

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1152

By: Banning

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5
6 AS INTRODUCED

7 An Act relating to eminent domain; amending 27 O.S.
8 2021, Section 13, which relates to eminent domain
9 policies; increasing purchasing price for eminent
10 domain; and providing an effective date.

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

12 SECTION 1. AMENDATORY 27 O.S. 2021, Section 13, is
13 amended to read as follows:

14 Section 13. Any person, acquiring agency or other entity
15 acquiring real property for any public project or program described
16 in Section 9 of this title shall comply with the following policies:

17 1. Every reasonable effort shall be made to acquire,
18 expeditiously, real property by negotiation;i

19 2. Real property shall be appraised before the initiation of
20 negotiations, and the owner or his designated representative shall
21 be given an opportunity to accompany the appraiser during his
22 inspection of the property, except that the head or governing body
23 of the entity acquiring real property, if so mandated by federal law
24 or regulation, may prescribe a procedure to waive the appraisal in

1 cases involving the acquisition by sale or donation of property with
2 a low fair market value as such value is defined by federal law or
3 regulation-;

4 3. Before the initiation of negotiations for real property, an
5 amount shall be established which is reasonably believed to be just
6 compensation therefor and such amount shall be promptly offered for
7 the property. In no event shall such amount be less than the
8 approved appraisal of one hundred fifty percent (150%) of the fair
9 market value of such real property. Any decrease or increase in the
10 fair market value of real property prior to the date of valuation
11 caused by the public improvement for which such property is
12 acquired, or by the likelihood that the property would be acquired
13 for such improvement, other than that due to physical deterioration
14 within the reasonable control of the owner, will be disregarded in
15 determining the compensation for the property. The owner of the
16 real property to be acquired shall be provided with a written
17 statement of, and summary of the basis for, the amount established
18 as just compensation. Where appropriate, the just compensation for
19 the real property acquired and for damages to remaining real
20 property shall be separately stated-;

21 4. No owner shall be required to surrender possession of real
22 property before the agreed purchase price is paid or deposited with
23 the state court, in accordance with applicable law, for the benefit
24 of the owner of an amount not less than one hundred fifty percent

1 (150%) of the approved appraisal of the fair market value of such
2 property, or the amount of the award of compensation in the
3 condemnation proceeding of such property-; i

4 5. The construction or development of a public improvement
5 shall be so scheduled that, to the greatest extent practicable, no
6 person lawfully occupying real property shall be required to move
7 from a dwelling, assuming a replacement dwelling, as required by the
8 Oklahoma Relocation Assistance Act, will be available, or to move
9 ~~his~~ their business or farm operation without at least ninety (90)
10 days' written notice from the date by which such move is required-; i

11 6. If any owner or tenant is permitted to occupy the real
12 property acquired on a rental basis for a short term or for a period
13 subject to termination on short notice, the amount of rent required
14 shall not exceed the fair rental value of the property to a short-
15 term occupier-; i

16 7. In no event shall the time of condemnation be advanced, on
17 negotiations or condemnation and the deposit of funds in court for
18 the use of the owner be deferred, or any other coercive action be
19 taken to compel an agreement on the price to be paid for the
20 property-; i

21 8. If an interest in real property is to be acquired by
22 exercise of power of eminent domain, formal condemnation proceedings
23 shall be instituted. The acquiring authority shall not
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1 intentionally make it necessary for an owner to institute legal
2 proceedings to prove the fact of the taking of his real property-;

3 9. If the acquisition of only part of the property would leave
4 its owner with an uneconomic remnant, an offer to acquire that
5 remnant shall be made. For the purposes of this section, an
6 uneconomic remnant is a parcel of real property in which the owner
7 is left with an interest after the partial acquisition of the
8 property of the owner which has little or no value or utility to the
9 owner-;

10 10. A person whose real property is being acquired in
11 accordance with this title may, after the person has been fully
12 informed of his right to receive just compensation for such
13 property, donate such property, any part thereof, any interest
14 therein, or any compensation paid therefor, as such person shall
15 determine-; and

16 11. As used in this section:

- 17 a. "Appraisal" means a written statement independently
18 and impartially prepared by a qualified appraiser
19 setting forth an opinion of defined value of an
20 adequately described property as of a specific date,
21 supported by the presentation and analysis of relevant
22 market information, and
- 23 b. "Acquiring agency" means:

1 (1) a state agency which has the authority to acquire
2 property by eminent domain pursuant to state law,
3 and

4 (2) a state agency or person which does not have such
5 authority, to the extent provided by regulation.

6 SECTION 2. This act shall become effective November 1, 2025.

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