

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1188 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rick West _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1188

By: West (Rick)

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to the Oklahoma Turnpike Authority;
10 amending 69 O.S. 2021, Section 1707, which relates to
11 the acquisition of lands and interests therein;
12 limiting certain applicability; providing for certain
13 compensation for nuisance damages; listing types of
14 nuisance damages; requiring certain notice; requiring
15 notice contain certain statement; requiring notice
16 have certain contents; requiring certain request be
17 in writing; requiring certain good-faith offer;
18 requiring certain negotiations; requiring court
19 action if certain conditions are met; establishing
20 certain right to jury trial; providing for payment of
21 fees if certain conditions are met; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1707, is
amended to read as follows:

Section 1707. A. The Oklahoma Turnpike Authority is hereby
authorized and empowered to acquire by purchase, or condemnation,
land or such interest therein as in its discretion may be necessary
for the purpose of establishing, constructing, maintaining and

1 operating turnpike projects or relocation thereof, and facilities
2 necessary and incident thereto, or necessary in the restoration of
3 public or private property damaged or destroyed, including borrow
4 areas, detours, channel changes, concession areas, public or private
5 access roads, and deposits of rock, gravel, sand and other road
6 building material for use in turnpike construction and maintenance,
7 upon such terms and at such price as may be considered by it to be
8 reasonable and can be agreed upon between the Authority and the
9 owner thereof, and to take title thereto in the name of the
10 Authority, provided, that such right and title shall be limited to
11 the surface rights only and shall not include oil or other mineral
12 rights. Groundwater rights may be severed from surface rights, upon
13 the written request of the owner of land to be acquired; however, an
14 owner of groundwater rights shall not have a right of access to the
15 Authority's acquired surface rights. No person may construct,
16 maintain or operate any water well, drilling equipment or lines on
17 or under the surface acquired by the Authority without express
18 written approval of the Authority.

19 B. This subsection shall apply only to new turnpike alignments
20 or expansions in Oklahoma, Cleveland, and McClain counties or any
21 other urban area. Property owners who own property abutting the
22 right-of-way to be acquired for any turnpike projects to which this
23 subsection applies shall be entitled to compensation for the
24 nuisance damages caused or that will be caused to their properties

1 by such turnpike projects, whether directly or indirectly. Nuisance
2 damages to the property shall include noise, light, or water
3 pollution; damage to access or view; loss of use or enjoyment of
4 one's property; and any diminution in the fair market value of the
5 property.

6 At the time the Authority commences the process of any right-of-
7 way acquisition for all or a portion of a turnpike project to which
8 this subsection applies, whether by way of voluntary purchase or
9 condemnation, the Authority shall provide written notice, via
10 certified and first-class mail, of such intended right-of-way
11 acquisition to any and all owners of real property abutting the
12 right-of-way to be acquired for the project. The written notice to
13 such property owners shall include a statement that the property
14 owners are entitled to compensation as set forth in this section,
15 and that they may request compensation for nuisance damages caused
16 to their property by the turnpike project. The notice shall include
17 a mailing address for abutting owners to submit a written request
18 for compensation for nuisance damages to their property caused by
19 the turnpike project. Any such property owner requesting
20 compensation for nuisance damages shall make such request to the
21 Authority in writing, via certified and first-class mail, to the
22 address designated in the Authority's right-of-way acquisition
23 notice, no later than sixty (60) days after the date of receipt of
24 the Authority's notice.

1 Upon receipt of a valid request for nuisance damages
2 compensation, the Authority shall proceed to make a good-faith offer
3 of such compensation, and further, shall negotiate in good faith
4 with the property owner to reach an agreement for such compensation.
5 If the parties fail to agree upon the amount of such compensation
6 within one hundred eighty (180) days of the date the property owner
7 requests such total compensation, the Authority shall, within an
8 additional ninety (90) days, commence an action in the district
9 court where the real property is located for a determination and
10 award to the property owner of such compensation. Either party to
11 the action shall be entitled to a trial by jury. If the total award
12 of such compensation in any such action exceeds the Authority's last
13 best offer to the property owner by ten percent (10%) or more, the
14 property owner shall be entitled to reasonable attorney fees,
15 appraisal fees, and expert witness fees incurred in the action.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 60-1-13076 JBH 03/03/25

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