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April 13, 2023

ENGROSSED HOUSE
BILL NO. 2361

By: Boles and Lawson of the
House

and

Garvin of the Senate

An Act relating to abandoned property; amending 68 O.S. 2021, Section 3129, which relates to property bid off in name of county; modifying bid procedures; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2021, 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 estate shall be sold at public auction to the highest bidder for cash.

1 B. All property must be sold for a sum not less than two-thirds
2 (2/3) of the assessed value of such real estate as fixed for the
3 current fiscal year, or for the total amount of taxes, penalties,
4 interest and costs due on such property, whichever is the lesser.
5 Notwithstanding, there shall be a reserve minimum bid placed in an
6 amount covering all taxes, abatement costs, penalties, interest,
7 costs due to a municipality if the right to exercise the reserve
8 minimum bid is noticed to the county treasurer. With the exception
9 of ~~common-area~~ nuisance property, if there is no bid equal to or
10 greater than the sum so required, the county treasurer shall bid off
11 the same in the name of the county. However, the property must be
12 bid off in the name of the municipality if demand is made in writing
13 by a municipality which has outstanding liens upon the property. In
14 cases of ~~common-area~~ nuisance property, the county treasurer shall
15 have discretion to not bid off the property in the name of the
16 county and instead allow the property to remain under its current
17 ownership, unless demand is made in writing by a municipality which
18 has outstanding liens upon the property. "~~Common-area nuisance~~
19 Nuisance property" shall be defined as property that is deemed
20 unmarketable or unusable due to the existence of liens in excess of
21 the property's fair market value as shown by the county assessor's
22 office or due to environmental problems or conditions that exist on
23 the property that would cost more to remedy than the fair market
24 value of the property as shown by the county assessor's office, or

1 property in which abatement liens have been placed upon the property
2 by a municipality in excess of twenty-five percent (25%) of the
3 property's fair market value as shown by the county assessor's
4 office. Greenbelts, common areas, easements, retention ponds and
5 detention ponds may also be considered ~~common-area~~ nuisance property
6 if transference of ownership to either the county or a third party
7 would cause a hardship to the neighborhood or subdivision these
8 areas were meant to serve or to the county or third party. The
9 county treasurer shall make the determination, in conjunction with
10 review and approval of the board of county commissioners, upon
11 consideration of the above factors, as to whether or not property
12 constitutes ~~common-area~~ nuisance property. The said ~~common-area~~
13 nuisance property determination may be made at any time during the
14 year, including before or immediately after the June resale. In the
15 case of a ~~common-area~~ nuisance property that has liens from a city
16 or town, if a minimum bid is not made, the city or town shall be
17 credited a bid on the property equal to the amount of the lien of
18 the city or town if its intention to do so is made known to the
19 county treasurer prior to the sale or at the sale. In the case of a
20 ~~common-area~~ nuisance property with liens from a city or town, if a
21 minimum bid is not made, the ~~common-area~~ nuisance property shall be
22 bid off in the name of the city or town if its intention to do so is
23 made known to the county treasurer prior to the sale or at the sale.
24 All property bid off in the name of the county shall be for the

1 amount of all taxes, penalties, interest and costs due thereon, and
2 the county treasurer shall issue a deed therefor to the board of
3 county commissioners for the use and benefit of the county. All
4 ~~common area~~ nuisance property bid off in the name of the city or
5 town shall be for the amount of any municipal liens due thereon, and
6 the county treasurer shall issue a deed therefor to the city or town
7 for the use and benefit of the city or town.

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, 2023.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
20 April 13, 2023 - DO PASS
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