

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3382

By: Moore of the House

and

7 **Stephens** of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to waters and water rights; amending
12 82 O.S. 2021, Section 105.20, which relates to
13 violations; subjecting certain violations to
14 administrative penalties; setting maximum penalty;
15 requiring certain notice and opportunity for hearing;
16 amending 82 O.S. 2021, Section 1020.22, which relates
17 to violations; subjecting certain violations to
18 administrative penalties; setting maximum penalty;
19 requiring certain notice and opportunity for hearing;
20 modifying maximum fine; and providing an effective
21 date.

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

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

25 Section 105.20 A. The unauthorized use of water, the
26 unauthorized transfer of a water right, the continued use of works
27 which are unsafe after receiving notice to repair, the waste of

1 water, the unauthorized severance of a water right from the land to
2 which it is appurtenant, the refusal to change unsafe works when
3 directed to do so, ~~or~~ the injury or obstruction of waterworks, or
4 the violation of a permit condition shall be a misdemeanor and each
5 day such violation continues shall be a separate violation. In
6 addition to filing criminal complaints and any other remedies
7 provided herein, the Oklahoma Water Resources Board shall have the
8 right to bring an action in the district court of the county wherein
9 such act or omission occurs to enjoin the same.

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

22 C. The Board and its authorized agents shall have a reasonable
23 right to go upon private property in the performance of their duties
24

1 hereunder and shall have the duty to file complaints of violations
2 of the penal provisions of this section.

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

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

18 B. In addition to administrative penalties, except as otherwise
19 provided by subsection ~~B~~ C of this section, any person who, after
20 notice from the Board, violates or refuses or neglects to comply
21 with any provision of Sections 1020.1 through 1020.21 of this title,
22 or of any rule or regulation promulgated by the Board pursuant
23 thereto, or who commits waste as defined in Section 1020.15 of this
24 title shall be guilty of a misdemeanor, and upon conviction shall be

1 fined not less than Twenty-five Dollars (\$25.00) nor more than ~~Two~~
2 ~~Hundred Fifty Dollars (\$250.00)~~ One Thousand Dollars (\$1,000.00) for
3 each offense. Any person who, after notice that he or she is in
4 violation thereof continues to violate any provision of Sections
5 1020.1 through 1020.21 of this title, and fails to comply therewith
6 within a reasonable length of time, is guilty of a separate offense
7 for each day the violation continues.

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

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

13
14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
15 dated 02/17/2022 - DO PASS, As Amended and Coauthored.
16
17
18
19
20
21
22
23
24