

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2837

By: Winchester

AS INTRODUCED

An Act relating to eminent domain; enacting the Eminent Domain Procedural Protections Act; stating purpose; authorizing a hearing on the right to take during certain time period; providing procedures of hearing; directing payment of award from commissioners upon certain event; excluding certain costs from award of commissioners; providing method of review and appeal; allowing the consideration of certain costs during jury trial; allowing certain credit; prohibiting admissibility of certain evidence; providing for codification; and providing an effective date.

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

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

This act shall be known and may be cited as the "Eminent Domain Procedural Protections Act".

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

The purpose of the Eminent Domain Procedural Protections Act is to put in place uniform procedures to assure the fair treatment of property owners involved in condemnation proceedings, to facilitate timely resolution to condemnation proceedings, and to ensure that the ability to request a hearing on the right to take is available at an early and uniform stage of the proceeding and may yield a final decision on the issue.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 43 of Title 27, unless there is created a duplication in numbering, reads as follows:

At any time after the filing of a condemnation proceeding and prior to the expiration of thirty (30) days after filing the report of the commissioners appointed pursuant to Section 53 of Title 66 of the Oklahoma Statutes, either the property owner or the entity acquiring the property may seek to hold a hearing on the issue of the right to take. Such hearing shall be expedited by the court and may be held at any time upon no less than ten (10) days notice to the parties. Upon the filing of such motion, the right of possession by the entity acquiring the property shall be stayed automatically until the expiration of ten (10) days following deposit of the award of the commissioners with the court. Thereafter, the right to possession shall be stayed only upon order of the court.

When possession is taken of property condemned, as provided herein, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of said compensation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 44 of Title 27, unless there is created a duplication in numbering, reads as follows:

If the entity acquiring the property has provided procedures for the payment of actual and reasonable moving costs, claims for such moving costs shall be excluded from the award of the commissioners. Such claims shall be subject to review and appeal in accordance with the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes.

In the event of a jury trial to determine just compensation, an owner may elect to include moving costs within the scope of the

trial to determine just compensation, in which event the entity acquiring the property shall receive a credit against the award for the amount of any moving costs and relocation benefits paid or approved for payment to such owner; however, the amount paid or approved for payment shall not be admissible in the trial before a jury.

SECTION 5. This act shall become effective November 1, 2006.

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