

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION  
FOR  
4 HOUSE BILL NO. 3758

By: Sterling

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7 SUBCOMMITTEE RECOMMENDATION

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

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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, except as determined in subsection C, the  
20 person whose property is taken or damaged shall be entitled to just  
21 compensation.

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

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

8 C. 1. In cases wherein private property is taken or damaged  
9 for public use by the state to build new state infrastructure or  
10 buildings, the person whose property is taken or damaged shall be  
11 entitled to the greater of:

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

23 2. Any special and direct benefits to the part of the property  
24 not taken may be offset only against any injury to the property not

1 taken and only when such benefit is specific, direct, measurable,  
2 and proven by clear and convincing evidence. General, speculative,  
3 or community-wide benefits shall not be considered.

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

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

- 13 a. fair market value shall not be reduced or discounted  
14 in value due to project influence, pre-condemnation  
15 activity, threatened condemnation, or any diminution  
16 caused by the proposed public improvement, and
- 17 b. if the fair market value of the property on the date  
18 of the taking exceeds the fair market value determined  
19 under subparagraph a of this paragraph, the higher  
20 fair market value shall be used.

21 5. The rights and compensation standards established by this  
22 section are mandatory and shall not be waived or reduced by any  
23 acquiring state agency or state condemning authority. No owner  
24 shall be required to waive the protections of this section as a

1      condition of negotiations, settlement, administrative agreement, or  
2      voluntary conveyance.

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

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5      60-2-16402        JBH        02/16/26

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