

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3000 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kenton Patzkowsky _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3000

By: Patzkowsky

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to eminent domain; amending 27 O.S. 2011, Section 7, which relates to light, heat or power by electricity or gas; requiring certain proposal be provided to landowners; stating requirements for content of proposal; amending 27 O.S. 2011, Section 16, which relates to just compensation; modifying just compensation calculation; requiring certain information be included in fair market value calculation; and providing an effective date.

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

SECTION 1. AMENDATORY 27 O.S. 2011, Section 7, is amended to read as follows:

Section 7. A. Except as otherwise provided in this section, any person, firm or corporation organized under the laws of this state, or authorized to do business in this state, to furnish light, heat or power by electricity or gas, or any other person, association or firm engaged in furnishing lights, heat or power by

1 electricity or gas shall have and exercise the right of eminent
2 domain in the same manner and by like proceedings as provided for
3 railroad corporations by laws of this state.

4 B. The power of eminent domain shall not be used for the siting
5 or building of wind turbines on private property.

6 C. Before initiating eminent domain proceedings against
7 landowners in electric transmission lines easement or electric
8 transmission lines right-of-way projects, the condemning authority
9 seeking the easement or right-of-way shall provide the landowner
10 with a written proposal and information sheet which details the
11 project and provides information on how the project will affect the
12 value of the property and the landowner's use and enjoyment of the
13 property. The proposal shall include a copy of the authority's
14 proposed easement and shall provide a clear explanation of the
15 compensation the authority proposes to initially offer for the
16 easement and shall state that the authority is open to negotiate in
17 good faith the terms of the easement and the amount of compensation
18 offered. The proposal shall clearly address which features of the
19 project will inherently limit or interfere with the landowner's
20 continued use and enjoyment of the property taken and any part of
21 the property not taken. In addition, the proposal shall clearly
22 indicate the person or persons who possess the requisite knowledge
23 and authority to effectively negotiate the matters listed in the
24 proposal on behalf of the condemning authority.

SECTION 2. AMENDATORY 27 O.S. 2011, Section 16, is amended to read as follows:

Section 16. A. In every case wherein private property is taken or damaged for public use, the person whose property is taken or damaged shall be entitled to just compensation.

B. "Just compensation", as used in subsection A of this section, shall mean the value of the property taken, and in addition, any injury to or reduction in value of any part of the property not taken that will result from the project. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. ~~If only a part of a tract is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole tract immediately before the taking and the fair market value of that portion left remaining immediately after the taking. The~~ fair market value of the property taken shall be determined based upon amounts paid for other tracts of easements of similar size and shape located in the same general area.

SECTION 3. This act shall become effective November 1, 2020.

57-2-10970 JBH 02/18/20