

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2089

By: Kane

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7 AS INTRODUCED

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

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

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

21 Section 11. Where a condemnation proceeding is instituted by
22 any person, agency or other entity to acquire real property for use
23 as provided in Section 9 of this title or Sections 52, 60, or 61 of
24 Title 52 and:

1 1. The final judgment is that the real property cannot be
2 acquired by condemnation;
3 2. The proceeding is abandoned; or
4 3. If the award of the jury exceeds the greater of the award of
5 the court-appointed commissioners or the last written offer of just
6 compensation made by the condemning authority by at least ten
7 percent (10%), the owner of any right, title or interest in such
8 real property may be paid such sum as in the opinion of the court
9 will reimburse such owner for ~~his~~ their reasonable attorney,
10 appraisal and engineering fees, actually incurred by written
11 contract because of the condemnation proceedings. Such
12 determination by the court shall be appealable to the Supreme Court
13 in the same manner as any other final order. The final award of
14 such sums will be paid by the person, agency or other entity which
15 sought to condemn the property.

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

18 Section 55. ~~(A)~~ A. The report of the commissioners may be
19 reviewed by the district court, on written exceptions filed by
20 either party, in the clerk's office within thirty (30) days after
21 the filing of such report; and the court shall make such order
22 therein as right and justice may require, either by confirmation,
23 rejection or by ordering a new appraisalment on good cause shown; or
24 either party may within sixty (60) days after the filing of such

1 report file with the clerk a written demand for a trial by jury, in
2 which case the amount of damages shall be assessed by a jury, and
3 the trial shall be conducted and judgment entered in the same manner
4 as civil actions in the district court. If the party demanding such
5 trial does not recover a verdict more favorable to ~~him~~ such party
6 than the assessment of the commissioners, all costs in the district
7 court may be taxed against ~~him~~ such party.

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

1 filed in the case, the date and that a copy of the report together
2 with the notice was mailed to each party or ~~his~~ each party's
3 attorney of record, or the date the notice was published in
4 compliance with the provisions hereof.

5 ~~(C)~~ C. The time limits for filing an exception and demand for
6 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
7 section, shall be calculated from the date the report of the
8 commissioners is filed in the case. On failure of the court clerk
9 to give notice within the time prescribed in ~~paragraph (B)~~
10 subsection B of this section, the court, on application of any
11 party, may extend the time for filing an exception to the report or
12 a demand for trial by jury for a period not to exceed twenty (20)
13 days from the date the application is heard.

14 ~~(D)~~ D. Where the party instituting a condemnation proceeding
15 abandons such proceeding, or where the final judgment is that the
16 real property cannot be acquired by condemnation or if the award of
17 the jury exceeds the greater of the award of the court-appointed
18 commissioners or the last written offer of just compensation made by
19 the condemning authority by at least ten percent (10%), then the
20 owner of any right, title or interest in the property involved may
21 be paid such sum as in the opinion of the court will reimburse such
22 owner for his reasonable attorney, appraisal, engineering, and
23 expert witness fees actually incurred by written contract because of
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1 the condemnation proceeding. The sum awarded shall be paid by the
2 party instituting the condemnation proceeding.

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