

# House Bill 3502

Sponsored by Representatives OWENS, HELM

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act removes a sunset on provisions that relate to people who review water rights. (Flesch Readability Score: 61.8).

Makes permanent certain provisions related to water right examiner certification.

## A BILL FOR AN ACT

1  
2 Relating to water right examiner certification; amending ORS 537.797 and 537.798; and repealing  
3 section 5, chapter 532, Oregon Laws 2023, and section 21, chapter 606, Oregon Laws 2023.

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

5 **SECTION 1. Section 5, chapter 532, Oregon Laws 2023, and section 21, chapter 606,**  
6 **Oregon Laws 2023, are repealed.**

7 **SECTION 2.** ORS 537.797, as amended by section 3, chapter 532, Oregon Laws 2023, and section  
8 19, chapter 606, Oregon Laws 2023, is amended to read:

9 537.797. (1) **As used in this section:**

10 (a) **“District” means:**

11 (A) **An irrigation district formed under ORS chapter 545;**

12 (B) **A drainage district formed under ORS chapter 547;**

13 (C) **A water improvement district formed under ORS chapter 552; or**

14 (D) **A water control district formed under ORS chapter 553.**

15 (b) **“Registered geologist” has the meaning given that term in ORS 672.505.**

16 (c) **“Registered professional engineer” and “registered professional land surveyor” have**  
17 **the meanings given those terms in ORS 672.002.**

18 (2) The Water Resources Commission by rule shall establish criteria for *[the certification of*  
19 *geologists, as defined in ORS 672.505, and persons engaged in the practice of engineering and the*  
20 *practice of land surveying, as those terms are defined in ORS 672.005,]* **certification under ORS**  
21 **537.798** to conduct surveys to determine whether a permittee has completed all work necessary to  
22 perfect an appropriation of water under ORS 537.230, 537.630 and 540.530.

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

25 (a) **Registered professional engineer;**

26 (b) **Registered professional land surveyor;**

27 (c) **Registered geologist; or**

28 (d) **District employee who:**

29 (A) **Is, at the time of applying, employed full-time by a district;**

30 (B) **Has been employed by a district for seven or more years; and**

**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       **(C) Has seven or more years of relevant technical experience conducting similar work.**

2       **SECTION 3.** ORS 537.798, as amended by section 4, chapter 532, Oregon Laws 2023, and section  
3 20, chapter 606, Oregon Laws 2023, is amended to read:

4       537.798. (1) The State Board of Examiners for Engineering and Land Surveying may issue a  
5 water right examiner certificate to [*a registered professional land surveyor, registered professional*  
6 *engineer or registered geologist who meets the criteria established by the Water Resources Commission*  
7 *under*] **an applicant described in** ORS 537.797. The board shall require an applicant for the certif-  
8 icate to pass an examination establishing the qualification of the applicant to be a water right ex-  
9 aminer. The Water Resources Department shall prepare, administer and score the examination.

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

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

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

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