

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 290

By: Newberry

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5  
6 AS INTRODUCED

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

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

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

18 Section 55. ~~(A)~~ A. The report of the commissioners may be  
19 reviewed by the district court, on written exceptions filed by  
20 either party, in the clerk's office within thirty (30) days after  
21 the filing of such report; and the court shall make such order  
22 therein as right and justice may require, either by confirmation,  
23 rejection or by ordering a new appraisalment on good cause shown; or  
24 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

1 the trial shall be conducted and judgment entered in the same manner  
2 as civil actions in the district court. ~~If the party demanding such~~  
3 ~~trial does not recover a verdict more favorable to him than the~~  
4 ~~assessment of the commissioners, all costs in the district court may~~  
5 ~~be taxed against him~~ Within sixty (60) days after the commissioners'  
6 report is filed, the condemnor may make a last offer to settle as  
7 provided in Section 1101.1 of Title 12 of the Oklahoma 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, 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%), then the owner of any right, title or  
18 interest in the property involved may be paid such sum as in the  
19 opinion of the court will reimburse such owner for his reasonable  
20 attorney, appraisal, engineering, and expert witness fees actually  
21 incurred because of the condemnation proceeding. The sum awarded  
22 shall be paid by the party instituting the condemnation proceeding.

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

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

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

6 2. The proceeding is abandoned; or

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

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

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