

1 ENGROSSED SENATE
2 BILL NO. 290

By: Newberry of the Senate

3 and

4 Watson of the House
5

6 An Act relating to acquisition of property; amending
7 66 O.S. 2011, Section 55, which relates to review of
8 commissioners' report; modifying requirements related
9 to offer to settle in certain proceedings; amending
10 27 O.S. 2011, Section 11, which relates to
11 reimbursement of expenses; modifying requirements for
12 reimbursement of certain costs and fees; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 66 O.S. 2011, Section 55, is
16 amended to read as follows:

17 Section 55. ~~(A)~~ A. The report of the commissioners may be
18 reviewed by the district court, on written exceptions filed by
19 either party, in the clerk's office within thirty (30) days after
20 the filing of such report; and the court shall make such order
21 therein as right and justice may require, either by confirmation,
22 rejection or by ordering a new appraisalment on good cause shown; or
23 either party may within sixty (60) days after the filing of such
24 report file with the clerk a written demand for a trial by jury, in
which case the amount of damages shall be assessed by a jury, and
the trial shall be conducted and judgment entered in the same manner

1 as civil actions in the district court. ~~If the party demanding such~~
2 ~~trial does not recover a verdict more favorable to him than the~~
3 ~~assessment of the commissioners, all costs in the district court may~~
4 ~~be taxed against him~~ Not later than thirty (30) days after a party's
5 written demand for jury trial, the condemnor may make a last offer
6 to settle as provided in Section 1101.1 of Title 12 of the Oklahoma
7 Statutes.

8 ~~(B)~~ B. Within ten (10) days after the report of commissioners
9 is filed, the court clerk shall forward to the attorney of record
10 for the condemnor, the attorney of record for each condemnee, and to
11 all unrepresented condemnees, a copy of the commissioners' report
12 and a notice stating the time limits for filing an exception or
13 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of
14 this section. This notice shall be on a form prepared by the Court
15 Administrator, which shall be approved by the Supreme Court, and
16 shall be distributed to all clerks of the district court by ~~said~~ the
17 Court Administrator. If a party has been served by publication, the
18 clerk shall forward a copy of the report of commissioners and notice
19 of time limits for filing an exception or demand for jury trial to
20 the last-known mailing address, if any, and shall cause a copy of
21 the notice of time limits to be published in one (1) issue of a
22 newspaper qualified to publish legal notices, as defined in Section
23 106 of Title 25. After issuing the notices provided herein, the
24 court clerk shall endorse on the notice form filed in the case, the

1 date and that a copy of the report together with the notice was
2 mailed to each party or his attorney of record, or the date the
3 notice was published in compliance with the provisions hereof.

4 ~~(C)~~ C. The time limits for filing an exception and demand for
5 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
6 section, shall be calculated from the date the report of the
7 commissioners is filed in the case. On failure of the court clerk
8 to give notice within the time prescribed in ~~paragraph (B)~~
9 subsection B of this section, the court, on application of any
10 party, may extend the time for filing an exception to the report or
11 a demand for trial by jury for a period not to exceed twenty (20)
12 days from the date the application is heard.

13 ~~(D)~~ D. Where the party instituting a condemnation proceeding
14 abandons such proceeding, or where the final judgment is that the
15 real property cannot be acquired by condemnation or if the award of
16 the jury exceeds the award of the court-appointed commissioners by
17 at least ten percent (10%) or the condemnor's last offer pursuant to
18 subsection A of this section, whichever is greater, then the owner
19 of any right, title or interest in the property involved may be paid
20 such sum as in the opinion of the court will reimburse such owner
21 for his reasonable attorney, appraisal, engineering, and expert
22 witness fees actually incurred because of the condemnation
23 proceeding. The sum awarded shall be paid by the party instituting
24 the condemnation proceeding.

1 SECTION 2. AMENDATORY 27 O.S. 2011, Section 11, is
2 amended to read as follows:

3 Section 11. Where a condemnation proceeding is instituted by
4 any person, agency or other entity, except a municipality, to
5 acquire real property for use as provided in Section 9 of this title
6 and:

7 1. The final judgment is that the real property cannot be
8 acquired by condemnation;

9 2. The proceeding is abandoned; or

10 3. If the award of the jury exceeds the award of the court-
11 appointed commissioners by at least ten percent (10%) or the
12 condemnor's last offer to settle as provided in Section 1101.1 of
13 Title 12 of the Oklahoma Statutes, the owner of any right, title or
14 interest in such real property may be paid such sum as in the
15 opinion of the court will reimburse such owner for his reasonable
16 attorney, appraisal and engineering fees, actually incurred because
17 of the condemnation proceedings. Such determination by the court
18 shall be appealable to the Supreme Court in the same manner as any
19 other final order. The final award of such sums will be paid by the
20 person, agency or other entity which sought to condemn the property.

21 SECTION 3. This act shall become effective November 1, 2017.
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1 Passed the Senate the 14th day of March, 2017.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives