

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3382

By: Moore

COMMITTEE SUBSTITUTE

An Act relating to waters and water rights; amending 82 O.S. 2021, Section 105.20, which relates to violations; subjecting certain violations to administrative penalties; setting maximum penalty; requiring certain notice and opportunity for hearing; amending 82 O.S. 2021, Section 1020.22, which relates to violations; subjecting certain violations to administrative penalties; setting maximum penalty; requiring certain notice and opportunity for hearing; modifying maximum fine; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2021, Section 105.20, is amended to read as follows:

Section 105.20 A. The unauthorized use of water, the unauthorized transfer of a water right, the continued use of works which are unsafe after receiving notice to repair, the waste of water, the unauthorized severance of a water right from the land to which it is appurtenant, the refusal to change unsafe works when

1 directed to do so, ~~or~~ the injury or obstruction of waterworks, or
2 the violation of a permit condition shall be a misdemeanor and each
3 day such violation continues shall be a separate violation. In
4 addition to filing criminal complaints and any other remedies
5 provided herein, the Oklahoma Water Resources Board shall have the
6 right to bring an action in the district court of the county wherein
7 such act or omission occurs to enjoin the same.

8 B. The unauthorized use of water, the unauthorized transfer of
9 a water right, the continued use of works which are unsafe after
10 receiving notice to repair, the waste of water, the unauthorized
11 severance of a water right from the land to which it is appurtenant,
12 the refusal to change unsafe works when directed to do so, the
13 injury or obstruction of waterworks, or the violation of a permit
14 condition are considered violations of Sections 105.1 through 105.32
15 of this title and shall be subject to administrative penalties
16 issued by the Board of up to Five Thousand Dollars (\$5,000.00) per
17 day of violation. Such administrative penalties shall be imposed
18 only after notice and opportunity for hearing on the proposed
19 imposition of such penalties.

20 C. The Board and its authorized agents shall have a reasonable
21 right to go upon private property in the performance of their duties
22 hereunder and shall have the duty to file complaints of violations
23 of the penal provisions of this section.

1 SECTION 2. AMENDATORY 82 O.S. 2021, Section 1020.22, is
2 amended to read as follows:

3 Section 1020.22 A. Except as otherwise provided by subsection
4 C of this section, any person who, after notice from the Water
5 Resources Board, violates or refuses or neglects to comply with any
6 provision of Sections 1020.1 through 1020.21 of this title, or any
7 permit condition, or of any rule or regulation promulgated by the
8 Board pursuant thereto, or who commits waste as defined in Section
9 1020.15 of this title shall be subject to administrative penalties
10 issued by the Board. Said penalties shall not exceed Five Thousand
11 Dollars (\$5,000.00) per day for each violation and each day such
12 violation continues shall constitute a separate violation. Such
13 administrative penalties shall be imposed only after notice and
14 opportunity for hearing on the proposed imposition of such
15 penalties.

16 B. In addition to administrative penalties, except as otherwise
17 provided by subsection B C of this section, any person who, after
18 notice from the Board, violates or refuses or neglects to comply
19 with any provision of Sections 1020.1 through 1020.21 of this title,
20 or of any rule or regulation promulgated by the Board pursuant
21 thereto, or who commits waste as defined in Section 1020.15 of this
22 title shall be guilty of a misdemeanor, and upon conviction shall be
23 fined not less than Twenty-five Dollars (\$25.00) nor more than ~~Two~~
24 ~~Hundred Fifty Dollars (\$250.00)~~ One Thousand Dollars (\$1,000.00) for

1 each offense. Any person who, after notice that he or she is in
2 violation thereof continues to violate any provision of Sections
3 1020.1 through 1020.21 of this title, and fails to comply therewith
4 within a reasonable length of time, is guilty of a separate offense
5 for each day the violation continues.

6 ~~B.~~ C. Any person causing pollution of the groundwater or
7 placing or causing to be placed waste in a location where ~~they are~~
8 it is likely to cause pollution of the groundwater shall be subject
9 to the Oklahoma Environmental Quality Code.

10 SECTION 3. This act shall become effective November 1, 2022.

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