

# House Bill 3187

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

## 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**.

Makes individuals employed seven or more years by certain types of districts eligible to apply for certification as water right examiners.

## A BILL FOR AN ACT

Relating to water right examiners; 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 has been employed by the district for seven or more years.**

**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.

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

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

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

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