

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2036 \_\_\_\_\_  
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**

Amendment submitted by: Nick Archer

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED OVERSIGHT  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2036

By: Archer

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8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to eminent domain; amending 27 O.S.  
10 2021, Section 11, which relates to reimbursement of  
11 expenses when property is not acquired under  
12 condemnation process; expanding to include right-of-  
13 way for oil and gas pipelines; providing when certain  
14 expenses may be reimbursed; amending 66 O.S. 2021,  
15 Section 55, which relates to the review of  
16 commissioner's report, eminent domain jury trials,  
17 notices, and costs; providing when certain expenses  
18 may be reimbursed; and providing an effective date.

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

20 SECTION 1. AMENDATORY 27 O.S. 2021, Section 11, is  
21 amended to read as follows:

22 Section 11. Where a condemnation proceeding is instituted by  
23 any person, agency or other entity to acquire real property for use  
24 as provided in Section 9 of this title or Section 52, 60, or 61 of  
Title 52 of the Oklahoma Statutes and:

1. The final judgment is that the real property cannot be  
acquired by condemnation;

1        2. The proceeding is abandoned; ~~or~~

2        3. ~~If the award of the jury exceeds the award of the court-~~  
3 ~~appointed commissioners~~ a jury trial is requested by the owner of  
4 any right, title, or interest in such real property and the award of  
5 the jury exceeds the greater of the award of the court-appointed  
6 commissioners or the last timely written offer of just compensation  
7 made by the condemning authority by at least ten percent (10%), the  
8 owner of any right, title or interest in such real property may be  
9 paid such sum as in the opinion of the court will reimburse such  
10 owner for his reasonable attorney, appraisal and engineering fees,  
11 actually incurred because of the condemnation proceedings. Such  
12 determination by the court shall be appealable to the Supreme Court  
13 in the same manner as any other final order. The written offer of  
14 just compensation will be timely for purposes of this paragraph if  
15 it is made at any time prior to seventy-five (75) days after the  
16 report of the court-appointed commissioners is filed. The final  
17 award of such sums will be paid by the person, agency, or other  
18 entity which sought to condemn the property;

19        4. If a jury trial is requested by both the condemning  
20 authority and the owner of any right, title, or interest in such  
21 real property, then paragraph 3 of this section shall apply; or

22        5. If a jury trial is requested only by condemning authority  
23 and award of the jury exceeds ninety percent (90%) of the greater of  
24 the award of the court-appointed commissioners or the last written

1 offer of just compensation made by the condemning authority, the  
2 owner of any right, title, or interest in such real property may be  
3 paid such sum as in the opinion of the court will reimburse such  
4 owner for his or her reasonable attorney, appraisal, and engineering  
5 fees actually incurred because of the condemnation proceedings.

6 Such determination by the court shall be appealable to the Supreme  
7 Court in the same manner as any other final order. The written  
8 offer of just compensation will be timely for purposes of this  
9 paragraph if it is made at any time prior to seventy-five (75) days  
10 after the report of the court-appointed commissioners is filed. The  
11 final award of such sums will be paid by the person, agency or other  
12 entity which sought to condemn the property.

13 SECTION 2. AMENDATORY 66 O.S. 2021, Section 55, is  
14 amended to read as follows:

15 Section 55. ~~(A)~~ A. The report of the commissioners may be  
16 reviewed by the district court, on written exceptions filed by  
17 either party, in the clerk's office within thirty (30) days after  
18 the filing of such report; and the court shall make such order  
19 therein as right and justice may require, either by confirmation,  
20 rejection or by ordering a new appraisement on good cause shown; or  
21 either party may within sixty (60) days after the filing of such  
22 report file with the clerk a written demand for a trial by jury, in  
23 which case the amount of damages shall be assessed by a jury, and  
24 the trial shall be conducted and judgment entered in the same manner

1 as civil actions in the district court. If the party demanding such  
2 trial does not recover a verdict more favorable to ~~him~~ such party  
3 than the assessment of the commissioners, all costs in the district  
4 court may be taxed against ~~him~~ such party.

5 ~~(B)~~ B. Within ten (10) days after the report of commissioners  
6 is filed, the court clerk shall forward to the attorney of record  
7 for the condemnor, the attorney of record for each condemnee, and to  
8 all unrepresented condemnees, a copy of the commissioners' report  
9 and a notice stating the time limits for filing an exception or  
10 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of  
11 this section. This notice shall be on a form prepared by the Court  
12 Administrator, which shall be approved by the Supreme Court, and  
13 shall be distributed to all clerks of the district court by ~~said the~~ the  
14 Court Administrator. If a party has been served by publication, the  
15 clerk shall forward a copy of the report of commissioners and notice  
16 of time limits for filing an exception or demand for jury trial to  
17 the last-known mailing address, if any, and shall cause a copy of  
18 the notice of time limits to be published in one ~~(1)~~ issue of a  
19 newspaper qualified to publish legal notices, as defined in Section  
20 106 of Title 25 of the Oklahoma Statutes. After issuing the notices  
21 provided herein, the court clerk shall endorse on the notice form  
22 filed in the case, the date and that a copy of the report together  
23 with the notice was mailed to each party or ~~his~~ each party's

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1 attorney of record, or the date the notice was published in  
2 compliance with the provisions hereof.

3 ~~(C)~~ C. The time limits for filing an exception and demand for  
4 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this  
5 section, shall be calculated from the date the report of the  
6 commissioners is filed in the case. On failure of the court clerk  
7 to give notice within the time prescribed in ~~paragraph (B)~~  
8 subsection B of this section, the court, on application of any  
9 party, may extend the time for filing an exception to the report or  
10 a demand for trial by jury for a period not to exceed twenty (20)  
11 days from the date the application is heard.

12 ~~(D) Where the party instituting a condemnation proceeding~~  
13 ~~abandons such proceeding, or where the final judgment is that the~~  
14 ~~real property cannot be acquired by condemnation or if the award of~~  
15 ~~the jury exceeds the award of the court-appointed commissioners by~~  
16 ~~at least ten percent (10%), then the owner of any right, title or~~  
17 ~~interest in the property involved may be paid such sum as in the~~  
18 ~~opinion of the court will reimburse such owner for his reasonable~~  
19 ~~attorney, appraisal, engineering, and expert witness fees actually~~  
20 ~~incurred because of the condemnation proceeding. The sum awarded~~  
21 ~~shall be paid by the party instituting the condemnation proceeding.~~

22 D. Where the party instituting a condemnation proceeding  
23 abandons such proceeding, or where the final judgment is that the  
24 real property cannot be acquired by condemnation, or if a jury trial

1 is requested by the owner of any right, title, or interest in such  
2 real property and the award of the jury exceeds the greater of the  
3 award of the court-appointed commissioners or the last timely  
4 written offer of just compensation made by the condemning authority  
5 by at least ten percent (10%), then the owner of any right, title,  
6 or interest in the property involved may be paid such sum as in the  
7 opinion of the court will reimburse such owner for his or her  
8 reasonable attorney, appraisal, engineering, and expert witness fees  
9 actually incurred because of the condemnation proceeding. Such  
10 determination by the court shall be appealable to the Supreme Court  
11 in the same manner as any other final order. The written offer of  
12 just compensation will be timely for purposes of this subsection if  
13 it is made at any time prior to seventy-five (75) days after the  
14 report of the court-appointed commissioners is filed. The sum  
15 awarded shall be paid by the party instituting the condemnation  
16 proceeding.

17 E. If a jury trial is requested by both the condemning  
18 authority and the owner of any right, title, or interest in the  
19 property involved, subsection D of this section shall apply.

20 F. If a jury trial is requested only by the condemning  
21 authority and the award of the jury exceeds ninety percent (90%) of  
22 the greater of the award of the court-appointed commissioners or the  
23 last written offer of just compensation made by the condemning  
24 authority, the owner of any right, title, or interest in such real

1 property may be paid such sum as in the opinion of the court will  
2 reimburse such owner for his or her reasonable attorney, appraisal,  
3 and engineering fees actually incurred because of the condemnation  
4 proceedings. Such determination by the court shall be appealable to  
5 the Supreme Court in the same manner as any other final order. The  
6 written offer of just compensation will be timely for purposes of  
7 this subsection if it is made at any time prior to seventy-five (75)  
8 days after the report of the court-appointed Commissioners is filed.  
9 The sum awarded shall be paid by the party instituting the  
10 condemnation proceeding.

11 SECTION 3. This act shall become effective November 1, 2025.

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13 60-1-12753 JL 02/25/25

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