

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

SPEAKER:

CHAIR:

I move to amend HB2276 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

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

Amendment submitted by: Lee Denney \_\_\_\_\_

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

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2276

By: Denney

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to eminent domain; authorizing property owner to file request for judicial location exception in certain actions; specifying timing for filing reply; directing court to conduct hearing for alternative location; listing factors for court to consider in making a determination; 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 57.1 of Title 66, unless there is created a duplication in numbering, reads as follows:

A. If condemnation proceedings are filed against the owner of any real property or interest therein over which any corporation, incorporated under the laws of this state, may desire to locate its pipeline, utility line or other transmission line, the owner may file at the time of the answer to the petition to appoint commissioners, a request for judicial location exception to the proposed location of the right-of-way through and over the property.

1 B. The respondent shall have fifteen (15) days to file a reply  
2 after the answer and request for judicial location exception are  
3 served.

4 C. Prior to appointing commissioners to inspect the property,  
5 the court shall conduct a hearing to determine if an alternative  
6 location for the right-of-way would be possible. In making this  
7 judicial determination, the court shall consider the following:

8 1. Reasonable alternative locations or placements available for  
9 the right-of-way;

10 2. Reasonable obstacles presented by the alternative locations  
11 compared to the originally proposed location set forth in the  
12 petition;

13 3. Good-faith effort of the plaintiff in negotiating with the  
14 property owner regarding the proposed location and any alternative  
15 location;

16 4. Topographical or historic aspects of the subject property;

17 5. Mental anguish of the property owner in the event an  
18 alternative location is not reasonably possible, caused by the  
19 condemnation; and

20 6. Mental anguish of the property owner caused by any action or  
21 inaction of the plaintiff in negotiating with the owner regarding  
22 the proposed location as set forth in the petition or any  
23 alternative location.  
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1 SECTION 2. This act shall become effective November 1, 2016.

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3 55-2-8979 EK 02/08/16  
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