

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2573, Page 8, Line 8½, as follows:

By adding a new Section 2 to read as follows, by renumbering subsequent sections and by amending the title to conform.

SECTION 2. AMENDATORY 27 O.S. 2001, Section 11, is amended to read as follows:

Section 11.

Where a condemnation proceeding is instituted by any person, agency or other entity to acquire real property for use as provided in Section 9 of this title and if:

1. The final judgment is that the real property cannot be acquired by condemnation;
2. The proceeding is abandoned; ~~or~~
3. ~~If the~~ The award of the jury exceeds the award of the court-appointed commissioners by at least ten percent (10%); or
4. The Department of Transportation is the party demanding the jury trial and the award of the jury is not at least ten percent (10%) more favorable to the Department than the award of the commissioners,

then the owner of any right, title or interest in such real property ~~may~~ shall be paid such sum as in the opinion of the court will reimburse such owner for his reasonable attorney, appraisal and engineering fees and any other reasonable expert fees or costs, actually incurred because of the condemnation proceedings. Such determination by the court shall be appealable to the Supreme Court in the same manner as any other final order. The final award of such sums will be paid by the person, agency or other entity which sought to condemn the property.

Submitted by:

Senator Clark Jolley

Jolley-JK-FA-HB 2573
4/7/2008 1:40 PM