

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3382

By: Moore

AS INTRODUCED

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 directed to do so, or the injury or obstruction of waterworks shall be a misdemeanor and each day such violation continues shall be a

1 separate violation. In addition to filing criminal complaints and
2 any other remedies provided herein, the Board shall have the right
3 to bring an action in the district court of the county wherein such
4 act or omission occurs to enjoin the same.

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

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

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

22 Section 1020.22 A. Except as otherwise provided by subsection
23 C of this section, any person who, after notice from the Water
24 Resources Board, violates or refuses or neglects to comply with any

1 provision of Sections 1020.1 through 1020.21 of this title or of any
2 rule or regulation promulgated by the Board pursuant thereto, or who
3 commits waste as defined in Section 1020.15 of this title shall be
4 subject to administrative penalties issued by the Board. Said
5 penalties shall not exceed Five Thousand Dollars (\$5,000.00) per day
6 for each violation and each day such violation continues shall
7 constitute a separate violation. Such administrative penalties
8 shall be imposed only after notice and opportunity for hearing on
9 the proposed imposition of such penalties.

10 B. In addition to administrative penalties, except as otherwise
11 provided by subsection B C of this section, any person who, after
12 notice from the Board, violates or refuses or neglects to comply
13 with any provision of Sections 1020.1 through 1020.21 of this title
14 or of any rule or regulation promulgated by the Board pursuant
15 thereto, or who commits waste as defined in Section 1020.15 of this
16 title shall be guilty of a misdemeanor, and upon conviction shall be
17 fined not less than Twenty-five Dollars (\$25.00) nor more than ~~Two~~
18 ~~Hundred Fifty Dollars (\$250.00)~~ One Thousand Dollars (\$1,000.00) for
19 each offense. Any person who, after notice that he or she is in
20 violation thereof continues to violate any provision of Sections
21 1020.1 through 1020.21 of this title, and fails to comply therewith
22 within a reasonable length of time, is guilty of a separate offense
23 for each day the violation continues.

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

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

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