

Senate Bill 18

Sponsored by Senator JOHNSON

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**.

Establishes State Board of Land Use Planner Examiners. Requires board to adopt rules for licensure, scope of practice, standards of conduct and discipline of licensed land use planners. Establishes State Board of Land Use Planner Examiners Account for moneys received from issuing licenses and civil penalties and continuously appropriates moneys to board.

A BILL FOR AN ACT

1
2 Relating to regulation of land use planners; and appropriating money.

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

4 **SECTION 1. (1) The State Board of Land Use Planner Examiners is established and shall**
5 **operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for the purpose**
6 **of carrying out the provisions of sections 1 to 9 of this 2007 Act. The board shall consist of**
7 **seven members appointed by the Governor as follows:**

8 (a) **Two members shall be members of the general public.**

9 (b) **Two members shall be licensed land use planners.**

10 (c) **Three members shall be or shall have been elected city or county officials at the time**
11 **of appointment.**

12 (2) **Each land use planner member of the board shall have been:**

13 (a) **A resident of this state for at least three years immediately preceding appointment;**
14 **and**

15 (b) **Practicing as a land use planner for at least five years prior to the date of initial**
16 **appointment to the board.**

17 (3) **The members of the board shall be appointed for a term of four years beginning on**
18 **January 1. Members may be reappointed, but no member may serve more than two consec-**
19 **utive terms.**

20 (4) **Upon the expiration of the term of any board member, the Governor shall appoint a**
21 **person possessing the qualifications prescribed by subsection (1) or (2) of this section to**
22 **serve for a term of four years.**

23 (5) **The board shall elect biennially from among its members a president and vice presi-**
24 **dent for the ensuing biennial term.**

25 **SECTION 2. (1) The State Board of Land Use Planner Examiners shall adopt rules:**

26 (a) **Establishing fees for licensure and licensure renewal.**

27 (b) **Providing procedures for the issuance, denial, suspension or revocation of licenses.**

28 (c) **Prescribing standards of professional conduct for licensed land use planners.**

29 (d) **Establishing requirements for examination for licensure.**

30 (e) **Prescribing standards and intellectual, educational and technical qualifications for**

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 initial licensure and license renewal.

2 (f) Prescribing standards and guidelines for retired or inactive status of licensees, in-
3 cluding provisions to allow the return to active status.

4 (g) Defining the scope of practice for persons holding a license issued by the board to
5 practice land use planning.

6 (2) In adopting rules under subsection (1)(c) to (g) of this section, the board shall give
7 consideration to national practices as well as local practices. Adoption of rules shall be in
8 accordance with ORS chapter 183.

9 **SECTION 3.** A person may not:

10 (1) Engage in the practice of land use planning without having a valid license issued by
11 the State Board of Land Use Planner Examiners.

12 (2) Falsely represent, by any means, that the person is authorized to practice land use
13 planning.

14 (3) Present or attempt to use the license of another.

15 (4) Attempt to use an expired or revoked license.

16 (5) Falsely impersonate any licensee.

17 (6) Practice land use planning when not qualified.

18 (7) Buy, sell or fraudulently obtain a license required by this section.

19 (8) Aid or abet the buying, selling or fraudulently obtaining of a license required by this
20 section.

21 (9) Engage in the practice of land use planning with a license obtained or issued fraudu-
22 lently or unlawfully or under fraudulent representations or mistake of fact in a material
23 regard.

24 (10) Give any false or forged evidence of any kind to the board in obtaining or attempting
25 to obtain a license required by this section.

26 **SECTION 4.** The State Board of Land Use Planner Examiners shall investigate any com-
27 plaints or information relating to violations of any provision of section 3 of this 2007 Act and
28 of any rules adopted by the board as provided in section 2 of this 2007 Act.

29 **SECTION 5.** The State Board of Land Use Planner Examiners may refuse to issue, re-
30 store or renew, or may suspend or revoke a license, or discipline any person:

31 (1) For violation of any provision of section 3 of this 2007 Act;

32 (2) For gross negligence, negligence or incompetence in the practice of land use planning;

33 (3) For conviction of a felony, or of a misdemeanor involving the practice of land use
34 planning; or

35 (4) For any violation of the rules adopted by the board under section 2 of this 2007 Act.

36 **SECTION 6.** (1) The State Board of Land Use Planner Examiners shall provide an op-
37 portunity for a hearing as provided in ORS chapter 183, when the board proposes to:

38 (a) Refuse to issue or renew a license;

39 (b) Revoke or suspend a license;

40 (c) Impose discipline on a licensee; or

41 (d) Impose a civil penalty under section 8 of this 2007 Act.

42 (2) Judicial review of orders under subsection (1) of this section shall be in accordance
43 with ORS chapter 183.

44 **SECTION 7.** (1) Proceedings for the suspension or revocation of a license may be initiated
45 by filing with the State Board of Land Use Planner Examiners written charges against the

1 accused. The charges may be preferred by any person, or by the board on its own motion.

2 (2) The board shall fix a time and place for a hearing on the charges and cause notice
3 thereof with a copy of the charges to be delivered to the accused in person or mailed to the
4 last-known address of the accused. The notice shall be so delivered or mailed at least 30 days
5 before the date fixed for the hearing.

6 (3) At a hearing, the accused shall have the right to appear in person or by counsel, or
7 both, to cross-examine witnesses and to produce evidence and witnesses in a defense. If the
8 accused does not appear, the board may proceed to hear and determine the validity of the
9 charges.

10 (4) After a hearing, the board may, if a majority of the members of the board agree,
11 reprimand the accused, or suspend, revoke or refuse to renew the license of the accused.

12 (5) The power of the board to suspend a license includes the power to reinstate the li-
13 cense:

14 (a) At a time certain; or

15 (b) When the person subject to suspension fulfills conditions for reinstatement set by the
16 board.

17 **SECTION 8.** (1) In addition to any other penalty provided by law, any person who violates
18 any provision of sections 3, 5 and 6 of this 2007 Act or any rule adopted under section 2 of
19 this 2007 Act shall forfeit and pay to the State Board of Land Use Planner Examiners a civil
20 penalty in an amount determined by the board of not more than \$1,000 for each offense.

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

22 (3) Civil penalties recovered under this section shall be deposited into the State Board
23 of Land Use Planner Examiners Account established under section 9 of this 2007 Act.

24 **SECTION 9.** All moneys received by the State Board of Land Use Planner Examiners
25 under sections 3, 5 and 8 of this 2007 Act shall be paid into the General Fund in the State
26 Treasury and placed to the credit of the State Board of Land Use Planner Examiners Ac-
27 count which is established. Moneys credited to the account are appropriated continuously to
28 the State Board of Land Use Planner Examiners and shall be used only for the adminis-
29 tration and enforcement of sections 1 to 9 of this 2007 Act.

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