

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2191

By: West (Kevin) of the House and Gollihare of the Senate

Title: Eminent domain; limiting the use of eminent domain; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Gollihare	_____
Howard	_____
Daniels	_____
Jech	_____
Weaver	_____
Brooks	_____

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2191

By: West (Kevin), Rosencrants,
and Menz of the House

and

Gollihare and Bullard of
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to eminent domain; defining term;
prohibiting taking of private property unless for
certain uses and with compensation; requiring court
to strictly construe certain provisions; prohibiting
expansion of eminent domain powers absent statutory
authority; providing exception; amending 27 O.S.
2021, Sections 5 and 17, which relate to local
governments and resale of surplus property;
conforming language; 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 41 of Title 27, unless there is
created a duplication in numbering, reads as follows:

A. As used in this act, "public use" means:

1 1. The possession, occupation, ownership, and enjoyment of the
2 land by the general public, or by a government entity for use as a
3 public highway, road, easement or a right-of-way, public building,
4 public cemetery, public park, or other uses authorized in Section 5
5 of Title 27 of the Oklahoma Statutes;

6 2. The possession, occupation, and ownership of land for
7 operations of a public utility or private entity authorized by
8 statute that serves the general public;

9 3. The remediation of a blighted property; or

10 4. The possession of an abandoned property.

11 B. Private property may not be taken or damaged by a condemning
12 authority unless the taking or damage is necessary for a public use
13 and with just compensation. The public purpose or public benefit of
14 economic development, including an increase in tax base, tax
15 revenues, employment, or general economic health, alone does not
16 constitute a public use.

17 C. Nothing in subsection B of this section shall be construed
18 to prohibit a taking of private property for public use as defined
19 in subsection A of this section because the public use also provides
20 ancillary economic benefits.

21 D. A governmental body subordinate to the state may not
22 exercise, create, extend, or expand a power of eminent domain in the
23 absence of statutory authority. Additional procedures, remedies, or
24 limitations that do not deny or diminish the substantive and

1 procedural rights and protections of property owners under this
2 section may be provided by other law, ordinance, or charter.

3 E. Nothing in this section shall be construed to apply to the
4 abatement of any public nuisance authorized under state law.

5 F. The actions and determinations of the condemnation are
6 subject to judicial review in a court proceeding.

7 SECTION 2. AMENDATORY 27 O.S. 2021, Section 5, is
8 amended to read as follows:

9 Section 5. Any county, city, town, township, school district,
10 or board of education, or any board or official having charge of
11 cemeteries created and existing under the laws of this state, shall
12 have power to condemn lands in like manner as railroad companies,
13 for highways, rights-of-way, building sites, cemeteries, public
14 parks and other public ~~purposes~~ uses.

15 SECTION 3. AMENDATORY 27 O.S. 2021, Section 17, is
16 amended to read as follows:

17 Section 17. A. In the event that a portion of the total amount
18 of real property taken by eminent domain under the procedures set
19 forth in ~~Title 27 of the Oklahoma Statutes~~ this title for a public
20 ~~purpose~~ use as described in Section 9 of ~~Title 27 of the Oklahoma~~
21 ~~Statutes~~ this title is not used for the ~~purposes~~ uses for which it
22 was condemned or for another public use by the agency or other
23 entity which acquired the real property, the portion of the real
24 property that is not used shall be declared surplus and shall be

1 first offered for resale to the person from whom the property was
2 taken or the heirs of the person at the appraised value or the
3 original price at which the acquiring agency or entity purchased
4 that portion of the property, whichever is less.

5 B. For purposes of complying with subsection A of this section,
6 the agency or entity which acquired the real property by
7 condemnation shall notify the former landowner of the right of first
8 refusal by sending notice by certified mail, return receipt
9 requested, to the last-known address of the person as provided by
10 the person. If the mail is returned as not subject to delivery or
11 the former landowner is deceased, notice of the right of first
12 refusal shall be provided by publication in a newspaper of general
13 circulation in the community where the real property is located.
14 The notice shall contain the name of the former landowner and a
15 legal description of the surplus property. If the offer to
16 repurchase is not accepted within ninety (90) days from the date of
17 notice or if the offer to repurchase is not accepted from the date
18 the resale price on the property is determined, the property may
19 then be sold at public sale.

20 C. This section shall not apply to conveyances for
21 redevelopment under Sections 38-101 through 38-123 of Title 11 of
22 the Oklahoma Statutes.
23
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SECTION 4. This act shall become effective November 1, 2024.

59-2-11128 JL 05/22/24