

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1723

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 1020.2, which relates to
9 allocation of water; updating reference; providing
10 exception; amending 82 O.S. 2001, Section 1020.16,
11 which relates to commercial well drilling and
12 plugging; modifying penalty for certain violations;
13 and declaring an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.2, is
16 amended to read as follows:

17 Section 1020.2 It is hereby declared to be the public policy of
18 this state, in the interest of the agricultural stability, domestic,
19 municipal, industrial and other beneficial uses, general economy,
20 health and welfare of the state and its citizens, to utilize the
21 ground water resources of the state, and for that purpose to provide
22 reasonable regulations for the allocation for reasonable use based
23 on hydrologic surveys of fresh ground water basins or subbasins to
24 determine a restriction on the production, based upon the acres
overlying the ground water basin or subbasin. The provisions of

1 ~~this act~~ Section 1020.1 et seq. of this title shall not apply to the
2 taking, using or disposal of salt water associated with the
3 exploration, production or recovery of oil and gas or to the taking,
4 using or disposal of water trapped in producing mines; provided,
5 however, that the provisions of this act shall apply to water that
6 infiltrates, seeps, migrates, or otherwise moves from a sole source
7 aquifer, as defined in Section 1020.9A of this title, into an open
8 mining pit.

9 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1020.16, is
10 amended to read as follows:

11 Section 1020.16 A. All persons engaged in the commercial
12 drilling or commercial plugging of groundwater wells, monitoring
13 wells, observation wells, wells utilized for heat exchange purposes,
14 including but not limited to heat pump wells and geothermal wells,
15 and in the commercial drilling or plugging of geotechnical borings
16 and all persons engaged in the commercial installation of water well
17 pumps in this state shall make application for and become licensed
18 with the Board. After July 1, 1990, persons required to be licensed
19 pursuant to this section shall pay an annual fee as required by the
20 Board. Such fees shall be deposited and expended as provided in
21 subsection B of this section:

22 B. 1. There is hereby created within the Oklahoma Water
23 Resources Board the Well Drillers and Pump Installers Remedial
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1 Action Indemnity Fund. The Indemnity Fund shall be administered by
2 the Board.

3 2. The Indemnity Fund shall be excluded from budget and
4 expenditure limitations. Except as otherwise provided by subsection
5 C of this section, the monies deposited in the Indemnity Fund shall
6 at no time become part of the general budget of the Oklahoma Water
7 Resources Board or any other state agency. Except as otherwise
8 provided by subsection C of this section, no monies from the
9 Indemnity Fund shall be transferred for any purpose to any other
10 state agency or any account of the Board or be used for the purpose
11 of contracting with any other state agency or reimbursing any other
12 state agency for any expenses. Monies in the Indemnity Fund shall
13 only be expended for remedial actions necessary, without notice and
14 hearing, to protect groundwater from pollution or potential
15 pollution from wells, or boreholes under the jurisdiction of the
16 Board that do not meet minimum standards for construction or that
17 have been abandoned or as may be recommended by the Well Drillers
18 and Pump Installers Advisory Council.

19 3. The fees collected pursuant to subsection A of this section
20 shall be first credited to the "Well Drillers and Pump Installers
21 Remedial Action Indemnity Fund". The Indemnity Fund shall be
22 maintained at Fifty Thousand Dollars (\$50,000.00).

23 4. Expenditures from the Indemnity Fund required pursuant to
24 the provisions of this section shall be made pursuant to the

1 provisions of the Oklahoma Central Purchasing Act upon terms and
2 conditions established by the Department of Central Services and
3 shall not exceed Five Thousand Dollars (\$5,000.00) for each well,
4 borehole or pump for which action is taken.

5 5. Except in situations where the Governor has declared an
6 emergency and a claim by the owner of the well or borehole for costs
7 of remedial action is not paid by private insurance or other relief,
8 the Board shall seek reimbursement as recommended by the Well
9 Drillers and Pump Installers Advisory Council for any remedial
10 action taken or required by the Board. Any monies received as
11 reimbursement shall be deposited in the Well Drillers and Pump
12 Installers Remedial Action Indemnity Fund except as otherwise
13 provided in subsection C of this section.

14 C. When the Well Drillers and Pump Installers Remedial Action
15 Indemnity Fund reaches Fifty Thousand Dollars (\$50,000.00), the
16 fees, monies received as reimbursement, and administrative penalties
17 recovered under subsection E of this section shall be deposited in a
18 separate account in the Water Resources Board Revolving Fund
19 designated as the Well Drillers and Pump Installers Regulation
20 Account, which shall be a continuing account not subject to fiscal
21 year limitations. Monies in said account shall be used by the Board
22 for inspections, licensing, enforcement and education, reimbursing
23 per diem and travel costs for members of the Well Drillers and Pump
24 Installers Advisory Council pursuant to the State Travel

1 Reimbursement Act, and as otherwise determined to be necessary to
2 implement the provisions of this section.

3 D. Before any person or firm licensed pursuant to this section
4 shall commence the commercial drilling or plugging of any well or
5 borehole or commence installation of any pump, such person or firm
6 shall file with the Board such data or information as the Board may
7 by rule require. After completion, the driller or installer shall
8 file a completion report showing such data as the Board may require
9 together with a log of the well and pumping test data if applicable.

10 E. The Board may, after notice and hearing, impose
11 administrative penalties of up to ~~Five Hundred Dollars (\$500.00)~~ One
12 Thousand Dollars (\$1,000.00) and may revoke, suspend or deny renewal
13 of the license or operator certification for each violation of the
14 Board's rules and regulations regarding license or certification
15 requirements or minimum construction or installation standards.
16 Each day a violation continues shall constitute a separate
17 violation. Such administrative penalties shall be deposited in the
18 Well Drillers and Pump Installers Remedial Action Indemnity Fund
19 except as otherwise provided in subsection C of this section.

20 F. The Board is authorized to create a Well Drillers and Pump
21 Installers Advisory Council. The Board shall establish rules
22 stating the qualifications for membership and organization of the
23 Council. Meetings of the Council shall be held at the call of the
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1 Executive Director of the Board. The Council shall have the
2 following duties:

3 1. To recommend rules to the Board, provided such written
4 recommendations have been concurred upon by a majority of the
5 membership of the Council; and

6 2. To review and recommend approval or denial of use of monies
7 in the Well Drillers and Pump Installers Remedial Action Indemnity
8 Fund for:

9 a. remedial actions to protect groundwater from pollution
10 or potential pollution from wells, or boreholes under
11 the jurisdiction of the Board which do not meet
12 minimum standards for construction or that have been
13 abandoned, and

14 b. inspections, licensing, enforcement and education by
15 the Board.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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