

**Enrolled**  
**Senate Bill 126**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Water Resources Department)

CHAPTER .....

AN ACT

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

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

**SECTION 1.** ORS 537.798 is amended to read:

537.798. *[(1) In accordance with criteria established by the Water Resources Commission, the State Board of Examiners for Engineering and Land Surveying shall:]*

*[(a) Conduct examinations for certification of registered, professional land surveyors, engineers and geologists to conduct surveys to determine whether or not a permittee has completed all work necessary to perfect an appropriation of water under ORS 537.230, 537.630 and 540.530.]*

*[(b) Issue certificates to any land surveyor, engineer or geologist qualifying for certification under paragraph (a) of this subsection.]*

*[(c) Collect fees for the examination and certification of water right examiners under this subsection.]*

*[(2) In accordance with the provisions of ORS chapter 183 relating to contested cases, the State Board of Examiners for Engineering and Land Surveying may revoke, suspend or modify certificates issued under subsection (1) of this section.]*

**(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 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.**

*[(3)]* **(2) The [State Board of Examiners for Engineering and Land Surveying] 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 [a] the certification program [to certify water right examiners and the expenses of the Water Resources Department in providing for examination of water right appropriations by water right examiners]. The board shall reimburse the department for department expenses related to the preparation, administration and scoring of the examination.**

*[(4) The board shall pay into the State Treasury all moneys received as fees under subsection (1) of this section. The State Treasurer shall credit such money to the State Board of Examiners for Engineering and Land Surveying. The moneys are continuously appropriated to the board to be used by*

*the board in conjunction with the Water Resources Department for any expenses incurred by the board and, if approved by the Governor, any expenses incurred by the Water Resources Department in the certification, examination and review of activities of water right examiners.]*

**(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, 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 2.** The amendments to ORS 537.798 by section 1 of this 2011 Act apply to violations of ORS 672.002 to 672.325, criteria established under ORS 537.797, Water Resources Commission rules or State Board of Examiners for Engineering and Land Surveying rules committed on or after the effective date of this 2011 Act.

**Passed by Senate February 10, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 18, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

.....M.,....., 2011

**Approved:**

.....M.,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2011

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Kate Brown, Secretary of State