

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3187**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions; and”.

3 On page 2, after line 20, insert:

4 **“SECTION 3.** ORS 537.797, as amended by section 1 of this 2023 Act, is
5 amended to read:

6 “537.797. *[(1) As used in this section:]*

7 “[*(a) ‘District’ means:*]

8 “[*(A) An irrigation district formed under ORS chapter 545;*]

9 “[*(B) A drainage district formed under ORS chapter 547;*]

10 “[*(C) A water improvement district formed under ORS chapter 552; or*]

11 “[*(D) A water control district formed under ORS chapter 553.*]

12 “[*(b) ‘Registered geologist’ has the meaning given that term in ORS*
13 *672.505.*]

14 “[*(c) ‘Registered professional engineer’ and ‘registered professional land*
15 *surveyor’ have the meanings given those terms in ORS 672.002.*]

16 “[*(2)*] The Water Resources Commission by rule shall establish criteria for
17 **the certification [under ORS 537.798] of geologists, as defined in ORS**
18 **672.505, and persons engaged in the practice of engineering and the**
19 **practice of land surveying, as those terms are defined in ORS 672.005,**
20 to conduct surveys to determine whether a permittee has completed all work
21 necessary to perfect an appropriation of water under ORS 537.230, 537.630

1 and 540.530.

2 “[(3) *An individual may apply for certification under ORS 537.798 if the*
3 *individual meets the criteria established by rule by the commission and is a:]*

4 “[*(a) Registered professional engineer;*]

5 “[*(b) Registered professional land surveyor;*]

6 “[*(c) Registered geologist; or*]

7 “[*(d) District employee who:*]

8 “[*(A) Is, at the time of applying, employed full-time by a district;*]

9 “[*(B) Has been employed by a district for seven or more years; and*]

10 “[*(C) Has seven or more years of relevant technical experience conducting*
11 *similar work.*]

12 “**SECTION 4.** ORS 537.798, as amended by section 2 of this 2023 Act, is
13 amended to read:

14 “537.798. (1) The State Board of Examiners for Engineering and Land
15 Surveying may issue a water right examiner certificate to [*an applicant de-*
16 *scribed in*] **a registered professional land surveyor, registered profes-**
17 **sional engineer or registered geologist who meets the criteria**
18 **established by the Water Resources Commission under ORS 537.797.** The
19 board shall require an applicant for the certificate to pass an examination
20 establishing the qualification of the applicant to be a water right examiner.
21 The Water Resources Department shall prepare, administer and score the
22 examination.

23 “(2) The board shall establish fees for the examination, certification and
24 renewal of certification of water right examiners. The fees shall be based
25 upon the expenses of the board and the department in conducting the certi-
26 fication program. The board shall reimburse the department for department
27 expenses related to the preparation, administration and scoring of the ex-
28 amination.

29 “(3) The board may adopt rules to regulate persons certified as water
30 right examiners. The rules may include, but need not be limited to, rules

1 establishing standards of professional conduct and rules establishing profes-
2 sional development or continuing education requirements.

3 “(4) Upon receipt of a complaint, or upon its own initiative, the board
4 may investigate any alleged or suspected violation by a water right examiner
5 of ORS 672.002 to 672.325, the criteria established under ORS 537.797, [*Water*
6 *Resources*] commission rules or a board rule adopted under this section or
7 ORS 672.255. If the board finds that a violation has occurred, in addition to
8 any other disciplinary or regulatory authority of the board, the board may
9 suspend, revoke or modify a certificate issued under this section. Board
10 action to suspend, revoke or modify the certificate is subject to the pro-
11 visions of ORS chapter 183 relating to contested cases.

12 **“SECTION 5. The amendments to ORS 537.797 and 537.798 by**
13 **sections 3 and 4 of this 2023 Act become operative on July 1, 2027.”.**

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