

1 **SENATE FLOOR VERSION**

2 April 2, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3159

By: Roberts, Menz, and
Hasenbeck of the House

5 and

6 Gollihare of the Senate

7
8
9 An Act relating to eminent domain; amending 27 O.S.
10 2021, Section 18, which relates to the Landowner's
11 Bill of Rights; providing for the right of first
12 refusal or right of first offer for property acquired
13 by eminent domain; providing for the right of first
14 refusal or right of first offer to be included in the
15 Landowner's Bill of Rights; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 27 O.S. 2021, Section 18, is
19 amended to read as follows:

20 Section 18. A. The Attorney General shall prepare a written
21 statement that includes a "Landowner's Bill of Rights" for a
22 property owner whose real property may be acquired by a person,
23 acquiring agency, or other entity through the use of the entity's
24 eminent domain authority under ~~Title 27~~ this title or Title 66 of
the Oklahoma Statutes. The statement shall be made available to the

1 public and written in plain language designed to be easily
2 understood by the average property owner.

3 B. The Landowner's Bill of Rights shall notify each property
4 owner of the right to:

5 1. Notice of the proposed acquisition of the owner's property;

6 2. A bona fide good-faith effort to negotiate by the entity
7 proposing to acquire the property;

8 3. An assessment of damages to the owner that will result from
9 the taking of the property;

10 4. A hearing under ~~Title 27 of the Oklahoma Statutes~~ this
11 title, including a hearing on the assessment of damages; ~~and~~

12 5. An appeal of a judgment in a condemnation proceeding,
13 including an appeal of an assessment of damages; and

14 6. First refusal or right of first refusal offer if the
15 acquired land is ever sold by the state or any state agency or any
16 person who acquired the land through the use of eminent domain
17 authority. If the landowner chooses to exercise this right, the
18 price would be the lower of either the current market value or the
19 price received by the landowner under the eminent domain sale. This
20 right shall be available to the landowner in the original eminent
21 domain sale and to the first generation of heirs.

22 However, acquired land may be transferred to another state
23 agency without prompting the first refusal or right of first refusal
24 as provided in this paragraph.

1 C. The statement shall include:

2 1. The title "Landowner's Bill of Rights"; and

3 2. A description of:

4 a. the condemnation procedures provided by ~~Title 27 of~~
5 ~~the Oklahoma Statutes~~ this title,

6 b. the condemning entity's obligations to the property
7 owner, ~~and~~

8 c. the property owner's options during a condemnation,
9 including the property owner's right to object to and
10 appeal an amount of damages awarded, and

11 d. the property owner's right to first refusal or right
12 of first offer if the acquired land is ever sold by
13 the state or any state agency or any person who
14 acquired the land through the use of eminent domain
15 authority.

16 SECTION 2. This act shall become effective November 1, 2024.

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
18 April 2, 2024 - DO PASS