

SENATE AMENDMENTS TO SENATE BILL 739

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 15

1 Delete lines 4 through 17 of the printed bill and insert:

2 “**SECTION 1.** ORS 448.271 is amended to read:

3 “448.271. (1) In any transaction for the sale or exchange of real estate that includes a well that
4 supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an
5 offer to purchase that real estate, have the well tested for **arsenic**, nitrates and total coliform
6 bacteria. The Department of Human Services also may, **by rule**, require additional tests for specific
7 contaminants in [*an area of ground water concern or ground water management area*] **specific areas**
8 **of public health concern**. The seller shall submit the results of the [*test*] **tests** required under this
9 section to the department **and to the buyer within 90 days of receiving the results of the**
10 **tests**.

11 “(2) The failure of a seller to comply with the provisions of this section does not invalidate an
12 instrument of conveyance executed in the transaction.

13 “**SECTION 2. The amendments to ORS 448.271 by section 1 of this 2009 Act apply to real**
14 **estate for which an offer to purchase is accepted by the seller on or after the effective date**
15 **of this 2009 Act.”.**

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