

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3343**

1 In line 2 of the printed bill, after “water” insert “; amending ORS 537.747;  
2 and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 537.747, as amended by section 6, chapter 610, Oregon  
5 Laws 2021, is amended to read:

6 “537.747. (1) No person shall advertise services to construct, alter, aban-  
7 don or convert wells, offer to enter or enter into a contract with another  
8 person or public agency to construct, alter, abandon or convert a well for  
9 such other person, cause any well construction, alteration, abandonment or  
10 conversion to be performed under such a contract or operate well drilling  
11 machinery without possessing a water well constructor’s license therefor in  
12 good standing issued by the Water Resources Department. The department  
13 shall adopt a single water well constructor’s license that may specify the  
14 type of well, type of well alteration or construction or type of well drilling  
15 machine operation for which the water well constructor is qualified.

16 “(2) Notwithstanding subsection (1) of this section, a person may operate  
17 a well drilling machine without a water well constructor’s license if super-  
18 vised by one who possesses such a license.

19 “(3) A person shall be qualified to receive a water well constructor’s li-  
20 cense if the person:

21 “(a) Is at least 18 years of age.

1       “(b) Has passed a written examination conducted by the department to  
2 determine fitness to operate as a water well constructor.

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

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

7       “(e) Provides evidence that the person has completed an arc welding  
8 training course from a community college, received a professional welding  
9 certification, passed a welding proficiency test or otherwise completed pro-  
10 fessional welding training, **if the evidence is required under rules**  
11 **adopted by the Water Resources Commission that are based on the**  
12 **type of well for which the water well constructor is qualified.**

13       “(4) Upon fulfillment of all the requirements set out in subsection (3) of  
14 this section, the department shall issue the applicant a water well  
15 constructor’s license in a form prescribed by the department. The license may  
16 be issued for a period of two years.

17       “(5) A water well constructor’s license shall expire on June 30 or on such  
18 date as may be specified by department rule. A person may renew a license  
19 by submitting an application and the appropriate fees any time before the  
20 license expires but not later than one year after the license expires. A person  
21 who renews a license within the 12 months after the license expires may ei-  
22 ther pay a penalty fee set forth under subsection (6)(d) of this section or  
23 requalify for a water well constructor’s license in accordance with subsection  
24 (3) of this section. If a person fails to renew a license within 12 months after  
25 expiration, the person must comply with the requirements of subsection (3)  
26 of this section for a new water well constructor’s license.

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

28       “(a) An examination fee of \$20.

29       “(b) A license fee of \$150.

30       “(c) A renewal fee of \$150, if the license is renewed on or before the ex-

1   piration date.

2       “(d) Unless a person requalifies for a water well constructor’s license in  
3   accordance with subsection (3) of this section, a water well constructor shall  
4   pay a renewal fee of \$250 if an expired license is renewed on or before 12  
5   months after the expiration date.

6       “(e) If a person requalifies for a water well constructor’s license under  
7   subsection (3) of this section, the person shall pay the renewal fee estab-  
8   lished under paragraph (c) of this subsection.

9       “(7) The department may revoke, suspend or refuse to renew any water  
10   well constructor’s license when it appears to the satisfaction of the depart-  
11   ment, after notice and opportunity to be heard by the licensee, that the  
12   licensee has failed to comply with the provisions of ORS 537.505 to 537.795  
13   and 537.992 applicable to such licensee or any order or rule adopted there-  
14   under applicable to such licensee, or has made a material misrepresentation  
15   or material misstatement of fact on an application for a license or well log  
16   or established a pattern of conduct that willfully or negligently violates any  
17   provision of ORS 537.505 to 537.795 and 537.992, or any rule adopted pursuant  
18   thereto, applicable to such licensee.

19       “(8) The requirement in subsection (3)(d) of this section does not apply  
20   to any person who, on July 1, 1981, holds the license required by this section  
21   and who continues thereafter to maintain the license in good standing.

22       “(9) The requirement in subsection (3)(e) of this section does not apply to  
23   any person who, on July 1, 2023, holds the license required by this section  
24   and who continues thereafter to maintain the license in good standing.

25       “(10) If the department observes a welding deficiency on a well, the de-  
26   partment may order the licensee who welded the well to, within a reasonable  
27   time, complete an arc welding training course from a community college,  
28   acquire a professional welding certification, pass a welding proficiency test  
29   or otherwise complete professional welding training.

30       “(11) The fees collected under subsection (6) of this section shall be paid

1 into the Water Resources Department Water Right Operating Fund. Such  
2 moneys are continuously appropriated to the Water Resources Department  
3 to pay the department's expenses in administering and enforcing the water  
4 well constructor's licensing program.

5 **“SECTION 2. This 2023 Act being necessary for the immediate**  
6 **preservation of the public peace, health and safety, an emergency is**  
7 **declared to exist, and this 2023 Act takes effect on July 1, 2023.”.**

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