

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 658

By: Rice of the Senate

and

McDaniel (Randy) of the
House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to counties and county officers;
11 amending 19 O.S. 2001, Section 349, as amended by
12 Section 1, Chapter 45, O.S.L. 2004 (19 O.S. Supp.
13 2006, Section 349), which relates to conveyance of
14 lands to United States or cities and towns; adding
entity authorized to accept land to be used for a
certain purpose; amending 60 O.S. 2001, Section
177.1, which relates to public trusts; adding
exception; and providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2001, Section 349, as
19 amended by Section 1, Chapter 45, O.S.L. 2004 (19 O.S. Supp. 2006,
20 Section 349), is amended to read as follows:

21 Section 349. A. The county commissioners of counties of the
22 State of Oklahoma are hereby authorized and empowered to execute
23 offers to convey lands and to execute deeds of conveyance on such
24 lands as are owned by such counties, acquired through gift,

1 purchase, condemnation or tax resale, and no longer needed for
2 county purposes, to the United States of America or the state or any
3 political subdivision, public trust of which the county is the
4 beneficiary, community action agency, or council of governments
5 within the county, for a consideration to be determined by such
6 commissioners, to aid the United States of America or the state or
7 any political subdivision, public trust of which the county is the
8 beneficiary, community action agency, or council of governments
9 within the county in the acquisition of such lands by purchase,
10 condemnation or otherwise, required for sites for forest reserves,
11 game preserves, national parks, irrigation or drainage projects, or
12 for needful public buildings, and for any other purpose for the
13 United States Government or the state or any political subdivision,
14 public trust of which the county is the beneficiary, community
15 action agency, or council of governments within the county.

16 Conveyances of like character heretofore made to the United States
17 Government or the state or any political subdivision, public trust
18 of which the county is the beneficiary, community action agency, or
19 council of governments within the county, are in all things hereby
20 ratified, confirmed and legalized.

21 B. The county commissioners of counties of the State of
22 Oklahoma are hereby authorized and empowered to execute deeds of
23 conveyance of such lands as are owned by the counties within the
24 corporate limits of any city or town providing such lands are deemed

1 by the county commissioners of the county to be surplus to the needs
2 of the county. Any such lands so conveyed may be used by such city
3 or town for any purpose authorized by law or conveyed by such city
4 or town in any manner authorized by law. Neither the county nor the
5 city or town, in any such transaction, shall be liable for any liens
6 or encumbrances upon said property; however, any such liens or
7 encumbrances shall remain attached to said property until satisfied,
8 discharged or expired by operation of law.

9 C. The county commissioners of counties of this state are
10 hereby authorized and empowered to gift, transfer, or assign and
11 execute the deeds of conveyance of lands that are owned by the
12 counties to nonprofit organizations to be used for the purpose of
13 affordable housing construction if:

14 1. The land is no longer needed for county purposes;
15 2. The land would be difficult to sell to a for-profit
16 organization; and

17 3. The nonprofit organization has experience in affordable
18 housing construction, and has a history of reputable service.

19 D. For purposes of this section, "affordable housing" shall
20 mean housing for those who have a household income of Twenty-five
21 Thousand Dollars (\$25,000.00) or less at the beginning of
22 construction. The nonprofit organizations will have no more than
23 two (2) years from the receipt of the land to begin construction, or
24 the land will revert back to the county.

1 SECTION 2. AMENDATORY 60 O.S. 2001, Section 177.1, is
2 amended to read as follows:

3 Section 177.1 That no public trust shall engage in any activity
4 or transaction that is not expressly authorized in the instruments
5 or articles prescribing its creation except by express consent of
6 the governmental agency or governmental entity that created said
7 public trust. However, a public trust with a county as the
8 beneficiary and created for purposes of providing affordable housing
9 may engage in the activity related to the conveyance of real
10 property to nonprofit organizations for the purpose of affordable
11 housing as may be provided by law.

12 SECTION 3. This act shall become effective November 1, 2007.

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