

An Act

ENROLLED HOUSE
BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

An Act relating to condemnation proceedings; amending 27 O.S. 2021, Section 11, which relates to reimbursement of expenses when property is not 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 language; updating statutory references; and providing an effective date.

SUBJECT: Condemnation proceedings

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. A. 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 or Section 52, 60, or 61 of Title 52 of the Oklahoma Statutes 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 a jury trial is requested by the owner of~~
~~any right, title, or interest in such real property, or by both such~~
~~owner and the condemning authority, and the award of the jury~~
~~exceeds the greater of the award of the court-appointed~~
~~commissioners or the last timely written offer of just compensation~~
~~made by the condemning authority by at least ten percent (10%), 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 or her 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 written~~
~~offer of just compensation will be considered timely for purposes of~~
~~this subsection if the offer is made at any time prior to seventy-~~
~~five (75) days after the report of the court-appointed commissioners~~
~~is filed. The final award of such sums will shall be paid by the~~
~~person, agency, or other entity which sought to condemn the~~
~~property.~~

B. Where a condemnation proceeding is instituted for the
purposes set forth in subsection A of this section and the final
judgment is that the real property cannot be acquired by
condemnation, if the party instituting the proceeding abandons such
proceeding, or if a jury trial is requested only by the condemning
authority, and the award of the jury exceeds ninety percent (90%) of
the greater of the award of the court-appointed commissioners or the
last written offer of just compensation made by the condemning
authority, 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 or her 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
written offer of just compensation will be considered timely for
purposes of this subsection if it is made at any time prior to
seventy-five (75) days after the report of the court-appointed
commissioners is filed. The final award of such sums shall be paid

by the person, agency, or other entity which sought to condemn the property.

SECTION 2. AMENDATORY 66 O.S. 2021, 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 appraisal 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 as civil actions in the district court. If the party demanding such trial does not recover a verdict more favorable to ~~him~~ such party than the assessment of the commissioners, all costs in the district court may be taxed against ~~him~~ such party.

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

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

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

D. If a jury trial is requested by the owner of any right, title, or interest in such real property, or by both such owner and the condemning authority, and the award of the jury exceeds the greater of the award of the court-appointed commissioners or the last timely written offer of just compensation made by the condemning authority by at least ten percent (10%), then the owner of any right, title, or interest in the property involved may be paid such sum as in the opinion of the court will reimburse such owner for his or her reasonable attorney, appraisal, engineering, and expert witness 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 written offer of just compensation will be considered timely for purposes of this subsection if it is made at any time prior to seventy-five (75) days after the report of the court-appointed commissioners is filed. The sum awarded shall be paid by the party instituting the condemnation proceedings.

E. If the final judgment is that the real property cannot be acquired by condemnation, if the party instituting the proceeding abandons such proceeding, or if a jury trial is requested only by the condemning authority, and the award of the jury exceeds ninety percent (90%) of the greater of the award of the court-appointed commissioners or the last written offer of just compensation made by

the condemning authority, 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 or her 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 written offer of just compensation will be considered timely for purposes of this subsection if it is made at any time prior to seventy-five (75) days after the report of the court-appointed commissioners is filed. The sum awarded shall be paid by the party instituting the condemnation proceedings.

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

Passed the House of Representatives the 14th day of May, 2025.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____