

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 1048, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Daniels

Daniels-TEK-FS-Req#3777  
2/3/2020 3:38 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1048

By: Sterling and Sims of the  
House

6 and

7 Daniels of the Senate

8  
9 FLOOR SUBSTITUTE

10 [ eminent domain - groundwater rights - codification  
11 - effective date ]

12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

17 Condemning authorities seeking to acquire surface rights for a  
18 public purpose shall provide written notice to the landowner subject  
19 to the acquisition that the landowner may elect to retain, through  
20 severance, the groundwater rights, if any, that are attached to the  
21 property to be acquired. If the landowner elects to retain such  
22 groundwater rights, the acquisition shall be limited to surface  
23 rights and exclude groundwater rights; however, an owner of  
24 groundwater rights shall not have a right of access to the acquired

1 surface rights and no person may construct, maintain or operate any  
2 water well, drilling equipment or lines on or under the surface  
3 acquired by the condemning authority without the express written  
4 permission of the condemning authority. Notwithstanding the  
5 foregoing, this provision shall not apply to a condemning authority  
6 that is seeking to acquire groundwater rights based on an affidavit  
7 of need or resolution of necessity that sets out an expressly stated  
8 need and purpose for the acquisition of such groundwater rights.

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

10  
11 57-2-3777 TEK 2/3/2020 3:38:05 PM  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24