

HB 2331-4
(LC 1854)
4/8/19 (HE/vsr/ps)

Requested by Representative STARK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2331**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions;” and after “537.780” insert “; and prescribing an effective
3 date”.

4 Delete lines 4 through 31 and delete page 2 and insert:

5 **“SECTION 1.** ORS 537.780 is amended to read:

6 “537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992,
7 the Water Resources Commission may:

8 “(a) Require that all flowing wells be capped or equipped with valves so
9 that the flow of ground water may be completely stopped when the ground
10 water is not actually being applied to a beneficial use.

11 “(b) Enforce:

12 “(A) General standards for the construction and maintenance of wells and
13 their casings, fittings, valves, pumps and back-siphoning prevention devices;
14 and

15 “(B) Special standards for the construction and maintenance of particular
16 wells and their casings, fittings, valves and pumps.

17 “(c)(A) Adopt by rule and enforce when necessary to protect the ground
18 water resource, standards for the construction, maintenance, abandonment
19 or use of any hole through which ground water may be contaminated; or

20 “(B) Enter into an agreement with, or advise, other state agencies that
21 are responsible for holes other than wells through which ground water may

1 be contaminated in order to protect the ground water resource from con-
2 tamination.

3 “(d) Enforce uniform standards for the scientific measurement of water
4 levels and of ground water flowing or withdrawn from wells.

5 “(e) Enter upon any lands for the purpose of inspecting wells, including
6 wells exempt under ORS 537.545, casings, fittings, valves, pipes, pumps,
7 measuring devices and back-siphoning prevention devices.

8 “(f) Prosecute actions and suits to enjoin violations of ORS 537.505 to
9 537.795 and 537.992, and appear and become a party to any action, suit or
10 proceeding in any court or before any administrative body when it appears
11 to the satisfaction of the commission that the determination of the action,
12 suit or proceeding might be in conflict with the public policy expressed in
13 ORS 537.525.

14 “(g) Call upon and receive advice and assistance from the Environmental
15 Quality Commission or any other public agency or any person, and enter into
16 cooperative agreements with a public agency or person.

17 “(h) Adopt and enforce rules necessary to carry out the provisions of ORS
18 537.505 to 537.795 and 537.992 including but not limited to rules governing:

19 “(A) The form and content of registration statements, certificates of reg-
20 istration, applications for permits, permits, certificates of completion, ground
21 water right certificates, notices, proofs, maps, drawings, logs and licenses;

22 “(B) Procedure in hearings held by the **Water Resources** Commission;
23 and

24 “(C) The circumstances under which the helpers of persons operating well
25 drilling machinery may be exempt from the requirement of direct supervision
26 by a licensed water well constructor.

27 “(i) In accordance with applicable law regarding search and seizure, apply
28 to any court of competent jurisdiction for a warrant to seize any well drill-
29 ing machine used in violation of ORS 537.747 or 537.753.

30 “(2) Notwithstanding any provision of subsection (1) of this section, in

1 administering the provisions of ORS 537.505 to 537.795 and 537.992, the com-
2 mission may not:

3 “(a) Adopt any rule restricting ground water use in an area unless the
4 rule is based on substantial evidence in the record of the Water Resources
5 Department to justify the imposition of restrictions.

6 “(b) Make any determination that a ground water use will impair, sub-
7 stantially interfere or unduly interfere with a surface water source unless
8 the determination is based on substantial evidence. Such evidence may in-
9 clude reports or studies prepared with relation to the specific use or may be
10 based on the application of generally accepted hydrogeological principles to
11 the specific use.

12 “(c) **Enforce against a well constructor licensed under ORS 537.747**
13 **general or special standards related to repair, construction, alteration,**
14 **abandonment or conversion of a well after three years from the date**
15 **the well constructor filed the log with the commission under ORS**
16 **537.765.**

17 “(3) **Subsection (2)(c) of this section applies only to wells repaired,**
18 **constructed, altered, abandoned or converted for which a report and**
19 **fee required by ORS 537.762 and the log required by ORS 537.765 have**
20 **been filed with the commission.**

21 “(4) **Notwithstanding the three-year limitation in subsection (2)(c)**
22 **of this section, if the commission finds that the log contains a mate-**
23 **rial misrepresentation related to an enforcement of general or special**
24 **standards related to repair, construction, alteration, abandonment or**
25 **conversion of a well, the commission may enforce those general or**
26 **special standards in effect when the work was completed as repres-**
27 **ented by the log.**

28 “[3] (5) At least once every three years, the commission shall review any
29 rule adopted under subsection (2) of this section that restricts ground water
30 use in an area. The review process shall include public notice and an op-

1 portunity to comment on the rule.

2 **“SECTION 2. (1) The Task Force on Oregon Well Construction**
3 **Enforcement Activities is established.**

4 **“(2) The task force consists of 14 members appointed as follows:**

5 **“(a) The President of the Senate and the Senate Minority Leader**
6 **shall jointly appoint one member from among members of the Senate;**

7 **“(b) The Speaker of the House of Representatives and the House**
8 **Minority Leader shall jointly appoint one member from among mem-**
9 **bers of the House of Representatives; and**

10 **“(c) The remaining members shall be appointed jointly by the**
11 **President of the Senate, Speaker of the House of Representatives,**
12 **Senate Minority Leader and House Minority Leader as follows:**

13 **“(A) One member who is a representative of the Water Resources**
14 **Department established in ORS 536.039;**

15 **“(B) One member who represents an association related to**
16 **groundwater;**

17 **“(C) Two members who do not work for the government and are**
18 **licensed as water supply well constructors or monitoring well**
19 **constructors in Oregon;**

20 **“(D) One member who is a representative of the Water Resources**
21 **Commission;**

22 **“(E) One member who does not work for the government, special-**
23 **izes in groundwater, is certified as a water rights examiner and regis-**
24 **tered as a geologist in Oregon;**

25 **“(F) One member who is a representative of municipalities;**

26 **“(G) One member who is a well owner;**

27 **“(H) One member who is a representative of agricultural interests;**

28 **“(I) One member who is a representative of the Oregon Health Au-**
29 **thority;**

30 **“(J) One member who is a representative of an association related**

1 to special districts in Oregon; and

2 “(K) One member who is a representative of an environmental or-
3 ganization.

4 “(3) The task force shall review and make recommendations on:

5 “(a) The priorities and procedures developed by the Water Re-
6 sources Commission for technical review of well logs filed before, on
7 or after the effective date of this 2019 Act and the fiscal impact and
8 funding consequences of those priorities and procedures.

9 “(b) Limiting enforcement of well construction standards to those
10 in effect when a log reported well construction activity.

11 “(c) Enforcement, operations and maintenance practices for well
12 construction.

13 “(d) Potential improvements to the well construction and enforce-
14 ment program.

15 “(e) Methods to improve well construction and well inspection
16 practices.

17 “(4) A majority of the voting members of the task force constitutes
18 a quorum for the transaction of business.

19 “(5) Official action by the task force requires the approval of a
20 majority of the voting members of the task force.

21 “(6) The task force shall elect one of its members to serve as
22 chairperson and one of its members to serve as vice-chairperson who
23 shall serve as chairperson during any absence of the chairperson.

24 “(7) If there is a vacancy for any cause, the appointing authority
25 shall make an appointment to become immediately effective.

26 “(8) The task force shall meet at times and places specified by the
27 call of the chairperson or of a majority of the voting members of the
28 task force.

29 “(9) The task force may adopt rules necessary for the operation of
30 the task force.

1 “(10) The task force shall submit a report in the manner provided
2 by ORS 192.245, and may include recommendations for legislation, to
3 an interim committee of the Legislative Assembly related to water
4 resources no later than September 15, 2020.

5 “(11) The Water Resources Department shall provide staff support
6 to the task force.

7 “(12) Members of the Legislative Assembly appointed to the task
8 force are nonvoting members of the task force and may act in an ad-
9 visory capacity only.

10 “(13) Members of the task force are not entitled to compensation
11 or reimbursement for expenses and serve as volunteers on the task
12 force.

13 “(14) All agencies of state government, as defined in ORS 174.111,
14 are directed to assist the task force in the performance of the duties
15 of the task force and, to the extent permitted by laws relating to
16 confidentiality, to furnish information and advice the members of the
17 task force consider necessary to perform their duties.

18 “SECTION 3. Section 2 of this 2019 Act is repealed on December 31,
19 2020.

20 “SECTION 4. The amendments to ORS 537.780 by section 1 of this
21 2019 Act apply only to wells repaired, constructed, altered, abandoned
22 or converted for which a report and fee required by ORS 537.762 and
23 the log required by ORS 537.765 have been filed with the Water Re-
24 sources Commission on or after the effective date of this 2019 Act.

25 “SECTION 5. This 2019 Act takes effect on the 91st day after the
26 date on which the 2019 regular session of the Eightieth Legislative
27 Assembly adjourns sine die.”.

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