



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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Minutes of Special Meeting

April 2, 2008

Prior to calling the meeting to order, a brief discussion was held regarding the number of members required for a quorum. Assistant Attorney General (AAG) Tucker-Davis stated that the Attorney General's Public Records and Meetings Manual contain the guidelines for the required number of members present, depending on the number of members on a full board, to pass or reject a motion. Since the recent appointee to the Board, had not yet submitted the oath of office to the Governor's Office, it was determined that a quorum was present.

CALL TO ORDER

Vice-President Davis called a special telephone meeting to order at 11:02 a.m. in the Conference Room of the OSBEELS office at 670 Hawthorne Avenue, S.E., Suite 220, Salem, Oregon 97301.

Members Present:

Grant Davis
Mari Kramer
Dan Linscheid
John Seward
Amin Wahab

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jennifer Gilbert, OSBEELS Executive Assistant
Joanna Tucker-Davis, Assistant Attorney General

The purpose of the special meeting was to review and discuss the possible legislation of the Board. Ms. Lopez emailed draft language to the members for their review. After his review of the draft language, Mr. Seward also provided comments by email. It was determined that discussion would be held on each proposed statutory change by numerical order, beginning with the Oregon Revised Statute (ORS) 672.002.

ORS 672.002 Definitions

A brief discussion was held regarding the inclusion of photogrammetry to the definitions. Currently, photogrammetrists registered with the Board do not have the option in the law to represent themselves as "licensed," "professional," "registered" or "registered professional." It was determined that subsection 8 should be consistent with subsections 2 and 5 that modify the

titles of “engineer” and “land surveyor.” The draft language would allow the additional designations for photogrammetrists, similarly to engineers and land surveyors registered with the Board. The members agreed with the proposed draft language and there was no further discussion.

ORS 672.005 Additional Definitions

A conversation was held regarding any additional definitions that may apply to the practice of photogrammetry. After discussion, it was determined that a request would be made to the initial practice group for assistance in drafting possible language if necessary. Therefore, during the 2009 legislative session, no revisions would be requested for the ORS 672.005.

ORS 672.007 Acts constituting practice of engineering, land surveying

It was noted that the ORS 672.007 *Acts constituting practice of engineering, land surveying*, does not include the practice of photogrammetry. Therefore, the law does not prohibit the unlicensed practice of photogrammetry. The draft language would also allow the Board to conduct investigations, and if applicable, impose civil penalties on persons who do not hold a certificate by the Board and purport to be a registered professional photogrammetrist. The members agreed on the draft language including the practice of photogrammetry for inclusion with the 2009 legislative concepts submission.

ORS 672.028 Practice of photogrammetric mapping without registration prohibited

It was previously discussed by the Board that the law does not require a photogrammetrist to obtain a seal and affix their seal on final documents. Discussion was held regarding the different types of final documents a photogrammetrist may prepare. Additionally, the act of signing and affixing a seal relates to the technical and ethical standards of the practice and shows that the individual accepts responsibility for their work. The members agreed on the draft language for inclusion with the 2009 legislative concepts submission.

ORS 672.045 Prohibited activities relating to practices of engineering and land surveying

It was discussed that the current law does not include prohibited activities related to the practice of photogrammetry. The members reviewed draft language that would allow the Board to conduct investigations and if applicable, impose civil penalties, suspend, or revoke a certificate, or refuse to issue, restore, or renew a certificate to any person found in violation. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.050 Registration of supervising engineer employed by nonresident required

Since the Board does not delineate resident and nonresident engineers, advice was requested from the AAG regarding the history and intent of this law. It was advised that this law has significant potential difficulties under the State and Federal constitutions. A request to repeal this law would alleviate any questions with respect to constitutional provisions and would be included with the 2009 legislative concepts submission.

ORS 672.060 Exceptions to application of ORS 672.002 to 672.325

The draft language presented duplicates the language submitted during the 2005 legislative session. Due to insufficient testimony in 2005, the bill was not passed. The purpose of the draft language would not exempt engineers from the responsibilities of the practice of engineering as

defined in ORS 672.005(1). The act of signing and affixing a seal relates to the technical and ethical standards of the practice and shows that the individual accepts responsibility for their work. The draft language will exclude persons registered as professional engineers with the Board from exemptions for work performed on structures with a ground area of 4,000 square feet or less and is not more than 20 feet in height. It was noted that professional land surveyors and registered professional photogrammetrists would remain exempt. After discussion and a few revisions, it was determined that the draft language would be included with the 2009 legislative concepts submission.

ORS 672.095 Applicant meeting qualifications eligible for examination; fee; certificate specifications

It was noted that the law does not currently include photogrammetry. The draft language reviewed includes the practice of photogrammetry for persons who wish to apply for examination and registration with the Board. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.123 Qualifications for registration as photogrammetrist

It was noted that the current law does not include minimum evidence of qualifications for registration as a photogrammetrist. The draft language reviewed parallels the language for qualifications for registration as an engineer or a land surveyor. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.### Qualifications for photogrammetric examination; rules; form of examination

Discussion was held regarding the lack of clear language in the law that illustrates the qualifications to a photogrammetric examination. The draft language reviewed parallels the language for qualifications for a land surveying examination. It was noted that the Legislative Counsel will assign the appropriate statute number. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.148 Certificate issuance to persons registered in other jurisdictions

It was noted that the current law does not provide registration for photogrammetrists who are registered in other jurisdictions without examination. The draft language reviewed allows mobility for photogrammetrists and parallels the language for engineering and land surveying registration without examination. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.### Certificate issuance to persons based on examinations

Discussion was held regarding the licensure of individuals who obtain the required qualification but are not registered in other jurisdictions. Since 2005, the National Council of Examiners for Engineering and Surveying (NCEES) has been administering the fundamentals of engineering (FE), the fundamentals of surveying (FLS), and the professional engineering (PE) examinations in other countries. However, the NCEES does not offer a certification or registration for those who successfully pass the examinations. Although the current laws allow for licensure, draft language will clarify this authority in one section of the law. The draft language reviewed is similar to the ORS 672.148; however, the ORS 672.148 specifically requires registration in other jurisdictions. The concept of the draft language was approved by the members to include with

the 2009 legislative concepts. However, it was determined that further improvement would be completed between staff and AAG Tucker-Davis prior to submission. It was also noted that the Legislative Counsel will assign the appropriate statute number.

ORS 672.155 Fees

A brief discussion was held regarding the revisions to the law authorizing the Board to establish fees. The draft language reviewed was a result of housekeeping. The members agreed to include the draft language with the 2009 legislative concepts submission.

ORS 672.170 Renewal of certificate; increased fees for delinquent renewal

It was discussed that a certificate cannot be renewed that has been delinquent for more than five years. With the questions and issues that have recently been brought to the attention of the Board, discussion was held to consider including the retired status. Draft language was briefly discussed and it was determined to be included with the 2009 legislative concepts submission.

ORS 672.180 Exemption from fees for retired engineer or surveyor age 65 or over

A discussion was held regarding the minimum age requirement to place a license in the retired status. The members considered the various questions and issues that arise throughout the year. In addition to including photogrammetrists to the law, it was determined to remove the minimum age requirement and allow the engineer, land surveyor, or photogrammetrist to retire in accordance with their practice. The draft language will be included with the 2009 legislative concepts submission.

ORS 672.190 Replacement of certificate; fee

This law is considered unnecessary since the intent is contained within the other laws of the Board. A request to repeal this law would be included with the 2009 legislative concepts submission.

ORS 672.200 Grounds for suspension or revocation of certificate or permit or refusal to issue, restore or renew certificate or permit; grounds for reprimand

It was noted that this law does not include the practice of photogrammetry. The draft language reviewed would include the practice and also allow the Board to conduct investigations and if applicable, impose civil penalties, suspend, or revoke a certificate, or refuse to issue, restore, or renew a certificate to any person found in violation. After a brief discussion, it was determined to include the draft language with the 2009 legislative concepts submission.

ORS 672.255 Rulemaking authority

It was noted that the practice of photogrammetry was not included. In addition a few minor housekeeping changes were made. It was determined to include the draft language with the 2009 legislative concepts submission.

ORS 672.310 Investigation of identity of person claiming to be registered

It was noted that the practice of photogrammetry was not included. The draft language reviewed would allow the Board to conduct investigations and if applicable, impose civil penalties, suspend, or revoke a certificate, or refuse to issue, restore, or renew a certificate to any person

found in violation. It was determined to include the draft language with the 2009 legislative concepts submission.

The meeting was adjourned at 12:05 p.m.

DRAFT