

# An Act

ENROLLED HOUSE  
BILL NO. 3159

By: Roberts, Menz, and  
Hasenbeck of the House

and

Gollihare and Jett of the  
Senate

An Act relating to eminent domain; amending 27 O.S. 2021, Section 18, which relates to the Landowner's Bill of Rights; providing for the right of first refusal or right of first offer for property acquired by eminent domain; providing for the right of first refusal or right of first offer to be included in the Landowner's Bill of Rights; and providing an effective date.

SUBJECT: Eminent domain

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

SECTION 1. AMENDATORY 27 O.S. 2021, Section 18, is amended to read as follows:

Section 18. A. The Attorney General shall prepare a written statement that includes a "Landowner's Bill of Rights" for a property owner whose real property may be acquired by a person, acquiring agency, or other entity through the use of the entity's eminent domain authority under ~~Title 27~~ this title or Title 66 of the Oklahoma Statutes. The statement shall be made available to the public and written in plain language designed to be easily understood by the average property owner.

B. The Landowner's Bill of Rights shall notify each property owner of the right to:

1. Notice of the proposed acquisition of the owner's property;
2. A bona fide good-faith effort to negotiate by the entity proposing to acquire the property;
3. An assessment of damages to the owner that will result from the taking of the property;
4. A hearing under ~~Title 27 of the Oklahoma Statutes~~ this title, including a hearing on the assessment of damages; ~~and~~
5. An appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages; and
6. First refusal or right of first offer if the acquired land is ever sold by the state or any state agency or any person who acquired the land through the use of eminent domain authority. If the landowner chooses to exercise this right, the price would be the lower of either the current market value or the price received by the landowner under the eminent domain sale. This right shall be available to the landowner in the original eminent domain sale and to the first generation of heirs.

However, acquired land may be transferred to another state agency without prompting the first refusal or right of first refusal as provided in this paragraph.

C. The statement shall include:

1. The title "Landowner's Bill of Rights"; and
2. A description of:
  - a. the condemnation procedures provided by ~~Title 27 of the Oklahoma Statutes~~ this title,
  - b. the condemning entity's obligations to the property owner, ~~and~~
  - c. the property owner's options during a condemnation, including the property owner's right to object to and appeal an amount of damages awarded, and
  - d. the property owner's right of first refusal or right of first offer if the acquired land is ever sold by

the state or any state agency or any person who  
acquired the land through the use of eminent domain  
authority.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 6th day of March, 2024.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 23rd day of April, 2024.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_