

Senate Bill 88

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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**.

Repeals sunset on continuing education requirement for renewal of water well constructor's license, on Well Constructors Continuing Education Committee and on certain fees for water well constructor's license.

A BILL FOR AN ACT

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

27 (5) A water well constructor's license shall expire on June 30. A person may renew a license
28 by submitting an application and the appropriate fees any time before the license expires but not
29 later than one year after the license expires. **At the time of application, the person shall provide**
30 **the department with evidence of compliance with the continuing education requirements es-**

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 **tablished pursuant to section 4, chapter 496, Oregon Laws 2001.** A person who renews a license
2 within the 12 months after the license expires may either pay a penalty fee set forth under sub-
3 section (6)(d) of this section or requalify for a water well constructor's license in accordance with
4 subsection (3) of this section. If a person fails to renew a license within 12 months after
5 expiration, the person must comply with the requirements of subsection (3) of this section for a new
6 water well constructor's license.

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

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

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

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

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

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

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

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

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

34 **SECTION 2. Sections 7 and 9, chapter 496, Oregon Laws 2001, are repealed.**

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