

House Bill 2921

Sponsored by Representative BUCKLEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates exception to prohibition of practicing law without license for lay representation in land use planning procedures.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lay representation in land use planning; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "lay representative" means an individual with**
5 **credentials or experience indicating appropriate subject matter expertise in a discipline re-**
6 **lated to the land use planning decision at issue, including but not limited to the disciplines**
7 **of planning, engineering and architecture.**

8 **(2) Notwithstanding ORS 9.160, when participating in a legislative or quasi-judicial land**
9 **use planning process relating to the application of a statewide land use planning goal, a**
10 **provision of ORS chapter 195, 196, 197 or 215 or ORS 227.160 to 227.186, or a comprehensive**
11 **plan and land use regulations implementing the plan, a person may be advised or represented**
12 **by an attorney or by an authorized lay representative on a matter that requires the exercise**
13 **of informed or trained discretion.**

14 **(3) Before agreeing to perform a service authorized by this section, a lay representative**
15 **shall provide the following written notice to the party being represented in at least 12-point**
16 **type:**

17 _____
18
19 **YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS.**
20 **LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCU-**
21 **MENTS. THESE CONSEQUENCES AFFECT YOUR RIGHTS AND OBLIGATIONS. YOU MAY**
22 **CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN**
23 **ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR**
24 **ABOUT THE DOCUMENTS.**

25 _____
26
27 **(4) The Land Conservation and Development Commission, in consultation with the At-**
28 **torney General, by rule shall establish standards for lay representation that do not have the**
29 **effect of precluding lay representation as described in subsection (2) of this section.**

30 **SECTION 2. The Land Conservation and Development Commission shall adopt the rules**
31 **required by section 1 of this 2007 Act on or before January 1, 2008.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 3.** Section 1 of this 2007 Act becomes operative January 1, 2008.

2 **SECTION 4.** This 2007 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
4 on its passage.

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