

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2807, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Dahm

Dahm-TEK-FS-Req#3647
4/16/2014 4:14 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 2807

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

6 and

7 Dahm of the Senate

8
9
10 FLOOR SUBSTITUTE

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

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

1 B. As used in the Oklahoma Community Protection Act:

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

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

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

1 be considered permanent and shall be subject to change. Any money
2 allocated, accepted, spent or promised shall be considered the
3 property of the affected political subdivision of the state and any
4 debt or commitment to an international or federal entity whereby the
5 citizens did not have the ability to exercise their constitutional
6 rights shall be considered null and void.

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

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

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