

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2807

By: Moore

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7 COMMITTEE SUBSTITUTE

8 An Act relating to property; creating the Oklahoma
9 Community Protection Act; defining term; prohibiting
10 adoption of policies that restrict private property
11 rights without due process; listing specific due
12 process elements; providing exception; declaring
13 certain changes be subject to change; providing
14 monies to be property of political subdivision;
15 nullifying private property restrictions without due
16 process; specifying damages and attorney fees;
17 providing for codification; and providing an
18 effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 100 of Title 60, unless there is
28 created a duplication in numbering, reads as follows:

29 A. This section shall be known and may be cited as the
30 "Oklahoma Community Protection Act".

31 B. As used in the Oklahoma Community Protection Act, "political
32 subdivision" means any county, city, town, municipality, district,
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1 public local entity, public-private partnership or any other public
2 entity of the state, a county, city, town or municipality.

3 C. The state or any political subdivision of the state shall
4 not adopt or implement policy recommendations that deliberately or
5 inadvertently infringe upon or restrict private property rights
6 without due process, including but not limited to notice, official
7 public hearings and a vote of the people, as may be required by
8 policy recommendations originating in or traceable to any
9 international or federal courts, laws, opinions, rulings,
10 regulations, codes, restrictions or executive orders. However,
11 nothing in this subsection shall restrict the state or any political
12 subdivision from acquiring property for public use or public good
13 through the eminent domain process. Any changes made due to any
14 international or federal actions shall not be considered permanent
15 and shall be subject to change. Any money allocated, accepted,
16 spent or promised shall be considered the property of the affected
17 political subdivision of the state and any debt or commitment to an
18 international or federal entity whereby the citizens did not have
19 the ability to exercise their constitutional rights shall be
20 considered null and void.

21 D. Any attempt to restrict private property rights without due
22 process of law shall be deemed null and void per the Oklahoma
23 Constitution and the United States Constitution. In the event any
24 court determines a property owner's constitutional rights have been

1 | violated, damages shall be awarded in favor of the property owner at
2 | an amount not less than ten times the property value as assessed in
3 | the previous year by the county assessor of the county in which the
4 | property is located and treble attorney fees shall be awarded.

5 | SECTION 2. This act shall become effective November 1, 2014.

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