

1 **SENATE FLOOR VERSION**

2 March 25, 2021

3 ENGROSSED HOUSE
4 BILL NO. 1749

By: Crosswhite Hader, Davis and
Frix of the House

5 and

6 Paxton of the Senate

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8
9 An Act relating to abandoned property; amending 68
10 O.S. 2011, Section 3129, as last amended by Section
11 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp. 2020,
12 Section 3129), which relates to property bid off in
13 name of county; making certain exception; allowing
14 county treasurer discretion when bidding off common
15 area nuisance property; granting county treasurer
16 authority to allow certain nuisance property to
17 remain under current ownership; defining term;
18 requiring review and approval of county
19 commissioners; allowing certain nuisance property
20 determination to be made at any time; requiring a
21 credited bid for cities and towns on certain property
22 with municipal liens if requested; requiring certain
23 property be bid off in name of city or town if
24 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:

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

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

9 B. All property must be sold for a sum not less than two-thirds
10 (2/3) of the assessed value of such real estate as fixed for the
11 current fiscal year, or for the total amount of taxes, penalties,
12 interest and costs due on such property, whichever is the lesser.
13 ~~If~~ With the exception of common area nuisance property, if there is
14 no bid equal to or greater than the sum so required, the county
15 treasurer shall bid off the same in the name of the county. In
16 cases of common area nuisance property, the county treasurer shall
17 have discretion to not bid off the property in the name of the
18 county and instead allow the property to remain under its current
19 ownership. "Common area nuisance property" shall be defined as
20 property that is deemed unmarketable or unusable due to the
21 existence of liens in excess of the property's fair market value as
22 shown by the county assessor's office or due to environmental
23 problems or conditions that exist on the property that would cost
24 more to remedy than the fair market value of the property as shown

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

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
18 March 25, 2021 - DO PASS
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