

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 931

By: Simpson

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5
6 AS INTRODUCED

7 An Act relating to eminent domain; amending 27 O.S.
8 2011, Section 13, which relates to policies;
9 providing exception to certain power; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 27 O.S. 2011, Section 13, is
13 amended to read as follows:

14 Section 13. Any person, acquiring agency or other entity
15 acquiring real property for any public project or program described
16 in Section 9 of this title shall comply with the following policies:

17 1. Every reasonable effort shall be made to acquire,
18 expeditiously, real property by negotiation.

19 2. Real property shall be appraised before the initiation of
20 negotiations, and the owner or his designated representative shall
21 be given an opportunity to accompany the appraiser during his
22 inspection of the property, except that the head or governing body
23 of the entity acquiring real property, if so mandated by federal law
24 or regulation, may prescribe a procedure to waive the appraisal in

1 cases involving the acquisition by sale or donation of property with
2 a low fair market value as such value is defined by federal law or
3 regulation.

4 3. Before the initiation of negotiations for real property, an
5 amount shall be established which is reasonably believed to be just
6 compensation therefor and such amount shall be promptly offered for
7 the property. In no event shall such amount be less than the
8 approved appraisal of the fair market value of such real property.
9 Any decrease or increase in the fair market value of real property
10 prior to the date of valuation caused by the public improvement for
11 which such property is acquired, or by the likelihood that the
12 property would be acquired for such improvement, other than that due
13 to physical deterioration within the reasonable control of the
14 owner, will be disregarded in determining the compensation for the
15 property. The owner of the real property to be acquired shall be
16 provided with a written statement of, and summary of the basis for,
17 the amount established as just compensation. Where appropriate, the
18 just compensation for the real property acquired and for damages to
19 remaining real property shall be separately stated.

20 4. No owner shall be required to surrender possession of real
21 property before the agreed purchase price is paid or deposited with
22 the state court, in accordance with applicable law, for the benefit
23 of the owner of an amount not less than the approved appraisal of
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1 the fair market value of such property, or the amount of the award
2 of compensation in the condemnation proceeding of such property.

3 5. The construction or development of a public improvement
4 shall be so scheduled that, to the greatest extent practicable, no
5 person lawfully occupying real property shall be required to move
6 from a dwelling, assuming a replacement dwelling, as required by the
7 Oklahoma Relocation Assistance Act, will be available, or to move
8 his business or farm operation without at least ninety (90) days'
9 written notice from the date by which such move is required.

10 6. If any owner or tenant is permitted to occupy the real
11 property acquired on a rental basis for a short term or for a period
12 subject to termination on short notice, the amount of rent required
13 shall not exceed the fair rental value of the property to a short-
14 term occupier.

15 7. In no event shall the time of condemnation be advanced, on
16 negotiations or condemnation and the deposit of funds in court for
17 the use of the owner be deferred, or any other coercive action be
18 taken to compel an agreement on the price to be paid for the
19 property.

20 8. If an interest in real property is to be acquired by
21 exercise of power of eminent domain, formal condemnation proceedings
22 shall be instituted. The acquiring authority shall not
23 intentionally make it necessary for an owner to institute legal
24 proceedings to prove the fact of the taking of his real property.

1 9. If the acquisition of only part of the property would leave
2 its owner with an uneconomic remnant, an offer to acquire that
3 remnant shall be made. For the purposes of this section, an
4 uneconomic remnant is a parcel of real property in which the owner
5 is left with an interest after the partial acquisition of the
6 property of the owner which has little or no value or utility to the
7 owner.

8 10. A person whose real property is being acquired in
9 accordance with this title may, after the person has been fully
10 informed of his right to receive just compensation for such
11 property, donate such property, any part thereof, any interest
12 therein, or any compensation paid therefor, as such person shall
13 determine.

14 11. The power of eminent domain shall not be used for the
15 construction of dams, pipelines, lakes or diversions for the purpose
16 of moving water out of state or from basin to basin within the
17 state.

18 12. As used in this section:

- 19 a. "Appraisal" means a written statement independently
20 and impartially prepared by a qualified appraiser
21 setting forth an opinion of defined value of an
22 adequately described property as of a specific date,
23 supported by the presentation and analysis of relevant
24 market information; and

1 b. "Acquiring agency" means:

- 2 (1) a state agency which has the authority to acquire
3 property by eminent domain pursuant to state law,
4 and
5 (2) a state agency or person which does not have such
6 authority, to the extent provided by regulation.

7 SECTION 2. This act shall become effective November 1, 2016.

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