

1 **SENATE FLOOR VERSION**

2 February 23, 2021

3 SENATE BILL NO. 546

By: Jett

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6 An Act relating to just compensation; amending 27
7 O.S. 2011, Section 16, which relates to definition;
8 modifying definition; amending 63 O.S. 2011, Section
9 1092.2, which relates to the Oklahoma Relocation
10 Assistance Act; clarifying exclusive administrative
11 remedy; prohibiting recovery of certain benefits as
12 just compensation in condemnation proceedings; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 27 O.S. 2011, Section 16, is
16 amended to read as follows:

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

20 B. "Just compensation", as used in subsection A of this
21 section, shall mean the value of the property taken, and in
22 addition, any injury to any part of the property not taken. Any
23 special and direct benefits to the part of the property not taken
24 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

1 value of the whole tract immediately before the taking and the fair
2 market value of that portion left remaining immediately after the
3 taking. The calculation of just compensation shall not include
4 displacement and relocation benefits a party has received or may be
5 entitled to receive pursuant to the Oklahoma Relocation Assistance
6 Act.

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1092.2, is
8 amended to read as follows:

9 Section 1092.2. A. When any department, agency or
10 instrumentality of the state, or any county, municipality, or other
11 political subdivision of the state, or any other public or private
12 entity subject to the provisions of the Federal Uniform Relocation
13 Assistance and Real Property Acquisition Policies Act of 1970, as
14 amended, Public Laws 91-646, and 100-17, Title IV, hereinafter
15 referred to as the Federal Uniform Relocation Act, undertakes any
16 project which results in the acquisition of real property or in any
17 person being displaced from the home, business, or farm of such
18 person, such department, agency or instrumentality of the state,
19 county, municipality or other political subdivision of the state, or
20 other public or private entity may provide relocation assistance,
21 and make relocation payments to such displaced person and do such
22 other acts and follow such procedures and practices as may be
23 necessary to comply with the provisions of the Federal Uniform
24 Relocation Act.

1 B. Any payment made or to be made pursuant to the authority
2 granted in this section shall be for compensating or reimbursing the
3 displaced person or owner of real property in accordance with the
4 requirements of the Federal Uniform Relocation Act and such payment
5 shall not for any purpose be deemed or considered compensation for
6 real property acquired or compensation for damages to remaining
7 property.

8 C. The Oklahoma Relocation Assistance Act shall be the
9 exclusive administrative remedy for displaced persons as provided in
10 subsection A of this section. Relocation benefits provided under
11 this act shall not be sought or otherwise included, recovered or
12 awarded as part of just compensation in a condemnation proceeding.

13 SECTION 3. This act shall become effective November 1, 2021.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
15 February 23, 2021 - DO PASS
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