

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1556

By: Grellner

AS INTRODUCED

An Act relating to eminent domain; defining term; establishing standards for judicial review; requiring de novo judicial review of public use and necessity determinations; requiring strict construction of eminent domain statutes; establishing burdens of proof; establishing disclosure requirements; providing for award of costs to prevailing property owners; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 42 of Title 27, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "de novo judicial review" means an independent judicial determination of all legal and factual questions relating to public use, necessity, and compliance with applicable law, made without any deference to prior findings, assertions, conclusions, resolutions, interpretations, or declarations by the condemning authority.

1       B. Any determination made by a condemning authority regarding  
2 whether a proposed taking constitutes a lawful public use, whether  
3 the taking is necessary for that public use, and whether the  
4 condemnation complies with statutory and constitutional requirements  
5 shall be subject to de novo judicial review. A court shall strictly  
6 construe all statutes granting eminent domain in favor of the  
7 property owner and against the condemning authority. Any ambiguity  
8 shall be resolved to limit rather than expand the power to condemn  
9 private property.

10       C. In any judicial condemnation proceeding, the owner of an  
11 interest in property sought to be condemned shall be entitled,  
12 through the timely filing of an exception to the report of the  
13 commissioners in such proceeding, to a hearing on the issues of  
14 public use or necessity of the taking. At any such hearing, the  
15 condemning authority shall bear the burden of proving by a  
16 preponderance of the evidence that the proposed taking is for a  
17 public use authorized by law, and that the property sought to be  
18 taken is reasonably necessary to accomplish that public use.  
19 Necessity shall be proven separately for each individual part,  
20 parcel, or tract of property sought to be taken, and no taking may  
21 be justified solely by general project necessity. The condemning  
22 authority shall show by a preponderance of the evidence that no  
23 feasible alternative route, alignment, design, or non-condemnation  
24 option exists that would satisfy the public use with less harm to

1 private property, and that all alternatives have been analyzed in  
2 good faith using competent engineering, environmental, and financial  
3 methods. The burden of proof shall remain with the condemning  
4 authority at all times, and a resolution of necessity from the  
5 condemning authority shall not, in and of itself, be conclusive or  
6 sufficient evidence of necessity or lawful public use.

7 D. At least sixty (60) days prior to a hearing to show  
8 necessity, the condemning authority shall provide the property owner  
9 with all:

- 10 1. Engineering studies, surveys, routing analyses, maps,  
11 designs, and feasibility reports;
- 12 2. Environmental reviews, assessments, and determinations;
- 13 3. Financial analyses and justifications for the project;
- 14 4. Communications and memoranda relating to routing, necessity,  
15 or alternatives; and
- 16 5. Internal and external evaluations of project purpose or  
17 public use.

18 E. Property owners invoking their right to a hearing shall have  
19 a right to conduct any and all discovery, and issue any and all  
20 subpoenas, authorized under the Oklahoma Discovery Code and the  
21 Oklahoma Pleading Code. Subject to the Oklahoma Discovery Code,  
22 discovery disputes shall be resolved in favor of disclosure of  
23 information to the property owner.  
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1 F. If, upon a hearing on public use or necessity, the  
2 condemning authority shall fail to establish its right to condemn  
3 the property, or any part thereof, the property owner shall be  
4 entitled to an award of the property owners' reasonable attorney  
5 fees, costs, and expert witness fees, to be taxed and collected as  
6 costs in a civil action.

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