

Enrolled
House Bill 3187

Sponsored by Representatives OWENS, HELM; Representative HIEB (at the request of Oregon Water Resources Congress)

CHAPTER

AN ACT

Relating to water right examiners; creating new provisions; and amending ORS 537.797 and 537.798.

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

SECTION 1. ORS 537.797 is amended to read:

537.797. (1) **As used in this section:**

(a) **“District” means:**

- (A) **An irrigation district formed under ORS chapter 545;**
- (B) **A drainage district formed under ORS chapter 547;**
- (C) **A water improvement district formed under ORS chapter 552; or**
- (D) **A water control district formed under ORS chapter 553.**

(b) **“Registered geologist” has the meaning given that term in ORS 672.505.**

(c) **“Registered professional engineer” and “registered professional land surveyor” have the meanings given those terms in ORS 672.002.**

(2) The Water Resources Commission by rule shall establish criteria for [*the*] certification [*of registered, professional land surveyors and engineers and geologists practicing as defined in ORS 672.005 and 672.505, respectively,*] **under ORS 537.798** to conduct surveys to determine whether a permittee has completed all work necessary to perfect an appropriation of water under ORS 537.230, 537.630 and 540.530.

(3) **An individual may apply for certification under ORS 537.798 if the individual meets the criteria established by rule by the commission and is a:**

- (a) **Registered professional engineer;**
- (b) **Registered professional land surveyor;**
- (c) **Registered geologist; or**
- (d) **District employee who:**
 - (A) **Is, at the time of applying, employed full-time by a district;**
 - (B) **Has been employed by a district for seven or more years; and**
 - (C) **Has seven or more years of relevant technical experience conducting similar work.**

SECTION 2. ORS 537.798 is amended to read:

537.798. (1) The State Board of Examiners for Engineering and Land Surveying may issue a water right examiner certificate to [*a registered professional land surveyor, registered professional engineer or registered geologist who meets the criteria established by the Water Resources Commission under*] **an applicant described in ORS 537.797.** The board shall require an applicant for the certificate to pass an examination establishing the qualification of the applicant to be a water right examiner. The Water Resources Department shall prepare, administer and score the examination.

(2) The board shall establish fees for the examination, certification and renewal of certification of water right examiners. The fees shall be based upon the expenses of the board and the department in conducting the certification program. The board shall reimburse the department for department expenses related to the preparation, administration and scoring of the examination.

(3) The board may adopt rules to regulate persons certified as water right examiners. The rules may include, but need not be limited to, rules establishing standards of professional conduct and rules establishing professional development or continuing education requirements.

(4) Upon receipt of a complaint, or upon its own initiative, the board may investigate any alleged or suspected violation by a water right examiner of ORS 672.002 to 672.325, the criteria established under ORS 537.797, **Water Resources** Commission rules or a board rule adopted under this section or ORS 672.255. If the board finds that a violation has occurred, in addition to any other disciplinary or regulatory authority of the board, the board may suspend, revoke or modify a certificate issued under this section. Board action to suspend, revoke or modify the certificate is subject to the provisions of ORS chapter 183 relating to contested cases.

SECTION 3. ORS 537.797, as amended by section 1 of this 2023 Act, is amended to read:

537.797. [(1) As used in this section:]

[(a) “District” means:]

[(A) An irrigation district formed under ORS chapter 545;]

[(B) A drainage district formed under ORS chapter 547;]

[(C) A water improvement district formed under ORS chapter 552; or]

[(D) A water control district formed under ORS chapter 553.]

[(b) “Registered geologist” has the meaning given that term in ORS 672.505.]

[(c) “Registered professional engineer” and “registered professional land surveyor” have the meanings given those terms in ORS 672.002.]

[(2)] The Water Resources Commission by rule shall establish criteria for **the certification [under ORS 537.798] of geologists, as defined in ORS 672.505, and persons engaged in the practice of engineering and the practice of land surveying, as those terms are defined in ORS 672.005,** to conduct surveys to determine whether a permittee has completed all work necessary to perfect an appropriation of water under ORS 537.230, 537.630 and 540.530.

[(3) An individual may apply for certification under ORS 537.798 if the individual meets the criteria established by rule by the commission and is a:]

[(a) Registered professional engineer;]

[(b) Registered professional land surveyor;]

[(c) Registered geologist; or]

[(d) District employee who:]

[(A) Is, at the time of applying, employed full-time by a district;]

[(B) Has been employed by a district for seven or more years; and]

[(C) Has seven or more years of relevant technical experience conducting similar work.]

SECTION 4. ORS 537.798, as amended by section 2 of this 2023 Act, is amended to read:

537.798. (1) The State Board of Examiners for Engineering and Land Surveying may issue a water right examiner certificate to [an applicant described in] **a registered professional land surveyor, registered professional engineer or registered geologist who meets the criteria established by the Water Resources Commission under ORS 537.797.** The board shall require an applicant for the certificate to pass an examination establishing the qualification of the applicant to be a water right examiner. The Water Resources Department shall prepare, administer and score the examination.

(2) The board shall establish fees for the examination, certification and renewal of certification of water right examiners. The fees shall be based upon the expenses of the board and the department in conducting the certification program. The board shall reimburse the department for department expenses related to the preparation, administration and scoring of the examination.

(3) The board may adopt rules to regulate persons certified as water right examiners. The rules may include, but need not be limited to, rules establishing standards of professional conduct and rules establishing professional development or continuing education requirements.

(4) Upon receipt of a complaint, or upon its own initiative, the board may investigate any alleged or suspected violation by a water right examiner of ORS 672.002 to 672.325, the criteria established under ORS 537.797, [*Water Resources*] commission rules or a board rule adopted under this section or ORS 672.255. If the board finds that a violation has occurred, in addition to any other disciplinary or regulatory authority of the board, the board may suspend, revoke or modify a certificate issued under this section. Board action to suspend, revoke or modify the certificate is subject to the provisions of ORS chapter 183 relating to contested cases.

SECTION 5. The amendments to ORS 537.797 and 537.798 by sections 3 and 4 of this 2023 Act become operative on July 1, 2027.

Passed by House March 27, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M.,....., 2023

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 22, 2023

Filed in Office of Secretary of State:

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Rob Wagner, President of Senate

.....M.,....., 2023

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Secretary of State