

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1198

By: Mann

AS INTRODUCED

An Act relating to county resale auctions; amending 68 O.S. 2021, Section 3129, as last amended by Section 4, Chapter 179, O.S.L. 2025 (68 O.S. Supp. 2025, Section 3129), which relates to property bid off in name of county; requiring the Oklahoma Health Care Authority to release certain liens on certain request of county treasurer; providing for the Oklahoma Health Care Authority to release certain liens upon request of municipality for certain purposes; updating statutory language; 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, as last amended by Section 4, Chapter 179, O.S.L. 2025 (68 O.S. Supp. 2025, 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 and is concluded by the county treasurer. The real estate shall be sold at

1 public auction to the highest bidder for cash or certified funds.

2 Online auctions may accept online payments.

3 B. The county treasurer may choose to hold the June resale
4 through an online auction instead of the in-person process as
5 prescribed in subsection A of this section. Such online auctions
6 shall occur during regular business hours and shall follow all other
7 requirements of the resale auction until all of the real estate is
8 sold and is concluded by the county treasurer. The county treasurer
9 may select a firm to conduct the online auction with the cost of the
10 online auctioneer to be added to the sale of each property.

11 C. 1. As used in this section, "nuisance property" shall be
12 defined as property that is deemed unmarketable or unusable due to
13 the existence of liens in excess of the property's fair market value
14 as shown by the county assessor's office or due to environmental
15 problems or conditions that exist on the property that would cost
16 more to remedy than the fair market value of the property as shown
17 by the county assessor's office, or property in which abatement
18 liens have been placed upon the property by a municipality in excess
19 of twenty-five percent (25%) of the property's fair market value as
20 shown by the county assessor's office.

21 2. All property must be sold for a sum not less than two-thirds
22 (2/3) of the assessed value of such real estate as fixed for the
23 current fiscal year, or for the total amount of taxes, penalties,
24 interest, and costs due on such property, whichever is the lesser.

1 Notwithstanding, there shall be a reserve minimum bid placed in an
2 amount covering all taxes, abatement costs, penalties, interest, and
3 costs due to a municipality if the right to exercise the reserve
4 minimum bid is noticed to the county treasurer. With the exception
5 of nuisance property, if there is no bid equal to or greater than
6 the sum so required, the county treasurer shall bid off the same in
7 the name of the county. However, the property must be bid off in
8 the name of the municipality if demand is made in writing by a
9 municipality which has outstanding liens upon the property. In
10 cases of nuisance property, the county treasurer shall have
11 discretion to not bid off the property in the name of the county and
12 instead allow the property to remain under its current ownership,
13 unless demand is made in writing by a municipality which has
14 outstanding liens upon the property. ~~"Nuisance property" shall be~~
15 ~~defined as property that is deemed unmarketable or unusable due to~~
16 ~~the existence of liens in excess of the property's fair market value~~
17 ~~as shown by the county assessor's office or due to environmental~~
18 ~~problems or conditions that exist on the property that would cost~~
19 ~~more to remedy than the fair market value of the property as shown~~
20 ~~by the county assessor's office, or property in which abatement~~
21 ~~liens have been placed upon the property by a municipality in excess~~
22 ~~of twenty-five percent (25%) of the property's fair market value as~~
23 ~~shown by the county assessor's office.~~ Greenbelts, common areas,
24 easements, retention ponds, and detention ponds may ~~also~~ be

1 considered nuisance property if transference of ownership to either
2 the county or a third party would cause a hardship to the
3 neighborhood or subdivision these areas were meant to serve or to
4 the county or third party.

5 3. The county treasurer shall make the determination, in
6 conjunction with review and approval of the board of county
7 commissioners, upon consideration of the ~~above factors~~ provisions of
8 paragraphs 1 and 2 of this subsection, as to whether or not property
9 constitutes nuisance property. The ~~said~~ nuisance property
10 determination may be made at any time during the year, including
11 before or immediately after the June resale. In the case of a
12 nuisance property that has liens from a city or town, if a minimum
13 bid is not made, the city or town shall be credited a bid on the
14 property equal to the amount of the lien of the city or town if its
15 intention to do so is made known to the county treasurer prior to
16 the sale or at the sale.

17 4. In the case of a nuisance property with liens from a city or
18 town, if a minimum bid is not made, the nuisance property shall be
19 bid off in the name of the city or town if its intention to do so is
20 made known to the county treasurer prior to the sale or at the sale.
21 All property bid off in the name of the county shall be for the
22 amount of all taxes, penalties, interest, and costs due thereon, and
23 the county treasurer shall issue a deed therefor to the board of
24 county commissioners for the use and benefit of the county. All

1 nuisance property bid off in the name of the city or town shall be
2 for the amount of any municipal liens due thereon, and the county
3 treasurer shall issue a deed therefor to the city or town for the
4 use and benefit of the city or town.

5 D. The county treasurers shall provide to the Oklahoma Health
6 Care Authority (OHCA) a list of properties that will be sold at tax
7 resales in their respective counties. Using the information
8 provided, the OHCA shall produce a list for each county of
9 properties on which the OHCA has liens. The county treasurers shall
10 make the list of properties with the OHCA liens available to
11 potential buyers at the tax resales. The OHCA shall file a release
12 of the liens on properties ~~that fit the definition of blighted~~
13 ~~properties, as defined in Section 38-101 of Title 11 of the Oklahoma~~
14 ~~Statutes, in the county records of the county where the property is~~
15 ~~located~~ on which OHCA has liens upon request of that county's
16 treasurer. The OHCA shall additionally file a release of the liens
17 on properties on which OHCA has liens upon request of a municipality
18 if the property is owned by such municipality and is to be
19 transferred to a not-for-profit entity for a qualified project, as
20 defined in Section 2357.403 of this title, or for another public
21 purpose deemed suitable by the municipality. The filing of the lien
22 release shall not extinguish the debt owed to the OHCA, which may be
23 enforced through any legal means available to the OHCA.

1 E. 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 F. 1. The county shall not be civilly liable for any
7 environmental problems or conditions on any property ~~which~~ that
8 existed on the property prior to the county's involuntary ownership
9 of the property pursuant to this section, or ~~which~~ that may result
10 from such environmental problems or conditions on the property.
11 During the period of the county's involuntary ownership of the
12 property, the person or persons who would be legally liable for the
13 environmental problems or conditions on the property but for the
14 county's ownership shall continue to be liable for such
15 environmental 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, 2026.
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