

An Act

ENROLLED HOUSE
BILL NO. 1048

By: Sterling, Sims and McBride
of the House

and

Daniels of the Senate

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

SUBJECT: Eminent domain

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

SECTION 1. NEW LAW A new section of law to be codified 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 to the acquisition that the landowner may elect to retain, through severance, the groundwater rights, if any, that are attached to the property to be acquired. If the landowner elects to retain such groundwater rights, the acquisition shall be limited to surface rights and exclude groundwater rights; however, an owner of groundwater rights shall not have a right of access to the acquired surface rights and no person may construct, maintain or operate any water well, drilling equipment or lines on or under the surface acquired by the condemning authority without the express written permission of the condemning authority. Notwithstanding the

foregoing, this provision shall not apply to a condemning authority that is seeking to acquire groundwater rights based on an affidavit of need or resolution of necessity that sets out an expressly stated need and purpose for the acquisition of such groundwater rights.

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

Passed the House of Representatives the 2nd day of March, 2020.

Presiding Officer of the House
of Representatives

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

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: _____