



# Oregon

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

670 Hawthorne Ave. SE, Suite 220

Salem, OR 97301

(503) 362-2666

Fax (503) 362-5454

E-mail: osbeels@osbeels.org

**RULES & REGULATIONS COMMITTEE**

Minutes of Meeting

April 10, 2009

Members present:

Carl Tappert, Chair

Dan Linscheid

John Seward

Mari Kramer

Staff present:

Mari Lopez, Executive Secretary

Others present:

Katharine Lozano, AAG

Grant Davis, Observer

Michael Hardy, P.E.

The meeting of the Rules and Regulations Committee was called to order at 9:02 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

**New Business:**

Waiver of Military Fees – AAG Memorandum date March 9, 2009

The Committee received a memorandum that advises revising OAR 820-020-0520 to comply with ORS 408.450. Additionally, a third status would need to be created not including fee payment requirements. Staff stated that the proposed rule number (OAR 820-010-0530) for Active Duty Military will be secured prior to the June Committee meeting. The draft rules will be further reviewed and discussed during the June Committee meeting.

ORS 672.020 – AAG Memorandum dated March 17, 2009

Due to a number of applications that have been pending for years because of the candidate's failure to provide evidence that the educational requirements was completed (ORS 672.010), the Examinations and Qualifications Committee requested an opinion from legal counsel. The Rules and Regulations Committee received the memorandum that advises promulgating a rule providing for a deadline for submission of the evidence of completion of an educational requirement. The Committee decided to revise OAR 820-010-0225(2) and OAR 820-010-0226(2) requiring submission of the evidence within 6 months after taking the examination. The revised draft rule will be reviewed during the June Committee meeting.

## **Informational:**

### **Rulemaking Overview – OSBEELS Flowchart**

Ms. Lopez informed the Committee that the development of the flowchart was to assist in drafting an upcoming article for the Spring 2009 *Oregon Examiner* and as a helpful tool for staff and members of the Board. She presented the Flowchart to the Committee for review and discussion. After revisions to the flowchart, the Committee recommended distributing the flowchart at the May Board meeting.

## **Unfinished Business:**

### **OAR 820-010-0010 – Definitions**

A draft rule to clarify that the words “branch” and “discipline” are synonymous and thereby used interchangeably was presented to the Committee for discussion. **Upon completion of minor revisions, the Committee approved the draft rule for presentation during the May Board meeting for approval to begin the rulemaking process.**

### **OAR 820-010-0230 – Information to be Furnished by Professional Engineer Applicant**

A draft rule to revise the terms from “in the same field” to “a similar discipline” in OAR 820-010-0230(3) was presented to the Committee for review. **The Committee approved the draft rule for presentation during the May Board meeting for approval to begin the rulemaking process.**

### **OAR 820-010-0300 – Refunds and Charges**

A draft rule to clarify that reapplication fees are non-refundable was presented to the Committee for review. **The Committee approved the draft rule for presentation during the May Board meeting for approval to begin the rulemaking process.**

### **OAR 820-010-0465 – Application for Readmission to Examination**

A draft rule to clarify that reapplications and fees will not be accepted prior to the release of the results from the preceding examination was presented to the Committee for review. **The Committee approved the draft rule for presentation during the May Board meeting for approval to begin the rulemaking process.**

## **Legislation 2009:**

SB 274 – AAG Lozano summarized the intent of the Bill to the members of the Committee. If passed, this Bill will affect the Board’s hearing process. The Committee is in opposition to this Bill. However, to officially act upon this Bill, a special meeting of the Board is required. Therefore, Ms. Lopez will attempt to schedule a Special Board Meeting early next week for further review and discussion.

SB 756 – This Bill was forwarded to the Committee for review by prior Board Member Ron Stuntzner PE, PLS, CWRE. The Committee found the Bill interesting and decided that this Bill does not require further action.

SB 832 – The Committee determined that the intent of the Bill may have minimal impact depending on the extent of the request (information not otherwise addressed in ORS 182.472). Additionally, it was noted that the financial information of the Board is considered a public record and that OSBEELS does not receive moneys from the State.

HB 2093 – The Committee determined that the intent of the Bill was not unreasonable. However, concern with the broad language contained in subsection 7 of the Bill was widespread, “*The Secretary of the State shall establish and collect fees from agencies filing rules under this section. The fees shall be established in amounts calculated to be necessary...*” The Committee is unable to determine the level of impact. Therefore, staff was directed to gather further information for the May Board meeting for further review and discussion.

HB 3082 – The Committee determined that this Bill would not impact OSBEELS.

HB 3373 – AAG Lozano noted that ORS 174.100 contains the general definitions used in the statute laws of the State of Oregon. Therefore, the question for the Committee is whether the proposed definitions for the words “science” and “scientific” harmonize with the “practice of Engineering,” the “practice of Land Surveying,” and the “practice of Photogrammetric Mapping” (see ORS 672.005). The Committee decided to add this Bill to the Special Board Meeting agenda for further review and discussion.

HB 2457 – The Committee reviewed the dash 2 amendment of House Bill 2457. It was announced that a hearing has been scheduled for Monday, April 13<sup>th</sup>. Mr. Linscheid and Ms. Lopez will present the Boards opposition to the bill. The Committee considers this bill a repeat of the 1995 legislation of SB 909 (ORS 479.860).

Mr. Hardy requested further information regarding OSBEELS sponsored legislation, in particular SB143. The Committee explained to Mr. Hardy that the objective of SB 143 is to require the registrant (Professional Engineer) to affix their seal on all plans or specifications regardless of whether the building or structure is exempt or nonexempt. Additionally, according to ORS 672.020(2), “(t)he signature and stamp of a registrant constitute a certification that the document was prepared by the registrant or under the supervision and control of the registrant.” The Board expects the registrant to exercise the standard of care on all plans or specifications that they have sealed and signed.

The meeting adjourned at 10:47 a.m.