

CORRECTED

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3159

By: Roberts

AS INTRODUCED

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

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

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

Section 18. A. The Attorney General shall prepare a written statement that includes a "Landowner's Bill of Rights" for a property owner whose real property may be acquired by a person, acquiring agency, or other entity through the use of the entity's eminent domain authority under Title 27 or Title 66 of the Oklahoma Statutes. The statement shall be made available to the public and written in plain language designed to be easily understood by the average property owner.

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

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

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

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

8 4. A hearing under Title 27 of the Oklahoma Statutes, including
9 a hearing on the assessment of damages; ~~and~~

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

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

20 C. The statement shall include:

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

22 2. A description of:

23 a. the condemnation procedures provided by Title 27 of
24 the Oklahoma Statutes,

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- 1 b. the condemning entity's obligations to the property
2 owner, and
- 3 c. the property owner's options during a condemnation,
4 including the property owner's right to object to and
5 appeal an amount of damages awarded, and
- 6 d. the property owner's right to first refusal or rights
7 of first offer if the acquired land is ever sold by
8 the state or any state agency thereof or any person
9 who acquired the land through the use of eminent
10 domain authority.

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

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13 59-2-8427 JL 12/27/23