

**A-Engrossed**  
**House Bill 2232**

Ordered by the House March 4  
Including House Amendments dated March 4

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.

Requires submission of *[log]* **report** 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]* **Geotechnical 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.

**Establishes Water Resources Department Geotechnical Fund. Continuously appropriates moneys from fund to Water Resources Department for department duties, functions and powers related to geotechnical holes.**

**Declares emergency, effective July 1, 2009.**

**A BILL FOR 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;**

**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 or

2 (4) A current certificate of registration as an engineer issued under ORS 672.002 to  
3 672.325.

4 **SECTION 4.** (1) The Water Resources Commission may prescribe by rule the form, con-  
5 tents, filing deadline and other requirements for the report required under section 2 of this  
6 2009 Act.

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

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

12 (3) Fees collected under this section shall be deposited to the Water Resources Depart-  
13 ment Geotechnical Fund.

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

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

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

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

19 (3) Moneys in the Water Resources Department Geotechnical Fund are continuously ap-  
20 propriated to the Water Resources Department for department duties, functions and powers  
21 related to geotechnical holes.

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

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