

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3758

By: Sterling

AS INTRODUCED

An Act relating to eminent domain; amending 27 O.S. 2024, Section 27-16, which relates to just compensation; modifying the definition of just compensation; providing enhanced compensation; providing a comparable-replacement standard; clarifying partial-taking compensation; 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, the person whose property is taken or damaged shall be entitled to just compensation.

B. 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 greater of the property not taken:~~

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.

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