

NROLLED HOUSE

BILL NO. 1981

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 1904, is amended to read as follows:

(a) The following taxes are hereby levied on real estate mortgages:

A tax of ten cents (\$0.10) for each One Hundred Dollars (\$100.00) and each remaining fraction thereof where such mortgage is for five (5) years or more; eight cents (\$0.08) for each One Hundred Dollars (\$100.00) for each mortgage where such mortgage is for four (4) years and less than five (5) years; a tax of six cents (\$0.06) for each One Hundred Dollars (\$100.00) where such mortgage is for three (3) years and less than four (4) years; a tax of four cents (\$0.04) for each One Hundred Dollars (\$100.00) where such mortgage is for two (2) years and less than three (3) years; and a tax of two cents (\$0.02) for each One Hundred Dollars (\$100.00) where such mortgage is for less than two (2) years. If the principal debt or obligation secured by said mortgage is less than One Hundred Dollars (\$100.00), a tax of ten cents (\$0.10) is levied on such mortgage and shall be collected and paid as provided for in this article.

(b) In addition to the taxes levied pursuant to the provisions of subsection (a) of this section, the county treasurer shall collect a fee of Five Dollars (\$5.00) on each mortgage presented to the county treasurer for certification. The fees collected pursuant to the provisions of this subsection shall be deposited into a cash account to be known as the "County Treasurer's Mortgage Certification Fee Account". Monies from said account shall be expended by the county treasurer in the lawful operation of his office.

(c) Except as otherwise provided for in this subsection, the tax provided for in subsection (a) of this section shall be paid by the mortgagee. With respect to mortgages of public trusts created pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes or mortgages of rural water, sewer, gas or solid waste management districts created pursuant to Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes, such tax may be paid by the mortgagor, the mortgagee or any other interested party. Any mortgagee, agent, representative, or person who shall through any scheme, arrangement, agreement, inducement, or device by an increase of the rate of interest, commission, brokerage, or otherwise, charge to or exact from the mortgagor the payment of such tax, upon conviction, shall be deemed guilty of a misdemeanor.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 2823, is amended to read as follows:

Section 2823. A. For the fiscal year beginning July 1, 1992, and each year thereafter, the cost of the comprehensive program of visual inspections for real property shall be paid by appropriate warrants from those who receive the revenues of the mill rates levied on the property of the county as prescribed by this section. The county assessor shall prepare a budget for the comprehensive program of visual inspections for real property and file such budget with the county excise board or county budget board.

B. The county excise board or county budget board shall apportion such cost among the various recipients of revenues from the mill rates levied, including the county, all cities and towns, all school districts, all sinking funds of such recipients, and all jurisdictions specified in subsection D of this section, in the ratio which each recipient's total tax collection authorized from its mill rates levied for the preceding year bears to the total tax

collection authorized of all recipients from all their mill rates levied for the preceding year.

C. Upon receipt of the billing statement provided for in subsections D and E of this section by each such recipient, the mill rates to be established by the board for each such recipient for the current year shall include and be based upon such amounts and shall constitute an appropriation of such amounts to the county assessor for expenditure for the expenses of administering the visual inspection program each year. In the case of a sinking fund of a recipient, if, after approving its budget, the governing body of a recipient notifies the board in writing that there are no funds appropriated to pay the amount of the billing statement for such sinking fund, such notice shall constitute conclusive evidence of a financial obligation of the recipient as it relates to such sinking fund. The board may seek a judgment for the amount of such obligation and court costs in the district court of the county in which the board is located.

D. The county assessor shall render a statement to each of the jurisdictions within the county which receive revenue from an ad valorem mill rate. Such statement shall include the following information:

1. The current fiscal year in which the charge has been incorporated in the jurisdiction's budget;

2. All jurisdictions receiving statements from the county assessor, the mill rate for each in the previous year, and the proportion of each to the combined mill rates of all jurisdictions within the county for the previous year; the proportions specified in this paragraph should sum to one hundred percent (100%); and

3. The charge for the entity receiving the statement as well as the charge for each jurisdiction of the county based upon the proportions specified in paragraph 2 of this subsection; the total of all current year charges for all county jurisdictions should sum to the total county assessor's budget for the current fiscal year.

E. In any county wherein any jurisdiction's budget and mill rates are not subject to review and approval by the county excise board, the county assessor shall nevertheless include any such jurisdiction in the calculations required under subsection A of this section. The county assessor shall also render a billing statement to any such jurisdiction showing the charge for the current fiscal year due from the jurisdiction. Such billing statement shall also show all the information specified in paragraphs 2 and 3 of subsection D of this section. Such billing statement shall clearly indicate that the charge payable by the jurisdiction is due and payable by December 31 of the current fiscal year.

SECTION 3. This act shall become effective July 1, 1992.