

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 POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3758

7
8 By: Sterling

9 PROPOSED POLICY COMMITTEE SUBSTITUTE

10 An Act relating to eminent domain; amending 27 O.S.
11 2024, Section 27-16, which relates to just
12 compensation; modifying the definition of just
13 compensation; providing enhanced compensation;
providing a comparable-replacement standard;
clarifying partial-taking compensation; prohibiting
project influence; providing valuation-date
standards; providing non-waiver protections; and
providing an effective date.

14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

18 Section 16. A. In every case wherein private property is taken
19 or damaged for public use, the person whose property is taken or
20 damaged shall be entitled to just compensation.

21 B. 1. "Just compensation", as used in subsection A of this
22 section, shall mean the ~~value of the property taken, and in~~
23 ~~addition, any injury to any part greater of the property not taken:~~

1 a. one hundred fifty percent (150%) of the fair market
2 value of the property taken, or
3 b. the amount necessary for the owner to purchase a
4 comparable replacement property within the same
5 community. "Comparable replacement property" means
6 property of similar size, location, use, utility,
7 access, zoning, and improvements suitable for the
8 owner's needs. If no such comparable property exists
9 within the community, compensation shall reflect the
10 cost of a substantially similar property in the
11 nearest comparable community.

12 2. Any special and direct benefits to the part of the property
13 not taken may be offset only against any injury to the property not
14 taken and only when such benefit is specific, direct, measurable,
15 and proven by a preponderance of the evidence. General,
16 speculative, or community-wide benefits shall not be considered.

17 3. If only a part of a tract is taken, just compensation shall
18 be ascertained by determining the difference between the fair market
19 value of the whole tract immediately before the taking and the fair
20 market value of that portion left remaining immediately after the
21 taking; provided, however, the compensation attributable to the part
22 actually taken shall be determined in accordance with the enhanced-
23 compensation requirements of this subsection.

1 C. For purposes of determining the compensation required under
2 this section, including the calculation of fair market value and any
3 enhanced compensation required under subsection B of this section:

4 1. Fair market value shall not be reduced or discounted due to
5 project influence, pre-condemnation activity, threatened
6 condemnation, or any diminution caused by the proposed public
7 improvement; and

8 2. If the fair market value of the property on the date of the
9 taking exceeds the fair market value determined under paragraph 1 of
10 this subsection, the higher fair market value shall be used.

11 D. The rights and compensation standards established by this
12 section are mandatory and shall not be waived or reduced by any
13 acquiring agency, condemning authority, or political subdivision of
14 this state. No owner shall be required to waive the protections of
15 this section as a condition of negotiation, settlement,
16 administrative agreement, or voluntary conveyance.

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

19 60-2-16088 JL 02/04/26