

BILL SUMMARY
1st Session of the 56th Legislature

Bill No.:	HB 2194
Version:	INT
Request Number:	5290
Author:	Rep. Park
Date:	2/17/2017
Impact:	Minimal to zero impact for the State

Research Analysis

HB2194, as introduced, changes the procedure for condemnation proceedings. The measure:

- amends the Landowner's Bill of Rights prepared by the Attorney General's office to include the right to demand a jury trial to appeal an assessment of damages in a condemnation proceeding;
- mandates reimbursement of attorney fees, appraisal and engineering fees incurred by a landowner because of a condemnation proceeding if the award of the jury exceeds the award of the court-appointed commissioners by any amount;
- changes how just compensation is determined and provides that the condemnor has the burden of proof in providing damages at trial to establish just compensation;
- establishes penalties for any condemnor that threatens or fails to negotiate in good faith with a condemnee; and
- requires any state agency with condemnation power to submit an annual report to the Legislature and AG.

Prepared By: Quyen Do

Fiscal Analysis

HB 2194, as introduced, makes changes regarding eminent domain law in Oklahoma. Fiscal portions of the changes include several instances of reimbursement of legal fees during the court process of cases of eminent domain to the condemnee (landowner) from the condemnor (municipality, state entity, private person, firm, or corporation) regardless of the outcome of the case. Because Oklahoma statutes don't specify exactly which state entities have the power to utilize eminent domain as a condemnor, the fiscal impact is contingent upon how many state entities go to court over this matter, and how often they are required to reimburse legal fees for the condemnee.

New language specifies the condemnor may be subject to a loss of license or a felony in two situations. Contingent upon how many felonies are sentenced (estimated none) this could affect incarceration rates; however this is highly unlikely and is therefore not considered in the overall fiscal impact.

New language also requires any condemnor (including the Dept. of Transportation) to provide an annual report to the Legislature and Attorney General disclosing information on how many condemnation cases that go to trial. Estimated fiscal impact: minimal.

Prepared By: Kristina King

Other Considerations

None.

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