

ENGROSSED SENATE
CONCURRENT
RESOLUTION NO. 59

By: Laster and Jolley of the
Senate

and

Liotta and Hyman of the
House

A Concurrent Resolution recognizing that due to an Oklahoma Supreme Court ruling certain pending legislation is unnecessary; and directing distribution.

WHEREAS, the United States Supreme Court ruling in Kelo v. City of New London, Connecticut, 125 S.Ct. 2655 (2005) caused widespread concern among Oklahoma citizens concerning the protection of private property rights from governmental takings for economic development by use of eminent domain; and

WHEREAS, Oklahoma constitutional and statutory authority appeared to protect Oklahoma citizens from a result similar to that which occurred in Connecticut in the Kelo case, though there was previously no definitive Oklahoma Supreme Court case on point; and

WHEREAS, numerous members of the Oklahoma Senate and House of Representatives introduced legislation intended to address citizens' concerns raised by the Kelo case, and

WHEREAS, on May 9, 2006, the Oklahoma Supreme Court issued a landmark ruling in County Commissioners of Muskogee County v. Lowery, 2006 OK 31 (Okla. 2006), clearly holding and affirming that Oklahoma's Constitution and existing statutes already prohibit government from using eminent domain to take private property solely for economic development; and

WHEREAS, the Oklahoma Supreme Court's opinion in Lowery establishes clear precedent that private economic development can

never constitute sole justification for governmental exercise of eminent domain in Oklahoma.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma Legislature applauds the Oklahoma Supreme Court's Lowery decision as confirming that the result that occurred in the Kelo case cannot happen under Oklahoma law.

THAT the Oklahoma Legislature finds that adjustments are not needed this session in either the state Constitution or statutes to protect Oklahoma property owners from the result that occurred in Kelo. The Oklahoma Legislature further finds that it could be detrimental to blur or confuse the Oklahoma Supreme Court's ruling in Lowery with further legislation on eminent domain, and that it is, therefore, unnecessary to go forward with the pending legislation on eminent domain this session.

THAT a copy of this resolution be distributed to the Governor and the Secretary of State.

Adopted by the Senate the 26th day of May, 2006.

Presiding Officer of the Senate

Adopted by the House of Representatives the ____ day of _____, 2006.

Presiding Officer of the House
of Representatives