

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 417 By: Fields of the Senate  
3 and  
4 Biggs of the House  
5  
6

7 [ Oklahoma Department of Agriculture, Food, and  
8 Forestry - take possession of, store, and dispose of  
9 certain abandoned and stolen property - sale of  
unclaimed property - codification - effective date ]

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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
12 entire bill and insert

13 "An Act relating to the Oklahoma Department of  
14 Agriculture, Food, and Forestry; authorizing the  
15 Department to take possession of abandoned and  
16 stolen personal property; requiring maintenance and  
17 storage of certain records; authorizing the sale and  
18 disposal of certain property; providing for  
19 codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2-14.2 of Title 2, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. The Oklahoma Department of Agriculture, Food, and Forestry  
is hereby authorized to take possession of, store, and dispose of

1 certain abandoned and stolen personal property as provided in this  
2 section.

3 B. The Department shall maintain a permanent record identifying  
4 the date and circumstances under which the Department acquired each  
5 piece of abandoned or stolen property, the place where each piece of  
6 property was found or located, and a detailed description of each  
7 article of property. All abandoned or stolen property shall be  
8 stored in a suitable place to protect it from deterioration;  
9 provided, that if the property is perishable, it may be sold in a  
10 manner to maximize value as set forth in subsection C below.

11 C. If the abandoned or stolen personal property is of a  
12 perishable nature and reasonable attempts to locate and identify the  
13 owner of the property are not successful, the property may be sold  
14 at once without notice.

15 1. The Department shall use its best efforts to obtain the best  
16 possible price for the perishable property.

17 2. The proceeds from the sale shall be held in a segregated  
18 account for a period of six (6) months for the benefit of the  
19 property's owner.

20 3. Subsequent to the sale, notice concerning the holding of  
21 proceeds from the sale of the perishable property shall be published  
22 once a week for two (2) successive weeks in a newspaper of general  
23 circulation published in the city or town closest to the location  
24 where the property was recovered and, in the case of cities and

1 towns in which no newspaper is published, by posting the notice in a  
2 conspicuous place at the city hall or police station.

3 4. If the proceeds are not claimed within six (6) months, after  
4 deducting and paying all expenses incurred in the recovery, storage,  
5 maintenance, and sale of the property, the net funds shall be  
6 deposited in the State Department of Agriculture Evidence and Law  
7 Enforcement Fund.

8 D. Six (6) months after the Department comes into possession of  
9 any other abandoned or stolen property, it may dispose of the  
10 property by public or private auction.

11 1. Notice of the time and place of sale shall first be given by  
12 publication of notice once a week for two (2) successive weeks in a  
13 newspaper of general circulation published in the city or town in  
14 question and, in the case of cities and towns in which no newspaper  
15 is published, by posting notice in a conspicuous place at the city  
16 hall or police station.

17 2. The first publication or posting of notice, as the case may  
18 be, shall be at least twenty (20) days before the sale.

19 3. Each article shall be sold separately and a notation in the  
20 permanent record shall be made of the amount received for each  
21 article of property.

22 4. The person making the sale shall have the right to reject  
23 any and all bids if the amount bid is unreasonably low and shall  
24 have the right to continue the sales from time to time.



1 ENGROSSED SENATE  
2 BILL NO. 417

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Biggs of the House

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14 A. The Oklahoma Department of Agriculture, Food, and Forestry  
15 is hereby authorized to take possession of, store, and dispose of  
16 certain abandoned and stolen personal property as provided in this  
17 section.

18 B. The Department shall maintain a permanent record identifying  
19 the date and circumstances under which the Department acquired each  
20 piece of abandoned or stolen property, the place where each piece of  
21 property was found or located, and a detailed description of each  
22 article of property. All abandoned or stolen property shall be  
23 stored in a suitable place to protect it from deterioration;

24

1 provided, that if the property is perishable, it may be sold in a  
2 manner to maximize value as set forth in subsection C below.

3 C. If the abandoned or stolen personal property is of a  
4 perishable nature and reasonable attempts to locate and identify the  
5 owner of the property are not successful, the property may be sold  
6 at once without notice.

7 1. The Department shall use its best efforts to obtain the best  
8 possible price for the perishable property.

9 2. The proceeds from the sale shall be held in a segregated  
10 account for a period of six (6) months for the benefit of the  
11 property's owner.

12 3. Subsequent to the sale, notice concerning the holding of  
13 proceeds from the sale of the perishable property shall be published  
14 once a week for two (2) successive weeks in a newspaper of general  
15 circulation published in the city or town closest to the location  
16 where the property was recovered and, in the case of cities and  
17 towns in which no newspaper is published, by posting the notice in a  
18 conspicuous place at the city hall or police station.

19 4. During the six-month holding period, the proceeds shall be  
20 paid to the owner upon demand, less any cost of recovery, storage,  
21 maintenance, and sale.

22 5. If the proceeds are not claimed within six (6) months, after  
23 deducting and paying all expenses incurred in the recovery, storage,  
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1 maintenance, and sale of the property, the net funds shall be  
2 deposited in the State Department of Agriculture Revolving Fund.

3 D. Six (6) months after the Department comes into possession of  
4 any other abandoned or stolen property, it may dispose of the  
5 property by public or private auction.

6 1. Notice of the time and place of sale shall first be given by  
7 publication of notice once a week for two (2) successive weeks in a  
8 newspaper of general circulation published in the city or town in  
9 question and, in the case of cities and towns in which no newspaper  
10 is published, by posting notice in a conspicuous place at the city  
11 hall or police station.

12 2. The first publication or posting of notice, as the case may  
13 be, shall be at least twenty (20) days before the sale.

14 3. The owner of any of the property offered for sale may claim  
15 and recover the property by first paying an apportioned or pro rata  
16 share of the sales expenses.

17 4. Each article shall be sold separately and a notation in the  
18 permanent record shall be made of the amount received for each  
19 article of property.

20 5. The person making the sale shall have the right to reject  
21 any and all bids if the amount bid is unreasonably low and shall  
22 have the right to continue the sales from time to time.

23 6. After deducting and paying all expenses incurred in the  
24 taking up, storing, maintaining, and selling of the property, the

1 balance, if any, shall be deposited in the State Department of  
2 Agriculture Revolving Fund.

3 SECTION 2. This act shall become effective November 1, 2015.

4 Passed the Senate the 18th day of February, 2015.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2015.

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Presiding Officer of the House  
of Representatives

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