

A-Engrossed
House Bill 3343

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representatives HARTMAN, OWENS; Representatives HELM, LEVY B

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.

[Requires Water Resources Department to study sustainable management of ground water. Directs department to submit findings to interim committees of Legislative Assembly related to water no later than September 15, 2024.]

Modifies qualifications for water well constructor's license.
Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to sustainable management of ground water; amending ORS 537.747; and declaring an
3 emergency.

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

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

7 537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, of-
8 fer to enter or enter into a contract with another person or public agency to construct, alter,
9 abandon or convert a well for such other person, cause any well construction, alteration, abandon-
10 ment or conversion to be performed under such a contract or operate well drilling machinery with-
11 out possessing a water well constructor's license therefor in good standing issued by the Water
12 Resources Department. The department shall adopt a single water well constructor's license that
13 may specify the type of well, type of well alteration or construction or type of well drilling machine
14 operation for which the water well constructor is qualified.

15 (2) Notwithstanding subsection (1) of this section, a person may operate a well drilling machine
16 without a water well constructor's license if supervised by one who possesses such a license.

17 (3) A person shall be qualified to receive a water well constructor's license if the person:

18 (a) Is at least 18 years of age.

19 (b) Has passed a written examination conducted by the department to determine fitness to op-
20 erate as a water well constructor.

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

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

24 (e) Provides evidence that the person has completed an arc welding training course from a
25 community college, received a professional welding certification, passed a welding proficiency test
26 or otherwise completed professional welding training, **if the evidence is required under rules**

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 **adopted by the Water Resources Commission that are based on the type of well for which**
2 **the water well constructor is qualified.**

3 (4) Upon fulfillment of all the requirements set out in subsection (3) of this section, the depart-
4 ment shall issue the applicant a water well constructor's license in a form prescribed by the de-
5 partment. The license may be issued for a period of two years.

6 (5) A water well constructor's license shall expire on June 30 or on such date as may be speci-
7 fied by department rule. A person may renew a license by submitting an application and the appro-
8 priate fees any time before the license expires but not later than one year after the license expires.
9 A person who renews a license within the 12 months after the license expires may either pay a
10 penalty fee set forth under subsection (6)(d) of this section or requalify for a water well
11 constructor's license in accordance with subsection (3) of this section. If a person fails to renew a
12 license within 12 months after expiration, the person must comply with the requirements of sub-
13 section (3) of this section for a new water well constructor's license.

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

15 (a) An examination fee of \$20.

16 (b) A license fee of \$150.

17 (c) A renewal fee of \$150, if the license is renewed on or before the expiration date.

18 (d) Unless a person requalifies for a water well constructor's license in accordance with sub-
19 section (3) of this section, a water well constructor shall pay a renewal fee of \$250 if an expired
20 license is renewed on or before 12 months after the expiration date.

21 (e) If a person requalifies for a water well constructor's license under subsection (3) of this
22 section, the person shall pay the renewal fee established under paragraph (c) of this subsection.

23 (7) The department may revoke, suspend or refuse to renew any water well constructor's license
24 when it appears to the satisfaction of the department, after notice and opportunity to be heard by
25 the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795
26 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such
27 licensee, or has made a material misrepresentation or material misstatement of fact on an applica-
28 tion for a license or well log or established a pattern of conduct that willfully or negligently violates
29 any provision of ORS 537.505 to 537.795 and 537.992, or any rule adopted pursuant thereto, applica-
30 ble to such licensee.

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

34 (9) The requirement in subsection (3)(e) of this section does not apply to any person who, on July
35 1, 2023, holds the license required by this section and who continues thereafter to maintain the li-
36 cense in good standing.

37 (10) If the department observes a welding deficiency on a well, the department may order the
38 licensee who welded the well to, within a reasonable time, complete an arc welding training course
39 from a community college, acquire a professional welding certification, pass a welding proficiency
40 test or otherwise complete professional welding training.

41 (11) The fees collected under subsection (6) of this section shall be paid into the Water Re-
42 sources Department Water Right Operating Fund. Such moneys are continuously appropriated to the
43 Water Resources Department to pay the department's expenses in administering and enforcing the
44 water well constructor's licensing program.

45 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
2 **on July 1, 2023.**

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