

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1048

By: Sterling and Sims of the
House

4 and

5 Daniels of the Senate

6
7 An Act relating to eminent domain; proscribing the
8 taking of groundwater rights by eminent domain;
9 providing consent exception; providing for
10 codification; and providing an effective date.

11 AUTHOR: Add the following House Coauthor: McBride

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
13 entire bill and insert

14 An Act relating to eminent domain; requiring
15 condemning authority to provide certain notice to
16 landowner; authorizing landowner retention of
17 groundwater rights under certain circumstances;
18 prohibiting right of access for certain purposes
19 without written permission from authority; providing
20 exception to applicability; providing for
21 codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 19 of Title 27, unless there is
created a duplication in numbering, reads as follows:

Condemning authorities seeking to acquire surface rights for a
public purpose shall provide written notice to the landowner subject

1 to the acquisition that the landowner may elect to retain, through
2 severance, the groundwater rights, if any, that are attached to the
3 property to be acquired. If the landowner elects to retain such
4 groundwater rights, the acquisition shall be limited to surface
5 rights and exclude groundwater rights; however, an owner of
6 groundwater rights shall not have a right of access to the acquired
7 surface rights and no person may construct, maintain or operate any
8 water well, drilling equipment or lines on or under the surface
9 acquired by the condemning authority without the express written
10 permission of the condemning authority. Notwithstanding the
11 foregoing, this provision shall not apply to a condemning authority
12 that is seeking to acquire groundwater rights based on an affidavit
13 of need or resolution of necessity that sets out an expressly stated
14 need and purpose for the acquisition of such groundwater rights.

15 SECTION 2. This act shall become effective November 1, 2020.

16 Passed the Senate the 12th day of February, 2020.

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Presiding Officer of the Senate

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20 Passed the House of Representatives the ____ day of _____,
21 2020.

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Presiding Officer of the House
of Representatives

24

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10 codification; and providing an effective date.
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 19 of Title 27, unless there is
15 created a duplication in numbering, reads as follows:

16 Groundwater rights shall not be subject to or taken by eminent
17 domain proceedings unless the owner of the groundwater right
18 expressly consents to the right being included in an eminent domain
19 proceeding.

20 SECTION 4. This act shall become effective November 1, 2019.
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1 Passed the House of Representatives the 4th day of March, 2019.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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8 Presiding Officer of the Senate