

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3758 _____
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

Adopted: _____

Amendment submitted by: Danny Sterling _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3758

By: Sterling

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to eminent domain; amending 27 O.S.
10 2021, Section 16, which relates to just compensation;
11 providing for an exception; determining such
12 exception; providing for certain monetary
13 determinations; allowing for certain offsets;
14 allowing for certain partial takings; determining
15 certain calculations for fair market value;
16 prohibiting project influence; providing valuation-
17 date standards; providing non-waiver protections; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 27 O.S. 2021, Section 16, is
21 amended to read as follows:

22 Section 16. A. In every case wherein private property is taken
23 or damaged for public use, except as determined in subsection C, the
24 person whose property is taken or damaged shall be entitled to just
25 compensation.

B. "Just compensation", as used in subsection A of this
section, shall mean the value of the property taken, and in

1 addition, any injury to any part of the property not taken. Any
2 special and direct benefits to the part of the property not taken
3 may be offset only against any injury to the property not taken. If
4 only a part of a tract is taken, just compensation shall be
5 ascertained by determining the difference between the fair market
6 value of the whole tract immediately before the taking and the fair
7 market value of that portion left remaining immediately after the
8 taking.

9 C. 1. In cases wherein private property is taken or damaged
10 for public use by the state to build new state infrastructure from
11 which the state will derive revenues from the public use of the
12 infrastructure, the person whose property is taken or damaged shall
13 be entitled to the greater of:

- 14 a. one hundred fifty percent (150%) of the fair market
15 value of the property taken, or
- 16 b. the amount necessary for the owner to purchase a
17 comparable replacement property within the same
18 community. Comparable replacement property shall mean
19 property of similar size, location, use, utility,
20 access, zoning, and improvement suitable for the
21 owner's needs. If no such comparable property exists
22 within the community, compensation shall reflect the
23 cost of substantially similar property in the nearest
24 comparable community.

1 2. Any special and direct benefits to the part of the property
2 not taken may be offset only against any injury to the property not
3 taken and only when such benefit is specific, direct, measurable,
4 and proven by clear and convincing evidence. General, speculative,
5 or community-wide benefits shall not be considered.

6 3. If only a part of a tract is taken, just compensation shall
7 be ascertained by determining the difference between the fair market
8 value of that portion left remaining immediately after the taking;
9 provided, however, the compensation attributable to the part
10 actually taken shall be determined in accordance with the enhanced
11 compensation requirements of this subsection.

12 4. For purposes of determining the compensation required under
13 this section, including the calculation of fair market value and any
14 enhanced compensation required under this subsection:

15 a. fair market value shall not be reduced or discounted
16 in value due to project influence, pre-condemnation
17 activity, threatened condemnation, or any diminution
18 caused by the proposed public improvement, and

19 b. if the fair market value of the property on the date
20 of the taking exceeds the fair market value determined
21 under subparagraph a of this paragraph, the higher
22 fair market value shall be used.

23 5. The rights and compensation standards established by this
24 section are mandatory and shall not be waived or reduced by any

1 acquiring state agency or state condemning authority. No owner
2 shall be required to waive the protections of this section as a
3 condition of negotiations, settlement, administrative agreement, or
4 voluntary conveyance.

5 SECTION 2. This act shall become effective November 1, 2026.

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7 60-2-16666 MKS 02/24/26

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