An Act

ENROLLED 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.

SUBJECT: Abandoned property

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.

B. All property must be sold for a sum not less than two-thirds (2/3) of the assessed value of such real estate as fixed for the current fiscal year, or for the total amount of taxes, penalties, interest and costs due on such property, whichever is the lesser. Notwithstanding, there shall be a reserve minimum bid placed in an amount covering all taxes, abatement costs, penalties, interest, costs due to a municipality if the right to exercise the reserve minimum bid is noticed to the county treasurer. With the exception of ~~common area~~ nuisance property, if there is no bid equal to or greater than the sum so required, the county treasurer shall bid off

the same in the name of the county. However, the property must be bid off in the name of the municipality if demand is made in writing by a municipality which has outstanding liens upon the property. In cases of ~~common area~~ nuisance property, the county treasurer shall have discretion to not bid off the property in the name of the county and instead allow the property to remain under its current ownership, unless demand is made in writing by a municipality which has outstanding liens upon the property. "~~Common area nuisance~~ Nuisance property" shall be defined as property that is deemed unmarketable or unusable due to the existence of liens in excess of the property's fair market value as shown by the county assessor's office or due to environmental problems or conditions that exist on the property that would cost more to remedy than the fair market value of the property as shown by the county assessor's office, or property in which abatement liens have been placed upon the property by a municipality in excess of twenty-five percent (25%) of the property's fair market value as shown by the county assessor's office. Greenbelts, common areas, easements, retention ponds and detention ponds may also be considered ~~common area~~ nuisance property if transference of ownership to either the county or a third party would cause a hardship to the neighborhood or subdivision these areas were meant to serve or to the county or third party. The county treasurer shall make the determination, in conjunction with review and approval of the board of county commissioners, upon consideration of the above factors, as to whether or not property constitutes ~~common area~~ nuisance property. The said ~~common area~~ nuisance property determination may be made at any time during the year, including before or immediately after the June resale. In the case of a ~~common area~~ nuisance property that has liens from a city or town, if a minimum bid is not made, the city or town shall be credited a bid on the property equal to the amount of the lien of the city or town if its intention to do so is made known to the county treasurer prior to the sale or at the sale. In the case of a ~~common area~~ nuisance property with liens from a city or town, if a minimum bid is not made, the ~~common area~~ nuisance property shall be bid off in the name of the city or town if its intention to do so is made known to the county treasurer prior to the sale or at the sale. All property bid off in the name of the county shall be for the amount of all taxes, penalties, interest and costs due thereon, and the county treasurer shall issue a deed therefor to the board of county commissioners for the use and benefit of the county. All ~~common area~~ nuisance property bid off in the name of the city or town shall be for the amount of any municipal liens due thereon, and the county treasurer shall issue a deed therefor to the city or town for the use and benefit of the city or town.

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

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

Passed the House of Representatives the 22nd day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2023.

Brent Howard
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of April, 20 23, at 3:24 o'clock p. M.
By: Jamie Curry

Approved by the Governor of the State of Oklahoma this 2nd
day of May, 20 23, at 11:37 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd
day of May, 20 23, at 12:45 o'clock p M.
By: Brian Bingman