

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3758

By: Sterling

6 AS INTRODUCED

7 An Act relating to eminent domain; amending 27 O.S.  
8 2024, Section 27-16, which relates to just  
9 compensation; modifying the definition of just  
compensation; providing enhanced compensation;  
providing a comparable-replacement standard;  
clarifying partial-taking compensation; prohibiting  
10 project influence; providing valuation-date  
standards; providing non-waiver protections; and  
11 providing an effective date.

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13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 27 O.S. 2021, Section 16, is  
16 amended to read as follows:

17 Section 16. A. In every case wherein private property is taken  
18 or damaged for public use, the person whose property is taken or  
19 damaged shall be entitled to just compensation.

20 B. 1. "Just compensation", as used in subsection A of this  
21 section, shall mean the ~~value of the property taken, and in~~  
~~addition, any injury to any part greater of the property not taken:~~

22  
23 a. one hundred fifty percent (150%) of the fair market  
value of the property taken, or

1                   b. the amount necessary for the owner to purchase a  
2                   comparable replacement property within the same  
3                   community. "Comparable replacement property" means  
4                   property of similar size, location, use, utility,  
5                   access, zoning, and improvements suitable for the  
6                   owner's needs. If no such comparable property exists  
7                   within the community, compensation shall reflect the  
8                   cost of a substantially similar property in the  
9                   nearest comparable community.

10                  2. Any special and direct benefits to the part of the property  
11                  not taken may be offset only against any injury to the property not  
12                  taken and only when such benefit is specific, direct, measurable,  
13                  and proven by clear and convincing evidence. General, speculative,  
14                  or community-wide benefits shall not be considered.

15                  3. If only a part of a tract is taken, just compensation shall  
16                  be ascertained by determining the difference between the fair market  
17                  value of the whole tract immediately before the taking and the fair  
18                  market value of that portion left remaining immediately after the  
19                  taking; provided, however, the compensation attributable to the part  
20                  actually taken shall be determined in accordance with the enhanced-  
21                  compensation requirements of this subsection.

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

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

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

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

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

16       60-2-15333           JL           01/05/26