

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1226**

By: Ownbey of the House and Simpson of the Senate

Title: Eminent domain; requiring property owner be given right of first refusal; specifying how to determine resale price; effective date.

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Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**SENATE CONFEREES**

Simpson \_\_\_\_\_  
Sykes \_\_\_\_\_  
Brecheen \_\_\_\_\_  
Brinkley \_\_\_\_\_  
Ballenger \_\_\_\_\_  
Paddack \_\_\_\_\_

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1226

By: Ownbey, Reynolds, Ritze,  
Wesselhoft and Walker of  
the House

7 and

8 Simpson and Shortey of the  
9 Senate

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to eminent domain; requiring an  
12 unused portion of condemned real property to be  
13 offered for resale to the original owner or heirs;  
14 specifying how to determine resale price; requiring  
15 certain person, agency or entity to provide certain  
16 notice to former landowner; specifying manner of  
17 notification; allowing property to be sold at public  
18 sale under certain conditions; providing exception  
19 for certain conveyances; providing for codification;  
20 and providing an effective date.

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

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

A. In the event that a portion of the total amount of real  
property taken by eminent domain under the procedures set forth in  
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 of the person at the  
7 appraised value or the original price at which the acquiring agency  
8 or entity purchased that portion of the property, whichever is less.

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

21 C. This section shall not apply to conveyances for  
22 redevelopment under Sections 38-101 through 38-123 of Title 11 of  
23 the Oklahoma Statutes.

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SECTION 2. This act shall become effective November 1, 2011.

53-1-7674           EK           05/10/11