



Oregon

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

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Minutes of Meeting

April 15, 2009

CALL TO ORDER

Ms. Lopez noted that President Laszlo and Vice President Davis were unable to participate in the special meeting. However, the quorum requirements had been met. It was moved and seconded (Newstetter/Butts) to appoint Dan Linscheid as the President Pro Tempore. The motion passed unanimously.

President Pro Tempore Linscheid called the meeting to order by teleconference at 10:37 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, Oregon 97301.

Members Present:

Susanna Laszlo (excused)

Edward Butts

Grant Davis (excused)

Ken Hoffine (excused)

Mari Kramer

Dan Linscheid

Susan Newstetter

John Seward

Carl Tappert

Amin Wahab

Others Present:

Mari Lopez, OSBEELS Executive Secretary

Katharine Lozano, Assistant Attorney General (AAG)

The purpose of the special meeting was to discuss the Board's position on Senate Bill 274 and House Bill 3373.

The members were provided with information regarding each Bill for consideration prior to the special meeting to facilitate the discussion.

AAG Lozano informed the members of the Board of the possible implications of SB 274. The dash-4 and dash-5 amendments would raise the standard by which the Board may change a finding of historical fact made by the Administrative Law Judge (ALJ). The Bill's stringent standard would make it notably difficult for the Board to define the terms and to answer

questions pertaining to the scope of the practice of engineering and land surveying, and the accompanying standards of care, competence, and professionalism. Additionally, concerns regarding significant increase to Board's costs were also expressed. Increased costs may include the necessity of calling additional experts to testify to the technical matters that will be at issue, and to the scope of practice, including changes as technology develops in engineering, land surveying, and photogrammetry. Ms. Newstetter noted that a work session is scheduled for Friday, April 17, 2009. It was moved and seconded (Seward/Tappert) to authorize the Executive Secretary to monitor the work session and to provide information to the Board at its regularly scheduled meeting or sooner if the need arose. The motion passed unanimously.

Mr. Seward announced that HB 3373 has been before the legislators in previous sessions without success. Ms. Lopez noted that this Bill was recently referred to the Environment and Water Committee on March 16th. A brief discussion was held noting the possible consequences of defining the words "Science" and "Scientific" in Oregon Revised Statute (ORS) 174.100. It was the consensus of the Board that the language as proposed is over broad. It was moved and seconded (Kramer/Tappert) to oppose HB 3373 and authorize staff to monitor the Bill. The motion passed unanimously.

It was moved and seconded (Tappert/Seward) to authorize Board member(s) to testify in opposition of SB 274 and HB 3373. The motion passed unanimously.

It was noted that Mr. Linscheid and Mr. Seward are interested in testifying against SB 274.

ADJOURN

The meeting was adjourned at 11:08 a.m.