

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
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.
2021, Section 11, which relates to reimbursement of
8 expenses when property is not acquired under
condemnation process; expanding to include right-of-
9 way for oil and gas pipelines; providing when certain
expenses may be reimbursed; amending 66 O.S. 2021,
10 Section 55, which relates to the review of
commissioner's report, eminent domain jury trials,
11 notices, and costs; providing when certain expenses
may be reimbursed; and providing an effective date.
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14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert
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16 "An Act relating to condemnation proceedings;
amending 27 O.S. 2021, Section 11, which relates to
17 reimbursement of expenses when property is not
acquired under condemnation process; expanding
18 applicability of certain reimbursement requirements;
establishing requirements for reimbursement of
19 certain expenses; authorizing appeal of certain court
determination; establishing time limitation for
20 submission of certain written offer; amending 66 O.S.
2021, Section 55, which relates to the review of
21 commissioner's report, eminent domain jury trials,
notices, and costs; establishing requirements for
22 reimbursement of certain expenses; authorizing appeal
of certain court determination; establishing time
23 limitation for submission of certain written offer;
making language gender neutral; updating statutory
24

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 appraisal 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 ENGROSSED HOUSE
2 BILL NO. 2036

By: Archer of the House

and

Murdock of the Senate

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6 An Act relating to eminent domain; amending 27 O.S.
7 2021, Section 11, which relates to reimbursement of
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

24

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.

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13 Presiding Officer of the House
14 of Representatives

15 Passed the Senate the _____ day of _____, 2025.

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17 Presiding Officer of the Senate
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