

News & Insights

Tulsa Energy Attorney Blake Gerow for the Journal Record - Oklahoma Legislative Update: Eminent Domain - HB 2026 and HB 2752

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By: [Blake H. Gerow](#)

The Journal Record

<https://journalrecord.com/2025/07/23/oklahoma-condemnation-law-update/>

Under Oklahoma law, condemnation refers to the legal process by which a government or authorized private entity, such as a utility or pipeline company, acquires private property for public use through the exercise of eminent domain. The process typically involves good faith negotiations, a valuation by court-appointed commissioners, followed by potential “exceptions” to the report of commissioners and/or requesting a jury trial over the amount of compensation.

In the 2025 legislative session, Oklahoma lawmakers passed, and Oklahoma Governor Stitt signed two significant bills concerning condemnation procedures: **House Bill 2036** and **House Bill 2752**. Each makes distinct changes to how and when eminent domain powers may be exercised in the state.

HB 2036, which becomes effective November 1, 2025, modifies the framework for awarding attorney’s fees and related costs in condemnation proceedings. Under prior law, if a landowner received a jury award that exceeded the commissioners’ valuation by at least 10%, the condemning authority was required to pay the landowner’s litigation expenses. HB 2036 changes that benchmark: now, a landowner may recover attorney fees only if the jury award exceeds *the greater of* the final written offer (which must be made within 75 days after the report of commissioners) from the condemnor or the commissioners’ award. Additionally, HB 2036 expands the conditions under which a landowner may recover litigation costs if the condemnor is the only party requesting a jury trial, and the award of the jury trial exceeds 90% of the greater of the final written offer or the commissioners’ award.

These revisions alter the financial incentive structure for parties involved in condemnation disputes and encourage early settlement.

HB 2752, imposes new limitations on the use of eminent domain for certain types of energy infrastructure. Specifically, the bill prohibits the use of eminent domain to acquire land for wind, solar, battery storage, hydrogen, or other renewable energy facilities. It also requires entities seeking to construct electric transmission lines rated at or above 300 kilovolts to obtain a Certificate of Authority from the Oklahoma

Corporation Commission before initiating condemnation proceedings. However, HB 2752 makes clear that it does not require any Oklahoma retail electric supplier or rural electric cooperative to secure a Certificate of Authority for any extension, rebuild, or upgrade to an electric transmission facility.

Together, these bills make targeted adjustments to Oklahoma's condemnation laws, affecting cost recovery, procedural thresholds, and eligibility for certain energy infrastructure-related takings.

Attorneys

- Blake H. Gerow

Practices

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