

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2848

By: Jackson

4
5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2011, Section 1020.16, which relates to
9 commercial drilling or plugging licenses; clarifying
10 statutory language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1020.16, is
13 amended to read as follows:

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

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

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

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

1 4. Expenditures from the Indemnity Fund required pursuant to
2 the provisions of this section shall be made pursuant to the
3 provisions of The Oklahoma Central Purchasing Act upon terms and
4 conditions established by the Department of Central Services and
5 shall not exceed Fifteen Thousand Dollars (\$15,000.00) for each
6 well, borehole or pump for which action is taken.

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

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

1 per diem and travel costs for members of the Well Drillers and Pump
2 Installers Advisory Council pursuant to the State Travel
3 Reimbursement Act, and as otherwise determined to be necessary to
4 implement the provisions of this section.

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

12 E. The Board may, after notice and hearing, impose on any
13 person administrative penalties of up to Five Thousand Dollars
14 (\$5,000.00) and may revoke, suspend or deny renewal of any license
15 or operator certification for each violation of the rules of the
16 Board regarding license or certification requirements, the
17 requirement to obtain a license or certification, or minimum
18 construction or installation standards. Each day a violation
19 continues shall constitute a separate violation. Such
20 administrative penalties shall be deposited in the Well Drillers and
21 Pump Installers Remedial Action Indemnity Fund except as otherwise
22 provided in subsection C of this section.

23 F. The Board is authorized to create a Well Drillers and Pump
24 Installers Advisory Council. The Board shall establish rules

1 stating the qualifications for membership and organization of the
2 Council. Meetings of the Council shall be held at the call of the
3 Executive Director of the Board. The Council shall have the
4 following duties:

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

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

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

16 b. inspections, licensing, enforcement and education by
17 the Board.

18 SECTION 2. This act shall become effective November 1, 2012.

19
20 53-2-8816 KB 01/10/12
21
22
23
24