

1 **SENATE FLOOR VERSION**

2 April 22, 2025

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

8 **[eminent domain - reimbursement - right-of-way -
effective date]**

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

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

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

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

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

21 3. ~~If the award of the jury exceeds the award of the court-~~
22 ~~appointed commissioners~~ a jury trial is requested by the owner of
23 any right, title, or interest in such real property and the award of
24 the jury exceeds the greater of the award of the court-appointed

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

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

17 5. If a jury trial is requested only by condemning authority
18 and award of the jury exceeds ninety percent (90%) of the greater of
19 the award of the court-appointed commissioners or the last written
20 offer of just compensation made by the condemning authority, 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 timely for purposes of this
4 paragraph if it is made at any time prior to seventy-five (75) days
5 after the report of the court-appointed commissioners is filed. The
6 final award of such sums will be paid by the person, agency or other
7 entity which sought to condemn the property.

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

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

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

22 ~~(C)~~ C. The time limits for filing an exception and demand for
23 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
24 section, shall be calculated from the date the report of the

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

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

17 D. Where the party instituting a condemnation proceeding
18 abandons such proceeding, or where the final judgment is that the
19 real property cannot be acquired by condemnation, or if a jury trial
20 is requested by the owner of any right, title, or interest in such
21 real property and the award of the jury exceeds the greater of the
22 award of the court-appointed commissioners or the last timely
23 written offer of just compensation made by the condemning authority
24 by at least ten percent (10%), then the owner of any right, title,

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

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

15 F. If a jury trial is requested only by the condemning
16 authority and the award of the jury exceeds ninety percent (90%) of
17 the greater of the award of the court-appointed commissioners or the
18 last written offer of just compensation made by the condemning
19 authority, the owner of any right, title, or interest in such real
20 property may be paid such sum as in the opinion of the court will
21 reimburse such owner for his or her reasonable attorney, appraisal,
22 and engineering fees actually incurred because of the condemnation
23 proceedings. Such determination by the court shall be appealable to
24 the Supreme Court in the same manner as any other final order. The

1 written offer of just compensation will be timely for purposes of
2 this subsection if it is made at any time prior to seventy-five (75)
3 days after the report of the court-appointed commissioners is filed.
4 The sum awarded shall be paid by the party instituting the
5 condemnation proceeding.

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

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 April 22, 2025 - DO PASS AS AMENDED
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