

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2036

By: Archer

6 AS INTRODUCED

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

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

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

16 Section 11. 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 and:

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

18 2. The proceeding is abandoned; or

19 3. ~~If the award of the jury exceeds the award of the court-~~  
20 ~~appointed commissioners by at least ten percent (10%), the owner of~~

1 ~~any right, title or interest in such real property may be paid such~~  
2 ~~sum as in the opinion of the court will reimburse such owner for his~~  
3 ~~reasonable attorney, appraisal and engineering fees, actually~~  
4 ~~incurred because of the condemnation proceedings. Should only the~~  
5 condemning authority demand jury trial, and if the award of the jury  
6 is at least ninety percent (90%) or more of the award of the court-  
7 appointed commissioners, the owner of any right, title or interest  
8 in such real property may be paid such sum as in the opinion of the  
9 court will reimburse such owner for reasonable attorney, appraisal  
10 and engineering fees actually incurred because of the condemnation  
11 proceedings;

12       4. Should both the condemning authority and the property owner  
13 demand jury trial and if the award of the jury is equal to or  
14 greater than the award of the court-appointed commissioners, the  
15 owner of any right, title, or interest in such real property may be  
16 paid such sum as in the opinion of the court will reimburse such  
17 owner for reasonable attorney, appraisal, and engineering fees  
18 actually incurred because of the condemnation proceedings; or

19       5. Should the condemning authority makes a written settlement  
20 offer after the court-appointed commissioners submit their report to  
21 the trial court and this settlement amount exceeds the  
22 commissioners' award amount, then the property owner shall have to  
23 exceed the last written settlement offer from the condemning  
24 authority by at least ten percent (10%) in order for the owner to be

1    paid such sums as in the opinion of the court will reimburse such  
2    owner for reasonable attorney, appraisal and engineering fees  
3    actually incurred because of the condemnation proceedings.

4            Such determination by the court shall be appealable to the  
5            Supreme Court in the same manner as any other final order. 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 appraisement 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 D. Reasonable attorney, appraisal, engineering, and expert  
15 witness fees actually incurred because of the condemnation  
16 proceeding shall be awarded pursuant to Section 1 of this act. The  
17 ~~sum awarded shall be paid by the party instituting the condemnation~~  
18 ~~proceeding.~~

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