

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

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9 COMMITTEE SUBSTITUTE

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

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

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

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

1 1. The final judgment is that the real property cannot be
2 acquired by condemnation;
3 2. The proceeding is abandoned; ~~or~~
4 3. ~~If the award of the jury exceeds the award of the court-~~
5 ~~appointed commissioners~~ a jury trial is requested by the owner of
6 any right, title, or interest in such real property and the award of
7 the jury exceeds the greater of the award of the court-appointed
8 commissioners or the last timely written offer of just compensation
9 made by the condemning authority by at least ten percent (10%), the
10 owner of any right, title or interest in such real property may be
11 paid such sum as in the opinion of the court will reimburse such
12 owner for his reasonable attorney, appraisal and engineering fees,
13 actually incurred because of the condemnation proceedings. Such
14 determination by the court shall be appealable to the Supreme Court
15 in the same manner as any other final order. The written offer of
16 just compensation will be timely for purposes of this paragraph if
17 it is made at any time prior to seventy-five (75) days after the
18 report of the court-appointed commissioners is filed. The final
19 award of such sums will be paid by the person, agency, or other
20 entity which sought to condemn the property;

21 4. If a jury trial is requested by both the condemning
22 authority and the owner of any right, title, or interest in such
23 real property, then paragraph 3 of this section shall apply; or
24

1 5. If a jury trial is requested only by condemning authority
2 and award of the jury exceeds ninety percent (90%) of the greater of
3 the award of the court-appointed commissioners or the last written
4 offer of just compensation made by the condemning authority, the
5 owner of any right, title, or interest in such real property may be
6 paid such sum as in the opinion of the court will reimburse such
7 owner for his or her reasonable attorney, appraisal, and engineering
8 fees actually incurred because of the condemnation proceedings.
9 Such determination by the court shall be appealable to the Supreme
10 Court in the same manner as any other final order. The written
11 offer of just compensation will be timely for purposes of this
12 paragraph if it is made at any time prior to seventy-five (75) days
13 after the report of the court-appointed commissioners is filed. The
14 final award of such sums will be paid by the person, agency or other
15 entity which sought to condemn the property.

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

18 Section 55. ~~(A)~~ A. The report of the commissioners may be
19 reviewed by the district court, on written exceptions filed by
20 either party, in the clerk's office within thirty (30) days after
21 the filing of such report; and the court shall make such order
22 therein as right and justice may require, either by confirmation,
23 rejection or by ordering a new appraisal on good cause shown; or
24 either party may within sixty (60) days after the filing of such

1 report file with the clerk a written demand for a trial by jury, in
2 which case the amount of damages shall be assessed by a jury, and
3 the trial shall be conducted and judgment entered in the same manner
4 as civil actions in the district court. If the party demanding such
5 trial does not recover a verdict more favorable to ~~him~~ such party
6 than the assessment of the commissioners, all costs in the district
7 court may be taxed against ~~him~~ such party.

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

1 filed in the case, the date and that a copy of the report together
2 with the notice was mailed to each party or ~~his~~ each party's
3 attorney of record, or the date the notice was published in
4 compliance with the provisions hereof.

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

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

24

1 D. Where the party instituting a condemnation proceeding
2 abandons such proceeding, or where the final judgment is that the
3 real property cannot be acquired by condemnation, or if a jury trial
4 is requested by the owner of any right, title, or interest in such
5 real property and the award of the jury exceeds the greater of the
6 award of the court-appointed commissioners or the last timely
7 written offer of just compensation made by the condemning authority
8 by at least ten percent (10%), then the owner of any right, title,
9 or interest in the property involved may be paid such sum as in the
10 opinion of the court will reimburse such owner for his or her
11 reasonable attorney, appraisal, engineering, and expert witness fees
12 actually incurred because of the condemnation proceeding. Such
13 determination by the court shall be appealable to the Supreme Court
14 in the same manner as any other final order. The written offer of
15 just compensation will be timely for purposes of this subsection if
16 it is made at any time prior to seventy-five (75) days after the
17 report of the court-appointed commissioners is filed. The sum
18 awarded shall be paid by the party instituting the condemnation
19 proceeding.

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

23 F. If a jury trial is requested only by the condemning
24 authority and the award of the jury exceeds ninety percent (90%) of

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
17 OVERSIGHT, dated 03/06/2025 - DO PASS, As Amended and Coauthored.
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