

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 658

By: Rice of the Senate

and

6 McDaniel (Randy) of the  
7 House

8  
9 CONFERENCE 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  
15 entity authorized to accept land to be used for a  
16 certain purpose; prohibiting certain persons from  
17 having certain personal interest in certain land  
18 transactions; requiring construction by a date  
19 certain; amending 60 O.S. 2001, Section 177.1, which  
20 relates to public trusts; adding exception; and  
21 providing an effective date.

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

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

Section 349. A. The county commissioners of counties of the  
State of Oklahoma are hereby authorized and empowered to execute

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

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

23 B. The county commissioners of counties of the State of  
24 Oklahoma are hereby authorized and empowered to execute deeds of

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

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

16 1. The land is no longer needed for county purposes to be  
17 determined at a public hearing by a vote of the majority of the  
18 commissioners;

19 2. The nonprofit organization has experience in affordable  
20 housing construction, and has a history of reputable service; and

21 3. A county officer or employee of a county does not have or  
22 acquire a personal interest as may exist with a nonprofit  
23 organization, whether direct or indirect, in any land transaction  
24 authorized by this subsection.

1        D. If a nonprofit organization does not begin construction  
2 within two (2) years from the receipt of the land from a county as  
3 authorized by this section, the land shall revert back to the  
4 county.

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

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

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

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