

Senate Bill 777

Sponsored by COMMITTEE ON RULES

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**.

Requires state, county and city planners to be licensed by state. Creates Land Use Planners Oversight Board.

A BILL FOR AN ACT

1
2 Relating to licensing for land use planners; creating new provisions; and amending ORS 244.050.

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

4 **SECTION 1. (1) For purposes of this section, "professional planner" means a person**
5 **whose job description primarily consists of duties related to comprehensive land use planning**
6 **under ORS chapter 197, county planning under ORS chapter 215 or city planning under ORS**
7 **chapter 227. "Professional planner" does not mean an attorney, a professional engineer, a**
8 **land surveyor or an architect.**

9 **(2) The state, a city or a county may not employ a person as a professional planner un-**
10 **less the person is licensed by the Land Use Planners Oversight Board as a land use planner.**

11 **SECTION 2. (1) There is established a Land Use Planners Oversight Board consisting of**
12 **five members. Two members are appointed by the Senate Majority Leader, two members are**
13 **appointed by the Senate Minority Leader and one member is appointed by the Governor.**

14 **(2) The term of office of each member is four years, but a member serves at the pleasure**
15 **of the appointing authority. Before the expiration of the term of a member, the appointing**
16 **authority shall appoint a successor whose term begins on January 1 next following. A mem-**
17 **ber is eligible for reappointment. If there is a vacancy for any cause, the appointing au-**
18 **thority shall make an appointment to become immediately effective for the unexpired term.**

19 **(3) The board shall select one of its members as chairperson and another as vice chair-**
20 **person, with duties and powers necessary for the performance of the functions of such of-**
21 **fices as the board determines. The terms of the chairperson and vice chairperson shall expire**
22 **two years after selection by the board. The chairperson and vice-chairperson may serve for**
23 **more than one term.**

24 **(4) A majority of the members of the board constitutes a quorum for the transaction of**
25 **business.**

26 **(5) The board shall meet at least once every six months at a place, day and hour deter-**
27 **mined by the board. The board may also meet at other times and places specified by the call**
28 **of the chairperson or of a majority of the members of the board.**

29 **(6) The board may appoint employees, serving at the pleasure of the board, and shall**
30 **prescribe their duties and fix their compensation.**

31 **(7) A member of the board is entitled to compensation and expenses as provided in ORS**

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 **292.495.**

2 (8) The members of the board must be residents of this state who are well informed on
 3 the principles of land use planning. The appointing authorities may consider geographic di-
 4 versity within the state when making the appointments.

5 **SECTION 3.** Notwithstanding the term of office specified in section 2 of this 2009 Act, of
 6 the members first appointed to the Land Use Planners Oversight Board:

7 (1) One appointed by the Senate Majority Leader serves for a term ending January 1,
 8 2012.

9 (2) One appointed by the Senate Majority Leader serves for a term ending January 1,
 10 2014.

11 (3) One appointed by the Senate Minority Leader serves for a term ending January 1,
 12 2012.

13 (4) One appointed by the Senate Minority Leader serves for a term ending January 1,
 14 2014.

15 (5) The member appointed by the Governor serves for a term ending January 1, 2014.

16 **SECTION 4.** In accordance with applicable provisions of ORS chapter 183, the Land Use
 17 Planners Oversight Board may adopt rules:

18 (1) Establishing standards for licensure of qualified applicants;

19 (2) Governing the examination of applications for licenses issued by the board, and re-
 20 newal, suspension and revocation of the licenses;

21 (3) Relating to the professional methods and procedures used by persons licensed by the
 22 board;

23 (4) Adopting a continuing education program for land use planners;

24 (5) Establishing fees for licensing, not to exceed \$100 per year;

25 (6) Relating to the review of complaints; and

26 (7) Adopting and administering a code of ethics for land use planners.

27 **SECTION 5.** (1) The Land Use Planners Review Board shall issue initial land use planner
 28 licenses and renewals of land use planner licenses that expire one year after the date of is-
 29 suance.

30 (2) The board shall not issue an initial land use planner license to a person unless the
 31 person has:

32 (a) Received a baccalaureate degree or a graduate degree from an accredited university
 33 in agriculture, forestry, land use planning, business, public policy or a related field;

34 (b) Paid the license fee established by the board;

35 (c) Filed a statement of economic interest under ORS 244.050 with the Oregon Govern-
 36 ment Ethics Commission and submitted a copy of the statement to the Land Use Planners
 37 Review Board; and

38 (d) Satisfied any other standards established by the board by rule.

39 (3) The board shall not renew a land use planner license unless the licensee has:

40 (a) Completed at least 16 hours of continuing education during the previous license term;

41 (b) Paid the license fee established by the board;

42 (c) Filed a statement of economic interest under ORS 244.050 with the Oregon Govern-
 43 ment Ethics Commission and submitted a copy of the statement to the Land Use Planners
 44 Review Board; and

45 (d) Satisfied any other standards established by the board by rule.

1 **SECTION 6. (1) The Land Use Planners Oversight Board may establish advisory and**
 2 **technical committees it considers necessary to aid and advise the board in the performance**
 3 **of its functions. These committees may be continuing or temporary committees. The board**
 4 **shall determine the representation, membership, terms and organization of the committees**
 5 **and shall appoint their members.**

6 **(2) Members of the committees are not entitled to compensation, but at the discretion**
 7 **of the board may be reimbursed from funds available to the board for actual and necessary**
 8 **travel and other expenses incurred by them in the performance of their official duties, in the**
 9 **manner and amount provided in ORS 292.495.**

10 **SECTION 7.** ORS 244.050 is amended to read:

11 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 12 Government Ethics Commission a verified statement of economic interest as required under this
 13 chapter:

14 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 15 Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-
 16 bers of the Legislative Assembly.

17 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 18 judicial officer who does not otherwise serve as a judicial officer.

19 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

20 (d) The Deputy Attorney General.

21 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 22 Secretary of the Senate and the Chief Clerk of the House of Representatives.

23 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
 24 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the
 25 State Board of Higher Education.

26 (g) The following state officers:

27 (A) Adjutant General.

28 (B) Director of Agriculture.

29 (C) Manager of State Accident Insurance Fund Corporation.

30 (D) Water Resources Director.

31 (E) Director of Department of Environmental Quality.

32 (F) Director of Oregon Department of Administrative Services.

33 (G) State Fish and Wildlife Director.

34 (H) State Forester.

35 (I) State Geologist.

36 (J) Director of Human Services.

37 (K) Director of the Department of Consumer and Business Services.

38 (L) Director of the Department of State Lands.

39 (M) State Librarian.

40 (N) Administrator of Oregon Liquor Control Commission.

41 (O) Superintendent of State Police.

42 (P) Director of the Public Employees Retirement System.

43 (Q) Director of Department of Revenue.

44 (R) Director of Transportation.

45 (S) Public Utility Commissioner.

- 1 (T) Director of Veterans' Affairs.
- 2 (U) Executive Director of Oregon Government Ethics Commission.
- 3 (V) Director of the State Department of Energy.
- 4 (W) Director and each assistant director of the Oregon State Lottery.
- 5 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 6 (i) Every elected city or county official.
- 7 (j) Every member of a city or county planning, zoning or development commission.
- 8 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 9 cipal administrator of the city or county.
- 10 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 11 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 12 ficer thereof.
- 13 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 14 (o) The chief administrative officer and the financial officer of each common and union high
- 15 school district, education service district and community college district.
- 16 (p) Every member of the following state boards and commissions:
- 17 (A) Board of Geologic and Mineral Industries.
- 18 (B) Oregon Economic and Community Development Commission.
- 19 (C) State Board of Education.
- 20 (D) Environmental Quality Commission.
- 21 (E) Fish and Wildlife Commission of the State of Oregon.
- 22 (F) State Board of Forestry.
- 23 (G) Oregon Government Ethics Commission.
- 24 (H) Oregon Health Policy Commission.
- 25 (I) State Board of Higher Education.
- 26 (J) Oregon Investment Council.
- 27 (K) Land Conservation and Development Commission.
- 28 (L) Oregon Liquor Control Commission.
- 29 (M) Oregon Short Term Fund Board.
- 30 (N) State Marine Board.
- 31 (O) Mass transit district boards.
- 32 (P) Energy Facility Siting Council.
- 33 (Q) Board of Commissioners of the Port of Portland.
- 34 (R) Employment Relations Board.
- 35 (S) Public Employees Retirement Board.
- 36 (T) Oregon Racing Commission.
- 37 (U) Oregon Transportation Commission.
- 38 (V) Wage and Hour Commission.
- 39 (W) Water Resources Commission.
- 40 (X) Workers' Compensation Board.
- 41 (Y) Oregon Facilities Authority.
- 42 (Z) Oregon State Lottery Commission.
- 43 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 44 (BB) Columbia River Gorge Commission.
- 45 (CC) Oregon Health and Science University Board of Directors.

1 **(DD) Land Use Planners Oversight Board.**

2 (q) The following officers of the State Treasurer:

3 (A) Chief Deputy State Treasurer.

4 (B) Chief of staff for the office of the State Treasurer.

5 (C) Director of the Investment Division.

6 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
7 or 777.915 to 777.953.

8 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

9 **(t) Persons licensed under section 5 of this 2009 Act.**

10 (2) By April 15 next after the date an appointment takes effect, every appointed public official
11 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
12 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
13 and 244.090.

14 (3) By April 15 next after the filing deadline for the primary election, each candidate for public
15 office described in subsection (1) of this section shall file with the commission a statement of eco-
16 nomic interest as required under ORS 244.060, 244.070 and 244.090.

17 (4) Within 30 days after the filing deadline for the general election, each candidate for public
18 office described in subsection (1) of this section who was not a candidate in the preceding primary
19 election, or who was nominated for public office described in subsection (1) of this section at the
20 preceding primary election by write-in votes, shall file with the commission a statement of economic
21 interest as required under ORS 244.060, 244.070 and 244.090.

22 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
23 appointed public officials as of April 15 and to persons who are candidates for public office on April
24 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until
25 30 days after the filing deadline for the statewide general election.

26 (6) If a statement required to be filed under this section has not been received by the commis-
27 sion within five days after the date the statement is due, the commission shall notify the public of-
28 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
29 requirements of this section. If the public official or candidate fails to comply by the date set by the
30 commission, the commission may impose a civil penalty as provided in ORS 244.350.

31 **SECTION 8. Section 1 of this 2009 Act becomes operative on January 1, 2012.**

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