

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3018

By: Crosswhite Hader

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to abandoned property; amending 68
10 O.S. 2011, Section 3129, as last amended by Section
11 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp. 2019,
12 Section 3129), which relates to property bid off in
13 name of county; making certain exception; allowing
14 county treasurer discretion when bidding off nuisance
15 property; granting county treasurer authority to
16 allow nuisance property to remain under current
17 ownership; defining term; requiring review and
18 approval of county commissioners; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 68 O.S. 2011, Section 3129, as
22 last amended by Section 1, Chapter 156, O.S.L. 2014 (68 O.S. Supp.
23 2019, Section 3129), is amended to read as follows:

24 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

1 county treasurer, and continue the sale thereafter from day to day
2 between such hours until all of the real estate is sold. The real
3 estate shall be sold at public auction to the highest bidder for
4 cash.

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

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

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

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

22 D. The county shall not be liable to the state or any taxing
23 district thereof for any part of the amount for which any property
24 may be sold to such county. All property bid off in the name of the

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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20 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
21 dated 02/24/2020 - DO PASS, As Amended.
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