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February 27, 2018

AS AMENDED

SENATE BILL NO. 1561

By: Paxton

[highways and roads - rights-of-ways - consent and compensation - timeline - placement and removal of temporary pipelines - written agreements - codification - effective date]

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 1410 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. Any person or entity lawfully operating and in the course of doing business in this state may use rights-of-way only after written consent, pursuant to subsection G of this section, of each individual impacted record landowner is obtained and compensation has been negotiated and paid to the landowner. This subsection shall not apply to any person or entity owning such right-of-way and/or operating within the right-of-way that is not inconsistent with the purpose for which it was acquired. This section shall not apply to any entity or person utilizing an existing easement.

1 B. In the case of temporary pipe, water hoses or lines, such
2 materials may be used only after written record landowner consent is
3 obtained and compensation has been received by the landowner for the
4 transportation and disposal of water used in the process of oil or
5 natural gas production.

6 C. All temporary pipe, water hoses or lines may be erected,
7 placed, adjusted or laid and maintained only after obtaining the
8 consent from the record landowner and compensation has been received
9 by the landowner.

10 D. The use of rights-of-ways by any person or company pursuant
11 to the provisions of this section shall be deemed to be temporary
12 when such use is not anticipated to exist and does not exist for
13 longer than three (3) months from the date permission for such use
14 is granted by the record landowner and compensation is received.

15 E. After written consent by the record landowner is obtained
16 and compensation is received, temporary pipe, water hoses or lines
17 may be erected, placed, adjusted, laid, constructed and maintained
18 so as not to inconvenience the landowner in any way. The temporary
19 pipe, water hoses or lines may not interfere in any way with or any
20 use of the land including, but not limited to livestock and crop
21 production, unless such interference has otherwise been addressed by
22 agreement.

23 F. Pursuant to this section, any person or entity utilizing the
24 rights-of-way after written consent is obtained by the impacted

1 record landowner and compensation is received shall completely
2 repair or replace any damage, injury or other change to public roads
3 or highways or rights-of-way of this state or to any county or
4 municipality. Further, when the temporary pipe, water hoses or
5 lines are removed, it shall be the responsibility of the placing
6 person, business or entity to repair any damage made by the
7 erection, placement, adjustment, laying, construction and
8 maintenance of the temporary pipe and to restore any structure or
9 land so as to leave the property in the same condition or better as
10 found prior to the use of the temporary pipe.

11 G. A person, business or entity that intends to utilize a
12 right-of-way in the manner provided in this section shall be
13 required to contact in writing each record property owner that abuts
14 the right-of-way used for the placement of temporary pipe, water
15 hoses or lines prior to any work conducted in the right-of-way
16 regardless if a county of this state issues any permit granting
17 access. Information to be disclosed shall include, but not be
18 limited to, the person and contact information designated as point
19 of contact on the project, the description and timeline of the work
20 requiring the use of the right-of-way, the duration of time the
21 temporary pipe will be in the right-of-way and the offer of
22 compensation to be paid for the use of the property associated with
23 the record owner. The parties shall have thirty (30) days from the
24 date of receipt of written contact to finalize a written agreement.

1 H. Nothing in this section shall be construed to limit any
2 rights otherwise granted by law.

3 SECTION 2. This act shall become effective November 1, 2018.

4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
5 February 27, 2018 - DO PASS AS AMENDED
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