

House Bill 2232

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Water Resources Department)

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**.

Requires submission of log to Water Resources Commission after drilling of certain geotechnical holes. Establishes log recording fees. Directs that moneys from fees be paid into Water Resources Department Operating Fund.

Continuously appropriates moneys from fees to Water Resources Department for purposes of administrative support and technical and information services.

Requires person responsible for drilling of geotechnical holes to have certain license or certificate. Grants rulemaking authority to Water Resources Commission to implement provisions related to geotechnical holes.

A BILL FOR AN ACT

1
2 Relating to drilling of geotechnical holes; creating new provisions; amending ORS 537.763; limiting
3 expenditures; and appropriating money.

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

5 **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter**
6 **537.**

7 **SECTION 2. (1) The activity of drilling geotechnical holes is declared to be an activity**
8 **affecting the public welfare, health and safety. In order to enable the state to protect the**
9 **welfare, health and safety of its citizens, any person that drills a geotechnical hole shall keep**
10 **a log of each geotechnical hole that is drilled and submit the log to the Water Resources**
11 **Commission within 30 days after the completion of the drilling.**

12 (2) This section applies to geotechnical holes that are:

13 (a) Greater than 18 feet deep;

14 (b) Within 50 feet of a water supply or a monitoring well;

15 (c) Used to determine water quality; or

16 (d) Drilled in an area known or reasonably suspected to be contaminated.

17 **SECTION 3. The person responsible for the drilling of a geotechnical hole for which a log**
18 **is required under section 2 of this 2009 Act must have:**

19 (1) A current monitoring well constructor's license as specified in rules adopted by the
20 Water Resources Commission;

21 (2) A current water supply well constructor's license as specified in rules adopted by the
22 commission;

23 (3) A current certificate of registration as a geologist issued under ORS 672.505 to 672.705;
24 or

25 (4) A current certificate of registration as an engineer issued under ORS 672.002 to
26 672.325.

27 **SECTION 4. (1) The Water Resources Commission shall prescribe by rule the form of the**

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 **log required under section 2 of this 2009 Act.**

2 (2)(a) **Except as provided in paragraph (b) of this subsection, each log required to be**
 3 **submitted under section 2 of this 2009 Act must be accompanied by a recording fee of \$25.**

4 (b) **If more than one geotechnical hole is drilled within seven days in a contiguous project**
 5 **site, each log for each geotechnical hole drilled after the first geotechnical hole must be ac-**
 6 **companied by a recording fee of \$10.**

7 **SECTION 5. All moneys from fees collected under section 4 of this 2009 Act shall be de-**
 8 **posited in the Water Resources Department Operating Fund established under ORS 537.763.**
 9 **Such moneys are continuously appropriated to the Water Resources Department for admin-**
 10 **istrative support related to geotechnical holes and geotechnical hole technical and informa-**
 11 **tion services.**

12 **SECTION 6.** ORS 537.763 is amended to read:

13 537.763. (1) There is established in the State Treasury the Water Resources Department Oper-
 14 ating Fund to provide for the payment of the administrative expenses of the Water Resources Com-
 15 mission in carrying out the provisions of ORS 537.762 **and section 4 of this 2009 Act.**

16 (2) The Water Resources Department Operating Fund shall consist of:

17 (a) Fees received pursuant to ORS 537.762 **and section 4 of this 2009 Act.**

18 (b) All moneys received on behalf of the fund by gift, grant or appropriation, from whatever
 19 source.

20 (3) The Water Resources Department Operating Fund shall be separate and distinct from the
 21 General Fund. [*All interest, if any, shall inure to the benefit of*] **Interest earned by the Water Re-**
 22 **sources Department Operating Fund shall be credited to the fund.**

23 (4) In expending moneys in the Water Resources Department Operating Fund received from fees
 24 pursuant to ORS 537.762, the biennial limitations on expenditures of the Water Resources Depart-
 25 ment shall be:

26 (a) No more than five percent for well inspection administrative support;

27 (b) No more than 20 percent for well inspection technical and information services; and

28 (c) No less than 75 percent for well inspection field investigation and enforcement.

29 (5) **In expending moneys in the Water Resources Department Operating Fund received**
 30 **from fees pursuant to section 4 of this 2009 Act, the biennial limitations on expenditures of**
 31 **the Water Resources Department shall be:**

32 (a) **No more than 50 percent for administrative support related to geotechnical holes; and**

33 (b) **No more than 50 percent for technical and information services related to**
 34 **geotechnical holes.**

35 **SECTION 7. Sections 2 to 5 of this 2009 Act and the amendments to ORS 537.763 by sec-**
 36 **tion 6 of this 2009 Act apply to the drilling of geotechnical holes first begun on or after the**
 37 **effective date of this 2009 Act.**

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