

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1835

By: Sacchieri

AS INTRODUCED

An Act relating to eminent domain; amending 27 O.S. 2021, Section 16, which relates to just compensation; modifying definitions; establishing standards for proof of certain benefit; establishing requirements to calculate certain compensation; prohibiting waiver or reduction of certain rights and standards; updating statutory language; 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~~ where private property is taken or damaged for public use, the person whose property is taken or damaged shall be entitled to just compensation.

B. As used in this section:

1. "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~~ means the greater of:

- 1 a. one hundred fifty percent (150%) of the fair market
2 value of the property taken, or
3 b. the amount necessary for the owner to purchase a
4 comparable replacement property within the same
5 community; and

6 2. "Comparable replacement property" means property of a
7 similar size, location, use, utility, access, zoning, and any
8 improvements suitable for the needs of the owner. If no such
9 comparable property exists within the community, just compensation
10 shall reflect the cost of a substantially similar property in the
11 nearest comparable community.

12 Any special and direct benefits to the part of the property not
13 taken may be offset only against any injury to the property not
14 taken and only when such benefit is specific, direct, measurable,
15 and proven by a preponderance of the evidence. General,
16 speculative, or community-wide benefits shall not be considered. If
17 only a part of a tract is taken, just compensation shall be
18 ascertained by determining the difference between the fair market
19 value of the whole tract immediately before the taking and the fair
20 market value of that portion left remaining immediately after the
21 taking; provided, however, the compensation attributable to the part
22 actually taken shall be determined in accordance with the enhanced
23 compensation requirements of this subsection.

1 C. For purposes of determining the compensation required under
2 this section, including the calculation of fair market value and any
3 enhanced compensation required under subsection B of this section:

4 1. Fair market value shall not be reduced or discounted due to
5 project influence, pre-condemnation activity, threatened
6 condemnation, or any diminution caused by the proposed public
7 improvement; and

8 2. If the fair market value of the property on the date of the
9 taking exceeds the fair market value determined under paragraph 1 of
10 this subsection, the higher fair market value shall be used.

11 D. The rights and compensation standards established by this
12 section shall not be waived or reduced by any acquiring agency,
13 condemning authority, or political subdivision of this state. No
14 owner shall be required to waive the protections of this section as
15 a condition of negotiation, settlement, administrative agreement, or
16 voluntary conveyance.

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

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