

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1318

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to public notices; amending 19 O.S.
8 2011, Section 350, which relates to county
9 commissioners; modifying certain requirement for
10 publication; amending 19 O.S. 2011, Section 444,
11 which relates to publication of proceedings;
12 modifying certain requirement for publication;
13 amending 25 O.S. 2011, Section 106, which relates to
14 newspapers and public notices; updating definition of
15 a legal newspaper of the county; updating statutory
16 language; amending 28 O.S. 2011, Section 121, which
17 relates to public printing; establishing maximum rate
18 to be charged for certain posting; establishing
19 certain requirement for publication; establishing
20 certain requirement for notification; amending 68
21 O.S. 2011, Section 3106, as amended by Section 1,
22 Chapter 39, O.S.L. 2017 (68 O.S. Supp. 2017, Section
23 3106), which relates to collection of delinquent
24 taxes; modifying certain publication requirement;
amending 68 O.S. 2011, Section 3127, which relates to
collection of delinquent taxes; modifying certain
procedures for public notices; updating statutory
language; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 350, is
amended to read as follows:

Section 350. The county commissioners and members of the county
excise board of each county shall designate and publish or post on a

1 newspaper's website or a government website between the 1st and 20th
2 of January each year which holidays the county offices will be
3 closed.

4 SECTION 2. AMENDATORY 19 O.S. 2011, Section 444, is
5 amended to read as follows:

6 Section 444. It shall be the mandatory duty of the board of
7 county commissioners to ~~cause to be published~~ publish in a newspaper
8 published in the county, or placed on a newspaper's website or a
9 government website, a full and complete report of all its official
10 proceedings at each regular and special meeting, except blanket
11 purchase orders, within the time provided for in Sections 445 and
12 446 of this title, and the board of county commissioners shall pay
13 for the same from the appropriation as provided in this section.
14 The board of county commissioners may also order the publication of
15 the official proceedings ~~in a newspaper~~ to be printed in any other
16 than the English Language whenever it shall deem it necessary for
17 the better information of the inhabitants. The board of county
18 commissioners may omit the listing of all employees and their
19 salaries approved for payment in the monthly publication of
20 proceedings. However, it shall be the mandatory duty of the board
21 of county commissioners to cause to be published a full and complete
22 report of all the county employees and their salaries paid annually.
23 ~~An asterisk shall be placed in front of the names of employees paid~~
24 ~~for less than the full twelve (12) months of the preceding calendar~~

1 ~~year. The listing shall reflect the gross salary of every employee~~
2 ~~reported to the Internal Revenue Service on the W-2 Form of the~~
3 ~~employee. Such annual publication of the employees and their~~
4 salaries shall be published annually in the month of February for
5 the preceding calendar year in a newspaper of the county ~~which meets~~
6 ~~the requirements set forth in Section 106 of Title 25 of the~~
7 Oklahoma Statutes or placed on a newspaper's website or a government
8 website.

9 It shall also be the mandatory duty of the board of county
10 commissioners and the county excise board, each fiscal year, to take
11 such steps as may be necessary and proper under the statutes
12 relating to estimates of needs and appropriations, to appropriate,
13 in the General Government account within the general fund of the
14 county, an amount sufficient to pay for the publication of all such
15 proceedings during the fiscal year, ~~at the legal rate therefor, but~~
16 ~~in no event less than the total of legal claims for publication of~~
17 ~~such proceedings during the immediately preceding fiscal year.~~

18 SECTION 3. AMENDATORY 25 O.S. 2011, Section 106, is
19 amended to read as follows:

20 Section 106. No legal notice, advertisement, or publication of
21 any kind required or provided for by the laws of this state to be
22 published in a newspaper shall have force or effect unless published
23 in a legal newspaper of the county. A legal newspaper of the county
24 is any newspaper which, during a period of one hundred four (104)

1 consecutive weeks immediately prior to the first publication of such
2 notice, advertisement, or publication:

3 1. ~~has~~ Has maintained a paid general subscription circulation
4 in the county; and

5 2. ~~has~~ Has been admitted to the United States mails as paid
6 second-class mail matter; and

7 3. ~~has~~ Has been continuously and uninterruptedly published in
8 the county. If there is no legal newspaper in a county, then all
9 legal notices, advertisements, or publications of any kind required
10 or provided for by the laws of this state shall be published in a
11 legal newspaper in an adjoining county of this state, which
12 newspaper has general circulation in the county or political
13 subdivision in which such notice is required; and

14 4. Has maintained a newspaper internet website or has access to
15 a statewide internet website established and maintained by a press
16 association in Oklahoma as a repository for such legal notices.

17 Nothing in this section shall invalidate the publication of such
18 legal notices, advertisements, or publications in a newspaper which
19 has moved its place of publication from one location in the county
20 to another location in the same county without breaking the
21 continuity of its regular issues for the requisite length of time,
22 or the name of which may have been changed when said change of
23 location was made as permitted by United States postal laws and
24 regulations. Failure to issue or publish said newspaper for a

1 period of fourteen (14) days due to fire, accident, or other
2 unforeseen cause, or by reason of the pendency of mortgage
3 foreclosure, attachment, execution, or other legal proceedings
4 against the type, presses, or other personal property used by the
5 newspaper, shall not be deemed a failure to maintain continuous and
6 consecutive publication as required by the provisions of this
7 section, nor shall ~~said~~ the failure invalidate the publication of a
8 notice otherwise valid. Failure to issue or publish a newspaper
9 qualified to publish legal notices, advertisements, or publications
10 of any kind, for a period totaling not more than fourteen (14)
11 consecutive days during a calendar year shall not be deemed a
12 failure to maintain continuous and consecutive publication as
13 required by the provisions of this section, nor shall ~~said~~ the
14 failure invalidate the publication of a notice otherwise valid.

15 SECTION 4. AMENDATORY 28 O.S. 2011, Section 121, is
16 amended to read as follows:

17 Section 121. A. In all cases where publication of legal
18 notices is required or allowed by law, the person or official
19 desiring publication shall be required to pay:

20 1. For all matters other than tabular matter, fourteen cents
21 (\$0.14) per word for first insertion, and thirteen cents (\$0.13) per
22 word for each subsequent insertion, with each separate group of
23 numerals included in the matter to be counted as one word,
24 regardless of the number of digits involved;

1 2. Effective November 1, 2005, for all matters other than
2 tabular matter, fifteen cents (\$0.15) per word for first insertion,
3 and fourteen cents (\$0.14) per word for each subsequent insertion,
4 with each separate group of numerals included in the matter to be
5 counted as one word, regardless of the number of digits involved;
6 and

7 3. For all tabular matter, in not to exceed eight-point type,
8 including but not limited to, lists of persons, firms, and
9 corporations whose personal property taxes are delinquent and lists
10 of lands and town lots upon which taxes are delinquent, seventy
11 cents (\$0.70) per line per newspaper column in width, for first
12 insertion, and sixty-five cents (\$0.65) per line per newspaper
13 column in width, for each subsequent insertion.

14 B. The county treasurer shall collect the cost of publication
15 of lists of lands and town lots sold for delinquent taxes at
16 original sale or resale from the individuals purchasing the lands
17 and town lots at the sale or resale involved, and shall deposit all
18 monies collected to the credit of the fund of the county which paid
19 the cost of publication. The publisher of the notice shall be paid
20 for the publication of the notice from the general fund of the
21 county or, if monies are not available in the general fund of the
22 county at the time of publication, from the "Resale-Property Fund"
23 of the county.

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1 C. When a notice is required by statute to be published by a
2 unit of government more than once and is paid for by the unit of
3 government and the cost of publication is not paid in advance by or
4 allowed to be recouped from private parties, the unit of government
5 may not be charged for the second and successive publications of
6 that notice at a rate greater than fifty percent (50%) of the rate
7 charged for the first publication in the series.

8 1. If the newspaper maintains an Internet website or has access
9 to a statewide Internet website established and maintained by a
10 press association that is displaying the contents of the newspaper,
11 then, at no additional charge, each notice must be placed on that
12 newspaper's Internet website on the same day that the notice appears
13 in the printed newspaper. A hyperlink to legal notices shall be
14 provided on the front page of the newspaper's Internet website that
15 provides access to the legal notices without charge. If there is a
16 specified size and placement required for a printed legal notice,
17 the size and placement of the notice on the newspaper's Internet
18 website should optimize its online visibility in keeping with the
19 print requirement. The newspaper's Internet website pages that
20 contain legal notices shall present the legal notices as the
21 dominant subject matter of those pages. The newspaper's Internet
22 website shall contain a search function to facilitate searching
23 legal notices.

1 2. Upon request of a person, newspapers that publish notices
2 shall provide electronic mail notification to that person of legal
3 notices when such notices are printed in the newspaper and added to
4 the newspaper's Internet website. The electronic mail notification
5 shall be provided without charge and notification for the electronic
6 mail registry shall be available on the front page of the legal
7 notices section of the newspaper's Internet website. For any legal
8 notice required to be published more than once, electronic mail
9 notification required by this subsection shall apply only to the
10 first publication in the series of that notice.

11 3. Any error in the placement of a governmental legal notice on
12 a newspaper's Internet website shall be considered harmless error
13 and the requirement of proper legal notice shall be deemed to have
14 been met.

15 SECTION 5. AMENDATORY 68 O.S. 2011, Section 3106, as
16 amended by Section 1, Chapter 39, O.S.L. 2017 (68 O.S. Supp. 2017,
17 Section 3106), is amended to read as follows:

18 Section 3106. A. The county treasurer, according to the law,
19 shall give notice of delinquent taxes and special assessments by
20 publication once ~~a week for two (2) consecutive weeks~~ at any time
21 after April 1, but prior to the end of September following the year
22 the taxes were first due and payable, in some newspaper in the
23 county to be designated by the county treasurer. Such notice shall
24 contain a notification that all lands on which the taxes are

1 delinquent and remain due and unpaid will be sold in accordance with
2 Section 3105 of this title, a list of the lands to be sold, the name
3 or names of the last record owner or owners as of the preceding
4 December 31 or later as reflected by the records in the office of
5 the county assessor, which records shall be updated based on real
6 property conveyed after October 1 each year and the amount of taxes
7 due and delinquent. If the sale involves property upon which is
8 located a manufactured home the notice shall contain the following
9 language: "The sale hereby advertised involves a manufactured home
10 which may be subject to the right of a secured party to repossess.
11 A holder of a perfected security interest in such manufactured home
12 may be able to pay ad valorem taxes based upon the value of the
13 manufactured home apart from the value of real property." In
14 addition to said published notice, the county treasurer shall give
15 notice by mailing to the record owner of said real property as of
16 the preceding December 31 or later as reflected by the records in
17 the office of the county assessor, which records shall be updated
18 based on real property conveyed after October 1 each year, a notice
19 stating the amount of delinquent taxes owed and informing the owner
20 that the subject real property will be sold as provided for in
21 Section 3105 of this title if the delinquent taxes are not paid and
22 showing the legal description of the property of the owner being
23 sold. Failure to receive said notice shall not invalidate said
24 sale. The county treasurer shall charge and collect in cash,

1 cashier's check or money order, in addition to the taxes, interest
2 and penalty, the publication fees as provided by the provisions of
3 Section 121 of Title 28 of the Oklahoma Statutes, and Five Dollars
4 (\$5.00) plus postage for mailing the notice, which shall be paid
5 into the county treasury or whatever fund the publication and
6 mailing fee expenses came from, and the county shall pay the cost of
7 the publication of such notice. But in no case shall the county be
8 liable for more than the amount charged to the delinquent lands for
9 advertising and the cost of mailing.

10 B. If personal property taxes become delinquent on a
11 manufactured home which is located on property not owned by the
12 owner of the manufactured home and the county treasurer provides
13 notice pursuant to Sections 3102 and 3103 of this title, such notice
14 shall also be sent to the last-known address of the owner of the
15 real property on which the manufactured home is located.

16 SECTION 6. AMENDATORY 68 O.S. 2011, Section 3127, is
17 amended to read as follows:

18 Section 3127. The county treasurer, according to the law, shall
19 give notice of the resale of such real estate by publication of said
20 notice once a week for ~~four (4)~~ two (2) consecutive weeks preceding
21 such sale, in some newspaper, or newspaper internet website as
22 described in Section 106 of Title 25 of the Oklahoma Statutes,
23 ~~having been continuously published one hundred four (104)~~
24 ~~consecutive weeks with admission to the United States mails as~~

1 ~~second class mail matter, with paid circulation and published in the~~
2 ~~county where delivered to the mails, to be~~ designated by the county
3 treasurer; and if there be no paper published in the county, or
4 publication is refused, the county treasurer shall give notice by
5 written or printed notice posted on the door of the courthouse.
6 Such notice shall contain a description of the real estate to be
7 sold, the name of the record owner of ~~said~~ the real estate as of the
8 preceding December 31 or later as shown by the records in the office
9 of the county assessor, which records shall be updated based on real
10 property conveyed after October 1 each year, the time and place of
11 sale, a statement of the date on which ~~said~~ the real estate taxes
12 first became due and payable as provided for in Section 2913 of this
13 title, the year or years for which taxes have been assessed but
14 remain unpaid and a statement that the same has not been redeemed,
15 the total amount of all delinquent taxes, costs, penalties and
16 interest accrued, due and unpaid on the same, and a statement that
17 such real estate will be sold to the highest bidder for cash. It
18 shall not be necessary to set forth the amount of taxes, penalties,
19 interest and costs accrued each year separately, but it shall be
20 sufficient to publish the total amount of all due and unpaid taxes,
21 penalties, interest and costs. The county treasurer shall, at least
22 thirty (30) days prior to such resale of real estate, give notice by
23 certified mail, by mailing to the record owner of ~~said~~ the real
24 estate, as shown by the records in the county assessor's office,

1 which records shall be updated based on real property conveyed after
2 October 1 each year, and to all mortgagees of record of ~~said~~ the
3 real estate a notice stating the time and place of ~~said~~ the resale
4 and showing the legal description of the real property to be sold.
5 If the county treasurer does not know and cannot, by the exercise of
6 reasonable diligence, ascertain the address of any mortgagee of
7 record, then the county treasurer shall cause an affidavit to be
8 filed with the county clerk, on a form approved by the State Auditor
9 and Inspector, stating such fact, which affidavit shall suffice,
10 along with publication as provided for by this section, to give any
11 mortgagee of record notice of such resale. Neither failure to send
12 notice to any mortgagee of record of ~~said~~ the real estate nor
13 failure to receive notice as provided for by this section shall
14 invalidate the resale, but the resale tax deed shall be ineffective
15 to extinguish any mortgage on ~~said~~ the real estate of a mortgagee to
16 whom no notice was sent. Beginning on April 24, 2008, no
17 encumbrancer of real property in this state shall be permitted to
18 file any instrument purporting to encumber real property in any
19 county of the state with any county clerk unless the instrument
20 states on its face the mailing address of such encumbrancer.

21 SECTION 7. This act shall become effective November 1, 2018.

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