

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1597

By: Pope

AS INTRODUCED

An Act relating to historic preservation; directing Secretary of State to refer a proposed act to the people for their approval or rejection; creating the Affiliated Historic Sites and Museums Program; creating the Historic County Courthouse Investment Program; providing for administration of the Programs; providing for establishment of policies; providing purpose; limiting eligibility of properties; providing for certain funding from certain revolving funds; requiring certain criteria; providing for inspection of properties; permitting revocation of certain approval and recapture of certain funds; requiring establishment of certain policies; creating the Affiliated Historic Sites and Museums Program Revolving Fund; creating the Historic County Courthouse Investment Program Revolving Fund; stating purposes; providing for expenditures from the revolving funds and providing procedures relating thereto; amending 68 O.S. 2001, Sections 3201 and 3204, which relate to documentary stamp tax; increasing the rate of tax; modifying distribution of the tax; providing for deposit of monies into revolving funds; providing for codification; providing ballot title; directing filing; and providing an effective date.

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

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided for by law, the following proposed statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.1 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be established by the Oklahoma Historical Society the Affiliated Historic Sites and Museums Program. The Program shall be administered by the Oklahoma Historical Society Board of Directors.

B. The Affiliated Historic Sites and Museums Program shall be established for the purpose of providing operational authority and operational funding to city or county governments or not-for-profit corporations listed as exempt organizations in Section 501(c)(3) of the federal Internal Revenue Code for the operation of historic sites and museums that can no longer be supported by appropriations to the Oklahoma Historical Society. These historic sites and museums shall be termed affiliates of the Oklahoma Historical Society. The Program shall be limited to those Oklahoma Historical Society field facilities that were owned by and supported by the Oklahoma Historical Society prior to July 1, 2003. Affiliates shall remain property of the State of Oklahoma which shall remain responsible for buildings and mechanical systems. Locations shall be designated as affiliates by the Board of Directors following guidance provided by the "Priority Ranking of Historic Sites and Museums" as adopted annually by the Board. The properties within the Program shall be eligible to receive funding from the Affiliated Historic Sites and Museums Program Revolving Fund created in Section 3 of this act. There shall be no limit on the amount of funding available to an eligible historic site or museum. Whenever feasible, the Board of Directors shall administer the revolving fund so that available federal and private matching funds may be obtained.

C. In evaluating the applications for affiliate status and funding from the revolving fund, the Board of Directors shall specify certain criteria, including but not limited to the following:

1. The administrative ability of the applicant;
2. The appropriateness of the operational proposal;
3. The qualifications of professional staff;
4. Community support for the project; and

5. Security standards for buildings, personnel, visitors, and collections.

The Board of Directors shall be authorized to inspect any affiliate with prior notice. The Board of Directors shall revoke or invalidate any affiliate status granted if the operations plan outlined in the application is not followed. If the Board of Directors determines that any information in the application was misrepresented, falsified, or the work performed was not undertaken as presented in the application, or any policies established by the Oklahoma Historical Society for the Program have been violated, the monies shall be immediately returned by the recipient. The Oklahoma Historical Society shall have the authority to recapture these monies in any manner provided by law or policies established by the Oklahoma Historical Society.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.2 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be created in the State Treasury a revolving fund for the Affiliated Historic Sites and Museums Program within the Oklahoma Historical Society to be designated the "Affiliated Historic Sites and Museums Program Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of all monies authorized for deposit in the fund, including but not limited to gifts, grants, private donations and funds by government entities authorized to provide funding for the purposes authorized for use of the fund. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purposes specified in Section 2 of this act. Expenditures from the fund shall be made upon warrants filed by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Oklahoma Historical Society Board of Directors may retain a maximum of ten percent (10%) of the monies in the revolving fund accrued on a monthly basis for the administration of the Program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.3 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be established by the Oklahoma Historical Society the Historic County Courthouse Investment Program. The Program shall be administered by the Oklahoma Historical Society Board of Directors.

B. The Historic County Courthouse Investment Program shall be established for the purpose of the rehabilitation, restoration, stabilization, or improvement, including improvements to comply with accessibility requirements under the Americans with Disabilities Act, of historic county courthouses in this state. The Program shall be limited to those county courthouses which are listed on the National Register of Historic Places. Work funded by the Program shall follow the Secretary of the Interior Standards for Historic Preservation or other guidelines established by the Board of Directors. The properties in the Program shall be eligible to receive funding from the Historic County Courthouse Investment Program Revolving Fund created in Section 5 of this act. There shall be no limit on the amount of funding available to an eligible historic courthouse.

C. In evaluating the applications for funding from the revolving fund, the Board of Directors shall specify certain criteria, including but not limited to the following:

1. The urgency for the proposed work to ensure the protection of the health and safety of the public;

2. The need to assist courthouses in complying with federal law;

3. The appropriateness of the proposed works;
4. The type of work proposed;
5. The geographical distribution of courthouses in the Program;
6. The administrative ability of the applicant to complete the work;
7. Community support for the project; and
8. A plan for post-project maintenance of the property.

The Board of Directors shall be authorized to inspect any courthouse for which monies have been awarded at any time within five (5) years after the completion of the project. The Board of Directors shall revoke or invalidate any contract for funding if the work performed as outlined in the application is not followed or if further unapproved alterations or changes have been made. Any modifications to the property within the five-year period following the completion of the project shall be made in accordance with policies established by the Oklahoma Historical Society. If the Board of Directors determines that any information in the application was misrepresented, falsified, or the work performed was not undertaken as presented in the application, or any other unapproved alterations have been made to the project, or any policies established by the Oklahoma Historical Society for the Program have been violated, the monies shall be immediately returned by the recipient. The Oklahoma Historical Society shall have the authority to recapture these monies in any manner provided by law or policies established by the Oklahoma Historical Society.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.4 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be created in the State Treasury a revolving fund for the Historic County Courthouse Investment Program within the Oklahoma Historical Society to be designated the "Historic County Courthouse Investment Program Revolving Fund". The fund

shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of all monies authorized for deposit in the fund, including but not limited to gifts, grants, private donations and funds by government entities authorized to provide funding for the purposes authorized for use of the fund. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purposes specified in Section 4 of this act. Expenditures from the fund shall be made upon warrants filed by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Oklahoma Historical Society Board of Directors may retain a maximum of ten percent (10%) of the monies in the revolving fund accrued on a monthly basis for the administration of the Program.

SECTION 6. AMENDATORY 68 O.S. 2001, Section 3201, is amended to read as follows:

Section 3201. A. A tax is hereby imposed on each deed, instrument, or writing by which any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds One Hundred Dollars (\$100.00). The tax shall be prorated at the rate of ~~seventy-five cents (\$0.75)~~ eighty-five cents (\$0.85) for each Five Hundred Dollars (\$500.00) of the consideration or any fractional part thereof.

B. The tax is limited to conveyances of realty sold and does not apply to other conveyances. The tax attaches at the time the deed or other instrument of conveyance is executed and delivered to the buyer, irrespective of the time when the sale is made.

C. As used in this section:

1. "Sold" means a transfer of an interest for a valuable consideration, which may involve money or anything of value;

2. "Deed" means any instrument or writing whereby realty is assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or, at his direction, any other person; and

3. "Consideration" means the actual pecuniary value exchanged or paid or to be exchanged or paid in the future, exclusive of interest, whether in money or otherwise, for the transfer or conveyance of an interest of realty, including any assumed indebtedness.

SECTION 7. AMENDATORY 68 O.S. 2001, Section 3204, is amended to read as follows:

Section 3204. A. The Oklahoma Tax Commission shall design ~~such~~ the stamps in such denominations as in its judgment it deems necessary for the administration of this tax. The Oklahoma Tax Commission shall distribute the stamps to the county clerks of the counties of this state, and the county clerks shall have the responsibility of selling these stamps and shall have the further duty of accounting for the stamps to the Oklahoma Tax Commission on the last day of each month. Stamp metering machines or rubber stamps as prescribed by the Oklahoma Tax Commission may be used by the county clerk, and the expenses ~~thereof~~ of the meters or rubber stamps shall be paid by the county concerned. The use of meters or rubber stamps shall be governed by the Oklahoma Tax Commission.

B. The county clerks shall account for all collections from the sales of such tax stamps to the Oklahoma Tax Commission, on the last day of each month. The first ~~fifty-five cents (\$0.55)~~ sixty-five cents (\$0.65) of each ~~seventy-five cents (\$0.75)~~ eighty-five cents (\$0.85) collected shall be apportioned as follows:

1. The county clerks shall retain five percent (5%) of all monies collected for ~~such~~ the stamps as their cost of administration and shall pay the same into the county general fund-;

2. Ten percent (10%) of all monies collected for the stamps shall be transferred by the Oklahoma Tax Commission to the State Treasury to be deposited as follows:

a. fifty percent (50%) to the Affiliated Historic Sites and Museums Program Revolving Fund, and

b. fifty percent (50%) to the Historic County Courthouse Investment Program Revolving Fund; and

3. The remaining ~~ninety-five percent (95%)~~ eighty-five (85%) of the collections shall be transferred by the Oklahoma Tax Commission to the General Revenue Fund of the State Treasury to be expended pursuant to legislative appropriation.

C. The remaining twenty cents (\$0.20) of each ~~seventy-five cents (\$0.75)~~ eighty-five cents (\$0.85) collected shall be paid into the county general fund.

SECTION 8. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would create the Affiliated Historic Sites and Museums Program. The measure would also create the Historic County Courthouse Investment Program. The Programs would be managed by the Oklahoma Historical Society. The Affiliated Historic Sites and Museums Program would help in the operation of certain sites and museums. The Historic County Courthouse Investment Program would help reform, restore, or stabilize historic courthouses in this state. The historic sites and museums and courthouses would be entitled to monies from revolving funds. The monies may be returned to the funds under

certain conditions. This measure would levy a new tax. The tax would be \$0.10 on each \$500.00 on conveyances of real estate. Monies collected from this tax would be placed into the revolving funds for each Program.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

YES, FOR THE ACT

NO, AGAINST THE ACT

SECTION 9. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 8 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 10. This act shall become effective January 1, 2005, if approved by the people of this state.

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