

**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

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED SUBCOMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3758

By: Sterling

PROPOSED SUBCOMMITTEE SUBSTITUTE

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

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

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

Section 16. A. In every case wherein private property is taken or damaged for public use, except as determined in subsection C, the person whose property is taken or damaged shall be entitled to just 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 or  
11 buildings, the person whose property is taken or damaged shall be  
12 entitled to the greater of:

13 a. one hundred fifty percent (150%) of the fair market  
14 value of the property taken, or

15 b. the amount necessary for the owner to purchase a  
16 comparable replacement property within the same  
17 community. Comparable replacement property shall mean  
18 property of similar size, location, use, utility,  
19 access, zoning, and improvement suitable for the  
20 owner's needs. If no such comparable property exists  
21 within the community, compensation shall reflect the  
22 cost of substantially similar property in the nearest  
23 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 60-2-16359 MKS 02/13/26  
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