

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2276

By: Denney

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5
6 AS INTRODUCED

7 An Act relating to eminent domain; authorizing
8 property owner to file request for judicial location
9 exception in certain actions; specifying notice and
10 service procedures for hearing; directing court to
11 conduct hearing for alternative location; listing
12 factors for court to consider in making a
13 determination; providing for codification; and
14 providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 57.1 of Title 66, unless there
18 is created a duplication in numbering, reads as follows:

19 A. If the owner of any real property or interest therein, over
20 which any corporation, incorporated under the laws of this state,
21 may desire to locate its pipeline, utility line or other
22 transmission line, shall object to the proposed location of the
23 right-of-way through and over the property, the owner may file a
24 request for judicial location exception with the court of the county
in which the property is situated.

1 B. The petitioner shall give notice of the request for judicial
2 location exception to the respondent by personal service, mailing a
3 copy of the request by certified mail, return receipt requested, or
4 leaving a copy of the notice at the respondent's place of business.
5 Service by publication shall only be permitted if the petitioner,
6 with due diligence, cannot locate the respondent by any other method
7 described in this subsection. The respondent shall have thirty (30)
8 days to file a response after the request for judicial location
9 exception is served.

10 C. The court shall conduct a hearing to determine if an
11 alternative location for the right-of-way would be possible. In
12 making this determination, the court shall consider the following:

13 1. Reasonable alternative locations or placements available for
14 the right-of-way;

15 2. Reasonable obstacles presented by the alternative locations
16 compared to the placement originally selected by the respondent;

17 3. Good-faith effort of the respondent in negotiating with the
18 petitioner regarding the location;

19 4. Noncompensable topographical or historic aspects of the
20 petitioner's property; and

21 5. Mental anguish of the petitioner in the event an alternative
22 location is not reasonably possible, caused by the condemnation or
23 the bad-faith efforts of the respondent.
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1 SECTION 2. This act shall become effective November 1, 2016.

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