

Senate Bill 126

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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**.

Clarifies assignment of duties regarding examination of water right examiners. Provides for State Board of Examiners for Engineering and Land Surveying to reimburse Water Resources Department for expenses related to examination.

Gives State Board of Examiners for Engineering and Land Surveying authority to investigate alleged or suspected violation by water right examiner and to suspend, revoke or modify certificate for cause. Allows board to adopt rules regulating water right examiners, including rules governing professional conduct and rules requiring professional development or continuing education.

Deletes appropriation language inapplicable to semi-independent state agency.

A BILL FOR AN ACT

1
2 Relating to water right examiners; creating new provisions; and amending ORS 537.798.

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

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

5 537.798. *[(1) In accordance with criteria established by the Water Resources Commission, the State*
6 *Board of Examiners for Engineering and Land Surveying shall:]*

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

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

12 *[(c) Collect fees for the examination and certification of water right examiners under this sub-*
13 *section.]*

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

17 **(1) The State Board of Examiners for Engineering and Land Surveying may issue a water**
18 **right examiner certificate to a registered professional land surveyor, registered professional**
19 **engineer or registered geologist who meets the criteria established by the Water Resources**
20 **Commission under ORS 537.797. The board shall require an applicant for the certificate to**
21 **pass an examination establishing the qualification of the applicant to be a water right ex-**
22 **aminer. The Water Resources Department shall prepare, administer and score the examina-**
23 **tion.**

24 *[(3)]* **(2)** The *[State Board of Examiners for Engineering and Land Surveying]* **board** shall estab-
25 lish fees for the examination, certification and renewal of certification of water right examiners. The
26 fees shall be based upon the expenses of the board **and the department** in conducting *[a]* **the**
27 **certification** program *[to certify water right examiners and the expenses of the Water Resources De-*

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 *partment in providing for examination of water right appropriations by water right examiners].* **The**
2 **board shall reimburse the department for department expenses related to the preparation,**
3 **administration and scoring of the examination.**

4 *[(4) The board shall pay into the State Treasury all moneys received as fees under subsection (1)*
5 *of this section. The State Treasurer shall credit such money to the State Board of Examiners for En-*
6 *gineering and Land Surveying. The moneys are continuously appropriated to the board to be used by*
7 *the board in conjunction with the Water Resources Department for any expenses incurred by the board*
8 *and, if approved by the Governor, any expenses incurred by the Water Resources Department in the*
9 *certification, examination and review of activities of water right examiners.]*

10 **(3) The board may adopt rules to regulate persons certified as water right examiners.**
11 **The rules may include, but need not be limited to, rules establishing standards of profes-**
12 **sional conduct and rules establishing professional development or continuing education re-**
13 **quirements.**

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

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

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