

ENGROSSED HOUSE
BILL NO. 2198

By: Steidley, Tyler, Paulk,
Ervin, Leist, Hefner and
Perry of the House

and

Williams (Don) of the
Senate

(revenue and taxation - amending 68 O.S., Section 2890 -
additional homestead exemption - codification - effective
date - emergency)

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2890, is
amended to read as follows:

Section 2890. A. In addition to the amount of the homestead
exemption authorized and allowed in Section 2889 of this title, an
additional exemption is hereby granted, to the extent of One
Thousand Dollars (\$1,000.00) of the assessed valuation on each
homestead of heads of households whose gross household income from
all sources for the preceding calendar year did not exceed ~~Ten~~
~~Thousand Dollars (\$10,000.00)~~ Twenty Thousand Dollars (\$20,000.00).
~~If Article X, Section 8 of the Oklahoma Constitution requires~~
~~property to be taxed based upon one hundred percent (100%) of its~~
~~fair cash value each homestead, as authorized by the provisions of~~
~~this section, shall be exempted from ad valorem taxation to the~~
~~extent of Ten Thousand Dollars (\$10,000.00) of the assessed~~
~~valuation.~~

B. The term "gross household income" as used in this section means the gross amount of income of every type, regardless of the source, received by all persons occupying the same household, whether such income was taxable or nontaxable for federal or state income tax purposes, including pensions, annuities, federal Social Security, unemployment payments, veterans' disability compensation, public assistance payments, alimony, support money, workers' compensation, loss-of-time insurance payments, capital gains and any other type of income received, and excluding gifts. The term "head of household" as used in this section means a person who as owner or joint owner maintains a home and furnishes ~~his own~~ support for ~~said~~ the home, furnishings, and other material necessities.

C. The application for ~~such~~ the additional homestead exemption shall be made each year before March 15 or within thirty (30) days from and after receipt by the taxpayer of notice of valuation increase, whichever is later, and upon the form prescribed by the Oklahoma Tax Commission, which shall require the taxpayer to certify as to the amount of gross income. Upon request of the county assessor, the Oklahoma Tax Commission shall assist in verifying the correctness of the amount of ~~said~~ the gross income.

D. For persons sixty-five (65) years of age or older as of March 15 and who have previously qualified for the additional homestead exemption, no annual application shall be required in order to receive the exemption provided by this section; however, any person whose gross household income in any calendar year exceeds the amount specified in this section in order to qualify for the additional homestead exemption shall notify the county assessor and the additional exemption shall not be allowed for the applicable year. Any executor or administrator of an estate within which is included a homestead property exempt pursuant to the provisions of this section shall notify the county assessor of the change in status of the homestead property if such property is not the

homestead of a person who would be eligible for the exemption provided by this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2950 of Title 68, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 23 of this act shall be known and may be cited as the "Property Tax Deferral Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2951 of Title 68, unless there is created a duplication in numbering, reads as follows:

As used in the Property Tax Deferral Act:

1. "Commission" means the Oklahoma Tax Commission;
2. "Gross household income" shall be defined pursuant to subsection B of Section 2890 of Title 68 of the Oklahoma Statutes;
3. "Homestead" shall be defined pursuant to Section 2888 of Title 68 of the Oklahoma Statutes;
4. "Taxpayer" means an individual or individuals who have filed a claim for property tax deferral pursuant to Section 4 of this act; and
5. "Tax-deferred property" means the property on which taxes are deferred pursuant to this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2952 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to Section 5 of this act, an individual, or two or more individuals jointly, may elect to defer the property taxes on their homestead by filing a claim for deferral with the county assessor after January 1 and on or before March 15 of the first year in which deferral is claimed if:

1. The individual, or, in the case of two or more individuals filing a claim jointly each individual, is sixty-five (65) years of

age or older on March 15 of the year in which the claim is filed;
and

2. The individual has, or in the case of two or more individuals filing a claim jointly, all of the individuals together have, gross household income for the calendar year immediately preceding the calendar year in which the claim is filed of less than Twenty Thousand Dollars (\$20,000.00).

B. The county assessor shall determine if the property is eligible for deferral.

C. When the taxpayer elects to defer property taxes for any year by filing a claim for deferral under subsection A of this section, it shall have the effect of:

1. Deferring the payment of the property taxes levied on the homestead for the fiscal year beginning on July 1 of such year;

2. Continuing the deferral of the payment by the taxpayer of any property taxes deferred under this act for previous years which have not become delinquent pursuant to Section 13 of this act; or

3. Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of Section 5 of this act are met.

D. If a guardian or conservator has been appointed for an individual otherwise qualified to obtain deferral of taxes under this act, the guardian or conservator may act for such individual in complying with the provisions of this act.

E. If a trustee of an inter vivos trust which was created by and is revocable by an individual, who is both the trustor and a beneficiary of the trust and who is otherwise qualified to obtain a deferral of taxes under this act, owns the fee simple estate under a recorded instrument of sale, the trustee may act for the individual in complying with the provisions of this act.

F. Nothing in this section shall be construed to require a spouse of an individual to file a claim jointly with the individual

even though the spouse may be eligible to claim the deferral jointly with the individual.

G. Any person aggrieved by the denial of a claim for deferral of homestead property taxes or disqualification from deferral of homestead property taxes may appeal to the county equalization board in the manner provided by Section 2877 of Title 68 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2953 of Title 68, unless there is created a duplication in numbering, reads as follows:

In order to qualify for tax deferral under this act, the property shall meet all the following requirements when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

1. The property must be the homestead of the individual or individuals who file the claim for deferral, except for an individual required to be absent from the homestead by reason of health;

2. The person claiming the deferral shall, individually or together with the spouse of the individual, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale, or two or more persons must together own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale if all owners live in the homestead and if all owners apply for the deferral jointly; and

3. There shall be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2954 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. A taxpayer's claim for deferral under Section 4 of this act shall be in writing on a form supplied by the Oklahoma Tax Commission and shall:

1. Describe the homestead;

2. Recite facts establishing the eligibility for the deferral under the provisions of this act, including facts that establish that the gross household income of the individual, or in the case of two or more individuals claiming the deferral jointly, was, for the calendar year immediately preceding the calendar year in which the claim is filed, less than Twenty Thousand Dollars (\$20,000.00); and

3. Have attached any documentary proof required by the county assessor to show that the requirements of this act have been met.

B. There shall be attached to the claim a statement verified by a written declaration of the applicant making the claim to the effect that the statements contained in the claim are true.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2955 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tax Commission shall have a lien against the tax-deferred property for the payment of the deferred taxes plus interest thereon and any fees paid to the county clerk by the Commission in connection with the recording, release or satisfaction of the lien. The liens for deferred taxes shall attach to the property on July 1 of the year in which the taxes were assessed. The deferred property tax liens shall have the same priority as other real property tax liens except that the lien of mortgages or trust deeds which are recorded prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

B. The lien may be foreclosed by the Commission. Reasonable attorney fees at trial and on appeal and costs may be granted the Commission in a suit for foreclosure of its lien.

C. Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred property taxes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2956 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. If eligibility for deferral of homestead property is established as provided in this act, the county assessor shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

B. When requested by the Commission, the county treasurer shall send to the Commission as soon as the taxes are extended upon the roll the tax statement for each tax-deferred property.

C. Interest shall accrue on the actual amount of taxes advanced to the county for the tax-deferred property at the rate of six percent (6%) per annum.

D. The state liens provided by Section 7 of this act and recorded under Section 9 of this act shall be for the actual amount of taxes advanced to the counties and not for the gross amount of taxes for which the property would be liable as shown on the tax statement for each tax-deferred property.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2957 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. In each county in which there is tax-deferred property, the Oklahoma Tax Commission shall cause to be recorded in the mortgage records of the county, a list of tax-deferred properties of that county. The list shall contain a description of the property as listed on the assessment roll together with the name of the owner listed thereon.

B. The recording of the tax-deferred properties under subsection A of this section is notice that the Commission claims a

lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county clerk in connection with the recording, release or satisfaction of the lien, even though the amount of taxes, interest or fees is not listed.

C. The Commission shall not be required to pay any filing, indexing or recording fees to the county in connection with the recording, release or satisfaction of liens against tax-deferred properties of that county in advance or at the time entry is made. Payment of the fees shall be made in the same manner as provided for the payment of fees for recording and making entry of warrants or orders in the county clerk lien record.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2958 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Upon determining the amount of deferred taxes on tax-deferred property for the tax year, the Oklahoma Tax Commission shall pay to the respective county treasurers an amount equivalent to the deferred taxes.

B. The Commission shall maintain accounts for each deferred property and shall accrue interest only on the actual amount of taxes advanced to the county.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2959 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. On or before December 15 of each year, the Oklahoma Tax Commission shall send a notice to each taxpayer who has claimed deferral of property taxes for the current tax year. The notice shall:

1. Inform the taxpayer that the property taxes have or have not been deferred in the current year;

2. Show the total amount of deferred taxes remaining unpaid since initial application for deferral and the interest accruing therein to November 15 of the current year;

3. Inform the taxpayer that voluntary payment of the deferred taxes may be made at any time to the Commission; and

4. Contain any other information that the Commission considers necessary to facilitate administration of the homestead deferral program, including but not limited to the right of the taxpayer to submit any refund amount received under Section 17 of this act to reduce the total amount of the deferred taxes and interest.

B. The Commission shall give the notice required under subsection A of this section by an unsealed postcard or other form of mail sent to the residence address of the taxpayer as shown in the claim for deferral or as otherwise determined by the Commission to be the correct address of the taxpayer.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2960 of Title 68, unless there is created a duplication in numbering, reads as follows:

Subject to Section 14 of this act, all deferred property taxes, including accrued interest, become payable as provided in Section 14 of this act when:

1. The taxpayer who claimed deferment of collection of property taxes on the homestead dies or, if there was more than one claimant, the survivor of the taxpayers who originally claimed deferment of collection of property taxes under Section 4 of this act dies;

2. The property with respect to which deferment of collection of taxes is claimed is sold, or a contract to sell is entered into, or some person other than the taxpayer who claimed the deferment becomes the owner of the property;

3. The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer

required to be absent from such tax-deferred property by reason of health; or

4. The tax-deferred property, if a manufactured home, is moved out of the state.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2961 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Whenever any of the circumstances listed in Section 12 of this act occurs:

1. The deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year; and

2. The amounts of deferred property taxes, including accrued interest, for all years shall be due and payable to the Oklahoma Tax Commission August 15 of the year following the calendar year in which the circumstance occurs, except as provided in subsection B of this section or Section 14 or 20 of this act.

B. Notwithstanding the provisions of paragraph 2 of subsection A of this section and Section 21 of this act, when the circumstances occur listed in paragraph 4 of Section 12 of this act, the amount of deferred taxes shall be due and payable five (5) days before the date of removal of the property from the state.

C. If the amounts falling due as provided in this section are not paid on the indicated due date, or as extended under Section 20 of this act, such amounts shall be deemed delinquent as of that date, and the property shall be subject to foreclosure as provided in Section 7 of this act.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2962 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding Section 12 of this act, when one of the circumstances listed in paragraphs 1, 2 and 3 of Section 12 of this act occurs, the spouse who was not eligible to or did not file a

claim jointly with the taxpayer may continue the property in its deferred tax status by filing a claim within the time and in the manner provided under Section 4 of this act if:

1. The spouse of the taxpayer is or will be sixty (60) years of age or older not later than six (6) months from the day the circumstance listed in paragraph 1, 2 or 3 of Section 12 of this act occurs; and

2. The property is the homestead of the spouse of the taxpayer and meets the requirements of paragraph 2 of Section 5 of this act.

B. A spouse who does not meet the age requirements of paragraph 1 of subsection A of this section but is otherwise qualified to continue the property in its tax-deferred status under subsection A of this section may continue the deferral of property taxes deferred for previous years by filing a claim within the time and in the manner provided under Section 4 of this act. If a spouse eligible for and continuing the deferral of taxes previously deferred under this subsection becomes sixty-five (65) years of age prior to March 15 of any year, the spouse may elect to continue the deferral of previous years' taxes deferred under this subsection and may elect to defer the current assessment year's taxes on the homestead by filing a claim within the time and in the manner provided under Section 4 of this act. Thereafter, payment of the taxes levied on the homestead and deferred under this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to this act.

C. Notwithstanding that Section 4 of this act requires that a claim be filed no later than March 15, if the Oklahoma Tax Commission determines that good and sufficient cause exists for the failure of a spouse to file a claim under this section on or before March 15, the claim may be filed within one hundred eighty (180) days after notice of taxes due and payable under Section 13 of this

act is mailed or delivered by the Commission to the taxpayer or spouse.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2963 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of subsection C of Section 4 of this act or any other provision of this act, if the individual or, in the case of two or more individuals electing to defer property taxes jointly, all of the individuals together, or the spouse who has filed a claim under Section 14 of this act, has gross household income that exceeds Twenty Thousand Dollars (\$20,000.00) for the tax year that began in the previous calendar year, then the taxes shall not be deferred for the tax year next beginning.

B. Prior to June 1, 1997, and prior to June 1 of each year thereafter, the Oklahoma Tax Commission shall review income tax returns filed to determine if subsection A of this section is applicable for a homestead for the tax year next beginning. If subsection A of this section is applicable, the Commission shall notify by mail the taxpayer or spouse electing deferral, and the taxes otherwise to be deferred for the tax year next beginning shall not be deferred.

C. If the taxpayer or spouse does not file an income tax return and the Commission has reason to believe that the gross household income of the taxpayer or spouse exceeds Twenty Thousand Dollars (\$20,000.00) for the tax year that began in the previous calendar year, the Commission shall notify by mail the taxpayer or spouse electing deferral. If, within thirty (30) days after the notice is mailed, the taxpayer or spouse does not file an income tax return or otherwise satisfy the Commission that gross household income does not exceed Twenty Thousand Dollars (\$20,000.00), the Commission shall again notify the taxpayer or spouse, and the taxes otherwise

to be deferred for the tax year next beginning shall not be deferred.

D. Nothing in this section shall affect the continued deferral of taxes that have been deferred for tax years beginning prior to the tax year next beginning or the right to deferral of taxes for a tax year beginning after the tax year next beginning if subsection A of this section is not applicable for that tax year for the homestead.

E. If, after an initial determination under this section has been made by the Commission, upon audit or examination or otherwise, it is discovered that the taxpayer or spouse had gross household income in excess of the limitation provided under subsection A of this section, the Commission shall determine the amount of taxes deferred that should not have been deferred and give notice to the taxpayer or spouse of the amount of taxes that should not have been deferred. The provisions of the Oklahoma Income Tax Code shall apply to a determination of the Commission under this section in the same manner as those provisions are applicable to an income tax deficiency. The amount of deferred taxes that should not have been deferred shall bear interest from the date paid by the Commission until paid at the rate established under Section 217 of Title 68 of the Oklahoma Statutes for deficiencies. A deficiency shall not be assessed under this section if notice required under this section is not given to the taxpayer or spouse within three (3) years after the date that the Commission has paid the deferred taxes to the county. Upon payment of the amount assessed as deficiency, and interest, the Commission shall execute a release in the amount of the payment and the release shall be conclusive evidence of the removal and extinguishment of the lien under this act to the extent of the payment.

F. If, after an initial determination under this section has been made by the Commission, upon claim for refund, audit or

examination or otherwise, it is discovered that the taxpayer or spouse had gross household income in the amount of or less than the limitation provided under subsection A of this section, the Commission shall determine the amount of taxes deferred that should have been deferred and give notice to the taxpayer or spouse of the amount of taxes that should have been deferred. The provisions of the Oklahoma Income Tax Code shall apply to a determination of the Commission under this section in the same manner as those provisions are applicable to an income tax refund. The amount of the taxes that should have been deferred shall bear interest from the date paid by the taxpayer to the county at the rate established under Section 217 of Title 68 of the Oklahoma Statutes for refunds until paid. Claim for refund under this subsection must be filed within three (3) years after the earliest date that the taxpayer or spouse is notified by the Commission that the taxes are not deferred.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2964 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. All payments of deferred taxes shall be made to the Oklahoma Tax Commission.

B. Subject to subsection C of this section, all or part of the deferred taxes and accrued interest may at any time be paid to the Commission by:

1. The taxpayer or the spouse of the taxpayer; or
2. The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer or any person having or claiming a legal or equitable interest in the property.

C. A person listed in paragraph 2 of subsection B of this section may make such payments only if no objection is made by the taxpayer within thirty (30) days after the Commission deposits in the mail notice to the taxpayer of the fact that such payment has been tendered.

D. Any payment made under this section shall be applied first against accrued interest and any remainder against the deferred taxes. Such payment does not affect the deferred tax status of the property. Unless otherwise provided by law, such payment does not give the person paying the taxes any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

E. When the deferred taxes and accrued interest are paid in full and the property is no longer subject to deferral, the Commission shall prepare and record in the county in which the property is located a satisfaction of deferred property tax lien.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2965 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any provision of the Oklahoma Income Tax Code to the contrary and paragraph 1 of Section 21 of this act, upon compliance with Section 16 of this act, taxes, not in excess of One Thousand Dollars (\$1,000.00), assessed against a tax-deferred homestead for any tax year beginning on or after July 1, 1996, that were unpaid as of July 1 of the tax year for which homestead property tax deferral was initially granted under this act, and remain unpaid, shall remain a lien and shall become delinquent as otherwise provided by law, but shall not be subject to foreclosure until August 15 of the calendar year following the calendar year in which one of the circumstances listed in Section 12 of this act occurs.

B. This section does not apply if:

1. The tax-deferred homestead property is a manufactured home and is moved out of state;

2. Except in the case of a manufactured home, the tax-deferred homestead property is personal property; or

3. The owner of the tax-deferred homestead property has household income, for the calendar year immediately preceding the calendar year in which application is filed under Section 18 of this act, of Twenty Thousand Dollars (\$20,000.00) or more.

C. If the property to which subsection A of this section applies has been included on a foreclosure list, or a decree of foreclosure entered, and taxes in excess of One Thousand Dollars (\$1,000.00) assessed against the property for the earliest year are paid, the property shall be removed from the foreclosure list, or decree vacated, unless the proceeding against the property involves delinquent taxes other than those described in subsection A of this section.

D. Upon removal from the foreclosure list, or upon vacation of the decree, no penalty shall be imposed. In lieu thereof, the penalty is abated, or if the penalty has been paid, upon application made to the county assessor on or before July 1 of the year immediately following the year of vacation or removal, the penalty shall be refunded.

E. Within sixty (60) days after approval of an application under Section 18 of this act, with respect to any property to which this section applies, the county assessor shall make the proper entries on the tax roll and shall remove the property from the foreclosure list and proceeding.

F. If a decree has been entered foreclosing liens for delinquent taxes against any property which is the subject to an application filed under Section 18 of this act, and the delinquent taxes include only those taxes described in subsection A of this section, or taxes in excess of those described in subsection A of this section are paid, the decree shall be null and void and of no effect, and the county assessor shall make the proper entries on the assessment and tax rolls to reflect the vacation of the decree and to acknowledge the subsisting liens.

G. Nothing in this section shall remove or release property to which this section applies from the lien of any unpaid tax thereon, but the unpaid taxes shall remain valid and subsisting liens as though the foreclosure proceeding had not been instituted or a decree entered.

H. Nothing in this section shall affect a foreclosure proceeding instituted, or a decree entered, to foreclose liens for delinquent taxes against properties subject to foreclosure if the delinquent taxes include taxes other than those described under subsection A of this section. The foreclosure proceedings shall be instituted or continued without regard to this section, and such decree shall be of full force and effect as if this section did not exist.

I. Interest on taxes to which this section applies shall be determined from the same dates, in the same manner and until paid as for other property taxes remaining unpaid upon the due dates, upon preparation of the foreclosure list in accordance with Section 217 of Title 68 of the Oklahoma Statutes and subsection A of this section and upon entry and following a decree of foreclosure.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2966 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. The owner of tax-deferred homestead property desiring delay in foreclosure on account of delinquent taxes as provided in Section 17 of this act shall make application for the delay to the county assessor prior to the date the period of redemption expires. The application shall contain or be accompanied by a verified statement of gross household income of the owner for the calendar year immediately preceding the calendar year in which the application is made.

B. Upon receipt of an application under subsection A of this section, the county assessor shall approve or deny the application.

If the application is denied, the owner may appeal to the district court in the county where the tax-deferred homestead property is located within ninety (90) days after notice in writing of the denial is mailed to the owner by the county assessor. Orders of the district court in an appeal taken under this subsection may be appealed to the Court of Tax Review.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2967 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. At the time that the property is deeded over to the county at the conclusion of the foreclosure proceedings, the court shall order the county treasurer to pay to the Oklahoma Tax Commission the amount of deferred taxes and interest which were not collected.

B. Immediately upon payment, the county treasurer shall notify the county assessor of the amount paid to the Commission for the property which has been deeded to the county.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2968 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. If the taxpayer who claimed homestead property tax deferral dies, or if a spouse who continued the deferral under Section 14 of this act dies, the Oklahoma Tax Commission may extend the time for payment of the deferred taxes and interest accruing with respect to the taxes becoming due and payable under paragraph 2 of subsection A of Section 13 of this act if:

1. The homestead property becomes property of an individual or individuals:
 - a. by inheritance or devise, or
 - b. if the individual or individuals are heirs or devisees in the course of settlement of the estate;

2. The individual or individuals commence occupancy of the property as a principal residence on or before August 15 of the calendar year following the calendar year of death; and

3. The individual or individuals make application to the Commission for an extension of time for payment of the deferred taxes and interest prior to August 15 of the calendar year following the calendar year of death.

B. Subject to subsection C of this section, an extension granted under this section shall be for a period not to exceed five (5) years after August 15 of the calendar year following the calendar year of death of the taxpayer. The terms and conditions under which the extension is granted shall be in accordance with a written agreement entered into by the Commission and the individual or individuals.

C. An extension granted under this section shall terminate immediately if:

1. The homestead property is sold or otherwise transferred by any party to the extension agreement;

2. All of the heirs or devisees who are parties to the extension agreement cease to occupy the property as a principal residence; or

3. The homestead property, a manufactured home, is moved out of the state.

D. If the Commission has reason to believe that the homestead property is not sufficient security for the deferred taxes and interest, the Commission may require the individual or individuals to furnish a bond conditioned upon payment of the amount extended in accordance with the terms of the extension. The bond shall not exceed in amount double the taxes with respect to which the tax extension is granted.

E. During the period of extension, and until paid, the deferred taxes shall continue to accrue interest in the same manner and at

the same rate as provided under subsection C of Section 8 of this act. No interest shall accrue upon interest.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2969 of Title 68, unless there is created a duplication in numbering, reads as follows:

Nothing in this act is intended to or shall be construed to:

1. Prevent the collection, by foreclosure, of property taxes which become a lien against tax-deferred property;

2. Defer payment of special assessments to benefited property which assessments do not appear on the assessment and tax roll; or

3. Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2970 of Title 68, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of the deferral of homestead property taxes provided in this act. Any such clause or statement in a mortgage trust deed or land sale contract executed after January 1, 1997, shall be void.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2971 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. A taxpayer who does not elect the deferral of homestead property taxes as provided by Sections 2 through 22 of this act may elect to have a credit against the annual property tax liability in the amount of fifteen percent (15%) of the amount of tax which would otherwise be imposed on the homestead of the taxpayer. In order to claim the credit, the taxpayer shall be required to meet all qualifications which would otherwise be imposed in order to defer property taxes upon the homestead of the taxpayer.

B. A taxpayer who elects the property tax credit authorized by this section shall file a form with the county assessor not later than July 1 of each tax year for which the credit will be claimed. The Oklahoma Tax Commission shall prescribe a form to be used by all county assessors for this purpose.

C. If a taxpayer elects to use the credit provided by this section, then no deferral of property tax liability shall be available to that taxpayer for the year in which the credit will be applied.

D. For any year in which a taxpayer elects the deferral of property tax as otherwise provided by this act, the credit provided by this section shall not be available.

E. The Oklahoma Tax Commission shall reimburse the county treasurer of the county in which homestead property for which a taxpayer elects the credit is located for the amount of credit allowed in the same manner as provided by Section 10 of this act.

SECTION 24. This act shall become effective July 1, 1996.

SECTION 25. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 28th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate

