

1 ENGROSSED HOUSE
2 BILL NO. 2276

By: Denney and Kouplen of the
House

3 and

4 Halligan of the Senate
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8 An Act relating to eminent domain; authorizing
9 property owner to file request for judicial location
10 exception in certain actions; specifying timing for
11 filing reply; directing court to conduct hearing for
12 alternative location; listing factors for court to
13 consider in making a determination; providing for
14 codification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 57.1 of Title 66, unless there
18 is created a duplication in numbering, reads as follows:

19 A. If condemnation proceedings are filed against the owner of
20 any real property or interest therein over which any corporation,
21 incorporated under the laws of this state, may desire to locate its
22 pipeline, utility line or other transmission line, the owner may
23 file at the time of the answer to the petition to appoint
24 commissioners, a request for judicial location exception to the
proposed location of the right-of-way through and over the property.

1 B. The respondent shall have fifteen (15) days to file a reply
2 after the answer and request for judicial location exception are
3 served.

4 C. Prior to appointing commissioners to inspect the property,
5 the court shall conduct a hearing to determine if an alternative
6 location for the right-of-way would be possible. In making this
7 judicial determination, the court shall consider the following:

8 1. Reasonable alternative locations or placements available for
9 the right-of-way;

10 2. Reasonable obstacles presented by the alternative locations
11 compared to the originally proposed location set forth in the
12 petition;

13 3. Good-faith effort of the plaintiff in negotiating with the
14 property owner regarding the proposed location and any alternative
15 location; and

16 4. Topographical or historic aspects of the subject property.

17 SECTION 2. This act shall become effective November 1, 2016.

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1 Passed the House of Representatives the 1st day of March, 2016.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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9 Presiding Officer of the Senate