



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: March 20, 2019

TO: Honorable Jeff Barker, Chair of the House Committee on Business and Labor

FROM: Kate Denison, Policy Analyst, Oregon Attorney General's Office

SUBJECT: House Bill 3143 – Aligning Consumer Protection and First Amendment Rights in State Board of Examiners for Engineering and Land Surveying Laws

This testimony is presented in support of House Bill 3143.

Background:

Certain ORS Chapter 672 definitions pertaining to professional engineers and land surveyors have recently come under attack in federal court as violating the Speech Clause of the First Amendment to the extent those laws limit the right of persons other than Oregon-licensed professional engineers to call themselves “engineers” or speak publicly or privately about technical topics.

Concept:

HB 3143 amends ORS 672.005, 672.007 and 672.060 to align the Board of Examiners for Engineering and Land Surveying (OSBEELS) title act more closely with a recent court order striking down certain terms in the act. The amendments protect free speech while retaining the Board's current authority to take action against persons who hold themselves out to the Oregon public as professional engineers or land surveyors when those persons are not, in fact, authorized to provide engineering or land surveying services here.

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