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# PROFESSIONAL LAND SURVEYORS OPPOSE HOUSE BILL 3187-A

Testimony to the Senate Committee on Natural Resources / April 19, 2023

By: Darrell W. Fuller / fuller\_darrell@yahoo.com / 971-388-1786

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Chair Golden and Members of the Committee:

The Professional Land Surveyors of Oregon (PLSO) is a professional association representing the interests of licensed Professional Land Surveyors in Oregon. Surveyors are licensed and regulated by the Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS). Professional Land Surveyors provide a wide range of services which includes location of property boundaries, land use planning, topographic design surveys, construction layout services and more. PLSO has approximately 600 members across the state, including both public and private sector professional surveyors. PLSO is affiliated with the National Society of Professional Surveyors (NSPS), which represents surveyors nationally.

PLSO opposes House Bill 3187-A. Our objections are based on both process and policy.

## **Process objections**

HB3187-A was drafted without the benefit of input from all stakeholders prior to introduction. The bill impacts the scope of work for geologists, engineers and land surveyors. None of the associations representing those professions were consulted. Good public policy is best drafted when everyone is at the table. We have requested the proponents of the bill allow an interim conversation to work through the myriad of important issues to avoid unintended consequences, and to ensure the best possible solution to the identified problem. It is our hope that HB3187-A will not move forward this year, but that an effort will be initiated by the proponents to create a consensus bill for the 2024 short session.

## **Policy objections**

The Certified Water Rights Examiner test was designed to test the specifics of water rights based on an assumption that the person taking the test already had the underlying education required to be certified as an engineer, land surveyor or geologist. It was never envisioned as a stand-alone certification. Permitting people to skip foundational knowledge and take only the CWRE test does not ensure the Examiner is adequately prepared to do the work. We believe that if a person is able to sit for the test as a stand-alone certification, then the test would need to be significantly reworked to ensure that passing demonstrates the depth and breadth of knowledge to function as a qualified CWRE.

The proponents infer that the intended scope of the bill is extremely limited, with only a handful of people ever qualifying to sit for the exam without the current certification requirements. We appreciate that intention. In brief and recent conversations with the proponents, PLSO has suggested several potential amendments which would clearly narrow the focus of the bill. The proponents have not responded to our request to support those amendments, or for an interim work group. Our requests have included:

- (1) Sunset clause;
- (2) Certification ends when/if employee is no longer employed full time by the employer;
- (3) Prohibition on certificate holder from doing work for anyone other than their employer;
- (4) Nine years' experience rather than seven years' experience to sit for the exam;
- (5) Better clarify or limit what will qualify as "relevant technical experience" in statute; and

(6) Adding language giving OSBEELS the authority to approve/reject the criteria established by the Water Resources Commission to sit for the certification test.

HB3187-A is a seemingly small change to the existing statute regarding qualifying to sit for the CRWE exam. But it is a really big deal. I am certain no one needs to remind legislators that water rights in the midst of historic and generational droughts are extremely important. Short-cutting the process for certifying people to conduct the work of an Examiner is fraught with potential dangers that can be very costly.

PLSO encourages Committee members to oppose moving HB3187-A forward during this session. PLSO is committed to working alongside all other stakeholders to clearly define the problem, and to search for the best possible solution or solutions in preparations for the 2024 session.

I am happy to answer any questions. Thank you.