

**MINUTES**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**EMERGENCY RULEMAKING MEETING**  
**1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TX**  
**SEPTEMBER 5, 2017**  
**2:00 PM**

**(SOME BOARD MEMBERS MAY JOIN VIA RECORDED TELECONFERENCE)**

**Due to Governor Greg Abbott's August 28, 2017, proclamation of a state of disaster affecting various counties in Texas due to Hurricane Harvey, the September 5, 2017, meeting of the Texas Board of Professional Engineers will be held via telephone conference call as authorized under Texas Government Code section 551.125. This meeting is open to the public at the location noted on the agenda. This location shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference call shall be clearly stated prior to speaking.**

**CALL TO ORDER.** Daniel O. Wong, Ph.D., P.E., Presiding Officer the Texas Board of Professional Engineers Emergency meeting to order at 2:00 pm on September 5, 2017 at the Texas Board of Professional Engineers, 1917 S. IH35, Austin, TX. (NOTE: all votes are unanimous unless noted).

**1. Roll call and welcome visitors.**

Daniel O. Wong, Ph.D., P.E.	Chair
Sam Kannappan, P.E.	Vice Chair
Dr. Sina Nejad, P.E.	Secretary
Edward Summers, Ph.D.	Treasurer
Lamberto "Bobby" Ballí, P.E.	Member (absent)
Albert Cheng	Public Member
Catherine Norwood, P.E.	Member
Elvira Reyna	Public Member
R. Kyle Womack, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Jose I. Guerra, P.E., Advisory Member was present, Mr. Edmundo Gonzalez, Jr. P.E., RPLS and Govind Nadkarni, P.E., Advisory Members, were present via telephone.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Rick Strong, P.E.	Director of Licensing
Morgen Cuming, J.D.	Staff Attorney
George Hartmann, P.E.	Licensing Project Manager
Dorothy Gonzales	Executive Assistant

- **Meeting protocol – Identify yourself before speaking.**

Dr. Wong asked everyone to identify themselves when speaking. He added that no one except Board members are allowed to deliberate during this meeting.

**Visitors:** Walter Rifle, Rimcus Consulting Group.

**2. Public comment.** None.

**DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS:**

**3. Ratify statement justifying emergency meeting.**

Dr. Wong read the following statement:

In light of Governor Greg Abbott's August 28, 2017, proclamation declaring a state of disaster caused by Hurricane Harvey affecting multiple counties in Texas, the members of the Texas Board of Professional Engineers have convened today and finds that an imminent peril to the public health, safety, and welfare exists justifying the exercise of its emergency rulemaking authority under Texas Government Code section 2001.034.

It was MOVED/SECONDED (Reyna/Norwood) to approve the statement justifying the emergency meeting. A vote was taken and the MOTION PASSED.

4. **Proposal and adoption of Emergency Temporary License 22 Tex. Admin. Code §133.12.,  
Emergency Temporary License.**

Dr. Kinney provided background information on the proposed rule: The Governor's proclamation dated August 28, 2017, regarding Hurricane Harvey states "[p]ursuant to Section 418.016 of the [Texas Government Code], any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor." This emergency rulemaking meeting is to provide temporary Texas licenses to professional engineers from other states to assist in rebuilding the areas of Texas affected by Hurricane Harvey.

Dr. Kinney commented that this is similar rule used during Hurricanes Katrina and Ike. It allows a licensee from another state that is in good standing to practice in Texas and is only available for a short term. The applicant must follow the application process including passing the ethics exam. The license is temporary and lasts for 90 days from the date it is issued and only in the counties included in the Governor's proclamation. The licensee must only practice in their area of expertise.

Mrs. Reyna asked if the license was renewable. Dr. Kinney responded that they are not but applicants can apply for regular licensure.

Mr. Kannappan asked for clarification of the 90 day time period. Dr. Kinney responded that it is 90 days from the date it is issued.

Dr. Summers asked about the considering revising the rule due to additional weather events or other natural disasters. Dr. Kinney responded that Board could do that but it would depend on the magnitude and what the Governor proclaims. Mr. Howell added that it would be another emergency rulemaking to revise §133.12, Emergency Temporary License.

Mrs. Reyna asked if the temporary license is only for the United States Engineers and not from other country. Dr. Kinney commented that the proclamation says US State or territory.

It was MOVED/SECONDED (Nejad/Summers) to approve §133.12 Emergency Temporary License rule as submitted. A vote was taken and the MOTION PASSED.

5. **Adjourn.**

It was MOVED/SECONDED (Kannappan/Cheng) moved to adjourn the meeting at 2:25pm. A vote was taken and the MOTION PASSED.

Date Board approved minutes as submitted:

November 16, 2017