

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2290

By: Hilbert and West (Kevin)

4
5
6 AS INTRODUCED

7
8 An Act relating to eminent domain; defining terms;
9 prohibiting taking of private property unless for
10 certain uses and with compensation; requiring court
11 to strictly construe certain provisions; prohibiting
12 expansion of eminent domain powers absent statutory
13 authority; providing exception; amending 27 O.S.
14 2021, Sections 5 and 17, which relate to local
15 governments and resale of surplus property;
16 conforming language; providing for codification; and
17 providing an effective date.

18
19
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 41 of Title 27, unless there is
23 created a duplication in numbering, reads as follows:

24 For the purposes of this act:

1. "Abandoned property" means either of the following:

- a. a property that has been substantially unoccupied or
unused for any commercial or residential purpose for
at least one (1) year by a person with a legal or
equitable right to occupy the property that has been

1 cited as a public nuisance in violation of a housing,
2 maintenance, building, or property code which has not
3 been remedied within a reasonable time of not less
4 than thirty (30) days to cure the noncompliance, and
5 has had a public hearing made available to the
6 property owner. The notice of public hearing shall
7 advise the property owner of the hearing's location,
8 date, and time. The hearing shall be within a
9 reasonable time of not less than thirty (30) days
10 after the time to cure the non-compliance ends, or

11 b. a property for which property taxes have not been paid
12 for at least two (2) years;

13 2. "Blighted property" means a structure that was inspected by
14 the appropriate government entity, cited for one or more enforceable
15 housing, maintenance, building, or property code violations which by
16 reason of dilapidation, deterioration, age, or obsolescence of the
17 structure threatens the health and safety of the occupants or the
18 public, has not been remedied within a reasonable time of not less
19 than thirty (30) days to cure the noncompliance, has had a public
20 hearing made available to the property owner, and the agency or
21 entity that wished to acquire the property by condemnation
22 determined at the public hearing that reasonable progress toward
23 curing the cited violation has not been made. The notice of the
24 public hearing shall advise the property owner of the hearing's

1 location, date, and time. The public hearing shall be within a
2 reasonable time of not less than thirty (30) days after the time to
3 cure the non-compliance ends; and

4 3. "Public use" means:

5 a. the possession, occupation, ownership, and enjoyment
6 of the land by the general public, or by a government
7 entity for use as a public highway, road, easement or
8 a right-of-way, public building, public cemetery,
9 public park, or other uses authorized in Section 5 of
10 Title 27 of the Oklahoma Statutes,

11 b. the possession, occupation, and ownership of land for
12 operations of a public utility authorized by statute
13 that serves the general public in Oklahoma,

14 c. the remediation of a blighted property, or

15 d. the possession of an abandoned property.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 42 of Title 27, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Private property may not be taken or damaged by a condemning
20 authority unless the taking or damage is necessary for a public use
21 and with just compensation. The public purpose or public benefit of
22 economic development, including an increase in tax base, tax
23 revenues, employment, or general economic health, does not
24 constitute a public use.

1 B. Nothing in subsection A of this section shall be construed
2 to prohibit a taking of private property for public use as defined
3 in subparagraphs a, b, c, and d of paragraph 3 of Section 3 of this
4 act because the public use also provides ancillary economic
5 benefits.

6 C. A governmental body subordinate to the state may not
7 exercise, create, extend, or expand a power of eminent domain in the
8 absence of statutory authority. Additional procedures, remedies, or
9 limitations that do not deny or diminish the substantive and
10 procedural rights and protections of property owners under this
11 section may be provided by other law, ordinance, or charter.

12 D. Nothing in this section shall be construed to apply to the
13 abatement of any public nuisance authorized under state law.

14 E. The actions and determinations of the condemnation are
15 subject to judicial review in a court proceeding.

16 SECTION 3. AMENDATORY 27 O.S. 2021, Section 5, is
17 amended to read as follows:

18 Any county, city, town, township, school district, or board of
19 education, or any board or official having charge of cemeteries
20 created and existing under the laws of this state, shall have power
21 to condemn lands in like manner as railroad companies, for highways,
22 rights-of-way, building sites, cemeteries, public parks and other
23 public ~~purposes~~ uses.

24

1 SECTION 4. AMENDATORY 27 O.S. 2021, Section 17, is
2 amended to read as follows:

3 A. In the event that a portion of the total amount of real
4 property taken by eminent domain under the procedures set forth in
5 ~~Title 27 of the Oklahoma Statutes~~ this title for a public ~~purpose~~
6 use as described in Section 9 of ~~Title 27 of the Oklahoma Statutes~~
7 this title is not used for the ~~purposes~~ uses for which it was
8 condemned or for another public use by the agency or other entity
9 which acquired the real property, the portion of the real property
10 that is not used shall be declared surplus and shall be first
11 offered for resale to the person from whom the property was taken or
12 the heirs of the person at the appraised value or the original price
13 at which the acquiring agency or entity purchased that portion of
14 the property, whichever is less.

15 B. For purposes of complying with subsection A of this section,
16 the agency or entity which acquired the real property by
17 condemnation shall notify the former landowner of the right of first
18 refusal by sending notice by certified mail, return receipt
19 requested, to the last-known address of the person as provided by
20 the person. If the mail is returned as not subject to delivery or
21 the former landowner is deceased, notice of the right of first
22 refusal shall be provided by publication in a newspaper of general
23 circulation in the community where the real property is located.
24 The notice shall contain the name of the former landowner and a

1 legal description of the surplus property. If the offer to
2 repurchase is not accepted within ninety (90) days from the date of
3 notice or if the offer to repurchase is not accepted from the date
4 the resale price on the property is determined, the property may
5 then be sold at public sale.

6 C. This section shall not apply to conveyances for
7 redevelopment under Sections 38-101 through 38-123 of Title 11 of
8 the Oklahoma Statutes.

9 SECTION 5. This act shall become effective November 1, 2025.

10

11 60-1-11632 JL 01/13/25

12

13

14

15

16

17

18

19

20

21

22

23

24