

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

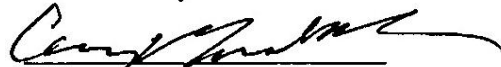
No. 1

☐ COMMITTEE AMENDMENT

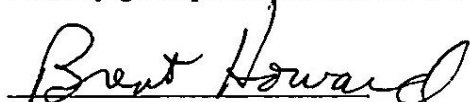
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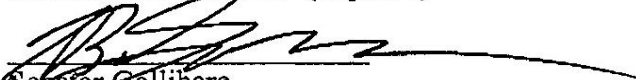
I move to amend House Bill No. 2036 by substituting the attached floor substitute (Request # 2093) for the title, enacting clause, and entire body of the measure.

Submitted by:

  
Senator Murdock

I hereby grant permission for the floor substitute to be adopted.

  
Senator Howard, Chair (required)

  
Senator Gollihare

\_\_\_\_\_  
Senator Boren

\_\_\_\_\_  
Senator Brooks

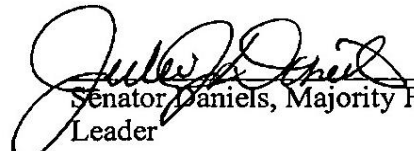
  
Senator Paxton, President Pro Tempore

\_\_\_\_\_  
Senator Jech

  
Senator Jeff

  
Senator Rosino

\_\_\_\_\_  
Senator Standridge

  
Senator Daniels, Majority Floor  
Leader

Note: Judiciary Committee majority requires five (5) members' signatures.

Murdock-TEK-FS-HB2036  
5/6/2025 4:25 PM

(Floor Amendments Only)

Date and Time Filed: 5-6-25 4:51 pm JD

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

FLOOR SUBSTITUTE

[ condemnation process - reimbursement requirements -  
appeal - time limitation - trials - effective date ]

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

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

18 B. Where a condemnation proceeding is instituted for the  
19 purposes set forth in subsection A of this section and the final  
20 judgment is that the real property cannot be acquired by  
21 condemnation, if the party instituting the proceeding abandons such  
22 proceeding, or if a jury trial is requested only by the condemning  
23 authority, and the award of the jury exceeds ninety percent (90%) of  
24 the greater of the award of the court-appointed commissioners or the

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

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

16 Section 55. ~~(A)~~ A. The report of the commissioners may be  
17 reviewed by the district court, on written exceptions filed by  
18 either party, in the clerk's office within thirty (30) days after  
19 the filing of such report; and the court shall make such order  
20 therein as right and justice may require, either by confirmation,  
21 rejection, or by ordering a new appraisalment on good cause shown; or  
22 either party may within sixty (60) days after the filing of such  
23 report file with the clerk a written demand for a trial by jury, in  
24 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~~ such party  
4 than the assessment of the commissioners, all costs in the district  
5 court may be taxed against ~~him~~ such party.

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

1 and that a copy of the report together with the notice was mailed to  
2 each party or ~~his~~ each party's 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, the court, 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) 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 D. If a jury trial is requested by the owner of any right,  
24 title, or interest in such real property, or by both such owner and

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

16 E. If the final judgment is that the real property cannot be  
17 acquired by condemnation, if the party instituting the proceeding  
18 abandons such proceeding, or if a jury trial is requested only by  
19 the condemning authority, and the award of the jury exceeds ninety  
20 percent (90%) of the greater of the award of the court-appointed  
21 commissioners or the last written offer of just compensation made by  
22 the condemning authority, the owner of any right, title, or interest  
23 in such real property may be paid such sum as in the opinion of the  
24 court will reimburse such owner for his or her reasonable attorney,

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

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

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11 60-1-2093 TEK 5/6/2025 4:56:36 PM  
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