

MINUTES
GENERAL ISSUES COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. Interstate 35
Austin, Texas 78741
February 20, 2020—8:30 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters:

A. Call to Order.

Mr. Ademola Adejokun, P.E., Chair, called the General Issues Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 8:31 a.m. at the Texas Board of Professional Engineers and Land Surveyors, 1917 S. Interstate 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

B. Roll Call.

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Ademola Adejokun, P.E.	Chair
Albert Cheng	Public Member
Catherine Norwood, P.E.	Member
Kiran Shah	Public Member

Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Cristabel Bodden	Executive Assistant

C. Excuse absent Committee members.

All Committee members were present.

D. Welcome Visitors.

Visitors: Lamberto Ballí, Board Member; Terry Bilderback, P.E., Texas Society of Professional Engineers; Jessica Bogus, Texas Department of Transportation; Steven J. Freeman, II, Texas Society of Professional Surveyors; Edmundo Gonzalez, P.E., R.P.L.S., Advisory Member; Coleen Johnson, R.P.L.S., Board Member; Dr. Sina K. Nejad, P.E., P.Eng., Board Member; and Rolando Rubiano, P.E., Board Member were present.

E. Public Comment.

None.

Dr. Kinney stated that with the merger in September 2019, Board staff were now responsible for updating and merging the rules under the Texas Board of Professional Surveying with the rules under the Texas Board of Professional Engineers.

Dr. Kinney stated that Chapter 131 rules were the Administrative rules of the agency as well as Board organization and operations.

Rule proposals and repeals were vetted through the Surveying Advisory Committee.

An exhibit was provided for the Committee detailing additions, modifications and changes to Chapter 131 rule proposals and repeals.

2. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions.

- **§131.1 – Purpose and Duties.**

Dr. Kinney discussed Chapter 131, Subchapter A – Scope and Definitions rule §131.1 – Purpose and Duties proposal prepared by Board staff with the Committee.

3. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions.

- **§131.2 – Definitions.**

Dr. Kinney discussed Chapter 131, Subchapter A – Scope and Definitions rule §131.2 – Definitions proposal prepared by Board staff with the Committee.

4. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter B – Administration and the Board.

- **§131.3 – Headquarters of the Board.**
- **§131.5 – Board Seal.**
- **§131.7 – Organization of the Board.**
- **§131.9 – Officers of the Board.**
- **§131.11 – Board Member Responsibilities and Duties.**
- **§131.15 – Committees.**

Dr. Kinney discussed Chapter 131, Subchapter B – Administration and the Board rule proposals prepared by Board staff with the Committee.

5. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff.

- **§131.31 – Executive Director.**
- **§131.37 – State Contract Guidelines.**

Dr. Kinney discussed Chapter 131, Subchapter C – Board Staff rule proposals prepared by Board staff with the Committee.

6. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings.

- **§131.41 – Meetings.**
- **§131.43 – Public Participation.**
- **§131.45 – Regular Board Meetings.**

Dr. Kinney discussed Chapter 131, Subchapter D – Meetings rule proposals prepared by Board staff with the Committee.

7. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration.

- **§131.85 – Board Rules Procedures.**

Dr. Kinney discussed Chapter 131, Subchapter G – Administration rule §131.85 – Board Rules Procedures proposal prepared by Board staff with the Committee.

8. Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter H – Engineering Advisory Opinions.

- **§131.101 – Subject of an Advisory Opinion.**
- **§131.103 – Request for an Advisory Opinion.**

Dr. Kinney discussed Chapter 131, Subchapter H – Engineering Advisory Opinions rule proposals prepared by Board staff with the Committee.

It was MOVED/SECONDED (Norwood/Shah) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 131 rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

9. Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff.

- **§131.33 – Career Ladder.**

Dr. Kinney discussed Chapter 131, Subchapter C – Board Staff rule §131.33 – Career Ladder repeal proposal prepared by Board staff with the Committee.

10. Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings.

- **§131.49 – Rules of Order.**

Dr. Kinney discussed Chapter 131, Subchapter D – Meetings rule §131.49 – Rules of Order repeal proposal prepared by Board staff with the Committee.

11. Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration.
• **§131.81 – Definitions.**

Dr. Kinney discussed Chapter 131, Subchapter G – Administration rule §131.81 – Definitions repeal proposal prepared by Board staff with the Committee.

It was MOVED/SECONDED (Norwood/Shah) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 131 rules submitted and discussed by staff for repeal, contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

Dr. Kinney stated that Chapter 661 rules were specific to Surveying.

Repeals for Chapter 661 were vetted and reviewed through the Surveying Advisory Committee.

An exhibit was provided for the Committee detailing additions, modifications and changes to repeals of Chapter 661.

12. Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter A – The Board.

- **§661.1 – Name.**
- **§661.2 – Headquarters.**
- **§661.3 – Chair.**
- **§661.4 – Vice Chair.**
- **§661.5 – Executive Director.**
- **§661.7 – Executive Committee.**
- **§661.8 – Standing Committees.**
- **§661.9 – Special Committees.**
- **§661.10 – Financial.**
- **§661.11 – Vacancies.**

Dr. Kinney discussed Chapter 661, Subchapter A – The Board repeal proposals prepared by Board staff with the Committee.

13. Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter B – Meetings.

- **§661.23 – Notice of Meetings.**
- **§661.24 – Proceedings.**

Dr. Kinney discussed Chapter 661, Subchapter B – Meetings repeal proposals prepared by Board staff with the Committee.

14. Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter C – Definition of Terms.

- **§661.31 – Definitions.**

Dr. Kinney discussed Chapter 661, Subchapter C – rule §661.31 – Definitions of Terms repeal proposal prepared by Board staff with the Committee.

15. Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter D – Applications, Examinations, and Licensing.

- **§661.41 – Applications.**
- **§661.42 – Fees.**
- **§661.43 – References.**
- **§661.44 – Rejections.**
- **§661.45 – Examinations.**
- **§661.46 – Seal and Oath.**
- **§661.47 – Reciprocal Registration.**
- **§661.50 – Surveyor In Training (SIT) Experience Requirements.**
- **§661.51 - Surveyor-In-Training Education Requirement.**
- **§661.52 – Inactive Status.**
- **§661.53 – Active Duty Military.**
- **§661.55 – Registration of Land Surveying Firms.**
- **§661.56 – Land Surveying Firm Renewal and Expiration.**

Dr. Kinney discussed Chapter 661, Subchapter D – Applications, Examinations, and Licensing repeal proposals prepared by Board staff with the Committee.

16. Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter E – Contested Cases.

- **§661.60 – Responsibility to the Board.**
- **§661.62 – Complaint Process.**
- **§661.63 – Frivolous Complaints.**
- **§661.64 – Computation of Time.**
- **§661.65 – Agreements to be in Writing.**
- **§661.67 – Conduct and Decorum.**
- **§661.68 – Appearances Personally or by Representative.**
- **§661.86 – Final Decisions and Orders.**
- **§661.87 – Administrative Finality.**

- **§661.88 – Motion for Rehearing.**
- **§661.100 – Probation Guidelines.**
- **§661.102 – Alternative Dispute Resolution for Personnel and Contracting Matters.**
- **§661.104 – Negotiated Rulemaking.**

Dr. Kinney discussed Chapter 661, Subchapter E – Contested Cases repeal proposals prepared by Board staff with the Committee.

It was MOVED/SECONDED (Norwood/Shah) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 661 rules submitted and discussed by staff for repeal, contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

17. Proposed Repeal of 22 Tex. Admin. Code Chapter 664, Continuing Education.

- **§664.1 – Purpose.**
- **§664.2 – Deadlines.**
- **§664.3 – Numerical Requirements for Continuing Education.**
- **§664.4 – Types of Acceptable Continuing Education.**
- **§664.5 – Procedure for Course Approval.**
- **§664.6 – Reporting and Record Keeping.**
- **§664.7 – Review and Audit Process.**
- **§664.8 – Failure to Complete Required Continuing Education.**
- **§664.9 – Acceptable Carry-Over Continuing Education Units/Hours.**
- **§664.10 – Exemptions.**

Dr. Kinney discussed Chapter 664, Continuing Education repeal proposals prepared by Board staff with the Committee.

It was MOVED/SECONDED (Norwood/Shah) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 664 rules submitted and discussed by staff for repeal, contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

18. Proposed Repeal of 22 Tex. Admin. Code Chapter 665, Examination Advisory Committee.

- **§665.1 – Purpose.**
- **§665.2 – Size, Quorum and Qualifications.**

- **§665.3 – Process of Appointment.**
- **§665.4 – Terms of Office.**
- **§665.5 – Non-binding Statements.**
- **§665.6 – Reimbursement for Expenses.**
- **§665.7 – Training.**
- **§665.8 – Examination Process and Board’s Interaction.**
- **§665.9 – Continuing Education Credit.**
- **§665.10 – Texas Guaranteed Student Loan Corporation Defaulters.**

Dr. Kinney discussed Chapter 665, Examination Advisory Committee repeal proposals prepared by Board staff with the Committee.

It was MOVED/SECONDED (Norwood/Shah) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 665 rules submitted and discussed by staff for repeal, contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

19. Issues for consideration at future board meetings.

None.

20. Adjourn.

It was MOVED/SECONDED (Cheng/Norwood) to adjourn the meeting at 8:45 a.m. A vote was taken and the MOTION PASSED.

Date Board accepted minutes:

May 21, 2020