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February 21, 2017

AS AMENDED

SENATE BILL NO. 290

By: Newberry

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

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

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

Section 55. ~~(A)~~ A. The report of the commissioners may be reviewed by the district court, on written exceptions filed by either party, in the clerk's office within thirty (30) days after the filing of such report; and the court shall make such order therein as right and justice may require, either by confirmation, rejection or by ordering a new appraisalment on good cause shown; or either party may within sixty (60) days after the filing of such 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~~ Within sixty (60) days after the commissioners'
5 report is filed, the condemnor may make a last offer to settle as
6 provided in Section 1101.1 of Title 12 of the Oklahoma Statutes.

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

1 mailed to each party or his attorney of record, or the date the
2 notice was published in compliance with the provisions hereof.

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

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

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

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

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

2. The proceeding is abandoned; or

3. If the award of the jury exceeds the ~~award of the court-~~
~~appointed commissioners by at least ten percent (10%)~~ condemnor's
last offer to settle as provided in Section 1101.1 of Title 12 of
the Oklahoma Statutes, the owner of any right, title or interest in such real property may be paid such sum as in the opinion of the court will reimburse such owner for his reasonable attorney, appraisal and engineering fees, 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.

SECTION 3. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 21, 2017 - DO PASS AS AMENDED