

Enrolled
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)

CHAPTER

AN ACT

Relating to drilling of geotechnical holes; appropriating money; and declaring an emergency.

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

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

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

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

- (a) Greater than 18 feet deep;
- (b) Within 50 feet of a water supply or a monitoring well;
- (c) Used to determine water quality and open less than 72 hours; or
- (d) Drilled in an area known or reasonably suspected to be contaminated.

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

- (1) A current monitoring well constructor's license as specified in rules adopted by the Water Resources Commission;
- (2) A current water supply well constructor's license as specified in rules adopted by the commission;
- (3) A current certificate of registration as a geologist issued under ORS 672.505 to 672.705; or
- (4) A current certificate of registration as an engineer issued under ORS 672.002 to 672.325.

SECTION 4. (1) The Water Resources Commission may prescribe by rule the form, contents, filing deadline and other requirements for the report required under section 2 of this 2009 Act.

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

(b) If more than one geotechnical hole is drilled within seven days at the same project site, each report for each geotechnical hole drilled after the first geotechnical hole must be accompanied by a recording fee of \$10.

(3) Fees collected under this section shall be deposited to the Water Resources Department Geotechnical Fund.

SECTION 5. (1) The Water Resources Department Geotechnical Fund is established in the State Treasury, separate and distinct from the General Fund.

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

(a) Recording fees paid under section 4 of this 2009 Act; and

(b) All moneys from gifts, grants or appropriations to the fund.

(3) Moneys in the Water Resources Department Geotechnical Fund are continuously appropriated to the Water Resources Department for department duties, functions and powers related to geotechnical holes.

SECTION 6. Sections 2 to 4 of this 2009 Act apply to the drilling of geotechnical holes first begun on or after the effective date of this 2009 Act.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House June 26, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 29, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State