

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2807

By: Moore, Turner, Kern, Walker
and Roberts (Sean) of the
House

6 and

7 Dahm of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to property; creating the Oklahoma
11 Community Protection Act; defining terms; prohibiting
12 adoption of policies that restrict private property
13 rights without due process; listing specific due
14 process elements; providing exception; declaring
15 certain changes be subject to change; providing
16 monies to be property of political subdivision;
17 nullifying private property restrictions without due
18 process; specifying damages and attorney fees;
19 providing for codification; and providing an
20 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 100 of Title 60, unless there is
24 created a duplication in numbering, reads as follows:

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

B. As used in the Oklahoma Community Protection Act:

1 1. "Political subdivision" means any county, city, town,
2 municipality, district, public local entity, public-private
3 partnership or any other public entity of the state, a county, city,
4 town or municipality; and

5 2. "Private property rights" mean the right of ownership,
6 possession, unrestricted right of use, right of control, right of
7 enjoyment and right of disposal of purchased or deeded private
8 property.

9 C. The state or any political subdivision of the state shall
10 not adopt or implement policy recommendations that deliberately or
11 inadvertently infringe upon or restrict private property rights
12 without due process, including but not limited to notice, official
13 public hearings and a vote of the people, as may be required by
14 policy recommendations originating in or traceable to any
15 international or federal courts, laws, opinions, rulings,
16 regulations, codes, restrictions or executive orders. However,
17 nothing in this subsection shall restrict the state or any political
18 subdivision from acquiring property for public use or public good
19 through the eminent domain process, except in instances where
20 legally purchased or deeded private property is acquired by
21 exercising eminent domain in order to resell to a private interest
22 or generate revenue. Any changes made due to any international or
23 federal actions shall not be considered permanent and shall be
24 subject to change. Any money allocated, accepted, spent or promised

1 shall be considered the property of the affected political
2 subdivision of the state and any debt or commitment to an
3 international or federal entity whereby the citizens did not have
4 the ability to exercise their constitutional rights shall be
5 considered null and void.

6 D. Any attempt to restrict private property rights without due
7 process of law shall be deemed null and void per the Oklahoma
8 Constitution and the United States Constitution. In the event any
9 court determines a property owner's constitutional rights have been
10 violated, damages shall be awarded in favor of the property owner at
11 an amount not less than ten times the property value as assessed in
12 the previous year by the county assessor of the county in which the
13 property is located and treble attorney fees shall be awarded.

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

15
16 54-2-3539 TEK 3/25/2014 9:26:08 AM