

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1749 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Denise

CrosswhiteHader
Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1749

By: Crosswhite Hader

PROPOSED 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. 2020, 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; allowing nuisance property determination to be made at any time; 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. 2020, 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

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 county assessor's office. Greenbelts, common areas,
21 easements, retention ponds and detention ponds may also be
22 considered nuisance property if transference of ownership to either
23 the county or a third party would cause a hardship to the
24 neighborhood or subdivision these areas were meant to serve or to

1 the county or third party. The county treasurer shall make the
2 determination, in conjunction with review and approval of the board
3 of county commissioners, upon consideration of the above factors, as
4 to whether or not property constitutes nuisance property. The said
5 nuisance property determination may be made at any time during the
6 year, including before or immediately after the June resale. All
7 property bid off in the name of the county shall be for the amount
8 of all taxes, penalties, interest and costs due thereon, and the
9 county treasurer shall issue a deed therefor to the board of county
10 commissioners for the use and benefit of the county.

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2021.

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23 58-1-7364 JBH 02/04/21
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