

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1188 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Rick West

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1188

By: West (Rick)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Turnpike Authority;
amending 69 O.S. 2021, Section 1707, which relates to
the acquisition of lands and interests therein;
limiting certain applicability; providing for certain
compensation for nuisance damages; listing types of
nuisance damages; requiring certain notice; requiring
notice contain certain statement; requiring notice
have certain contents; requiring certain request be
in writing; requiring certain good-faith offer;
requiring certain negotiations; requiring court
action if certain conditions are met; establishing
certain right to jury trial; providing for payment of
fees if certain conditions are met; and declaring an
emergency.

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

SECTION 1. AMENDATORY 69 O.S. 2021, Section 1707, is
amended to read as follows:

Section 1707. A. The Oklahoma Turnpike Authority is hereby
authorized and empowered to acquire by purchase, or condemnation,
land or such interest therein as in its discretion may be necessary
for the purpose of establishing, constructing, maintaining and

1 operating turnpike projects or relocation thereof, and facilities
2 necessary and incident thereto, or necessary in the restoration of
3 public or private property damaged or destroyed, including borrow
4 areas, detours, channel changes, concession areas, public or private
5 access roads, and deposits of rock, gravel, sand and other road
6 building material for use in turnpike construction and maintenance,
7 upon such terms and at such price as may be considered by it to be
8 reasonable and can be agreed upon between the Authority and the
9 owner thereof, and to take title thereto in the name of the
10 Authority, provided, that such right and title shall be limited to
11 the surface rights only and shall not include oil or other mineral
12 rights. Groundwater rights may be severed from surface rights, upon
13 the written request of the owner of land to be acquired; however, an
14 owner of groundwater rights shall not have a right of access to the
15 Authority's acquired surface rights. No person may construct,
16 maintain or operate any water well, drilling equipment or lines on
17 or under the surface acquired by the Authority without express
18 written approval of the Authority.

19 B. This subsection shall apply only to new turnpike alignments
20 or expansions in Oklahoma, Cleveland, and McClain counties or any
21 other urban area. Property owners who own property abutting the
22 right-of-way to be acquired for any turnpike projects to which this
23 subsection applies shall be entitled to compensation for the damages
24 caused or that will be caused to their properties by such turnpike

1 projects, whether directly or indirectly. Damages to the property
2 shall include noise, light, or water pollution; damage to access or
3 view; loss of use or enjoyment of one's property; and any diminution
4 in the fair market value of the property.

5 At the time the Authority commences the process of any right-of-
6 way acquisition for all or a portion of a turnpike project to which
7 this subsection applies, whether by way of voluntary purchase or
8 condemnation, the Authority shall provide written notice, via
9 certified and first-class mail, of such intended right-of-way
10 acquisition to any and all owners of real property abutting the
11 right-of-way to be acquired for the project. The written notice to
12 such property owners shall include a statement that the property
13 owners are entitled to compensation as set forth in this section,
14 and that they may request compensation for damages caused to their
15 property by the turnpike project. The notice shall include a
16 mailing address for abutting owners to submit a written request for
17 compensation for damages to their property caused by the turnpike
18 project. Any such property owner requesting compensation for
19 damages shall make such request to the Authority in writing, via
20 certified and first-class mail, to the address designated in the
21 Authority's right-of-way acquisition notice, no later than sixty
22 (60) days after the date of receipt of the Authority's notice.

23 Upon receipt of a valid request for damages compensation, the
24 Authority shall proceed to make a good-faith offer of such

1 compensation, and further, shall negotiate in good faith with the
2 property owner to reach an agreement for such compensation. If the
3 parties fail to agree upon the amount of such compensation within
4 one hundred eighty (180) days of the date the property owner
5 requests such compensation, either party may, within an additional
6 ninety (90) days, commence an action in the district court where the
7 real property is located for a determination and award to the
8 property owner of such compensation. Either party to the action
9 shall be entitled to a trial by jury. If the total award of such
10 compensation in any such action exceeds the Authority's last best
11 offer, made prior to filing of the district court action, to the
12 property owner by ten percent (10%) or more, the property owner
13 shall be entitled to reasonable attorney fees, appraisal fees, and
14 expert witness fees incurred in the action.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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