

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3018

By: Crosswhite Hader

COMMITTEE SUBSTITUTE

An Act relating to abandoned property; amending 68 O.S. 2011, Section 3129, as last amended by Section 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp. 2019, Section 3129), which relates to property bid off in name of county; making certain exception; allowing county treasurer discretion when bidding off nuisance property; granting county treasurer authority to allow nuisance property to remain under current ownership; defining term; requiring review and approval of county commissioners; 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. 2019, Section 3129), is amended to read as follows:

Section 3129. A. On the day real estate is advertised for resale, the county treasurer shall offer same for sale at the office of the county treasurer between the hours of eight a.m. and five p.m., the exact hours of each sale to be determined by the local county treasurer, and continue the sale thereafter from day to day

1 between such hours until all of the real estate is sold. The real
2 estate shall be sold at public auction to the highest bidder for
3 cash.

4 B. All property must be sold for a sum not less than two-thirds
5 (2/3) of the assessed value of such real estate as fixed for the
6 current fiscal year, or for the total amount of taxes, penalties,
7 interest and costs due on such property, whichever is the lesser.

8 ~~If~~ With the exception of nuisance property, if there is no bid equal
9 to or greater than the sum so required, the county treasurer shall
10 bid off the same in the name of the county. In cases of nuisance
11 property, the county treasurer shall have discretion to not bid off
12 the property in the name of the county and instead allow the
13 property to remain under its current ownership. Nuisance property
14 shall be defined as property that is deemed unmarketable or unusable
15 due to the existence of liens in excess of the property's fair
16 market value as shown by the county assessor's office, or due to
17 environmental problems or conditions that exist on the property that
18 would cost more to remedy than the fair market value of the property
19 as shown by the assessor's office. Greenbelts, common areas,
20 easements and detention ponds may also be considered nuisance
21 property if transferring ownership to either the county or a third
22 party would cause a hardship to the neighborhood or subdivision
23 these areas were meant to serve, or to the county or third party.
24 The county treasurer shall make the determination, in conjunction

1 with review and approval of the board of county commissioners, upon
2 consideration of the above factors, as to whether or not property
3 constitutes nuisance property. All property bid off in the name of
4 the county shall be for the amount of all taxes, penalties, interest
5 and costs due thereon, and the county treasurer shall issue a deed
6 therefor to the board of county commissioners for the use and
7 benefit of the county.

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2020.
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