

State Board of Registration for Professional Engineers and Surveyors

Guide to the Rule-Making Process

Board Mission and Organization

The mission of the State Board of Registration for Professional Engineers and Surveyors (the “Board”) is to oversee the professions of engineering and surveying by providing for initial registration (licensure) and registration renewals for Professional Engineers, Professional Surveyors and companies which perform professional engineering and/or professional surveying services. In addition to providing for registration, the Board also enforces its registration act (Ohio Revised Code Chapter 4733) and its administrative rules (Ohio Administrative Code Chapter 4733) in order to ensure that registrants comply with accepted standards of practice and the code of ethics in order to protect the public. The Board meets approximately ten times each year to consider policy and enforcement issues. The Board is composed of five members appointed by the Governor to staggered five-year terms and has a full time staff of seven employees who implement the policies established by the Board.

Rule-Making Authority

The Board was created to administer Chapter 4733 of the Ohio Revised Code (ORC). ORC Section 4733.07 requires the Board to adopt rules and regulations not inconsistent with ORC Chapter 4733 and the laws of Ohio or the United States. It is important to state that the administrative rules contained in the Ohio Administrative Code (OAC) are not laws but have the effect of law once enacted. An administrative rule can not change the law or create a new law, but is a clarification of laws in the Ohio Revised Code.

The Rule-Making Process

The procedure for adopting or amending administrative rules is defined in ORC Sections 119.01 through 119.04. In general summary of the process, the Board regularly reviews its administrative rules (OAC Chapter 4733) to ensure that they are up to date with current law (ORC Chapter 4733) and to decide if any changes are needed. In addition, the Board is required by law to review all of its rules every five years. The Board receives input from the statewide professional engineering and surveying societies (Consulting Engineers Council of Ohio, Ohio Society of Professional Engineers, County Engineers Association of Ohio and Professional Land Surveyors of Ohio) in the rules review process since these statewide professional associations represent the Board’s registrants: Professional Engineers and Professional Surveyors.

Once the Board decides that new rules need to be adopted or existing rules need to be amended or rescinded, a public notice is published in a newspaper of general circulation in Cincinnati, Cleveland and Columbus (beginning July 1, 2000, the notice will also appear in the “Register of Ohio,” an electronic notice on the internet to be published by the Legislative Service Commission). The public

notice states the Board's intention to adopt or amend a rule, the reason for adopting or amending the rule, a summary of the rule, and the date, time and location of the hearing. The notice also states that any persons interested in the proposed or amended rule may appear and testify at the hearing or present their position in writing.

Once the Board's public hearing is completed, the Board deliberates upon the final wording of the proposed or amended rule(s) and files the rules with the Legislative Service Commission (LSC), the Ohio Secretary of State and the Joint Committee on Agency Rule Review (JCARR). JCARR then holds a public hearing and votes upon the proposed or amended rules. Subsequently, the Board files a final version of the rules with LSC, the Secretary of State and JCARR which become effective no earlier than ten days after the final filing.

Public Participation in the Rule-Making Process

As mentioned previously, the statewide engineering and surveying societies, the Board's registrants and the general public can participate in the rule-making process at several points in the process (e.g., initial Board discussion, the Board's public hearing and the JCARR public hearing) in order to ensure that all interested parties have input into the process.

State Board of Registration for Professional Engineers and Surveyors

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