

**PROFESSIONAL ENGINEER & LAND SURVEYOR
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 12, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Doyle B. Allen (LS)
Robert A. Boynton (Arch)
Charles F. Dunlap (LS)
Wiley V. Johnson, III (PE)
Carolyn B. Langelotti (PE)
Christopher M. Stone (PE)
Andrew M. Scherzer (LA)
Michael Zmuda (LS)

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Tonia Harrison, Board Administrator
Amy Goobic, Administrative Assistant
Tanya Pettus, Administrative Assistant

Agency staff present for all or part of the meeting were:

Jay W. DeBoer, Director

No representative was present from the Office of the Attorney General.

Ms. Langelotti, Chair, called the meeting to order at 9:34 a.m.

Call to Order

Ms. Langelotti advised the Section members of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Dunlap moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by members: Allen, Boynton, Dunlap, Johnson, Langelotti, Stone, Scherzer and Zmuda.

**Approval of
Agenda**

Mr. Harold Scrimgeour, LS, was present to address the Sections regarding the Department of Environmental Quality (DEQ) storm water management regulations. Mr. Scrimgeour is requesting further clarification on what a land surveyor may design as it relates to storm water management facilities, and proprietary BMPs versus non-proprietary BMPs. Ms. Nosbisch indicated that the Sections received the packet of correspondence received from Mr. Scrimgeour and would be discussing under Other Business.

Public Comment Period

Ms. Elizabeth Andrews and Mr. Drew Hammonds, DEQ, were in attendance for the storm water management committee update and discussions regarding the DEQ regulations as they pertain to the requirement for a PE to sign record drawings of storm water management facilities. Mr. Hammond informed the Section members that, as discussed at the June APELSCIDLA Board meeting, he and Ms. Andrews reviewed the information from the Department of Conservation & Recreation (DCR) as DCR originally drafted the new storm water management regulations, until transferred to DEQ. Mr. Hammonds stated that in 2006 a Technical Advisory Committee drafted the language regarding the requirement for a PE seal on, at that time the term as-built was used, record drawings for storm water management facilities. Ms. Andrews commented that the regulations were a seven year effort on the part of DCR, and they have to honor the language put forth in their regulations. She further commented that through the regulatory process, there were no public comments received regarding this issue.

**Storm Water
Management
Committee Updates**

Ms. Langelotti stated that the committee comprised of herself, Mr. Stone, Mr. Scherzer, and Mr. Dunlap met and reviewed how surrounding states handled the signing and sealing of storm water facility designs. Ms. Langelotti reported that the committee drafted a certifying state, similar to those of other states, that could be included with the signing and sealing of the SWM designs and also defining the term “certify.” Ms. Andrews stated that she would bring the Board’s recommendations to DEQ staff for review, and indicated it could possibly be put forth in a guidance document. Ms. Nosbisch stated that the committee considered this a more expeditious solution rather than pursuing a possible change to the DEQ regulations. Ms. Nosbisch inquired as to whether a response could be offered to the Board by the September 15 APELSCIDLA meeting. Mr. Hammond stated that he will consult with DEQ staff and report back. Ms. Nosbisch thanked Ms. Andrews and Mr. Hammonds for attending the meeting and for their input.

Section members reviewed the draft of the guidance document regarding topographic and orthographic surveys and the requirement for licensed surveyor to sign and seal. Section members also reviewed comments from Mr. Zmuda regarding the inclusion of not only orthographic surveys, but the data behind them, and his recommendation of using the term “geospatial data.” Mr. Zmuda commented that there is data available for anyone to use, the guidance document must clarify what information may be used for design purposes versus general information, and signed/ sealed by a licensed professional. Discussion was held on suggested changes and whether the document provided enough strength. Mr. Johnson stated that a guidance document is not used for enforcement, but to clarify the regulations and code. Mr. Dunlap moved to approve the guidance document as amended, with the final draft to be reviewed and agreed upon at the September 15 APELSCIDLA Board meeting. Mr. Stone seconded the motion which was unanimously approved by members: Allen, Boynton, Dunlap, Johnson, Langelotti, Stone, Scherzer and Zmuda. Ms. Langelotti moved to change the title line of the guidance document to include ‘orthographic maps and geospatial data.’ The Sections agreed by consensus.

**Review Topographic
Survey Guidance
Document**

Ms. Langelotti requested that Other Business and the discussion of Mr. Scrimgeour's correspondence be reviewed prior to the NCEES updates and review of motions. Ms. Langelotti commented that concerning Mr. Scrimgeour's issue with Accomack County and their requirement for a PE to sign/seal the storm water management designs, a locality has the right to impose requirements above and beyond the Board's regulations. However, he may design less complex facilities. Discussion was held on correspondence received by Mr. Scrimgeour from an attorney representing Accomack County, regarding the types of stormwater facilities a land surveyor may design. In his statements, the attorney referenced that a land surveyor may prepare simple water drainage work of under one acre, instead of referencing the complexity of the design. Section members commented that the acreage has nothing to do with what a land surveyor is permitted to design. Ms. Nobsch suggested incorporating in the minutes that the Section members agreed that the acreage is a non-issue, it is the complexity of design at issue. Mr. Allen asked that Mr. Scrimgeour submit a sample plan for the Board to review and offer an opinion on the complexity of the design. Ms. Nobsch requested Mr. Scrimgeour make his submission to be included on the agenda for the September 15 APELSCIDLA Board meeting.

Other Business

The Sections recessed from 10:52 a.m. until 11:00 a.m. Mr. Scherzer and Mr. Boynton departed the meeting during this time.

Recess and Departure of Mr. Scherzer and Mr. Boynton

Ms. Nobsch provided the following NCEES updates:
Chris Knotts is a candidate for the Southern Zone Secretary-Treasurer position; Gary Thompson and Shelley Macy are candidates for NCEES Treasurer; Mr. Dunlap was appointed to the Uniform Procedures and Legislative Guidelines (UPLG) Committee; Mr. Allen is serving on the Professional Surveyors Exam Committee; Mr. Johnson is serving on the Examinations for Professional Engineers (EPE) Committee; and one of the attorneys that filed the amicus brief in the North Carolina Dental board case will be conducting a workshop at the NCEES Annual meeting. Ms. Nobsch reviewed the upcoming exam changes for the October 2015 and April 2016 exam cycles:

NCEES Update

October 2015 Exam Changes

- PE Metallurgical and Materials — The PE Metallurgical and Materials exam will have revised specifications starting in October 2015. The specifications are attached and posted on the NCEES website. Since the last administration with the old specifications has already occurred and the new specifications are already posted on our website, these specifications can be shared.

October 2015 NCEES Registration Deadlines

- Fall 2015 Exam Dates —October 30 and 31, 2015. The PS and PE exams and the Vertical Forces component of the SE exam will be administered only on Friday, October 30. The Lateral Forces component of the SE exam will be administered only on Saturday, October 31.

- Fall 2015 Registration — Registration for the fall exams will open on June 22, 2015, and close for examinees at 3:00 p.m. eastern time on September 3, 2015. The deadline for boards/testing services to mark candidates approved and confirm shipping information is 3:00 p.m. eastern time on September 17, 2015. To meet the fulfillment and shipping requirements, we cannot add candidates after this time.

April 2016 Exam Changes

- PE Naval Architectural and Marine Engineering — The PE Naval Architecture and Marine Engineering exam has new specifications starting in April 2016. The specifications are posted on the NCEES website.
- Principles and Practice of Surveying (PS) — The PS exam will be administered in pencil-and-paper format for the last time in April 2016. The exam will be converted to a computer-based test after that, with the first appointments available in October 2016.

Ms. Nosbsich thanked the PE Section members for the time and effort they have put into reviewing the many exam applications. Ms. Nosbisch also reviewed a press release from the American Association of Engineering Societies regarding the Engineering Competency Model they have developed to serve as a guide for the development of the engineering workforce.

Ms. Nosbisch Thanked Mr. DeBoer for his support of the NCEES Annual meeting being hosted in Williamsburg, August 19-22.

Section members reviewed the motions to be presented at the 2015 NCEES Annual meeting:

Committee on Finances Motion 1

Move that the adoption of the 2015–16 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Finance Motion 2

Move that the adoption of the 2015–16 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Finance Motion 3

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed annually by the Committee on Finances, and approved annually by any proposed changes shall be brought before the Council for approval. The current exam prices are as follows:

Date Effective	Examination Price	Approved	Administration	Date
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Computer-based FE*	\$225	8/13	1/14	
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Computer-based FS*	\$225	8/13	1/14	
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PE**	\$250	8/11	4/13	
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PS**	\$250	8/11	4/13	
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Structural Lateral Forces component**	\$400	8/09	4/11	
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Structural Vertical Forces component**	\$400	8/09	4/11	
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For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

The amendments are to clarify that the Committee on Finance reviews examination fees. After that, any proposed modifications are brought before the Council for approval.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Finance Motion 4

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed and approved annually by the Council. The current exam prices are as follows:

Date Effective	Examination Price	Approved	Administration	Date
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Computer-based FE*	\$225	8/13	1/14	
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Computer-based FS*	\$225	8/13	1/14	
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PE**	\$250	8/11	4/13	
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PS**	\$250	8/11	4/13	
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Computer-based PS*	\$300	8/15	10/16	
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Structural Lateral Forces component**	\$400	8/09	4/11	
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Structural Vertical Forces component**	\$400	8/09	4/11	
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For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

At its February 2015 meeting, the board of directors approved administering the PS exam via CBT beginning October 1, 2016. After discussing expenses

incurred, the reserve impact, the length of the exam, and exam volumes, the Finance Committee recommends that the CBT PS exam charge be set at \$300.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Committee on Law Enforcement

Law Enforcement Motion 1

Move that *Model Law* 120.60 F be amended as follows:

***Model Law* 120.60 Board Powers**

F. The board has the authority for citation and fining of persons engaged in the practice of engineering or surveying in this jurisdiction who are not licensed or authorized in this jurisdiction as provided by law. This board authority applies to licensed, unlicensed, authorized, and unauthorized persons.

Rationale

Model Law 150.10 B states that “any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense.” However, *Model Law* 120.60 provides only for the citation and fining of unlicensed individuals; it does not speak to licensees or interns. This amendment is to make it clear that the board has the authority to fine those individuals as well.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Discussion was held on the ACCA Committee's first motion pertaining to a separate license for Structural Engineers (S.E.). Ms. Nosbisch informed the Sections that along with the National Society of Professional Engineers (NSPE), the Virginia Society of Professional Engineers opposes the motion. Section members reviewed a position paper from VSPE. Ms. Nosbisch also reviewed correspondence from structural engineer organizations, who are in favor of the motion. Ms. Nosbisch stated that the change is in *Model Law* and *Model Rules*, which serve as a guideline for Virginia. And would be a complete change to how PE's are licensed in Virginia. Ms. Langelotti moved to approve the motion, to allow for discussion. Mr. Johnson seconded the motion, which was approved by members: Allen, Dunlap, Johnson, Langelotti, Stone and Zmuda. Mr. Johnson feels that additional work is needed by the ACCA Committee.

Advisory Committee on Council Activities

ACCA Motion 1

Move that the Generic P.E. Licensure Plus Protected S.E. Title and restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the *Model Law* and *Model Rules* and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2.

Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the *Model Law and Model Rules*.

Rationale

This approach not only protects the S.E. title but also regulates the practice of structural engineering, and thus better safeguards the health, safety, and welfare of the public relative to structures with an elevated level of threat. While it is essentially discipline-specific licensure for one segment of the engineering profession, it still maintains a connection with generic licensure, and the provisions can be embedded in the statutes and rules of most jurisdictions. ACCA also recommends that the approach include both variations described in its report: the P.E. Plus S.E. and the S.E. Only. If an individual is content to restrict his or her practice to only structural engineering, he or she should not be required to take both the PE and SE exams and maintain both licenses.

Board of directors' position

Endorses, non-consent agenda

Section members were opposed to the motion. Mr. Allen abstained.

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to remove *Bylaws* 7.12, Committee on Nominations, to bring *Bylaws* Article 11, Elections, in compliance with the current process for electing national officers and to make *Bylaws* provisions for a Tellers Committee to be formed for contested elections as described under Charge 5 of the ACCA report.

Rationale

ACCA concluded that the Committee on Nominations exists to forward nominations made by others and to serve as tellers at the annual meeting, if needed. It felt that the committee could be eliminated as a standing committee and that the *Bylaws* could be modified to allow for the president to appoint a Tellers Committee if and when needed (e.g., counting the votes of the Council to decide a contested election). ACCA recommends that the Tellers Committee empaneled by the president should consist of a past NCEES treasurer and the current secretary-treasurer from each zone, with provisions that no one would be eligible to serve as a teller for an election in which he or she is a candidate.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate the following language into the *Bylaws*.

Section 3.xx. International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity having a collateral and supportive position with the licensure of engineers and surveyors. International Affiliate Organizations are entitled to representation

at Council meetings but do not have voting privileges. On approval of the presiding officer, they may be granted the privilege of the floor.

Acceptance of any International Affiliate Organization shall be by majority vote of the Council. International Affiliate Organizations shall pay dues as set forth in the *Bylaws*.

Section 3.xx. International Affiliate Member. An international affiliate member of NCEES shall be a person who is a member of an International Affiliate Organization. Such person shall not have the right to serve on standing committees.

Section members agreed by consensus.

Section 3.05 Representatives. A representative shall be a member of an international affiliate or a participating organization designated to represent it his or her respective organization at meetings of the Council.

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors. Notice of the Annual Business Meeting shall be mailed sent to each Member Board, member, associate member, international affiliate organization, and participating organization not less than four weeks prior to each meeting. The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

ARTICLE 10. MEMBERSHIP FEES.

Section 10.01 Fees. Annual fees of Member Boards, as well as dues for participating organizations, are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Section 10.011 Fee Schedule. The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 10.013 Dues. Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.

Section 10.0134 Participating Organizations Obligations Dues Schedule. Payments for The annual membership dues of by participating organizations International Affiliate Organizations and Participating Organizations shall be paid in accordance with a schedule established annually by the Board of Directors.

Rationale

ACCA recognized the increased importance of developing and maintaining relationships with international organizations that are advancing licensure in the engineering and surveying professions. Currently, the NCEES *Bylaws* precludes these organizations from NCEES membership. Therefore, creating this new member category is required to allow formal affiliation of international organizations with NCEES.

This change will allow foreign partners that have been approved to offer NCEES examinations to have formal affiliation with NCEES. ACCA recommends that all new agreements with foreign partners that will offer NCEES examinations stipulate that those partners become International Affiliate Organization members of NCEES. The Council may also choose to approve membership as an International Affiliate Organization for other international stakeholder groups engaged in the engineering or surveying professions.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

ACCA Motion 4

Move that Administrative Policy 4 be amended as follows:

AP 4 Past Examinations

Past examination booklets will not be made available except through NCEES. Exam items from past examinations that are no longer in use may be included in sample exams and sold to the general public through NCEES.

Rationale

The proposed revision is intended to clarify how items from examinations that are no longer in use may be shared with the general public by NCEES.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

ACCA Motion 5

Move that Professional Policy 5 and Position Statement 17 be amended as follows:

PP 5 Expedited Comity Licensure

NCEES promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

PS 17 Expedited Comity Licensure

In order to facilitate the mobility of qualified professionals engineers among jurisdictions, NCEES supports and promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively. NCEES supports and

promotes the adoption of procedures by all jurisdictions to facilitate and achieve comity licensure of professionals who have been designated by NCEES to be Model Law Engineers, Model Law Structural Engineers, or Model Law Surveyors. NCEES also supports and promotes that this comity licensure be approved in any jurisdiction within one week of receipt of a both the completed application and the Council Record as well as the passing of any required jurisdiction-specific exams, provided that the jurisdiction statutes do not prohibit such expedited comity licensure. NCEES is committed to working with individual member boards to maximize the full applicability and acceptance of the Council Records program for engineers and surveyors in all jurisdictions.

Rationale

The proposed revisions are to provide consistency with *Model Rules 230.60 F, Expedited Comity Licensure*, which includes structural engineers and professional surveyors along with professional engineers. The proposed revisions to PP 5 and PS 17 are to include Model Law Structural Engineer and Model Law Surveyor along with Model Law Engineer with respect to these provisions for expedited comity licensure.

Board of directors' position

Endorses, consent agenda

Section members had concerns with licensure within one week and suggested changing to one month. Section members were opposed to the motion.

CCA Motion 6

Move that Position Statement 2 be amended as follows:

PS 2 Certification of Engineers and Surveyors

NCEES does not oppose those programs wherein professional organizations and societies recognize or certify their members for any purpose, provided such certification does not imply legal licensure. NCEES opposes certification by any organization or society wherein the purpose of such certification is to substitute for legal licensure as established by the statutes of the various jurisdictions.

Rationale

The proposed revision is intended to add surveyors to this position statement regarding certification programs. Surveyors as well as engineers have various certification programs (e.g., Certified Federal Surveyor), and this revision will include them in this provision regarding certification programs.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

ACCA Motion 7

Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules 210.20 B* and with deleting *Model Rules 260.20*.

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least

one jurisdiction as the result of satisfying the following conditions:

a. Earns one of the following:

(1) A bachelor's degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)

(2) A master's degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/M-ABET)

b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination using the NCEES cut score

c. Meets one of the following experience requirements:

(1) Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET

(2) Completes 3 years of acceptable engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering

(3) Completes 3 years of acceptable engineering experience after confirmation of a master's degree in engineering from an EAC/M-ABET-accredited engineering program

(4) Completes 2 years of acceptable engineering experience and has an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs

d. Has a record clear of disciplinary action

To maintain For Model Law Engineer status to continue after such has been designated by NCEES, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10 meet the requirements provided in B4 below.

2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:

a. Graduates from an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)

b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score

c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree

d. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. To maintain For Model Law Surveyor status to continue after such has been designated by NCEES, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10 meet the requirements provided in B4 below.

3. Model Law Structural Engineer—The term “Model Law Structural Engineer” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:

a. Earns one of the following:

(1) A bachelor’s degree in engineering from a program accredited by EAC/ABET

(2) A master’s degree in engineering from a program accredited by EAC/M-ABET

b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.

c. Passes the NCEES FE examination

d. Passes one of the following:

(1) 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011

(2) 16-hour state-written structural examinations taken prior to 2004

(3) NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011

(4) NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011

e. Meets one of the following experience requirements:

(1) Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET

(2) Completes 3 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)

(3) Completes 3 years of acceptable structural engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)

(4) Completes 2 years of acceptable structural engineering experience and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs

f. Has a record clear of disciplinary action

To maintain For Model Law Structural Engineer status to continue after such has been designated by NCEES, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10 meet the requirements provided in B4 below.

4. Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status—

Once a licensed professional has been designated as meeting the requirements for one of these statuses, such individual shall continue to be so designated even if the *Model Law* or *Model Rules* are revised at a later date, provided that the individual continually maintains his or her Model Law status, maintains a record clear of disciplinary action pursuant to

NCEES *Model Law*, Section 150.10, and has not retired his or her license nor allowed such license to expire.

Model Rules 260.20 Grandfathering of Model Law Engineers and Model Law Structural Engineers

Any licensed professional who meets the criteria of the Model Law Engineer as defined in Section 210.20 B.1 or Model Law Structural Engineer as defined in Section 210.20 B.3 shall continue to be designated Model Law Engineer or Model Law Structural Engineer, even if the *Model Law* or *Model Rules* is revised at a later date, provided that

- A. The licensee has continually maintained his or her status as Model Law Engineer or Model Law Structural Engineer
- B. The licensee is not on revoked status or has not retired his or her license
- C. The licensee has a record clear of disciplinary action and maintains a record clear of disciplinary action

Rationale

ACCA believes that *Model Rules 260.20, Grandfathering of Model Law Engineers and Model Law Structural Engineers*, is not in the correct place in the *Model Rules* and that the language would be more clearly understood and applied if moved to and combined with *Model Rules 210.20, Definitions*, which defines Model Law status. This proposed change is to also include Model Law Surveyors under the provision and to replace the word “grandfathering” with “continuance.”

Board of directors’ position

Endorses, consent agenda

Section members agreed by consensus.

ACCA Motion 8

Move that Position Statement 35 be adopted as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills and the reduction that has occurred in the formal education requirements needed to obtain a bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession. NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

- A. A bachelor’s degree in engineering from a program accredited by EAC/ABET and a master’s or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET accredited programs, or the equivalent
- B. A bachelor’s degree and a master’s degree in engineering from a program accredited by EAC/ABET

C. A bachelor's degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering

D. A bachelor's degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

At the 2014 NCEES annual meeting, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors made a motion, which the Council passed, requesting that "... the NCEES president assign a charge to the appropriate committee/task force to draft an NCEES position statement that reflects the education standards defined in the MLE 2020 and the MLSE 2020 definitions regarding further education standards for professional engineering licensure ..."

The proposed position statement follows the directives of the motion and includes only the information related to additional education related to professional engineering licensure that was previously included in the NCEES *Model Law* and *Model Rules*. The committee made some minor edits to reflect current terminology used in the accreditation and licensure communities. The language was also modified to make no reference to the year 2020, thereby resolving the potential for confusion about an effective date for implementation of additional education requirements for professional engineering licensure. This was stated as the primary concern behind the motion.

NCEES has a responsibility to recommend changes to the licensure process that will ensure protection of the health, safety, and welfare of the public now and in the future as described in the NCEES strategic plan and in the mission and vision statements. NCEES is continuing to fulfill this responsibility by promoting, through the proposed position statement, education requirements for licensure *in the future*. Creating this position statement sets the platform for continued dialogue on this important issue. It is consistent with the NCEES-established processes and summarizes NCEES' efforts on future education requirements for professional engineering licensure over the past 15 years—a complex issue requiring careful and continuing deliberation and one that this position statement will serve to facilitate.

Board of directors' position

Endorses, consent agenda

Section members agreed that this motion would likely be pulled from the consent agenda and discussed further at the annual meeting.

ACCA Motion 9

Move that Administrative Policy 11 be revised as follows:

AP 11 Sponsored Activities for Annual Business Meeting Planning

The host member board may make NCEES will make all arrangements for sponsored activities and souvenirs for the annual business meeting.

However, NCEES will not acknowledge sponsorship in programs and other meeting literature. The host member board will assist in recruiting board members to deliver invocations as needed during the meeting and in working with NCEES staff to coordinate possible offsite workshops.

Rationale

The current policy does not reflect current practice. NCEES no longer provides support for member boards hosting the annual meeting to purchase souvenirs to distribute to attendees. Member boards no longer make arrangements for sponsored activities. Many are restricted from accepting money from sponsors, which has resulted in NCEES having to pay for whatever was planned. Therefore, NCEES now plans and pays for all meeting-related activities and souvenirs with no involvement from the host board. This motion will not change informal responsibilities assumed by the host member board (e.g., recruiting individuals to deliver invocations and coordinating offsite activities with NCEES staff).

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Committee on Examination Policy and Procedures

Motion 1

Move that EDP 11 be amended as follows:

EDP 11 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

A. Each person involved as an item writer, pass-point evaluator, reviewer, or scorer for the NCEES PE or PS examinations must be professionally licensed, have an active professional license issued by an NCEES member board, must be qualified in the appropriate discipline, and must be familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that discipline. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

Rationale

The proposed language requires item writers and others involved with exam development to have active licenses to ensure that they write relevant questions consistent with current standards. Some inactive or retired members may not have practiced or maintained competency for several years. The language also ensures that these participants' professional licenses are issued by an NCEES member board and not by a foreign jurisdiction.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 2

Move that EDP 3C be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.

B. The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations (unless otherwise noted) as defined in EAP 4:

1. GROUP I

- a. Chemical
- b. Civil
- c. Electrical and Computer—Computer Engineering
- d. Electrical and Computer—Electrical and Electronics
- e. Electrical and Computer—Power
- f. Environmental
- g. Mechanical
- h. 16-hour Structural Engineering

2. GROUP II

- a. Agricultural/Biological
- b. Architectural
- c. Control Systems
- d. Fire Protection
- e. Industrial
- f. Metallurgical/Materials
- g. Mining/Mineral Processing
- h. Naval Architecture/Marine
- i. Nuclear
- j. Petroleum
- k. Software

C. The surveying examinations shall be available as follows:

1. The Fundamentals of Surveying examination shall be administered via CBT and have supplied references.

2. The Principles and Practice of Surveying examination shall be a closed-book, pencil-and-paper examination as defined in EAP 4. (Effective through April 2016)

3. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references. (Effective October 2016)

34. Member boards shall reserve the right to administer, score, and report certain state-specific examinations in conjunction with the Principles and Practice of Surveying examination. State-specific examinations shall be scored and reported separately and apart from those published by NCEES for national examinations.

Rationale

The proposed amendments in section C reflect the movement of the PS exam

from a pencil-and-paper exam to CBT one. Sections A and B are shown for reference.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 3

Move that EAP 2 be amended as follows:

EAP 2 Examination Schedules

A. Pencil-and-paper examinations

A 10-year schedule of examination dates shall be published, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays. Member boards will schedule and administer examinations on the NCEES-published day for each examination. The PE and PS examinations will be administered on Friday. For the 16-hour Structural Engineering examination, the Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday. Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead-time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT examinations

NCEES will administer CBT examinations in the published timeframes as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale

The proposed amendment reflects the movement of the PS exam from a pencil-and-paper exam to CBT and corrects a redundancy between lines 2 and 3 regarding when the exam will be held.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 4

Move that EDP 13 be amended as follows:

EDP 13 Security of Examination Material

No items or item banks developed in current use for NCEES examinations shall be used for any purpose outside of the NCEES examination program. All member boards shall observe approved NCEES requirements.

Rationale

This amendment is conjunction with ACCA-proposed revisions of AP 4 shown on page xx.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 5

Move that EAP 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination questions materials by an examinee or his or her representative.

Member boards may request that an examinee's results from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the board of directors. NCEES will not accept requests for manual verification from individual examinees. No specific examinee comments will be addressed.

Rationale

The proposed amendment expands the prohibition of post-administration review of any materials by examinees or their representatives.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 6

Move that EAP 4 be amended as follows:

EAP 4 Materials Permitted and not Permitted in Examination Room

A. Pencil-and-Paper and CBT Examinations

1. Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
3. Devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted.

Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators; databanks; data collectors; and organizers.

4. Communication devices such as cell phones and pagers are not permitted.
53. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.
4. Other items specifically allowed by the current *NCEES Examinee Guide* are permitted.

B. CBT Examinations

1. Devices or materials that might compromise the security of the examination or examination process are not permitted.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
3. Communication devices such as cell phones and pagers are not permitted.
4. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.

Rationale

The proposed changes are to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

EPP Motion 7

Move that EAP 8 be amended as follows:

EAP 8 Release and Use of Examination Results

D. Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above. The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- § Having a cell phone in his or her possession
- § Having a device with copying, recording, or communication capabilities in his or her possession. These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players such as iPods.
- § Having a calculator that is not on the NCEES-approved list
- § Removing pages from his or her exam booklet on pencil-and-paper examinations
- § Leaving the exam area without authorization

The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:

- § Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- § Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- § Beginning the exam before the proctor instructs him or her to do so
- § Failing to stop writing immediately when time is called on pencil-and-paper examinations
- § Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- § Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:

- § Copying from another examinee's answer sheet or colluding with other examinees

Rationale

The proposed changes are consistent with changes in Motion 6 and avoid conflicts between EDP 4 and EAP 8.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Future of Surveying Task Force

Future of Surveying Task Force Motion 1

Move that NCEES fund and facilitate a meeting that includes representatives from organizations interested in the future of surveying. This group would consider and recommend additional outreach opportunities to promote the value of a surveying license. This information would be forwarded to an NCEES committee or task force for action as appropriate.

Financial impact

The costs associated with funding this meeting are estimated to be \$32,000. This amount would fund a 25-member focus group to study this issue and make recommendations for increased outreach related to the future of surveying.

Rationale

A number of affiliated groups are impacted by the reduction in the number of individuals pursuing a career in surveying. A meeting of these affected stakeholders will help to identify potential options and partners to better market the profession.

Board of directors' position

Endorses, non-consent agenda

Section members agreed by consensus.

Future of Surveying Task Force Motion 2

Move that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles, with the first award to be made prior to the 2017 annual meeting. The award structure will essentially conform to the recommendations of the Future of Surveying Task Force.

Financial Impact

The costs associated with funding this award are estimated to be \$125,000 annually. This amount would allow the Council to annually recognize up to 10 surveying programs that meet the approved criteria for the NCEES Professional Surveying Program of Distinction.

Rationale

Many of the programs in surveying are struggling financially due to low numbers of students. The award would help to supplement the operations of programs to allow them to continue to operate and to graduate the future surveying generation.

Board of directors' position

Endorses, non-consent agenda

Section members agreed by consensus.

Committee on Education

Education Motion 1

Move that *Model Rules* 240.30 be modified as shown below.

***Model Rules* 240.30 Continuing Professional Competency**

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of continuing education courses

3. Successful completion of short courses/tutorials and distance-education courses offered through correspondence, television, videotapes, or the Internet
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences, or educational institutions
4. Teaching or instructing in 1 through 43 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 college or unit semester hour 45 PDHs
2. 1 college or unit quarter hour 30 PDHs
3. 1 continuing education unit 10 PDH
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2*
6. Publications
 - a. Each published peer-reviewed paper or book in the licensee's area of professional practice 10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice 5 PDHs
7. Active participation in professional and technical society (each organization) 2 PDHs
8. Each patent 10 PDHs
9. 1 hour of outreach activities 1 PDH (not to Exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for

each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.

3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).

4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.

2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.

3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.

4. Licensees who list their occupation as "Retired" or "Inactive" on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of professional engineering or surveying, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must either meet the requirements of *[insert jurisdiction name]* or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard for the number of consecutive reporting periods corresponding to the CPC requirements of *[insert jurisdiction name]* (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1– December 31 of 1

calendar year.

J. Dual Licensees

The number of PDHs required shall remain 15, at least one-third of which shall be obtained in each profession.

K. Forms

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail on a CPC form to permit audit verification and retain any backup documentation. The licensee must certify and sign the CPC form and submit the form, if required, with the renewal application and fee or upon notification of audit.

L. Model CPC Standard

The Model CPC Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.

Rationale

As described in the committee's report, these changes are to remove archaic language and allow modern delivery methods for CPC activities.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Committee on Uniform Procedures and Legislative Guidelines

UPLG Motion 1

Move that *Model Law* 110.20 N be amended as follows:

Model Law 110.20 Definitions

N. Or the Equivalent—The term “Or the Equivalent,” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) that meets the NCEES Engineering Education Standard or a surveying program accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET)/curriculum that meets the NCEES Surveying Education Standard, as applicable.

Rationale

The term “or the equivalent” is used throughout the *Model Law* and *Model Rules* when referring to non-ABET accredited programs. However, as the Education Committee discussed in its 2014 conference report, the term does not define how that equivalency is determined. The Council passed a motion last year to replace “or the equivalent” with “meets the NCEES Engineering Education Standard” because the standard provides appropriate criteria for evaluating the equivalency of coursework from non-ABET-accredited programs compared to an ABET review. UPLG is proposing to change the definition of “or the equivalent” to be the NCEES Engineering Education Standard as well as the NCEES Surveying Education Standard because the phrase is used throughout the model documents and applies to both engineering and surveying. It also recommends that a committee be charged with reviewing the use of “or the equivalent” in all

NCEES publications.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 2

Move that *Model Law* 110.20 B4 be amended as follows:

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system. A person shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- a. Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon
- b. Determining by performing geodetic surveys the size and shape of the

earth or the position of any point on the earth

c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement

d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land

e. Locating or laying out alignments, positions, or elevations for the construction of fixed works

f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point

g. Creating, preparing, or modifying electronic or, computerized, or other data, relative to the performance of the activities in items a–f above

A person shall be construed to practice or offer to practice surveying, within the meaning and intent of this Act, who engages in surveying or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be a professional surveyor or through the use of some other title implies that the individual is a professional surveyor or that the person is licensed or authorized under this Act or who holds the person out as able to perform or who does perform any surveying service or work or any other service designated by the practitioner which is recognized as surveying. A person shall be construed to practice surveying, within the meaning and intent of this Act, if he or she does any of the following:

a. Engages in or holds himself or herself out as able and entitled to practice surveying

b. Represents himself or herself to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way

c. Through the use of some other title, implies that he or she is a professional surveyor or licensed under this act

Rationale

The paragraph was reorganized to make it easier to read and to make it parallel to the structure of A5, which is shown for reference.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 3

Move that *Model Law* 110.20 O be amended as follows:

***Model Law* 110.20 Definitions**

O. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.

Rationale

This language was added because “authoritative” is not referenced anywhere else in *Model Law*; the law needs to point to the rules because “authoritative” is used throughout *Model Rules* 210.25.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 4

Move that *Model Law* 130.10 C be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in the *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

1. Graduating from an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
2. Passing the NCEES Fundamentals of Engineering (FE) examination

C. Certification or Enrollment as a Surveyor Intern
Completion of one of the following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a surveyor intern.

1. Graduating from a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent
 2. Graduating from a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying
 3. Graduating from a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying
- In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination

Rationale

This change is to make the language parallel with 130.10 A, which is shown for reference.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 5

Move that *Model Law* 130.30 B4 be amended as follows:

Model Law 130.30 Examinations

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts this examination qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

D. The board may prepare and require additional examinations in engineering and surveying. Specifications for such additional examinations

may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

Rationale

The phrase “divided in separate parts as determined by the board” is misplaced in B4 because it does not apply to the NCEES PS exam. The language is most likely meant to refer to state-specific surveying exams. The authorization for member boards to prepare and require additional examinations such as these is already included in the same section of the *Model Law* under paragraph D, which is shown for reference.

Board of directors’ position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 6

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Graduates from an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)
 - a. Earns one of the following:
 - (1) A bachelor’s degree from a surveying engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A bachelor’s degree from a surveying and geomatics program accredited by the Applied Science Accreditation Commissions of ABET (ASAC/ABET)
 - (3) A bachelor’s degree from a surveying and geomatics program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree
 - d. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. To maintain Model Law Surveyor status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.

Rationale

The language was modified to clarify that a bachelor’s degree is required, which is one of the things the NCEES Records program looks for when

determining whether someone qualifies for this designation. In addition, the three ABET-accredited programs were separated into different paragraphs to make it easier to read.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 7

Move that *Model Rules* 230.20 be amended as follows:

Model Rules 230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 years' experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.

11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
 12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
 13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
 14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.
 15. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.
- B. As a Professional Surveyor
- In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:
1. Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.
 2. Experience must not be obtained in violation of the licensure act.
 3. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant served in a surveying or surveying-related group while in the armed services.
 4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
 5. Teaching experience, to be creditable, must be in surveying or surveying-related courses at an advanced level in a surveying program that is or surveying-related courses approved by the board.
 6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
 7. Adequate experience in the technical field aspects of the profession must be demonstrated.
 8. Experience may not be anticipated. The experience must have been gained by the time of the application.
 9. Experience should include demonstration of the application of surveying principles in the practical execution of surveying tasks.
 10. Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.
 10. Experience gained in surveying research projects by members of a surveying faculty where the program is approved by the board is creditable.
 11. Successful completion of graduate study leading to the master's degree

in surveying from an institution that offers EAC/ABET-, ASAC/ABET-, or ETAC/ABET-accredited programs may be used for credit for 1 years' experience. If the earned doctoral degree in surveying is completed under the same conditions, 2 year's total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.

12. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

1 Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

2 Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.

Rationale

Paragraphs 10–12 were added to *Model Rules* 230.20 B to include experience descriptions that are also in 230.20 A, which is shown for reference. After UPLG worked on the language and modified it to apply to surveying, it sent the language to the EPS Committee for review to make sure EPS agreed with the proposed changes. EPS agreed with all of the changes except the addition of the following proposed language: “Only work of a surveying nature that follows graduation from a program accredited by EAC/ABET, ASAC/ABET, ETAC/ABET, or a program deemed to be substantially equivalent is creditable. Up to 2 years of experience earned prior to graduation may be allowed by the board.” UPLG therefore did not include this paragraph in the motion. UPLG is also proposing to make A15 and the original B10 footnotes because they are not part of the model language for boards to adopt. The more appropriate place for them is as clarifying notes to each section.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 8

Move that *Model Rules* 230.50 B be amended as follows:

***Model Rules* 230.50 Classifications and Disciplines of Engineers and Surveyors**

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern—by education and examination
2. Professional engineer—by education, examination, and experience, or by comity
3. Discipline professional engineer—by verification of discipline

competence

B. Classification of Surveyors

Surveying applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern—by education and/or experience, and examination
2. Professional surveyor—by education and/or experience, and examination; and experience, or by comity (and appropriate jurisdiction-specific examination)

Rationale

The change to B2 is to make it parallel to the engineering language in A2, which is shown for reference.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 9

Move that the following preface replace the current introduction to the *Model Law* and that it be added to the *Model Rules* to explain the intent of the documents, how they fit with the NCEES vision and mission, how boards can use them, and that they are updated by member board vote at the annual meeting.

PREFACE

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying is to “provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.” The mission of NCEES is to “advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.” NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards. The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board’s powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model. The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board’s regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules. Revisions to the *Model Law* and *Model*

Rules are decided at the NCEES annual business meeting each year. By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Rationale

The *Model Law* currently has an introduction explaining the purpose of the document. The *Model Rules* does not. Because these publications are intended to be used together, UPLG recommends including the same preface in each of them so that it is clear that these documents are meant to work as a unit, not separately. The preface would replace the current introduction to the *Model Law*. Much of preface content derives from the current *Model Law* introduction, but it also now references the NCEES vision and mission, explains that member boards vote on amendments each year at the annual business meeting, and includes mention of the *Model Rules*.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 10

Move that *Model Law* 110.10 A and 110.20 A5 be amended as follows:

***Model Law* 110.10 General Provisions**

A. Regulation of Engineers and Surveyors—In order to safeguard the health, safety, and welfare of the public, the practice of engineering and/or the practice of surveying in this jurisdiction is/are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by his or her that individual's certificate of licensure, which shall not be transferable.

***Model Law* 110.20 Definitions**

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies,

designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works. Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

Rationale

These are housekeeping changes. The change in Paragraph 5 is proposed because the definition of “person” in *Model Law* 110.10 M includes firms, and this section does not apply to firms.

Board of directors’ position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 11

Move that *Model Law* 120.50 and *Model Rules* 220.10 D be amended as follows:

***Model Law* 120.50 Board Organization and Meetings**

The board shall hold at least *[insert number]* regular meetings each year. Special meetings may be held as the bylaws or rules of the board provide. Other meetings may be called as prescribed by jurisdictional law. The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than *[insert number]* professional engineer members, *[insert number]* professional surveyor members, and *[insert number]* public members.

***Model Rules* 220.10 Organization of the Board**

D. Meetings

1. The board holds at least *[insert number]* regular meetings each year. Other meetings may be called as prescribed by law. (*Section 120.50, Board Organization and Meetings, NCEES Model Law*)
2. Notices of meeting dates and times are normally given *[insert amount of time required]* in advance for all the regular meetings of the year. For special meetings, *[insert number of days]* notice must be given.
- 3 Place of meetings is determined in advance by members of the board.
4. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

Rationale

The language is being moved from the *Model Rules* to the *Model Law* because the language is duplicated in the two documents. UPLG feels that the rules language is clearer, so it proposes replacing the language in the law with it.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 12

Move that *Model Law* 120.60 J–M, *Model Law* 120.70, and *Model Rules* 220.10 H–I be amended as follows:

Model Law 120.60 Board Powers

J. The board shall have the power to employ such staff as necessary for the proper performance of its work. The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations. The board may also employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary.

K. The board shall have the power to appoint committees to assist the board's efforts in carrying out the responsibilities of this Act. All individuals appointed by the board to serve on committees are entitled to reimbursement of expenses as approved by the board.

L. The board shall have the power to adopt and collect fees in amounts necessary to enable the board to carry out its function under this Act.

M. The board shall be authorized to use electronic transmissions for all purposes permitted under statute [*citation for jurisdiction law*].

N. The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

Model Law 120.70 Receipts and Disbursements

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the "Professional Engineers' and Professional Surveyors' Fund," shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board.

The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board.

The board administrator shall receive such salary as the board shall determine. The board shall employ such staff as are necessary for the proper performance of its work and shall make expenditures from the abovementioned fund for any purpose which, in the opinion of the board, is

reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

Model Rules 220.10 Organization of the Board

H. Board Administrator

The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations.

I. Employment of Personnel

The board may employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. (*Section 120.70, Receipts and Disbursements, NCEES Model Law*)

Rationale

Model Rules 220.10 H and I were combined and moved to Model Law 120.60, along with the related language stricken in Model Law 120.70; the language belongs in the law because it gives the board the authority to employ staff. The new language in Model Law 120.70 was moved from the original Model Law 120.60 J because it is more appropriate to be included under the disbursements section; the language needs to stay in the law rather than move to the rules because boards will need the authorization of the legislature to spend the money. The words "or who perform other services required by the board" were added to ensure that the language also applies to investigators, expert witnesses, exam writers, etc.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 13

Move that *Model Law 120.80 E* and *Model Rules 220.10 K* be amended as follows:

Model Law 120.80 Records and Reports

E. Board records and papers of the following class are of a confidential nature and are not public records: file records of examination problems and solutions, examination scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

E. The Freedom of Information Act requires most records, papers, and

reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

Model Rules 220.10 Organization of the Board

K. Records

The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law. *(In part from Section 120.80 E, Records and Reports, NCEES Model Law)*

Rationale

The language in the *Model Law* and *Model Rules* is duplicative and is more appropriate in the law because of the importance of public information requests in legal situations. UPLG felt that the language in the rules is clearer so recommends moving it to the law.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 14

Move that *Model Law* 120.90 and *Model Rules* 220.10 L be amended as follows:

Model Law 120.90 Roster

A complete roster showing the names, last known addresses, and license or certificate number of all professional engineers, professional surveyors, and firms holding a certificate of authorization shall be published by the board as established by board regulations.

Model Rules 220.10 Organization of the Board

L. Roster

The board administrator shall publish and make public a roster showing the names, last known addresses, and license or certificate numbers of all professional engineers, professional surveyors, and firms holding a certificate of authorization in this jurisdiction. (*Section 120.90, Roster, NCEES Model Law*) A roster of all licensees and firms holding a certificate of authorization will be updated annually and shall be accessible to the public.

Rationale

The current *Model Rules* 120.90 language duplicates language in *Model Law* 220.10 L. It is being replaced with language that does not duplicate the law but goes beyond it by saying how often the roster should be published. The language in the law is being deleted because of this change to the rules.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 15

Move that *Model Law* 130.10 be amended as follows:

***Model Law* 130.10 General Requirements for Licensure**

Education, experience, and examinations (as described in the *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

Rationale

This language is the introduction paragraph to an in-depth description of requirements for licensure in the *Model Law*. The language pointing to the *Model Rules* is being deleted because the *Model Rules* contains an abbreviated version of the information in this section and does not expand on it.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 16

Move that *Model Law* 130.30 A be amended as follows:

***Model Law* 130.30 Examinations**

A. The examinations will be held at such times and places as the board directs and/or in accordance with NCEES examination policy. The board shall determine the acceptable passing grade on jurisdiction-specific examinations.

Rationale

The new language is to allow for NCEES computer-based examinations and for state-specific examinations.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 17

Move that *Model Law* 130.30 B and *Model Rules* 230.40 A and C be amended as follows:

***Model Law* 130.30 Examinations**

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.
2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.
3. NCEES Structural Engineering (SE) examination
4. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.
5. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.
5. NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

Model Rules 230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:

1. The NCEES Fundamentals of Engineering (FE) examination and—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.
2. The NCEES Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has

met the other requirements for licensure required by this Act.

3. The NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:

1. The NCEES Fundamentals of Surveying (FS) examination and—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.

2. The NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act. Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. (*In part from Section 130.30, Examinations, NCEES Model Law*)

Rationale

The NCEES examinations are defined in detail in the *Model Law* but just listed in the *Model Rules*. UPLG believes they should instead be listed in the law because it is broader and that the full definitions of them should be included in the rules. In *Model Law* 130.30 B, Structural Engineering, was moved to match the order of *Model Rules* 230.40.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 18

Move that *Model Law* 130.30 C and *Model Rules* 230.40 H–M be amended as follows:

***Model Law* 130.30 Examinations**

C. A candidate failing one an examination may apply for re-examination in accordance with NCEES policy or as directed by the board. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed

to pass the examination.

Model Rules 230.40 Examinations

H. Instructions for Examinees

1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.

2. Failure to Attend an Examination

a. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.

b. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.

I. Pencil-and-Paper Examination Offerings

1. An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 111 months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year.

(Section 130.30 C, Examinations, NCEES Model Law)

1. All applicants for an NCEES pencil-and-paper examination must register with NCEES after being approved by the licensing board of their jurisdiction.

2. A candidate failing an NCEES pencil-and-paper examination may apply to retake the examination in accordance with *[insert the rules/regulations of the licensing board]*.

3. An applicant for the PE or PS an NCEES pencil-and-paper examinations will be notified by the board at least 60 *[insert number]* days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least 45 *[insert number]* days before the examination date.

J. Computer-Based Examination Offerings

1. An applicant must register with NCEES to take the FE or FS an NCEES computer-based examination.

2. An applicant failing the FE or FS an NCEES computer-based examination may be allowed to retake the examination in accordance with NCEES policy.

K. Examination Results

Examination results will be released in accordance with established NCEES policy.

L. Review of Examinations

There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.

1 NCEES pencil-and-paper examinations are not typically offered at exactly

12-month intervals. The time between annual offerings may be less or more than 12 months of actual time on the calendar.

Rationale

The change to the *Model Law* is to make it broader and to allow for computer-based testing (CBT) so that it does not contradict NCEES Examination Administration Policy 1, which states, “A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period.” The change to *Model Rules* 230.40 I is to move the language to the examinee instructions section, where it is more appropriate. A new J1 (under Pencil-and-Paper Examination Offerings) was added to parallel the language in section K (Computer-Based Examination Offerings). The new J2 replaces the old J1 to make the language broader and to allow for the transition of the PS and PE exams to CBT. UPLG believes that the language in the original J1 is too specific for the model documents in this period of transition. The specific language, if needed,

may be more appropriate as an NCEES policy. UPLG recommends that the appropriate committee be charged with considering whether the stricken language in section J should be made into an NCEES policy. NCEES currently has a policy addressing the number of retakes for CBT in EAP 1 as mentioned above but does not have one for pencil-and-paper exams. Finally, references to specific exam names in sections J and K were changed to “NCEES pencil-and-paper examination” or “NCEES computer-based examination.” This is to allow for the transition of the PS examination to CBT in October 2016 and for the PE exam transitions as they begin to occur.

Board of directors’ position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 19

Move that *Model Rules* 230.40 G be amended as follows:

Model Rules 230.40 Examinations

G. Study Information Exam Preparation Materials

1. The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.
2. The board may publish and make available specifications exam preparation materials for all examinations that are specific to the jurisdiction. Exam preparation materials for NCEES examinations are available through NCEES. (*Section 130.30 D, Examinations, NCEES Model Law*)

Rationale

The title is being changed to make it consistent with what NCEES currently calls the materials on the website and in other publications. The first sentence is being deleted because this is already covered under *Model Rules* 230.40 M, which states, “There shall be no post-administration access to, or review of, NCEES examination questions.” The other changes are for simplification and clarity.

Board of directors’ position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 20

Move that *Model Law* 140.10 A be amended as follows:

Model Law 140.10 Certificates of Licensure, Seals

A. The board shall issue to any applicant for licensure as a professional engineer or professional surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice his or her profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation “Professional Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of the licensee with licensure number and shall be signed by the board chairperson and the board administrator appropriate authority under the seal of the board.

Rationale

This change is to make the language broader for jurisdictions that have someone other than the chair (such as the executive director) sign the certificates of licensure.

Board of directors’ position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 21

Move that *Model Law* 140.20 B be amended as follows:

Model Law 140.20 Expirations, Renewals, and Reinstatement to Active Practice

A. Certificates of licensure shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the expiration date of the certificate of licensure and the amount of the fee required for its renewal.

B. Renewal may be effected during the renewal period by meeting the requirements established by the board, including the requirements for continuing professional competency as a condition for renewal. Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.

C. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement.

Rationale

UPLG feels that the *Model Law* should state that it is within the authority of the board to require continuing professional competency (CPC); the *Model Rules* still explains what the actual CPC requirements are. UPLG sent this proposed change to the Education Committee to review, and that committee concurred.

Board of directors’ position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 22

Move that *Model Law 170.30 B* be amended as follows:

Model Law 170.30 Exemption Clause

B. Contingent License—A contingent license may be issued by the board or board administrator to an applicant for comity licensure by comity if the applicant appears to meet the requirements for comity licensure by comity. Such a contingent license will be in effect from its date of issuance until such time as the board takes final action on the application for comity licensure by comity. If the board determines that the applicant does not meet the requirements for issuance of a comity license, the contingent license shall be immediately and automatically revoked upon notice to the applicant and no comity license will be issued.

Rationale

The word “comity” is stricken in the last sentence because there is no “comity license.” Rather, comity is a path for licensure. The other changes are to help clarify that.

Board of directors’ position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 23

Move that the appropriate committee be charged with considering whether the Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer designations as defined in *Model Rules 210.20* should be removed from the *Model Rules* and instead be included as a professional policy in the *NCEES Manual of Policy and Position Statements*.

Rationale

In its discussions, committee members noted that the definitions of Model Law Engineer (MLE), Model Law Surveyor (MLS), and Model Law Structural Engineer (MLSE), which are currently located in *Model Rules 210.20 B*, are actually internal designations given to licensees by the NCEES Records program after a thorough review of their credentials to see if they meet the requirements. Licensing boards expedite comity licensure when someone holds an NCEES Record and is designated to be an MLE, MLS, or MLSE. The *Model Law* does not contain the three designations but instead has a broader section listing the general requirements for licensure. The *Model Rules* also has separate sections detailing education, experience, and examination requirements for licensure. While the MLE, MLS, and MLSE designations are extremely effective tools in making it easier to become licensed in other jurisdictions, UPLG believes they are out of place in the *Model Rules*. They are NCEES terms that are not intended to be adopted into each jurisdiction’s laws and rules. Therefore, the committee feels that they would be more appropriate in the Professional Policy section of the *NCEES Manual of Policy and Position Statements*, which already includes policies on expedited comity licensure and the NCEES Records program. One point to note is that UPLG is proposing other changes to related

language in the *Model Rules* this year (see Motions 25 and 31); this motion is not to relocate the designations now but for the Council to approve the concept of relocating them. Any other references to them in the *Model Rules*, such as in 230.60, would need to be addressed by the appropriate committee and brought forth for Council vote in 2016 if this motion passes.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 24

Move that *Model Rules* 210.20 A be amended as follows:

***Model Rules* 210.20 Definitions**

A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions of the following terms: that also apply to these *Model Rules*.

1. Engineer
 - a. Engineer
 - b. Professional engineer
 - c. Professional engineer, retired
 - d. Engineer intern
 - e. Practice of engineering
 - f. Inactive status
2. Professional Surveyor
 - a. Professional surveyor
 - b. Professional surveyor, retired
 - c. Surveyor intern
 - d. Practice of surveying
 - e. Inactive status
3. Board
4. Jurisdiction
5. Responsible charge
6. Rules of professional conduct
7. Firm
8. Managing agent
9. Rules
10. Signature
11. Seal
12. Licensee
13. Person
14. Or the equivalent
15. Authoritative
16. Disciplinary action

Rationale

UPLG is proposing to point back to the *Model Law* definitions rather than repeat the terms in the *Model Rules* since the *Model Rules* does not expand on them.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 25

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination using the NCEES cut score
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score

Rationale

UPLG believes this language should be removed for two reasons. First, “cut score” is not defined anywhere in the *Model Law* or *Model Rules*; the lack of a definition could be confusing to boards and applicants. Second, it is redundant to make this part of the model for boards to adopt because scoring is part of NCEES policy, which the member boards abide by as part of their agreement with NCEES.

Board of directors’ position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 26

Move that *Model Rules* 220.10 A–G be amended as follows:

Model Rules 220.10 Organization of the Board Operations

A. Vacancy on the Board

If a vacancy on the board occurs for any reason and the governor fails to appoint a successor within 3 months, the board may appoint a provisional member until the governor makes an appointment. (*Section 120.10, Board Appointments, Terms, NCEES Model Law*)

B. Qualifications of Members

Each public member of the board shall not be or have been a professional engineer or professional surveyor and shall be a citizen of the United States and resident of this jurisdiction. (*Section 120.20, Board Qualifications, NCEES Model Law*)

C. Officers

The board elects or appoints annually from its membership as officers a chairperson, a vice chairperson, and a secretary. (*Section 120.50, Board Organization and Meetings, NCEES Model Law*)

C. Meetings

1. The board holds at least [*insert number*] regular meetings each year. Other meetings may be called as prescribed by law. (*Section 120.50, Board Organization and Meetings, NCEES Model Law*)
2. Notices of meeting dates and times are normally given [*insert amount of time required*] in advance for all the regular meetings of the year. For special

meetings, *[insert number of days]* notice must be given.

3. Place of meetings is determined in advance by members of the board.

4. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

D. Voting

All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.

E. Rules of Order

The latest edition of *Roberts Rules of Order, Revised* shall govern the normal proceedings of the board. Exceptions include hearings that may be disciplinary in nature.

F. Compensation and Expenses

When attending to the work of the board, each member shall be entitled to the maximum allowable per diem set by the board. This includes meetings of committees of the board and time spent in necessary travel.

Further, members shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the members of the board. (*Section 120.30, Board Compensation, Expenses, NCEES Model Law*)

Rationale

The stricken language repeats language that is already provided throughout the sections of *Model Law 120, The Licensing Board*, without providing additional information; therefore, UPLG is proposing to delete the duplicative language in the *Model Rules*. The committee is also proposing to change the title to be more appropriate for the remaining language.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 27

Move that *Model Rules 220.20* be amended as follows:

Model Rules 220.20 Adoption and Amendment of Rules and Regulations

Rules and regulations are adopted by this board under the provision of the laws governing the practice of engineering or surveying that may be reasonably necessary for the proper performance of the board's duties and the regulations of the proceedings before it. They must not be inconsistent with the constitution and laws of this jurisdiction. All rules or regulations adopted, amended, or repealed by this board shall comply with the provision of the administrative procedures act of this jurisdiction. *[insert chapter, title, code, jurisdiction, date]* (*Section 120.60, Board Powers, NCEES Model Law*).

Rationale

Model Law 120.60 A already defines board powers, so the stricken language above is not needed in the *Model Rules*. UPLG left the remaining administrative part because it is not included in the law and because the rules and regulations are the appropriate place to include the process for amending those rules and regulations.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 28

Move that *Model Rules* 230.60 D–E be amended as follows:

Model Rules 230.60 Applications

D. Reconsideration of Applications

Reconsideration may be requested of an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. A reconsideration request or request for a hearing must be made within 30 *[insert number]* days after the applicant has been notified that the decision was made to reject the original application.

E. Disposal Disposition of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved applications—When an application is approved by the board showing that the applicant has met all the requirements for licensure or certification required by the licensure act, the applicant shall be granted licensure or certification with notification by the board.
2. Deferred applications—Applications deferred for any reason are retained on file pending late disposal when proper remedy as requested is presented until such date as a proper remedy is presented or until *[insert deadline for responding to board's inquiry]*.

Rationale

These are housekeeping changes to make the language more user friendly. UPLG also felt that “disposition” is the more appropriate word in the title for Paragraph E.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 29

Move that *Model Rules* 240.10 B be amended as follows:

Model Rules 240.10 Licensure

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. The information shown on the certificate shall be in accordance with *Model Law* 140.10 Certificates of Licensure, Seals. The certificate will be signed as required by the board and will show the licensee's license number and seal of the board. (*Section 140.10, Certificates of Licensure, Seals, NCEES Model Law*)

Rationale

Model Law 140.10 provides a better and slightly different description of what is to be on the certificate, so UPLG recommends changing the language in the *Model Rules* to point back to the law.

Board of directors' position

Endorses, consent agenda
Section members agreed by consensus.

UPLG Motion 30

Move that *Model Rules* 250.30 B be amended as follows:

Model Rules 250.30 Disciplinary Action Procedures

B. Probable Cause

When a complaint is received by the board, it is referred to an investigative committee designated by the board. Any board member on the investigative committee cannot vote at the disciplinary hearing. *[Some boards use one member on a rotating basis. Some boards do not use a committee but use an investigator who then confers with the board and the attorney for the board.]*

The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and notice of charges. Action against the respondent may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent.

Rationale

Members of UPLG were concerned about the phrase “or brought before the board in the name of the complainant” in the last sentence of *Model Rules* 250.30 B because they believed that a board should not be filing charges in the name of the complainant. They recommended deleting that phrase and sent this change to the Law Enforcement Committee for feedback. The Law Enforcement Committee reviewed it and recommended that UPLG delete the entire sentence, not just that phrase. The rationale for the change is that the purpose of this section is clear without the sentence and deleting it would avoid any confusion.

Board of directors’ position

Endorses, consent agenda

Section members agreed by consensus.

UPLG Motion 31

Move that *Model Law* 130.10 B and *Model Rules* 230.60 F be amended as follows:

Model Law 130.10 General Requirements for Licensure

B. Licensure as a Professional Engineer

2. Comity Licensure for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- a. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

Model Rules 230.60 Applications

F. Expedited Comity Licensure

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional structural engineer, or professional surveyor as defined in Section 130.10 of the *Model Law*.

2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor as defined in Section 210.20 of these Rules and as designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

Last year's MBA Committee made a motion, which passed, to charge UPLG with incorporating the changes shown above in the *Model Law*. The MBA Committee's rationale was as follows: "By making this change in the *Model Law*, mobility would no longer hinge on a set of regulations that were in effect in the recent or distant past. For the sake of mobility and public protection, comity licensure could now be based upon a set of criteria that is reasonable and justifiable and that allows the member boards to fulfill their statutory duties of protection of the public. With these obsolete concepts, many qualified professional engineers and surveyors cannot get licensed in many jurisdictions; this is contrary to what the mission of NCEES is about." UPLG will also propose modifications to *Model Rules* 230.60. UPLG believes the changes should be made because the new language points back to the law and leaves it within the purview of each licensing board. UPLG deleted "expedited" because the section will now apply to both regular and expedited licensure by comity.

Board of directors' position

Endorses, consent agenda

Section members agreed by consensus.

Board of Directors

Motion

The NCEES board of directors has the following motion for Council action.

MOTION

The board of directors moves to authorize the NCEES chief executive officer to negotiate a contract, in accordance with Examination Administration Policy 10, for examinations and/or examination services between NCEES and the Egyptian Engineering Syndicate to offer the Fundamentals of Engineering examination in Egypt at approved Pearson VUE test centers

for graduates of non-EAC/ABET-accredited engineering programs based in Egypt.

Rationale

EAP 10 allows the NCEES board of directors the authority to permit all computer-based examinations to be administered at an NCEES-approved test site to students in their senior year and to graduates of foreign engineering programs that have attained ABET accreditation or the equivalent as determined by NCEES. At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed. Computer-based examinations shall not be administered at a foreign site outside the NCEES-approved testing windows. EAP 10 also provides that examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board and as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system. The Egyptian Engineering Syndicate has petitioned the NCEES board of directors to allow the NCEES FE examination to be offered to graduates of all Egyptian engineering programs to assist in assessing the quality of the engineering education system in Egypt. NCEES already administers exams in Egypt for the American University in Cairo, which is accredited by EAC/ABET. This request from the Egyptian Engineering Syndicate is separate from that agreement and is for engineering programs that are not EAC/ABET accredited. The NCEES board of directors' authority to authorize the administration of the FE exam for foreign programs is limited to those that have EAC/ABET accreditation; therefore, approval of this request requires a Council vote. Membership with the Egyptian Engineering Syndicate is a requirement to practice engineering in Egypt. If the Council authorizes the FE exam to be offered there, the Syndicate intends to require individuals to pass the FE exam in order to be allowed to practice engineering in Egypt. Approval of this request could potentially result in a candidate population in Egypt of close to 25,000 examinees. The Egyptian Engineering Syndicate is only requesting authorization to offer the FE exam, which is administered in a computer-based format at approved Pearson VUE test centers. This method of administration negates any serious concerns about the security of the FE exam. In keeping with additional tenets of EAP 10, any costs to NCEES to implement this action would be reimbursed. At its May 2015 meeting, the board of directors endorsed the request and directed that a motion be drafted for consideration by the Council during the 2015 NCEES annual meeting.

Board of directors' position

Non-consent agenda

Section members agreed by consensus.

Unfinished Business

Motion

Move to adopt the 2015–16 proposed operating and capital expenditure budgets, which are shown in the Finance Committee Appendices B and C.

Section members agreed by consensus.

Ms. Nosbisch reminded the Section members to not discuss board business **Other Business** outside of board or section meetings.

Ms. Nosbisch welcomed and introduced Tanya Pettus, new Administrative Assistant for the Waterworks, Waste Waterworks Operators and Onsite Sewage Professionals Board. Ms. Pettus was observing the meeting.

Conflict of Interest forms were completed by all members present. **Conflict of Interest Forms**

There being no further business, the meeting was adjourned at 12:15 p.m. **Adjourn**

Carolyn B. Langelotti, Chair

Jay W. DeBoer, Secretary