

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1714

By: Garvin

AS INTRODUCED

An Act relating to condemnation proceedings; amending 27 O.S. 2021, Section 11, which relates to reimbursement of expenses; modifying requirements for recovery of certain costs and fees; amending 66 O.S. 2021, Section 55, which relates to review of commissioner's report; modifying requirements for recovery of certain costs and fees; making language gender neutral; updating statutory references; updating statutory language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 27 O.S. 2021, Section 11, is amended to read as follows:

Section 11. Where a condemnation proceeding is instituted by any person, agency or other entity 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 greater of the award of the court-appointed commissioners by at least ten percent (10%) or

1 the last written offer of just compensation made by the condemning
2 authority,

3 the owner of any right, title or interest in such real property may
4 be paid such sum as in the opinion of the court will reimburse such
5 owner for ~~his~~ reasonable attorney, appraisal and engineering fees,
6 actually incurred by written contract because of the condemnation
7 proceedings. Such determination by the court shall be appealable to
8 the Supreme Court in the same manner as any other final order. The
9 final award of such sums will be paid by the person, agency or other
10 entity which sought to condemn the property.

11 SECTION 2. AMENDATORY 66 O.S. 2021, Section 55, is
12 amended to read as follows:

13 Section 55. ~~(A)~~ A. The report of the commissioners may be
14 reviewed by the district court, on written exceptions filed by
15 either party, in the clerk's office within thirty (30) days after
16 the filing of such report; and the court shall make such order
17 therein as right and justice may require, either by confirmation,
18 rejection or by ordering a new appraisal on good cause shown; or
19 either party may within sixty (60) days after the filing of such
20 report file with the clerk a written demand for a trial by jury, in
21 which case the amount of damages shall be assessed by a jury, and
22 the trial shall be conducted and judgment entered in the same manner
23 as civil actions in the district court. If the party demanding such
24 trial does not recover a verdict more favorable to ~~him~~ such party

1 than the assessment of the commissioners, all costs in the district
2 court may be taxed against ~~him~~ such party.

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

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

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

22 SECTION 3. This act shall become effective July 1, 2024.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby
25

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3

4 59-2-3202 TEK 1/16/2024 5:39:32 PM
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25