to the Policy Advisory Opinion that he submitted. He stated that he did a line item review of the rules and reviewed the intent of the Legislature and how it is incorporated into the rules. He added that although the comment period is over, he would like his comments added.

Mr. Ballí responded that the Board always accepts comments and will respond to them accordingly. Mr. Young commented that he believes it is the Board's responsibility to decide when to dismiss a complaint. He does not see anything in the Legislation that gives them the ability to delegate to staff that power. Mr. Ballí responded that the Committee cannot respond to the public comments but will take Mr. Young's concern and address accordingly. Mr. Howell added that more rules will be up for revision for the August meeting and will be posted in Texas Register for comment.

It was MOVED/SECONDED (Kannappan/Reyna) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2016, to adopt the 4 year Rule Review as submitted. A vote was taken and the MOTION PASSED.

4. Structure and charges of TBPE Advisory Committees.

Dr. Kinney reported that he and Dr. Wong have reviewed and addressed the effectiveness and structure of the current advisory committees. Dr. Wong would like more input from the members. Dr. Kinney added that he discussed potential changes with all three committee chairs about the effectiveness and participation from the members. The Government Advisory Chair, Alan Shubert suggested to change the structure and have one combined committee with representatives from each industry/sector/educational sector; have the group all meet at once with direction from the Board. All three Chairs agreed that this process is worth trying. There would be sub-groups in case there is a project and/or research to be done. Webinars were also suggested, and if a task came up from the webinar, the committee will schedule a meeting. The charge is to identify who the representatives would be and then nominations for membership. Mr. Ballí would like to keep the liaisons and staff involved with Board charges and any updates. He stated his interest in continuing to be a liaison.

It was MOVED/SECONDED (Norwood/Kannappan) to recommend to the Board to direct staff to proceed forward with the proposed structure. A vote was taken and the MOTION PASSED.

5. Issues for consideration and schedule next meeting. None.

6. ADJOURN.

It was MOVED/SECONDED (Reyna/Norwood) to adjourn the meeting at 8:56 am. A vote was taken and the MOTION PASSED.

Date Committee approved the minutes as submitted:	August 18, 2016
Date Board accepted the minutes:	August 18, 2016