

# An Act

ENROLLED HOUSE  
BILL NO. 3382

By: Marti of the House

and

Stephens and Bullard of the  
Senate

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.

SUBJECT: Waters and water rights

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, or the violation of a permit condition shall be a misdemeanor and each day such violation continues shall be a separate violation. In addition to filing criminal complaints and any other remedies provided herein, the Oklahoma Water Resources Board shall have the

right to bring an action in the district court of the county wherein such act or omission occurs to enjoin the same.

B. 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, the injury or obstruction of waterworks, or the violation of a permit condition are considered violations of Sections 105.1 through 105.32 of this title and shall be subject to administrative penalties issued by the Board of up to Five Thousand Dollars (\$5,000.00) per day of violation. Such administrative penalties shall be imposed only after notice and opportunity for hearing on the proposed imposition of such penalties.

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

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

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

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

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

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

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

Passed the House of Representatives the 23rd day of March, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 28th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_