

A-Engrossed
Senate Bill 88

Ordered by the Senate March 15
Including Senate Amendments dated March 15

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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.

[Repeals] **Extends** sunset on continuing education requirement for renewal of water well constructor's license[,] **and** on Well Constructors Continuing Education Committee *[and on certain fees for water well constructor's license]*. **Establishes fees for continuing education courses. Modifies fees for well constructor's licensure.**

A BILL FOR AN ACT

1
2 Relating to water well constructors; amending ORS 537.747 and sections 4 and 7, chapter 496,
3 Oregon Laws 2001; and repealing section 9, chapter 496, Oregon Laws 2001.

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

5 **SECTION 1.** ORS 537.747, as amended by section 8, chapter 496, Oregon Laws 2001, and section
6 10, chapter 594, Oregon Laws 2003, is amended to read:

7 537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, of-
8 fer to enter or enter into a contract with another person or public agency to construct, alter,
9 abandon or convert a well for such other person, cause any well construction, alteration, abandon-
10 ment or conversion to be performed under such a contract or operate well drilling machinery with-
11 out possessing a water well constructor's license therefor in good standing issued by the Water
12 Resources Department. **The department shall adopt a single water well constructor's license**
13 **that may specify the type of well, type of well alteration or construction or type of well**
14 **drilling machine operation for which the water well constructor is qualified.**

15 (2) Notwithstanding subsection (1) of this section, a person may operate a well drilling machine
16 without a water well constructor's license if supervised by one who possesses such a license.

17 (3) A person shall be qualified to receive a water well constructor's license if the person:

18 (a) Is at least 18 years of age.

19 (b) Has passed a written examination conducted by the department to determine fitness to op-
20 erate as a water well constructor.

21 (c) Has paid a license fee and an examination fee according to the fee schedule set forth under
22 subsection (6) of this section.

23 (d) Has one year or more experience in the operation of well drilling machinery.

24 (4) Upon fulfillment of all the requirements set out in subsection (3) of this section, the depart-
25 ment shall issue the applicant a water well constructor's license in a form prescribed by the de-
26 partment. The license may be issued for a period of *[either one year or five]* **two** years.

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 (5) A water well constructor's license shall expire on June 30. A person may renew a license
2 by submitting an application and the appropriate fees any time before the license expires but not
3 later than one year after the license expires. A person who renews a license within the 12 months
4 after the license expires may either pay a penalty fee set forth under subsection (6)(d) of this section
5 or requalify for a water well constructor's license in accordance with subsection (3) of this section.
6 If a person fails to renew a license within 12 months after expiration, the person must comply with
7 the requirements of subsection (3) of this section for a new water well constructor's license.

8 (6) The department shall collect in advance the following fees:

9 (a) An examination fee of \$20.

10 (b) A license fee of [*\$50 for a license issued for one year, or \$200 for a license issued for a period*
11 *of five years*] **\$150**.

12 (c) A renewal fee of [*\$50 for a one-year license renewed before the license expires or \$200 for a*
13 *five-year license renewed before the license expires*] **\$150**.

14 (d) Unless a person requalifies for a water well constructor's license in accordance with sub-
15 section (3) of this section, a water well constructor shall pay a renewal fee of [*\$100 for a one-year*
16 *license*] **\$250** if the license is renewed within 12 months after expiration [*or \$250 for a five-year li-*
17 *cence if the license is renewed within 12 months after expiration*].

18 (e) If a person requalifies for a water well constructor's license under subsection (3) of this
19 section, the person shall pay the renewal fee established under paragraph (c) of this subsection.

20 (7) The department may revoke, suspend or refuse to renew any water well constructor's license
21 when it appears to the satisfaction of the department, after notice and opportunity to be heard by
22 the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795
23 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such
24 licensee, or has made a material misstatement of fact on an application for a license or well log or
25 established a pattern of conduct that willfully or negligently violates any provision of ORS 537.505
26 to 537.795 and 537.992, or any rule adopted pursuant thereto, applicable to such licensee.

27 (8) The provisions of subsection (3) of this section requiring one year or more experience in the
28 operation of well drilling machinery do not apply to any person who, on July 1, 1981, holds the li-
29 cense required by this section and who continues thereafter to maintain the license in good stand-
30 ing.

31 (9) The fees collected under subsection (6) of this section shall be paid into the Water Resources
32 Department Water Right Operating Fund. Such moneys are continuously appropriated to the Water
33 Resources Department to pay the department's expenses in administering and enforcing the water
34 well constructor's licensing program.

35 **SECTION 2.** Section 4, chapter 496, Oregon Laws 2001, is amended to read:

36 **Sec. 4.** (1) The Well Constructors Continuing Education Committee shall recommend to the
37 Water Resources Commission a process for reviewing and approving continuing education require-
38 ments for licensed water well constructors established by rule pursuant to subsection (2) of this
39 section.

40 (2) The commission shall adopt rules necessary for the administration of a continuing education
41 program for licensed water well constructors consistent with the recommendations of the committee.

42 (3) The rules adopted by the commission under this section for the continuing education program
43 shall:

44 (a) Authorize the committee to review and approve continuing education courses and to assign
45 continuing education credits.

1 (b) At a minimum require, for renewal of a license issued under ORS 537.747, that an applicant:

2 (A) Through clinics, schools, professional organizations or seminars, lectures or other courses
3 of study that relate to the practice of well construction and that are approved by the committee,
4 obtain continuing education credits during each licensing period in an amount designated by the
5 commission, but not to exceed 14 credits; and

6 (B) Furnish proof on a form approved by the committee that the applicant has complied with the
7 continuing education requirements during the preceding licensing period unless the applicant is ex-
8 empt under subsection (4) of this section.

9 (4) The commission may waive the continuing education requirements established by rule pur-
10 suant to subsection (2) of this section for a licensed water well constructor if the constructor sub-
11 mits satisfactory evidence of inability to attend continuing education courses because of health,
12 military duty or other circumstances beyond the control of the constructor.

13 **(5) For courses sponsored by the Water Resources Department, the fee for one continu-**
14 **ing education credit is \$40, and the total fees per day may not exceed \$250.**

15 **(6) The fees collected under this section for continuing education courses sponsored by**
16 **the department shall be paid into the Water Resources Department Water Right Operating**
17 **Fund. Notwithstanding ORS 536.009, such moneys shall be used to pay the department's**
18 **expenses associated with conducting continuing education courses.**

19 **(7) At the time of application to renew a water well constructor's license pursuant to**
20 **ORS 537.747 (5), a person shall provide the department with evidence of compliance with the**
21 **continuing education requirements established pursuant to this section.**

22 **SECTION 3.** Section 7, chapter 496, Oregon Laws 2001, is amended to read:

23 **Sec. 7.** Sections 2 to 4, **chapter 496, Oregon Laws 2001**, [*of this 2001 Act*] are repealed January
24 2, [2008] 2014.

25 **SECTION 4.** Section 9, chapter 496, Oregon Laws 2001, is repealed.

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