

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1517

By: Grellner

AS INTRODUCED

An Act relating to eminent domain; amending 27 O.S. 2021, Sections 5 and 17, which relate to local governments and resale of surplus property; conforming language; updating statutory references; defining term; prohibiting taking of private property unless for certain uses; prohibiting expansion of powers absent express statutory authority; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 27 O.S. 2021, Section 5, is amended to read as follows:

Section 5. Any county, city, town, township, school district, ~~or~~ board of education, or any board or official having charge of cemeteries created and existing under the laws of this state, shall have power to condemn lands in like manner as railroad companies, for highways, rights-of-way, building sites, cemeteries, public parks, and other public ~~purposes~~ uses.

SECTION 2. AMENDATORY 27 O.S. 2021, Section 17, is amended to read as follows:

1 Section 17. A. In the event that a portion of the total amount
2 of real property taken by eminent domain under the procedures set
3 forth in ~~Title 27 of the Oklahoma Statutes~~ this title for a public
4 ~~purpose~~ use as described in Section 9 of ~~Title 27 of the Oklahoma~~
5 ~~Statutes~~ this title is not used for the ~~purposes~~ use for which it
6 was condemned or for another public use by the agency or other
7 entity which acquired the real property, the portion of the real
8 property that is not used shall be declared surplus and shall be
9 first offered for resale to the person from whom the property was
10 taken or the heirs of the person at the appraised value or the
11 original price at which the acquiring agency or entity purchased
12 that portion of the property, whichever is less.

13 B. For purposes of complying with subsection A of this section,
14 the agency or entity which acquired the real property by
15 condemnation shall notify the former landowner of the right of first
16 refusal by sending notice by certified mail, return receipt
17 requested, to the last-known address of the person as provided by
18 the person. If the mail is returned as not subject to delivery or
19 the former landowner is deceased, notice of the right of first
20 refusal shall be provided by publication in a newspaper of general
21 circulation in the community where the real property is located.
22 The notice shall contain the name of the former landowner and a
23 legal description of the surplus property. If the offer to
24 repurchase is not accepted within ninety (90) days from the date of

1 notice or if the offer to repurchase is not accepted from the date
2 the resale price on the property is determined, the property may
3 then be sold at public sale.

4 C. This section shall not apply to conveyances for
5 redevelopment under Sections 38-101 through 38-123 of Title 11 of
6 the Oklahoma Statutes.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 41 of Title 27, unless there is
9 created a duplication in numbering, reads as follows:

10 A. As used in this section, and subject to subsection B of this
11 section, "public use" means:

12 1. The enjoyment, possession, occupation, or ownership of land
13 by the general public or by a government entity for use as a public
14 highway, road, easement, right-of-way, public building, public
15 cemetery, public park, or for any other use expressly authorized in
16 Section 5 of Title 27 of the Oklahoma Statutes; and

17 2. The possession, occupation, or ownership of land for the
18 operations of a public utility or a private entity that is expressly
19 authorized by statute to exercise eminent domain and that serves the
20 general public.

21 B. The state shall not take or damage private property unless
22 the taking is necessary for a public use as defined in subsection A
23 of this section and just compensation is paid to the property owner.
24 Economic development including, but not limited to, increased tax

1 revenues, increased tax base, employment, or general economic health
2 shall not constitute a public use. No taking shall be justified or
3 authorized on the grounds that the taking may result in increased
4 economic development, secondary, or incidental economic benefits.

5 C. A governmental body subordinate to the state may not create,
6 exercise, expand, or extend any power of eminent domain without
7 express statutory authority. No ordinance, charter, resolution,
8 policy, or local action may broaden the definition of public use
9 beyond the uses defined in subsection A of this section.

10 SECTION 4. This act shall become effective November 1, 2026.
11

12 60-2-3496 BLB 1/12/2026 9:03:01 AM
13
14
15
16
17
18
19
20
21
22
23
24
25