

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1560

By: Jordan

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2001, Section 3137, as amended by Section 18,
9 Chapter 447, O.S.L. 2004 (68 O.S. Supp. 2010, Section
10 3137), which relates to the resale property fund;
11 requiring county treasurer to make financial
12 statement regarding fund available within prescribed
13 period of time; requiring financial statement be
14 accessible through certain sources; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 68 O.S. 2001, Section 3137, as
18 amended by Section 18, Chapter 447, O.S.L. 2004 (68 O.S. Supp. 2010,
19 Section 3137), is amended to read as follows:

20 Section 3137. A. All penalties, interest and forfeitures which
21 may accrue on delinquent ad valorem taxes, whether real or personal,
22 tangible or intangible, on any properties, persons, firms or
23 corporations within any county, city, town or school district within
24 a county; the proceeds of sale of property acquired by the county at
resale, the proceeds of leases, rentals and other royalties arising
from the management, control and operation by the county

1 commissioners of property acquired by the county at resale, when
2 collected shall be credited to and accounted for in a special cash
3 fund to be styled the "resale property fund" of such county, except
4 the proceeds of sale of such property located in any special
5 improvement district and by the resale of which any special
6 improvement taxes were canceled, in which event the proceeds of sale
7 thereof after having been acquired by the county shall be divided
8 ratably between the resale property fund and the special
9 improvement-tax account (paving, etc.) of the special improvement
10 district in which such property is located, in the same ratio as the
11 ad valorem tax bears to the special improvement taxes in the total
12 amount of such taxes published as due at the time of the resale
13 whereby the county acquired title to such property. That portion so
14 accruing to such special improvement-tax account shall, in keeping
15 with the statutes relating thereto, be applied to the fund provided
16 for retirement of bonds and interest coupons of such improvement
17 district.

18 B. The resale property fund herein created for each county is
19 hereby declared to be a continuous fund, not subject to fiscal year
20 limitations, and is hereby dedicated, insofar as may be necessary,
21 to the enforcement of the tax laws of the state, and is authorized
22 to be expended for the following purposes:

23 1. For the purchase of necessary records, printing, supplies
24 and equipment, and the employment of necessary clerical personnel,

1 either on whole or part-time basis, in connection with delinquent
2 personal tax lists and personal tax warrants, delinquent real estate
3 tax lists and lists of unredeemed delinquent real estate subject to
4 tax sale or resale, such costs to be limited to those incurred by
5 the county treasurer;

6 2. For payment of the cost of advertising or publication, or
7 posting if publication cannot be had, of any such lists;

8 3. For the reimbursement of the purchaser at resale or at
9 commissioners' sale of any lot, tract, or parcel of real estate,
10 sold at resale, against which no tax was due, or where the inclusion
11 of such lot, tract, or parcel in the publication and offer for
12 resale has been held invalid by a court of competent jurisdiction,
13 or where the title thereto is vested in the Commissioners of the
14 Land Office of the State of Oklahoma, or where such Commissioners of
15 the Land Office have instituted or successfully terminated mortgage
16 foreclosure proceedings in relation thereto prior to issuance of
17 either a resale tax deed or a county commissioners' deed, or where
18 such tract or parcel was nontaxable at the time of the assessment
19 thereof for taxes, or where the sale thereof to such purchaser was
20 illegal for any other reason; and such purchaser has no adequate
21 recourse against the property thus sold; such reimbursement shall be
22 made in the order of the claims filed with the county treasurer
23 therefore, when properly supported by evidence satisfactory to said
24 treasurer that the claimant is entitled to reimbursement hereunder.

1 Provided, however, that no claim for refund not filed, as herein
2 provided, within a period of three (3) years from the date of such
3 sale shall be allowed or paid from said fund; and

4 4. For all rebates allowed under authority of statute by the
5 board of county commissioners or the tax roll correction board of
6 the county upon taxes found to have been illegally or erroneously
7 collected, or on sale of certificate or issue of tax deed on lands
8 or lots on which no tax was due or as to which the sale thereof is
9 or was illegal for any reason. Provided, however, before the owner
10 of such invalid deed may be reimbursed as aforesaid, he shall first
11 be required to divest himself of purported title by attaching a
12 quitclaim deed or other disclaimer to his claim for refund, setting
13 out the reason for invalidity of the tax deed. The same procedure
14 for refund shall apply whether the tax deed be from the county
15 treasurer or the chairman of the board of county commissioners. The
16 determination of whether such property has been erroneously sold for
17 taxes to such purchaser, shall be made by the board of county
18 commissioners; and in event title under an invalid resale tax deed
19 remains with the county commissioners, the board of county
20 commissioners so finding same invalid shall execute its resolution
21 or order of disclaimer which shall be filed in the deed records of
22 the county clerk without fee. No fee shall be charged for recording
23 any quitclaim deed or disclaimer from the purchaser under the
24 provisions of this section.

1 C. The expenditures so made shall be made only upon sworn
2 itemized claims approved by the county treasurer and filed with the
3 county clerk and paid by cash voucher drawn by the county clerk
4 payable from said fund. Claims for cost of publication shall take
5 precedence over all other claims on said fund, otherwise said
6 approved claims shall be paid in the order filed as funds accrue
7 from sale of county property as hereinbefore provided. If any such
8 claim has not been paid within three (3) years, the same shall cease
9 to be an obligation of the resale property fund of such county; but
10 nothing in this article shall operate to prevent the payment for
11 such services from an appropriation for such purpose in the general
12 fund of the county in the manner and under the restrictions provided
13 by law.

14 D. Any residue of cash actually on hand in said fund at any
15 time, after providing for the expense of delinquent tax publication,
16 and for the mandatory holding of sales and resales, made or about to
17 be made, the purchase of necessary records, printing and supplies
18 and the payment of clerical hire, such expenditures, or reserve
19 therefor, to be limited to the necessary expenses incurred by virtue
20 of the authorization herein granted, may be expended by the county
21 commissioners, without further appropriation, in the upkeep, repair
22 and maintenance of unsold properties acquired by the county at
23 resale, by the issuance of cash warrants on such fund in payment of
24 sworn itemized claims therefor; limited in amount to the sum

1 certified to by the county treasurer as being actually on hand in
2 excess of the amount reserved for the purposes hereinbefore stated.

3 E. On or before the 30th of June of each year the county
4 treasurer shall file a financial statement of the resale property
5 fund with the county clerk for the approval of the board of county
6 commissioners, setting forth the necessary reserves for expenditures
7 either made or anticipated, to cover:

8 1. The cost of preparing and making delinquent tax
9 publications, as hereinbefore set out;

10 2. The purchase of necessary records, printing and supplies and
11 the payment of clerical hire, such reserves therefor, to be limited
12 to the necessary expenses incurred by virtue of the authorization
13 herein granted;

14 3. To pay claims and encumbrances for the upkeep, repair and
15 maintenance of unsold properties;

16 4. To pay all rebates allowed under authority of statute by the
17 board of county commissioners or the board of tax roll corrections
18 upon taxes found to have been illegally or erroneously collected;
19 and

20 5. To pay for tax sale certificates or issue of deeds on lands
21 or lots on which no tax was due or as to which the sale thereof was
22 illegal for any reason.

23 The financial statement required by this subsection shall be
24 made available to the public not later than ten (10) business days

1 after the report is complete. If the county maintains or utilizes a
2 website, the financial statement shall be made accessible through
3 the website. If the county does not maintain or utilize a website,
4 the financial statement shall be made available upon request at the
5 office of the county treasurer or the county clerk or both such
6 offices.

7 F. Any balance remaining on hand over and above the necessary
8 reserves for the above mentioned items shall be apportioned
9 forthwith by the county treasurer in the following manner:

10 1. In each county having a net assessed valuation in excess of
11 Eight Million Dollars (\$8,000,000.00):

12 a. one-third (1/3) of such surplus residue to such county
13 to be applied first to the payment of delinquent
14 warrants of such county, thereafter to its current
15 general fund,

16 b. one-third (1/3) to the cities and towns of such
17 county, in the ratio that the last certified assessed
18 valuation of each bears to the total such assessed
19 valuation of all such cities and towns in such county,
20 to be by each of them applied in the payment of any
21 delinquent warrants of such city or town, thereafter
22 to its current general fund, and

23 c. one-third (1/3) to the various school districts of the
24 county on a scholastic enumeration basis, to be

1 applied by each of them to the payment of any
2 delinquent warrants of such district and thereafter to
3 its current general fund.

4 2. In each county having a net assessed valuation of Eight
5 Million Dollars (\$8,000,000.00) or less:

6 a. In the ratio that the county, city or town and school
7 district levy bears to the fifteen-mill levy as
8 allocated by the county excise board.

9 b. Such surplus to the cities and towns of such county in
10 the ratio that the last certified assessed valuation
11 of each bears to the total assessed valuation of all
12 such cities or towns in such county.

13 c. Such surplus to the school districts of the county on
14 a scholastic enumeration basis.

15 d. The amounts apportioned to each county, city or town
16 and school district shall be applied by each of them
17 to the payment of any delinquent warrants of such
18 municipality and thereafter to its current general
19 fund.

20 G. Nothing in this section shall be construed to repeal, amend,
21 alter or modify any of the provisions of Sections 2479 or 2480 of
22 this article, but shall be construed to be cumulative thereto.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 2. This act shall become effective November 1, 2011.

53-1-5749 MAH 01/17/11