

A-Engrossed House Bill 4061

Ordered by the House February 16
Including House Amendments dated February 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture, Land Use, and Water for Representative Ken Helm)

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.

[Authorizes Water Resources Director to petition for warrant authorizing entry onto land or inspection.]

Requires *[person that owns or operates place of use at which hauled water is used for irrigation, nursery or agricultural purposes, or that hauls water to be used for irrigation, nursery or agricultural purposes,]* **certain water suppliers** to maintain **certain** records for at least 12 months and provide records to **law enforcement or** Water Resources Department upon request.

Requires person that purchases water from water supplier at distribution location to be hauled for irrigation or nursery purposes to keep certain records for at least 12 months and provide records to law enforcement or department upon request.

Prohibits person *[that owns or operates place of use at which hauled water is used for irrigation, nursery or agricultural purposes from soliciting or accepting hauled water from illegal source]* **from hauling water to, or arranging for hauling of water to, certain grow sites. Provides that violation with criminal negligence under certain circumstances is subject to maximum penalty of 364 days' imprisonment, \$25,000 fine, or both.**

Prohibits person from *[making false verbal or written statement or representation]* **willfully or negligently providing false information to law enforcement or** department regarding *[hauled water or]* hauling of water **related to plants in plant Cannabis family Cannabaceae.** Authorizes imposition of civil penalties for violation *[of requirements or prohibitions].* Provides that violation *[of false statement or representation prohibition is subject to maximum penalty of 364 days' imprisonment, \$25,000 fine, or both]* **is subject to maximum penalty of 364 days' imprisonment, \$6,250 fine, or both.**

Instructs Water Resources Commission to notify certain violators of time allowed to correct violation within 10 business days after commission becomes aware of violation.

[Provides that civil penalty for certain violations related to water resources may not exceed \$5,000 per day for each day of violation. Establishes exception for violation related to crop of plants in plant Cannabis family Cannabaceae, for which civil penalty may not exceed \$20,000 per day for each day of violation or economic value of crop, whichever is greater.]

[Instructs commission to consider value of any crop of plants in plant Cannabis family Cannabaceae to which certain violations may relate when imposing civil penalty for violation.]

[Provides that certain violations related to water resources are Class A misdemeanors, that each day of violation constitutes separate offense and that maximum fine is \$25,000.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to water resources; creating new provisions; amending ORS 536.900 and 537.990; and pre-
3 scribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

HAULED WATER

6
7
8 **SECTION 1. (1) A water supplier that sells water to the public at a distribution location**
9 **authorized for hauled water by the water supplier shall:**

10 **(a) Maintain records of the water sales that include:**

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 (A) The name and contact information of the person that purchased the water.

2 (B) The date of the sale.

3 (C) The quantity of the water.

4 (D) The license plate number of the vehicle used to haul the water.

5 (b) Retain the records for at least 12 months after the sales.

6 (c) Upon request by law enforcement or the Water Resources Department, immediately
7 provide the records.

8 (2) Notwithstanding subsection (1)(a) of this section, a water supplier is not required to
9 keep records of water sold:

10 (a) To state or local government bulk water purchasers.

11 (b) To contractors licensed by the Construction Contractors Board.

12 (c) In bulk to be used for firefighting purposes.

13 (3) Notwithstanding any contrary provision of law, a water supplier that provides records
14 under subsection (1)(c) of this section shall have immunity from any civil or criminal liability:
15

16 (a) That might otherwise be incurred or imposed with respect to release of the records
17 and any data in the records.

18 (b) With respect to participating in any judicial proceeding that results from the release
19 of records or any data in the records.

20 (4) The Water Resources Commission may adopt rules to implement this section.

21 **SECTION 2.** (1) A person that purchases water from a water supplier at a distribution
22 location to be hauled for irrigation or nursery purposes shall:

23 (a) Keep records of:

24 (A) The date and location of the purchase.

25 (B) The date on which the water is delivered.

26 (C) If hauling water for another person, the name and contact information of the person
27 to whom the water will be delivered and the date of the delivery.

28 (D) The quantity of the water.

29 (E) The intended use of the water, including the type of plant for which the water is in-
30 tended to be used.

31 (F) The location at which the water is used.

32 (b) Retain the records for at least 12 months after the water is delivered to the location
33 of use.

34 (c) Upon request by law enforcement or the Water Resources Department, immediately
35 provide the records.

36 (2) The Water Resources Commission may adopt rules to implement this section.

37 **SECTION 3.** As soon as practicable after the effective date of this 2022 Act, the Oregon
38 Liquor and Cannabis Commission, the State Department of Agriculture and the Water Re-
39 sources Department shall make reasonable attempts to provide notice of the requirements
40 described in section 2 of this 2022 Act to potentially interested persons.

41 **SECTION 4.** (1) A person may not haul water to, or arrange for the hauling of water to,
42 a grow site for plants in the plant Cannabis family Cannabaceae if:

43 (a) The grow site is not registered or licensed under ORS 475C.065, 475C.792 or 571.281;
44 and

45 (b) The crop of plants is in an amount that is not allowed under state law.

