

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3053 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Pat Ownbey

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3053

By: Ownbey

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to eminent domain; requiring real
9 property taken by eminent domain to be used for a
10 public purpose within certain time; requiring unused
11 condemned real property to be offered for resale to
12 the original owner or heirs at certain price;
13 requiring certain person, agency or entity to provide
14 certain notice to former landowner; specifying manner
15 of notification; allowing property to be sold at
16 public auction under certain conditions; requiring an
17 unused portion of condemned real property to be
18 offered for resale to the original owner or heirs;
19 specifying application of certain provisions;
20 providing for codification; and providing an
21 effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 17 of Title 27, unless there is
created a duplication in numbering, reads as follows:

A. In the event that real property taken by eminent domain
under the procedures set forth in Title 27 of the Oklahoma Statutes
for a public purpose as described in Section 9 of Title 27 of the

1 Oklahoma Statutes is not used for the purposes for which it was
2 condemned or for another public use by the agency or other entity
3 which acquired the real property within five (5) years of the date
4 when title to the real property was acquired, the acquiring agency
5 or entity shall declare the property surplus and shall be required
6 to first offer the property for resale to the person from whom the
7 property was taken, or the heirs or assignees of the person, at the
8 original price at which the acquiring agency or entity purchased the
9 property.

10 B. For purposes of complying with subsection A of this section,
11 the agency or entity which acquired the real property by
12 condemnation shall notify the former landowner of the right of first
13 refusal by sending notice by certified mail, return receipt
14 requested, to the last known address of the person as provided by
15 the person. If the mail is returned as not subject to delivery,
16 notice shall be provided by publication in a newspaper of general
17 circulation in the community where the real property is located. If
18 the offer to repurchase is not accepted within ninety (90) days from
19 the date of notice or if the offer to repurchase is not accepted
20 from the date the resale price on the property is determined, the
21 property may then be sold at public sale.

22 C. In the event that a portion of the total amount of real
23 property taken by eminent domain under the procedures set forth in
24 Title 27 of the Oklahoma Statutes for a public purpose as described

1 in Section 9 of Title 27 of the Oklahoma Statutes is not used for
2 the purposes for which it was condemned or for another public use by
3 the agency or other entity which acquired the real property, the
4 portion of the real property that is not used shall be declared
5 surplus and shall be first offered for resale to the person from
6 whom the property was taken or the heirs or assignees of the person
7 at the original price at which the acquiring agency or entity
8 purchased that portion of the property. The procedure providing
9 notice as set forth in subsection B of this section shall apply to
10 the repurchase of a portion of real property as required pursuant to
11 this section.

12 SECTION 2. This act shall become effective November 1, 2010.

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14 52-2-9590 KB 02/15/10
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