

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1749

By: Crosswhite Hader, **Davis** and
Frix

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9 COMMITTEE SUBSTITUTE

10 An Act relating to abandoned property; amending 68
11 O.S. 2011, Section 3129, as last amended by Section
12 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp. 2020,
13 Section 3129), which relates to property bid off in
14 name of county; making certain exception; allowing
15 county treasurer discretion when bidding off common
16 area nuisance property; granting county treasurer
17 authority to allow certain nuisance property to
18 remain under current ownership; defining term;
19 requiring review and approval of county
20 commissioners; allowing certain nuisance property
21 determination to be made at any time; requiring a
22 credited bid for cities and towns on certain property
23 with municipal liens if requested; requiring certain
24 property be bid off in name of city or town if
 requested; requiring certain property be bid off for
 amount of municipal liens due; requiring the issuance
 of a deed for certain property; and providing an
 effective date.

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

1 SECTION 1. AMENDATORY 68 O.S. 2011, Section 3129, as
2 last amended by Section 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp.
3 2020, Section 3129), is amended to read as follows:

4 Section 3129. A. On the day real estate is advertised for
5 resale, the county treasurer shall offer same for sale at the office
6 of the county treasurer between the hours of eight a.m. and five
7 p.m., the exact hours of each sale to be determined by the local
8 county treasurer, and continue the sale thereafter from day to day
9 between such hours until all of the real estate is sold. The real
10 estate shall be sold at public auction to the highest bidder for
11 cash.

12 B. All property must be sold for a sum not less than two-thirds
13 (2/3) of the assessed value of such real estate as fixed for the
14 current fiscal year, or for the total amount of taxes, penalties,
15 interest and costs due on such property, whichever is the lesser.
16 ~~If~~ With the exception of common area nuisance property, if there is
17 no bid equal to or greater than the sum so required, the county
18 treasurer shall bid off the same in the name of the county. In
19 cases of common area nuisance property, the county treasurer shall
20 have discretion to not bid off the property in the name of the
21 county and instead allow the property to remain under its current
22 ownership. "Common area nuisance property" shall be defined as
23 property that is deemed unmarketable or unusable due to the
24 existence of liens in excess of the property's fair market value as

1 shown by the county assessor's office or due to environmental
2 problems or conditions that exist on the property that would cost
3 more to remedy than the fair market value of the property as shown
4 by the county assessor's office. Greenbelts, common areas,
5 easements, retention ponds and detention ponds may also be
6 considered common area nuisance property if transference of
7 ownership to either the county or a third party would cause a
8 hardship to the neighborhood or subdivision these areas were meant
9 to serve or to the county or third party. The county treasurer
10 shall make the determination, in conjunction with review and
11 approval of the board of county commissioners, upon consideration of
12 the above factors, as to whether or not property constitutes common
13 area nuisance property. The said common area nuisance property
14 determination may be made at any time during the year, including
15 before or immediately after the June resale. In the case of a
16 common area nuisance property that has liens from a city or town, if
17 a minimum bid is not made, the city or town shall be credited a bid
18 on the property equal to the amount of the lien of the city or town
19 if its intention to do so is made known to the county treasurer
20 prior to the sale or at the sale. In the case of a common area
21 nuisance property with liens from a city or town, if a minimum bid
22 is not made, the common area nuisance property shall be bid off in
23 the name of the city or town if its intention to do so is made known
24 to the county treasurer prior to the sale or at the sale. All

1 property bid off in the name of the county shall be for the amount
2 of all taxes, penalties, interest and costs due thereon, and the
3 county treasurer shall issue a deed therefor to the board of county
4 commissioners for the use and benefit of the county. All common
5 area nuisance property bid off in the name of the city or town shall
6 be for the amount of any municipal liens due thereon, and the county
7 treasurer shall issue a deed therefor to the city or town for the
8 use and benefit of the city or town.

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

22 D. The county shall not be liable to the state or any taxing
23 district thereof for any part of the amount for which any property
24 may be sold to such county. All property bid off in the name of the

1 county shall be exempt from ad valorem taxation as long as title is
2 held for the county.

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
21 dated 02/23/2021 - DO PASS, As Amended and Coauthored.

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