

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
3 BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

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6  
7 An Act relating to eminent domain; amending 27 O.S.  
8 2021, Section 11, which relates to reimbursement of  
9 expenses when property is not acquired under  
10 condemnation process; expanding to include right-of-  
11 way for oil and gas pipelines; providing when certain  
12 expenses may be reimbursed; amending 66 O.S. 2021,  
13 Section 55, which relates to the review of  
14 commissioner's report, eminent domain jury trials,  
15 notices, and costs; providing when certain expenses  
16 may be reimbursed; and providing an effective date.

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18  
19 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
20 entire bill and insert

21 "An Act relating to condemnation proceedings;  
22 amending 27 O.S. 2021, Section 11, which relates to  
23 reimbursement of expenses when property is not  
24 acquired under condemnation process; expanding  
applicability of certain reimbursement requirements;  
establishing requirements for reimbursement of  
certain expenses; authorizing appeal of certain court  
determination; establishing time limitation for  
submission of certain written offer; amending 66 O.S.  
2021, Section 55, which relates to the review of  
commissioner's report, eminent domain jury trials,  
notices, and costs; establishing requirements for  
reimbursement of certain expenses; authorizing appeal  
of certain court determination; establishing time  
limitation for submission of certain written offer;  
making language gender neutral; updating statutory

1 language; updating statutory references; and  
2 providing an effective date.  
3

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

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

7 Section 11. A. Where a condemnation proceeding is instituted  
8 by any person, agency, or other entity to acquire real property for  
9 use as provided in Section 9 of this title or Section 52, 60, or 61  
10 of Title 52 of the Oklahoma Statutes and

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

13 ~~2. The proceeding is abandoned; or~~

14 ~~3. If the award of the jury exceeds the award of the court-~~  
15 ~~appointed commissioners~~ a jury trial is requested by the owner of  
16 any right, title, or interest in such real property, or by both such  
17 owner and the condemning authority, and the award of the jury  
18 exceeds the greater of the award of the court-appointed  
19 commissioners or the last timely written offer of just compensation  
20 made by the condemning authority by at least ten percent (10%), the  
21 owner of any right, title, or interest in such real property may be  
22 paid such sum as in the opinion of the court will reimburse such  
23 owner for his or her reasonable attorney, appraisal, and engineering  
24 fees, actually incurred because of the condemnation proceedings.

1 Such determination by the court shall be appealable to the Supreme  
2 Court in the same manner as any other final order. The written  
3 offer of just compensation will be considered timely for purposes of  
4 this subsection if the offer is made at any time prior to seventy-  
5 five (75) days after the report of the court-appointed commissioners  
6 is filed. The final award of such sums ~~will~~ shall be paid by the  
7 person, agency, or other entity which sought to condemn the  
8 property.

9 B. Where a condemnation proceeding is instituted for the  
10 purposes set forth in subsection A of this section and the final  
11 judgment is that the real property cannot be acquired by  
12 condemnation, if the party instituting the proceeding abandons such  
13 proceeding, or if a jury trial is requested only by the condemning  
14 authority, and the award of the jury exceeds ninety percent (90%) of  
15 the greater of the award of the court-appointed commissioners or the  
16 last written offer of just compensation made by the condemning  
17 authority, the owner of any right, title, or interest in such real  
18 property may be paid such sum as in the opinion of the court will  
19 reimburse such owner for his or her reasonable attorney, appraisal,  
20 and engineering fees actually incurred because of the condemnation  
21 proceedings. Such determination by the court shall be appealable to  
22 the Supreme Court in the same manner as any other final order. The  
23 written offer of just compensation will be considered timely for  
24 purposes of this subsection if it is made at any time prior to

1 seventy-five (75) days after the report of the court-appointed  
2 commissioners is filed. The final award of such sums shall be paid  
3 by the person, agency, or other entity which sought to condemn the  
4 property.

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

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

21 ~~(B)~~ B. Within ten (10) days after the report of commissioners  
22 is filed, the court clerk shall forward to the attorney of record  
23 for the condemnor, the attorney of record for each condemnee, and to  
24 all unrepresented condemnees, a copy of the commissioners' report

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

19 ~~(C)~~ C. The time limits for filing an exception and demand for  
20 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this  
21 section, shall be calculated from the date the report of the  
22 commissioners is filed in the case. On failure of the court clerk  
23 to give notice within the time prescribed in ~~paragraph (B)~~  
24 subsection B of this section, the court, on application of any

1 party, may extend the time for filing an exception to the report or  
2 a demand for trial by jury for a period not to exceed twenty (20)  
3 days from the date the application is heard.

4 ~~(D) Where the party instituting a condemnation proceeding~~  
5 ~~abandons such proceeding, or where the final judgment is that the~~  
6 ~~real property cannot be acquired by condemnation or if the award of~~  
7 ~~the jury exceeds the award of the court-appointed commissioners by~~  
8 ~~at least ten percent (10%), then the owner of any right, title or~~  
9 ~~interest in the property involved may be paid such sum as in the~~  
10 ~~opinion of the court will reimburse such owner for his reasonable~~  
11 ~~attorney, appraisal, engineering, and expert witness fees actually~~  
12 ~~incurred because of the condemnation proceeding. The sum awarded~~  
13 ~~shall be paid by the party instituting the condemnation proceeding.~~

14 D. If a jury trial is requested by the owner of any right,  
15 title, or interest in such real property, or by both such owner and  
16 the condemning authority, and the award of the jury exceeds the  
17 greater of the award of the court-appointed commissioners or the  
18 last timely written offer of just compensation made by the  
19 condemning authority by at least ten percent (10%), then the owner  
20 of any right, title, or interest in the property involved may be  
21 paid such sum as in the opinion of the court will reimburse such  
22 owner for his or her reasonable attorney, appraisal, engineering,  
23 and expert witness fees actually incurred because of the  
24 condemnation proceedings. Such determination by the court shall be

1 appealable to the Supreme Court in the same manner as any other  
2 final order. The written offer of just compensation will be  
3 considered timely for purposes of this subsection if it is made at  
4 any time prior to seventy-five (75) days after the report of the  
5 court-appointed commissioners is filed. The sum awarded shall be  
6 paid by the party instituting the condemnation proceedings.

7 E. If the final judgment is that the real property cannot be  
8 acquired by condemnation, if the party instituting the proceeding  
9 abandons such proceeding, or if a jury trial is requested only by  
10 the condemning authority, and the award of the jury exceeds ninety  
11 percent (90%) of the greater of the award of the court-appointed  
12 commissioners or the last written offer of just compensation made by  
13 the condemning authority, the owner of any right, title, or interest  
14 in such real property may be paid such sum as in the opinion of the  
15 court will reimburse such owner for his or her reasonable attorney,  
16 appraisal, and engineering fees actually incurred because of the  
17 condemnation proceedings. Such determination by the court shall be  
18 appealable to the Supreme Court in the same manner as any other  
19 final order. The written offer of just compensation will be  
20 considered timely for purposes of this subsection if it is made at  
21 any time prior to seventy-five (75) days after the report of the  
22 court-appointed commissioners is filed. The sum awarded shall be  
23 paid by the party instituting the condemnation proceedings.

24 SECTION 3. This act shall become effective November 1, 2025."

1 Passed the Senate the 7th day of May, 2025.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2025.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives



1 ENGROSSED HOUSE  
2 BILL NO. 2036

By: Archer of the House

3 and

4 Murdock of the Senate

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8 expenses when property is not acquired under  
9 condemnation process; expanding to include right-of-  
10 way for oil and gas pipelines; providing when certain  
11 expenses may be reimbursed; amending 66 O.S. 2021,  
12 Section 55, which relates to the review of  
13 commissioner's report, eminent domain jury trials,  
14 notices, and costs; providing when certain expenses  
15 may be reimbursed; and providing an effective date.

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

17 SECTION 4. AMENDATORY 27 O.S. 2021, Section 11, is  
18 amended to read as follows:

19 Section 11. Where a condemnation proceeding is instituted by  
20 any person, agency or other entity to acquire real property for use  
21 as provided in Section 9 of this title or Section 52, 60, or 61 of  
22 Title 52 of the Oklahoma Statutes and:

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

2. The proceeding is abandoned; ~~or~~

3. ~~If the award of the jury exceeds the award of the court-~~  
~~appointed commissioners~~ a jury trial is requested by the owner of

1 any right, title, or interest in such real property and the award of  
2 the jury exceeds the greater of the award of the court-appointed  
3 commissioners or the last timely written offer of just compensation  
4 made by the condemning authority by at least ten percent (10%), the  
5 owner of any right, title or interest in such real property may be  
6 paid such sum as in the opinion of the court will reimburse such  
7 owner for his reasonable attorney, appraisal and engineering fees,  
8 actually incurred because of the condemnation proceedings. Such  
9 determination by the court shall be appealable to the Supreme Court  
10 in the same manner as any other final order. The written offer of  
11 just compensation will be timely for purposes of this paragraph if  
12 it is made at any time prior to seventy-five (75) days after the  
13 report of the court-appointed commissioners is filed. The final  
14 award of such sums will be paid by the person, agency, or other  
15 entity which sought to condemn the property;

16 4. If a jury trial is requested by both the condemning  
17 authority and the owner of any right, title, or interest in such  
18 real property, then paragraph 3 of this section shall apply; or

19 5. If a jury trial is requested only by condemning authority  
20 and award of the jury exceeds ninety percent (90%) of the greater of  
21 the award of the court-appointed commissioners or the last written  
22 offer of just compensation made by the condemning authority, the  
23 owner of any right, title, or interest in such real property may be  
24 paid such sum as in the opinion of the court will reimburse such

1 owner for his or her reasonable attorney, appraisal, and engineering  
2 fees actually incurred because of the condemnation proceedings.

3 Such determination by the court shall be appealable to the Supreme  
4 Court in the same manner as any other final order. The written  
5 offer of just compensation will be timely for purposes of this  
6 paragraph if it is made at any time prior to seventy-five (75) days  
7 after the report of the court-appointed commissioners is filed. The  
8 final award of such sums will be paid by the person, agency or other  
9 entity which sought to condemn the property.

10 SECTION 5. AMENDATORY 66 O.S. 2021, Section 55, is  
11 amended to read as follows:

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

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) 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%), then the owner of any right, title or~~  
15 ~~interest in the property involved may be paid such sum as in the~~  
16 ~~opinion of the court will reimburse such owner for his reasonable~~  
17 ~~attorney, appraisal, engineering, and expert witness fees actually~~  
18 ~~incurred because of the condemnation proceeding. The sum awarded~~  
19 ~~shall be paid by the party instituting the condemnation proceeding.~~

20       D. Where the party instituting a condemnation proceeding  
21 abandons such proceeding, or where the final judgment is that the  
22 real property cannot be acquired by condemnation, or if a jury trial  
23 is requested by the owner of any right, title, or interest in such  
24 real property and the award of the jury exceeds the greater of the

1 award of the court-appointed commissioners or the last timely  
2 written offer of just compensation made by the condemning authority  
3 by at least ten percent (10%), then the owner of any right, title,  
4 or interest in the property involved may be paid such sum as in the  
5 opinion of the court will reimburse such owner for his or her  
6 reasonable attorney, appraisal, engineering, and expert witness fees  
7 actually incurred because of the condemnation proceeding. Such  
8 determination by the court shall be appealable to the Supreme Court  
9 in the same manner as any other final order. The written offer of  
10 just compensation will be timely for purposes of this subsection if  
11 it is made at any time prior to seventy-five (75) days after the  
12 report of the court-appointed commissioners is filed. The sum  
13 awarded shall be paid by the party instituting the condemnation  
14 proceeding.

15 E. If a jury trial is requested by both the condemning  
16 authority and the owner of any right, title, or interest in the  
17 property involved, subsection D of this section shall apply.

18 F. If a jury trial is requested only by the condemning  
19 authority and the award of the jury exceeds ninety percent (90%) of  
20 the greater of the award of the court-appointed commissioners or the  
21 last written offer of just compensation made by the condemning  
22 authority, the owner of any right, title, or interest in such real  
23 property may be paid such sum as in the opinion of the court will  
24 reimburse such owner for his or her reasonable attorney, appraisal,

1 and engineering fees actually incurred because of the condemnation  
2 proceedings. Such determination by the court shall be appealable to  
3 the Supreme Court in the same manner as any other final order. The  
4 written offer of just compensation will be timely for purposes of  
5 this subsection if it is made at any time prior to seventy-five (75)  
6 days after the report of the court-appointed commissioners is filed.  
7 The sum awarded shall be paid by the party instituting the  
8 condemnation proceeding.

9 SECTION 6. This act shall become effective November 1, 2025.

10 Passed the House of Representatives the 24th day of March, 2025.

11  
12 \_\_\_\_\_  
13 Presiding Officer of the House  
14 of Representatives

15 Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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17 \_\_\_\_\_  
18 Presiding Officer of the Senate  
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