

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1749 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Denise

CrosswhiteHader  
Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR

6 HOUSE BILL NO. 1749

By: Crosswhite Hader

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to abandoned property; amending 68  
9 O.S. 2011, Section 3129, as last amended by Section  
10 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp. 2020,  
11 Section 3129), which relates to property bid off in  
12 name of county; making certain exception; allowing  
13 county treasurer discretion when bidding off nuisance  
14 property; granting county treasurer authority to  
15 allow nuisance property to remain under current  
16 ownership; defining term; requiring review and  
17 approval of county commissioners; allowing nuisance  
18 property determination to be made at any time; and  
19 providing an effective date.

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

21 SECTION 1. AMENDATORY 68 O.S. 2011, Section 3129, as  
22 last amended by Section 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp.  
23 2020, Section 3129), is amended to read as follows:

24 Section 3129. A. On the day real estate is advertised for  
resale, the county treasurer shall offer same for sale at the office  
of the county treasurer between the hours of eight a.m. and five  
p.m., the exact hours of each sale to be determined by the local

1 county treasurer, and continue the sale thereafter from day to day  
2 between such hours until all of the real estate is sold. The real  
3 estate shall be sold at public auction to the highest bidder for  
4 cash.

5 B. All property must be sold for a sum not less than two-thirds  
6 (2/3) of the assessed value of such real estate as fixed for the  
7 current fiscal year, or for the total amount of taxes, penalties,  
8 interest and costs due on such property, whichever is the lesser.

9 ~~If~~ With the exception of nuisance property, if there is no bid equal  
10 to or greater than the sum so required, the county treasurer shall  
11 bid off the same in the name of the county. In cases of nuisance  
12 property, the county treasurer shall have discretion to not bid off  
13 the property in the name of the county and instead allow the  
14 property to remain under its current ownership. "Nuisance property"  
15 shall be defined as property that is deemed unmarketable or unusable  
16 due to the existence of liens in excess of the property's fair  
17 market value as shown by the county assessor's office, or due to  
18 environmental problems or conditions that exist on the property that  
19 would cost more to remedy than the fair market value of the property  
20 as shown by the county assessor's office. Greenbelts, common areas,  
21 easements, retention ponds and detention ponds may also be  
22 considered nuisance property if transference of ownership to either  
23 the county or a third party would cause a hardship to the  
24 neighborhood or subdivision these areas were meant to serve or to

1 the county or third party. The county treasurer shall make the  
2 determination, in conjunction with review and approval of the board  
3 of county commissioners, upon consideration of the above factors, as  
4 to whether or not property constitutes nuisance property. The said  
5 nuisance property determination may be made at any time during the  
6 year, including before or immediately after the June resale. All  
7 property bid off in the name of the county shall be for the amount  
8 of all taxes, penalties, interest and costs due thereon, and the  
9 county treasurer shall issue a deed therefor to the board of county  
10 commissioners for the use and benefit of the county.

11 C. The county treasurers shall provide to the Oklahoma Health  
12 Care Authority (OHCA) a list of properties that will be sold at tax  
13 resales in their respective counties. Using the information  
14 provided, the OHCA shall produce a list for each county of  
15 properties on which the OHCA has liens. The county treasurers shall  
16 make the list of properties with the OHCA liens available to  
17 potential buyers at the tax resales. The OHCA shall file a release  
18 of the liens on properties that fit the definition of blighted  
19 properties, as defined in Section 38-101 of Title 11 of the Oklahoma  
20 Statutes, in the county records of the county where the property is  
21 located upon request of that county's treasurer. The filing of the  
22 lien release shall not extinguish the debt owed to the OHCA which  
23 may be enforced through any legal means available to the OHCA.

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1 D. The county shall not be liable to the state or any taxing  
2 district thereof for any part of the amount for which any property  
3 may be sold to such county. All property bid off in the name of the  
4 county shall be exempt from ad valorem taxation as long as title is  
5 held for the county.

6 E. 1. The county shall not be civilly liable for any  
7 environmental problems or conditions on any property which existed  
8 on the property prior to the county's involuntary ownership of the  
9 property pursuant to this section, or which may result from such  
10 environmental problems or conditions on the property. During the  
11 period of the county's involuntary ownership of the property, the  
12 person or persons who would be legally liable for the environmental  
13 problems or conditions on the property but for the county's  
14 ownership shall continue to be liable for such environmental  
15 problems or conditions.

16 2. In addition, the county shall not be subject to civil  
17 liability with regard to any actions taken by the county to  
18 remediate any problems or conditions on the property resulting from  
19 the environmental problems or conditions if the remedial action is  
20 not performed in a reckless or negligent manner.

21 SECTION 2. This act shall become effective November 1, 2021.

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23 58-1-7364 JBH 02/04/21  
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