

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3187

By COMMITTEE ON NATURAL RESOURCES

May 30

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions; 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 amended to read:

5 “537.797. *[(1) As used in this section:]*

6 “[*(a) ‘District’ means:*]

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

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

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

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

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

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

14 “[*(2)*] The Water Resources Commission by rule shall establish criteria for **the** certification
15 **[under ORS 537.798] of geologists, as defined in ORS 672.505, and persons engaged in the**
16 **practice of engineering and the practice of land surveying, as those terms are defined in ORS**
17 **672.005**, to conduct surveys to determine whether a permittee has completed all work necessary to
18 perfect an appropriation of water under ORS 537.230, 537.630 and 540.530.

19 “[*(3) An individual may apply for certification under ORS 537.798 if the individual meets the cri-*
20 *teria established by rule by the commission and is a:*]

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

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

23 “[*(c) Registered geologist; or*]

24 “[*(d) District employee who:*]

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

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

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

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

29 “537.798. (1) The State Board of Examiners for Engineering and Land Surveying may issue a
30 water right examiner certificate to [*an applicant described in*] **a registered professional land sur-**
31 **veyor, registered professional engineer or registered geologist who meets the criteria estab-**
32 **lished by the Water Resources Commission under ORS 537.797.** The board shall require an
33 applicant for the certificate to pass an examination establishing the qualification of the applicant
34 to be a water right examiner. The Water Resources Department shall prepare, administer and score
35 the examination.

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 this
11 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.

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

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