

House Bill 4077

Sponsored by Representative LIVELY, Senator ROBLAN; Representatives EVANS, HELM, HOLVEY, MITCHELL, PILUSO, POWER, PRUSAK, REARDON, SANCHEZ, SCHOUTEN, SOLLMAN, WILDE, WILLIAMS, ZIKA, Senators DEMBROW, KNOPP (Presession filed.)

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 seller of real property to test well water used for domestic purposes. Requires laboratory to submit results of test to seller, buyer and Department of Environmental Quality, in form and manner prescribed by department. Requires department to provide results of well water tests to Oregon Health Authority.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wells that supply ground water for domestic purposes; creating new provisions; amending
3 ORS 448.271; and declaring an emergency.

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

5 **SECTION 1.** ORS 448.271 is amended to read:

6 448.271. (1)(a) In any transaction for the sale or exchange of real estate that includes a well that
7 supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an
8 offer to purchase [*that*] **the** real estate, have the well tested for arsenic, nitrates, [*and*] total coliform
9 bacteria **and, if the test indicates the presence of total coliform bacteria, E. coli.** The Oregon
10 Health Authority [*also may,*] by rule[,] **may** require additional tests for specific contaminants in
11 specific areas of public health concern. [*The seller shall submit the results of the tests required under*
12 *this section to the authority and to the buyer within 90 days of receiving the results of the tests.*]

13 **(b) Tests required under this subsection must be conducted by a laboratory accredited**
14 **under the program established under ORS 438.615 using tests allowed under 40 C.F.R. 141.**

15 **(c) The laboratory shall electronically report the results of the tests required under this**
16 **subsection to the Department of Environmental Quality at the same time the laboratory**
17 **provides the results to the seller and the purchaser. The results reported to the department**
18 **must be in a form and manner prescribed by the department, which may include reporting**
19 **the results through electronic mail using a spreadsheet.**

20 (2) The failure of a seller to comply with [*the provisions of this section*] **subsection (1) of this**
21 **section** does not invalidate an instrument of conveyance executed in the transaction.

22 **(3) The department shall provide the results of tests received by the department under**
23 **subsection (1)(c) of this section to the authority. The department may use the information**
24 **contained in the test results in the administration of ORS 468B.150 to 468B.190.**

25 **SECTION 2.** (1) The amendments to ORS 448.271 by section 1 of this 2020 Act become
26 **operative on June 30, 2020.**

27 **(2) The Oregon Health Authority and the Department of Environmental Quality may take**
28 **any action before the operative date specified in subsection (1) of this section that is neces-**

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 sary to enable the authority or the department to exercise, on and after the operative date
2 specified in subsection (1) of this section, all of the duties, functions and powers conferred
3 on the authority and the department by the amendments to ORS 448.271 by section 1 of this
4 2020 Act.

5 SECTION 3. This 2020 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
7 on its passage.

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