

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3159

By: Roberts and **Menz** of the
House

and

Gollihare of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to eminent domain; amending 27 O.S.
12 2021, Section 18, which relates to the Landowner's
13 Bill of Rights; providing for the right of first
14 refusal or right of first offer for property acquired
15 by eminent domain; providing for the right of first
16 refusal or right of first offer to be included in the
17 Landowner's Bill of Rights; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 27 O.S. 2021, Section 18, is
21 amended to read as follows:

22 Section 18. A. The Attorney General shall prepare a written
23 statement that includes a "Landowner's Bill of Rights" for a
24 property owner whose real property may be acquired by a person,
acquiring agency, or other entity through the use of the entity's
eminent domain authority under Title 27 or Title 66 of the Oklahoma

1 Statutes. The statement shall be made available to the public and
2 written in plain language designed to be easily understood by the
3 average property owner.

4 B. The Landowner's Bill of Rights shall notify each property
5 owner of the right to:

6 1. Notice of the proposed acquisition of the owner's property;

7 2. A bona fide good-faith effort to negotiate by the entity
8 proposing to acquire the property;

9 3. An assessment of damages to the owner that will result from
10 the taking of the property;

11 4. A hearing under Title 27 of the Oklahoma Statutes, including
12 a hearing on the assessment of damages; ~~and~~

13 5. An appeal of a judgment in a condemnation proceeding,
14 including an appeal of an assessment of damages; and

15 6. First refusal or right of first refusal offer if the
16 acquired land is ever sold by the state or any state agency thereof
17 or any person who acquired the land through the use of eminent
18 domain authority. If the landowner chooses to exercise this right,
19 the price would be the lower of either the current market value or
20 the price received by the landowner under the eminent domain sale.
21 This right shall be available to the landowner in the original
22 eminent domain sale and to the first generation of heirs.

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1 However, acquired land may be transferred to another state
2 agency without prompting the first refusal or right of first refusal
3 as provided in this paragraph.

4 C. The statement shall include:

5 1. The title "Landowner's Bill of Rights"; and

6 2. A description of:

7 a. the condemnation procedures provided by Title 27 of
8 the Oklahoma Statutes,

9 b. the condemning entity's obligations to the property
10 owner, ~~and~~

11 c. the property owner's options during a condemnation,
12 including the property owner's right to object to and
13 appeal an amount of damages awarded, and

14 d. the property owner's right to first refusal or rights
15 of first offer if the acquired land is ever sold by
16 the state or any state agency thereof or any person
17 who acquired the land through the use of eminent
18 domain authority.

19 SECTION 2. This act shall become effective November 1, 2024.

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21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
22 02/22/2024 - DO PASS, As Amended and Coauthored.