

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2567

By: Wright

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5
6 AS INTRODUCED

7 An Act relating to eminent domain; amending 27 O.S.
8 2001, Section 2, which relates to condemnation
9 procedure for state lands; providing requirements for
10 certain appraisers; providing for introduction into
11 evidence of supporting documents used by appraisers
12 to reach award; requiring disclosure of credentials
13 of appraisers to the court; providing for
14 credentials; and providing an effective date.

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

16 SECTION 1. AMENDATORY 27 O.S. 2001, Section 2, is
17 amended to read as follows:

18 Section 2. A. Before any public corporation, municipality or
19 other entity or person authorized to exercise the right of eminent
20 domain under existing law, shall have the right to condemn or take
21 any part of ~~such~~ the lands, a plat of the grounds proposed to be
22 taken, showing the part of the particular subdivision, shall be
23 prepared and filed with the Governor ~~of said state~~, together with a
24 sworn statement of the engineer or superintendent in charge of ~~such~~
the public work, that the taking of ~~such~~ the lands is necessary to

1 the exercise of the powers of ~~such~~ the municipality or corporation,
2 ~~and it.~~

3 B. It shall be the duty of the Governor to appoint three
4 disinterested persons, who shall be resident householders of the
5 county in which ~~such~~ the land is located, ~~who.~~ The three
6 disinterested persons shall first take an oath to fairly and
7 impartially appraise the value of the ground so taken, and the
8 damage to the remaining parts of ~~such~~ the subdivision by the taking
9 thereof, and the ~~said~~ appraisers shall notify the Governor and the
10 officers of ~~such~~ the corporation of the time and place when they
11 will proceed to appraise ~~such~~ the damage, and at ~~such~~ the time and
12 place, upon actual view of the premises, the ~~said~~ appraisers shall
13 meet and appraise the damage, in writing, and return one copy
14 thereof under their signatures to the Governor ~~of the state~~, and one
15 copy to the principal officer of such corporation or municipality in
16 charge of such construction, ~~and if.~~

17 C. If either party is aggrieved, they may, within ten (10)
18 days, appeal to the district court of the county where ~~such~~ the land
19 is located, in the same manner that appeals are taken from judgment
20 of justices of the peace, where the amount of ~~such~~ the damage shall
21 be tried by a jury, as other causes are tried. In case no appeal is
22 taken from the award of such appraisers, ~~such~~ the corporation or
23 municipality shall have the right to occupy ~~such~~ the grounds by ~~the~~
24 paying into the State Treasury the amount of ~~such~~ the award. In

1 case either party appeals, ~~such~~ the corporation or municipality
2 shall have the right to occupy ~~such~~ the grounds upon giving bond in
3 treble the amount of the award, with sureties to be approved by the
4 clerk of the district court where ~~such~~ the appeal is pending, to the
5 effect that the corporation or municipality will pay ~~said~~ the award
6 if ~~such~~ the appeal ~~be~~ is dismissed, or shall pay any judgment
7 finally rendered in ~~said~~ the action if the ~~same~~ action shall be
8 tried.

9 D. If either party appeals to the district court of the county
10 where the land is located, either party may introduce into evidence
11 any documents supporting the award of the appraisers.

12 E. If either party appeals to the district court of the county
13 where the land is located, then the credentials, if any, of the
14 three disinterested persons shall be disclosed to the court.
15 "Credentials" as used in this subsection may include, but not be
16 limited to, certificates or licenses duly issued to a person
17 pursuant to provisions provided in the Oklahoma Statutes relating to
18 the profession or occupation of the person.

19 SECTION 2. This act shall become effective November 1, 2008.

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