

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 3758

By: Sterling

SUBCOMMITTEE RECOMMENDATION

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 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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