SENATE FLOOR VERSION
March 25, 2014

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2807

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

and

Dahm of the Senate

An Act relating to property; creating the Oklahoma Community Protection Act; defining terms; prohibiting adoption of policies that restrict private property rights without due process; listing specific due process elements; providing exception; declaring certain changes be subject to change; providing monies to be property of political subdivision; nullifying private property restrictions without due process; specifying damages and attorney fees; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified 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".

B. As used in the Oklahoma Community Protection Act:

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
March 25, 2014 - DO PASS AS AMENDED