

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 2036

By: Archer

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7 COMMITTEE SUBSTITUTE

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

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

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

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

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

24 2. The proceeding is abandoned; or

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

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

21 5. If a jury trial is requested only by condemning authority
22 and award of the jury exceeds ninety percent (90%) of the greater of
23 the award of the court-appointed commissioners or the last written
24 offer of just compensation made by the condemning authority, the

1 owner of any right, title, or interest in such real property may be
2 paid such sum as in the opinion of the court will reimburse such
3 owner for his or her reasonable attorney, appraisal, and engineering
4 fees actually incurred because of the condemnation proceedings.

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

12 SECTION 2. AMENDATORY 66 O.S. 2021, Section 55, is

13 amended to read as follows:

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

1 trial does not recover a verdict more favorable to ~~him~~ such party
2 than the assessment of the commissioners, all costs in the district
3 court may be taxed against ~~him~~ such party.

4 (B) B. Within ten (10) days after the report of commissioners
5 is filed, the court clerk shall forward to the attorney of record
6 for the condemnor, the attorney of record for each condemnee, and to
7 all unrepresented condemnees, a copy of the commissioners' report
8 and a notice stating the time limits for filing an exception or
9 demand for jury trial as specified in ~~paragraph~~ (A) subsection A of
10 this section. This notice shall be on a form prepared by the Court
11 Administrator, which shall be approved by the Supreme Court, and
12 shall be distributed to all clerks of the district court by ~~said~~ the
13 Court Administrator. If a party has been served by publication, the
14 clerk shall forward a copy of the report of commissioners and notice
15 of time limits for filing an exception or demand for jury trial to
16 the last-known mailing address, if any, and shall cause a copy of
17 the notice of time limits to be published in one ~~(1)~~ issue of a
18 newspaper qualified to publish legal notices, as defined in Section
19 106 of Title 25 of the Oklahoma Statutes. After issuing the notices
20 provided herein, the court clerk shall endorse on the notice form
21 filed in the case, the date and that a copy of the report together
22 with the notice was mailed to each party or ~~his~~ each party's
23 attorney of record, or the date the notice was published in
24 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 3. This act shall become effective November 1, 2025.

10 60-1-13265 JBH 03/06/25

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