

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3018

By: Crosswhite Hader

AS INTRODUCED

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; allowing county treasurer discretion when bidding off certain property; 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 between such hours until all of the real estate is sold. The real

1 estate shall be sold at public auction to the highest bidder for
2 cash.

3 B. All property must be sold for a sum not less than two-thirds
4 (2/3) of the assessed value of such real estate as fixed for the
5 current fiscal year, or for the total amount of taxes, penalties,
6 interest and costs due on such property, whichever is the lesser.
7 If there is no bid equal to or greater than the sum so required, the
8 county treasurer ~~shall~~ may bid off the same in the name of the
9 county. In cases of nuisance property, the county treasurer shall
10 have discretion to determine if the current property owner shall
11 retain possession of the property. All property bid off in the name
12 of the county shall be for the amount of all taxes, penalties,
13 interest and costs due thereon, and the county treasurer shall issue
14 a deed therefor to the board of county commissioners for the use and
15 benefit of the county.

16 C. The county treasurers shall provide to the Oklahoma Health
17 Care Authority (OHCA) a list of properties that will be sold at tax
18 resales in their respective counties. Using the information
19 provided, the OHCA shall produce a list for each county of
20 properties on which the OHCA has liens. The county treasurers shall
21 make the list of properties with the OHCA liens available to
22 potential buyers at the tax resales. The OHCA shall file a release
23 of the liens on properties that fit the definition of blighted
24 properties, as defined in Section 38-101 of Title 11 of the Oklahoma

1 Statutes, in the county records of the county where the property is
2 located upon request of that county's treasurer. The filing of the
3 lien release shall not extinguish the debt owed to the OHCA which
4 may be enforced through any legal means available to the OHCA.

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

10 E. 1. The county shall not be civilly liable for any
11 environmental problems or conditions on any property which existed
12 on the property prior to the county's involuntary ownership of the
13 property pursuant to this section, or which may result from such
14 environmental problems or conditions on the property. During the
15 period of the county's involuntary ownership of the property, the
16 person or persons who would be legally liable for the environmental
17 problems or conditions on the property but for the county's
18 ownership shall continue to be liable for such environmental
19 problems or conditions.

20 2. In addition, the county shall not be subject to civil
21 liability with regard to any actions taken by the county to
22 remediate any problems or conditions on the property resulting from
23 the environmental problems or conditions if the remedial action is
24 not performed in a reckless or negligent manner.

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

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