

ENGROSSED SENATE
BILL NO. 1043

By: Roberts of the Senate

and

Settle of the House

An Act relating to damages; expanding damages for injury to a right to or interest in water; providing for codification; and declaring an emergency.

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 73 of Title 23, unless there is created a duplication in numbering, reads as follows:

A. In an action for injury to a right to or interest in water affecting quantity of water only, the measure of damages, except where otherwise provided by law, is the amount which will compensate for all detriment proximately caused thereby, whether the detriment could have been anticipated or not, together with reasonable attorney fees and costs. If the injury is caused by willful conduct or by conduct in knowing disregard for the rights of others, the plaintiff may be awarded punitive damages.

B. Damages may be awarded pursuant to this section in addition to any other legal or equitable relief.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 20th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker of the House of Representatives