

Senate Bill 165

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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**.

Expands State Board of Geologist Examiners authority to investigate complaint. Allows board member or employee to exercise certain board powers. Confers immunity from civil action or administrative proceeding for testifying or otherwise furnishing information to board in good faith. Establishes extent of immunity.

Allows board to deny registration application for cause. Allows board to establish disqualification period for person whose certificate of registration is revoked. Makes registration after disqualification period conditional.

Gives board authority to conduct investigation or disciplinary hearing and to take disciplinary action against person notwithstanding change in registration status.

Increases maximum civil penalty board may impose from \$1,000 to \$10,000.

A BILL FOR AN ACT

1
2 Relating to State Board of Geologist Examiners; creating new provisions; amending ORS 672.675 and
3 672.690; and repealing ORS 672.665 and 672.685.

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

5 **SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of ORS 672.505**
6 **to 672.705.**

7 **SECTION 2. (1) The State Board of Geologist Examiners may investigate information**
8 **obtained by the board regarding conduct that may violate ORS 672.505 to 672.705 or a rule**
9 **adopted under ORS 672.505 to 672.705. Notwithstanding ORS 670.315, the board may act**
10 **through any board member or employee in exercising the powers conferred on the board**
11 **under ORS 670.315.**

12 **(2) A person acting in good faith who testifies or otherwise provides information to board**
13 **members, employees or agents as part of a board investigation or proceeding is immune**
14 **from:**

15 **(a) A civil action for damages arising out of that testimony or other provision of infor-**
16 **mation; and**

17 **(b) An administrative agency action to penalize or sanction the person for testifying or**
18 **providing information to the board.**

19 **(3) In addition to any other immunities provided by law, board members, administrative**
20 **and investigative board employees and attorneys for the board have the privileges and im-**
21 **munities from civil or criminal proceedings arising out of official actions provided to prose-**
22 **cuting attorneys and judicial officers of the state.**

23 **SECTION 3. A person whose certificate of registration is revoked by the State Board of**
24 **Geologist Examiners may be disqualified from obtaining a certificate of registration for a**
25 **period established by the board by rule. Notwithstanding ORS 672.585, after expiration of the**

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 **disqualification period the board may issue a certificate of registration to the person if:**

2 (1) **The person makes a written application for registration;**

3 (2) **The board determines that the person meets all the requirements for registration; and**

4 (3) **The board finds that there is good cause to issue the certificate.**

5 **SECTION 4. A lapse, surrender, suspension, revocation or other change in registration**
 6 **status does not affect any authority otherwise granted to the State Board of Geologist Ex-**
 7 **aminers to proceed with an investigation, conduct a disciplinary hearing or take disciplinary**
 8 **action against a person for a violation of ORS 672.505 to 672.705 or rules of the board.**

9 **SECTION 5.** ORS 672.675 is amended to read:

10 672.675. The State Board of Geologist Examiners has the power to **deny an application for**
 11 **registration**, suspend, revoke or refuse to renew the certificate of registration of any registrant or
 12 reprimand any registrant [*who is found to have been involved in*] **if the applicant or registrant has**
 13 **committed:**

14 (1) [*The practice of any*] **Fraud, [or] deceit or misrepresentation** in obtaining a certificate of
 15 registration;

16 (2) [*Any*] **Negligence, gross negligence, incompetence or misconduct** in the practice of geology
 17 as a registered geologist;

18 (3) [*Any*] **Subject to ORS 670.280, a felony; or**

19 [*(4) The commission of any unlawful act as set forth in ORS 672.505 to 672.705.*]

20 (4) **A violation of ORS 672.505 to 672.705 or a rule adopted under ORS 672.505 to 672.705.**

21 **SECTION 6.** ORS 672.690 is amended to read:

22 672.690. (1) In addition to any other penalty **or sanction** provided by law, a person who violates
 23 any provision of ORS [*672.515*] **672.505 to 672.705** or [*any*] **a rule adopted [*thereunder*] under ORS**
 24 **672.505 to 672.705** is subject to payment of a civil penalty to the State Board of Geologist Examiners
 25 in an amount of not more than [*\$1,000*] **\$10,000** for each [*offense*] **violation.**

26 (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

27 (3) Notwithstanding ORS 670.335, all penalties recovered shall be deposited into an account es-
 28 tablished as provided under ORS 182.470. Moneys deposited are continuously appropriated to the
 29 board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and
 30 672.505 to 672.705.

31 **SECTION 7. ORS 672.665 and 672.685 are repealed.**

32 **SECTION 8. (1) Section 3 of this 2007 Act applies to persons whose certificates of regis-**
 33 **tration are revoked before, on or after the effective date of this 2007 Act and whose appli-**
 34 **cation for a certificate of registration is received by the State Board of Geologist Examiners**
 35 **on or after the effective date of a rule adopted under section 3 of this 2007 Act.**

36 (2)(a) **Section 4 of this 2007 Act applies to an investigation of or a disciplinary proceeding**
 37 **for a person whose registration status change occurs on or after the effective date of this**
 38 **2007 Act.**

39 (b) **Section 4 of this 2007 Act applies to a disciplinary action taken before, on or after the**
 40 **effective date of this 2007 Act for a person whose registration status change occurred after**
 41 **the disciplinary action was taken or occurs on or after the effective date of this 2007 Act.**

42 (3) **The amendments to ORS 672.690 by section 6 of this 2007 Act apply to violations of**
 43 **ORS 672.505 to 672.705, or of a rule adopted under ORS 672.505 to 672.705, committed on or**
 44 **after the effective date of this 2007 Act.**