

Senate Bill 145

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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**.

Authorizes State Board of Geologist Examiners to investigate complaints. Allows individual board members, employees and agents to exercise certain board powers. Specifies board authority to appoint individual registered geologists to perform services for board. Validates past appointments of individual registered geologists to perform services for board.

Confers immunity from civil action, criminal prosecution or administrative agency proceeding to person acting in good faith as complainant, witness, technical reviewer or other provider of information to board. Grants immunity to board members, employees, technical reviewers, agents and attorneys for official actions.

A BILL FOR AN ACT

1
2 Relating to the State Board of Geologist Examiners; creating new provisions; and amending ORS
3 672.615.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 672.505 to**
6 **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, employee or agent in exercising the powers of the board under**
11 **ORS 670.315.**

12 **(2) A person that is not the subject of a board investigation, action or proceeding is im-**
13 **mune from any civil action for damages, criminal action other than for perjury, or agency**
14 **administrative action or proceeding, that arises out of the person having in good faith:**

15 **(a) Made a complaint to the board;**

16 **(b) Testified as a witness before the board;**

17 **(c) Acted as a technical reviewer for the board; or**

18 **(d) Otherwise provided information as part of a board investigation, action or proceeding.**

19 **(3) In addition to any other immunity provided by law, board members, employees, tech-**
20 **nical reviewers, agents and attorneys have the same privileges and immunities from civil and**
21 **criminal proceedings arising out of their official actions as do prosecuting attorneys and ju-**
22 **dicial officers of the state.**

23 **SECTION 3. ORS 672.615 is amended to read:**

24 **672.615. (1) The State Board of Geologist Examiners shall operate as a semi-independent state**
25 **agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 672.505 to 672.705.**
26 **The board shall consist of four geologists and one public member, appointed by the Governor.**

27 **(2) Each member of the board shall be a citizen of the United States, and shall have been a**

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 resident of this state for one year preceding appointment. Each of the appointed geologist members
2 of the board shall be a geologist registered under ORS 672.505 to 672.705. The State Geologist shall
3 be an ex officio member of the board. Insofar as possible the board shall be composed of members
4 having diverse geological specialties including at least one engineering geologist.

5 (3) Members of the board shall hold office until the expiration of the term for which they were
6 appointed and until their successors have been appointed and qualified. On the expiration of the
7 term of any member, the successor of the member shall be appointed in like manner for a term of
8 three years.

9 (4) No person shall serve as a member of the board for more than two consecutive three-year
10 terms.

11 (5) The Governor may remove any member of the board for misconduct, incompetency, neglect
12 of duty or other sufficient cause. Vacancies in the membership of the board shall be filled for the
13 unexpired term by appointment as provided for in this section.

14 (6) The board shall hold at least two regular meetings each year.

15 (7) The board may fix qualifications of and appoint an administrator who shall not be a member
16 of the board. The board shall fix the compensation of the administrator, who shall be in the un-
17 classified service.

18 (8) The board [*shall have the authority to*] **may** appoint committees as required or as considered
19 advisable to perform such duties as the board may direct. [*Such*] **The** committees shall be composed
20 of registered geologists. Membership on all such committees is at the pleasure of the board. **The**
21 **board may also appoint registered geologists to perform paid or voluntary technical review**
22 **services or other volunteer services for the board.**

23 **SECTION 4. All appointments by the State Board of Geologist Examiners before the ef-**
24 **fective date of the amendments to ORS 672.615 by section 3 of this 2009 Act of registered**
25 **geologists to perform paid or volunteer technical review services or other volunteer services**
26 **for the board are validated and ratified.**

27 **SECTION 5. The immunities described in section 2 of this 2009 Act apply to actions taken**
28 **before, on or after the effective date of this 2009 Act.**

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