

1 **SENATE FLOOR VERSION**

2 February 19, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 954

By: Justice of the Senate

and

Jackson of the House

6  
7  
8 **[ ad valorem taxes - creating County Government**  
9 **Modernization Revolving Fund - effective date -**  
10 **emergency ]**

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2816, is  
14 amended to read as follows:

15 Section 2816. A. The Director of the Ad Valorem Division of  
16 the Oklahoma Tax Commission, the first deputy within such division,  
17 all field analysts or equalization and assessment analysts within  
18 such division, each elected county assessor assuming office on or  
19 after January 1, 1991, all first deputies within such assessors'  
20 offices and all personnel involved in the actual appraisal of real  
21 property shall be required to achieve educational accreditation as  
22 prescribed by this section. Such accreditation shall be achieved  
23 within the time prescribed. Failure to achieve such accreditation  
24 shall result in forfeiture of office or termination of employment.

1 A vacancy in a public office created for failure to achieve such  
2 accreditation shall be filled in the manner provided by law.

3 B. Accreditation for persons designated in subsection A of this  
4 section shall consist of initial accreditation and advanced  
5 accreditation as follows:

6 1. Within one (1) year from the date an assessor is elected to  
7 office, the assessor shall be required to successfully complete  
8 initial accreditation. If the assessor does not successfully  
9 complete testing or some part of the requirement, initial  
10 accreditation shall be completed within eighteen (18) months from  
11 the date of the assessor's election to office. Initial  
12 accreditation shall consist of successful completion of two (2)  
13 academic units. The first academic unit shall consist of basic ad  
14 valorem taxation law, legal responsibilities of the assessor's  
15 office, the role of the county assessor, valuation requirements and  
16 assessment administration. The second academic unit shall consist  
17 of basic appraisal and assessment processes.

18 2. Within one (1) year from the completion date of initial  
19 accreditation, the assessor shall be required to successfully  
20 complete advanced accreditation. If the assessor does not  
21 successfully complete advanced accreditation testing or some part of  
22 the requirement, advanced accreditation shall be completed ~~by July~~  
23 ~~1, 1995, for persons holding office on May 27, 1993, or for persons~~  
24 ~~assuming office after May 27, 1993,~~ within eighteen (18) months from

1 the date initial accreditation is completed. Advanced accreditation  
2 shall consist of successful completion of ~~four (4)~~ five (5) academic  
3 units. Each unit shall consist of one of the following topics:

- 4 a. appraisal procedures,
- 5 b. valuation of personal property,
- 6 c. valuation of agricultural property, and
- 7 d. mass appraisal procedures.

8 3. A county assessor's deputy not previously accredited  
9 pursuant to paragraphs 1 and 2 of this subsection shall be subject  
10 to the same requirements as the county assessor. Failure to  
11 complete the accreditations within the times prescribed shall result  
12 in dismissal of the deputy.

13 4. For any person required to achieve accreditation pursuant to  
14 this section and for whom the period of time to complete the  
15 accreditation is not otherwise prescribed, the accreditation shall  
16 be completed within eighteen (18) months of January 1, 1991 or  
17 within eighteen (18) months of the beginning date of employment if  
18 such person is initially employed after January 1, 1991.

19 C. Each county assessor who has successfully completed advanced  
20 accreditation shall thereafter be required to complete a continuing  
21 education requirement of thirty (30) hours every three (3) years.  
22 Failure to complete the continuing education requirement shall  
23 result in forfeiture of any travel reimbursement until the  
24 requirement is completed. Continuing education shall consist of

1 successful completion of academic units on changes in Oklahoma  
2 Statutes affecting ad valorem taxation, real estate or appraisal,  
3 valuation and appraisal methods, mass appraisal methods or other  
4 topics appropriate to the improvement of county assessor's offices.  
5 A deputy who has completed advanced accreditation as required by  
6 this section shall be subject to the continuing education  
7 requirement.

8 D. The Oklahoma State University Center for Local Government  
9 Technology, in cooperation with the Oklahoma Tax Commission and the  
10 County Assessors' Association, shall develop educational  
11 requirements, curriculum materials, appropriate study resources and  
12 examinations for an education program for accreditation purposes  
13 established in this section. The Oklahoma State University Center  
14 for Local Government Technology shall provide necessary classes,  
15 seminars and materials in support of the accreditation requirements.  
16 Nothing in this section shall be construed to prohibit use of the  
17 International Association of Assessing Officers' course work, where  
18 applicable, or any of its professional designations, as a substitute  
19 for or supplement to the accreditation program requirements.

20 E. For purposes of the administration of the accreditation  
21 requirements, the Oklahoma State University Center for Local  
22 Government Technology shall be responsible for keeping an official  
23 record as to the accreditation of individual county assessors and  
24 deputies and others who are required to achieve accreditation. Such

1 record shall be the sole responsibility of Oklahoma State University  
2 and shall be defined as an open record under Section 24A.1 et seq.  
3 of Title 51 of the Oklahoma Statutes. The Oklahoma State University  
4 Center for Local Government Technology shall be responsible for  
5 forwarding only the pass/fail results of individual testing to the  
6 Tax Commission. The Tax Commission shall issue the accreditations  
7 to all persons who have so qualified. All expenses incurred in the  
8 performance of the duties imposed upon the Oklahoma State University  
9 Center for Local Government Technology shall be paid out of funds  
10 deposited in the County Government Modernization Revolving Fund,  
11 appropriated or otherwise made available to the ~~Tax Commission or~~  
12 ~~the university~~ Office of the State Auditor and Inspector or the  
13 University may charge a reasonable fee to defray the cost of  
14 sponsoring the educational accreditation academic units required by  
15 this section.

16 F. The Oklahoma State University Center for Local Government  
17 Technology, in cooperation with the ~~Tax Commission~~ Office of the  
18 State Auditor and Inspector, the County Assessors' Association and  
19 the County Treasurers' Association shall provide computer software  
20 programs, support of software and hardware including installation,  
21 maintenance, data management and training, to counties ~~currently~~  
22 using the services ~~previously~~ provided by the State Auditor and  
23 Inspector before July 1, 2009. All expenses incurred in the  
24 performance of the duties imposed upon the Oklahoma State University

1 Center for Local Government Technology shall be paid out of funds  
2 deposited in the County Government Modernization Revolving Fund,  
3 appropriated or otherwise made available to the ~~Tax Commission~~  
4 Office of the State Auditor and Inspector, or the University may  
5 charge a reasonable fee to defray the cost of sponsoring the County  
6 Computer Assistance Program support services required by this  
7 section.

8 G. The Oklahoma State University Center for Local Government  
9 Technology, in cooperation with the County Assessors' Association,  
10 shall provide the administration, support, training, and  
11 implementation of the Oklahoma State University Center for Local  
12 Government Technology-sponsored computer-assisted mass appraisal  
13 computer software program to any county using the services provided  
14 by the Ad Valorem Division of the Oklahoma Tax Commission on the  
15 effective date of this act, if such county elects to adopt the  
16 Oklahoma State University Center for Local Government Technology-  
17 sponsored program. All expenses incurred in the performance of the  
18 duties imposed upon the Oklahoma State University Center for Local  
19 Government Technology for the computer-assisted mass appraisal  
20 program shall be paid out of funds deposited in the County  
21 Government Modernization Revolving Fund, appropriated or otherwise  
22 made available to the Office of the State Auditor and Inspector.

23 H. All powers, duties, responsibilities, property, assets,  
24 liabilities, fund balances, encumbrances and obligations of the Ad

1 Valorem Division of the Oklahoma Tax Commission relating to the  
2 computer-assisted mass appraisal system, including but not limited  
3 to program management, support and training, are hereby transferred  
4 to the Oklahoma State University Center for Local Government  
5 Technology.

6 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2947, is  
7 amended to read as follows:

8 Section 2947. ~~There~~ Until the effective date of this act, there  
9 is hereby created in the State Treasury a revolving fund for the  
10 Oklahoma Tax Commission, to be designated the "Computer-Assisted  
11 Mass Appraisal Implementation Revolving Fund". The fund shall be a  
12 continuing fund, not subject to fiscal year limitations, and shall  
13 consist of appropriations made by the Legislature. Monies  
14 appropriated to the fund shall be expended by the Ad Valorem  
15 Division of the Oklahoma Tax Commission for the purpose of  
16 implementing the visual inspection program and the computer-assisted  
17 system of mass appraisal as required by law. On the effective date  
18 of this act, all monies remaining in the fund shall be transferred  
19 to the County Government Modernization Revolving Fund created in  
20 Section 4 of this act.

21 SECTION 3. AMENDATORY 68 O.S. 2011, Section 3201, is  
22 amended to read as follows:

23 Section 3201. A. A tax is hereby imposed on each deed,  
24 instrument, or writing by which any lands, tenements, or other

1 realty sold shall be granted, assigned, transferred, or otherwise  
2 conveyed to or vested in the purchaser or purchasers, or any other  
3 person or persons, by his or their direction, when the consideration  
4 or value of the interest or property conveyed, exclusive of the  
5 value of any lien or encumbrance remaining thereon at the time of  
6 sale, exceeds One Hundred Dollars (\$100.00). The tax shall be  
7 prorated at the rate of ~~seventy-five cents (\$0.75)~~ One Dollar and  
8 twenty-five cents (\$1.25) for each Five Hundred Dollars (\$500.00) of  
9 the consideration or any fractional part thereof.

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

14 C. As used in this section:

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

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

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

1 SECTION 4. AMENDATORY 68 O.S. 2011, Section 3204, is  
2 amended to read as follows:

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

15 B. The county clerks shall account for all collections from the  
16 sales of such tax stamps to the Oklahoma Tax Commission, on the last  
17 day of each month. The ~~first fifty-five cents (\$0.55) of each~~  
18 ~~seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents (\$1.25)  
19 collected shall be apportioned as follows:

20 1. The county clerks shall retain ~~five percent (5%)~~ eight and  
21 two-tenths percent (8.2%) of all monies collected for such stamps as  
22 their cost of administration ~~and shall pay the same into the county~~  
23 ~~general fund.~~

24

1       ~~2. The remaining ninety-five percent (95%),~~ which shall be  
2 further allocated as follows: twenty-six and eighty-three one  
3 hundredths percent (26.83%) shall be retained in the county general  
4 fund and seventy-three and seventeen one-hundredths percent (73.17%)  
5 shall be deposited into the County Clerk's Records Management and  
6 Preservation Fund;

7       2. Forty-one and eight-tenths percent (41.8%) of the  
8 collections shall be transferred by the Oklahoma Tax Commission to  
9 the General Revenue Fund of the State Treasury to be expended  
10 pursuant to legislative appropriation;

11       3. Thirty-two percent (32%) of the collections shall be  
12 deposited into the County Government Modernization Revolving Fund  
13 created in subsection C of this section; and

14       ~~C. 4. The remaining twenty cents (\$0.20) of each seventy-five~~  
15 ~~cents (\$0.75)~~ eighteen percent (18%) collected shall be paid into  
16 the county general fund.

17       C. 1. There is hereby created in the State Treasury a  
18 revolving fund with the State Auditor and Inspector, to be  
19 designated the "County Government Modernization Revolving Fund" for  
20 the purposes of education, training, research, software and computer  
21 modernization. The fund shall be a continuing fund, not subject to  
22 fiscal year limitations. The fund shall consist of a portion of tax  
23 stamp collections, pursuant to subsections A and B of this section.  
24 Amounts deposited in any fiscal year shall be distributed by the

1 State Auditor and Inspector as provided in paragraph 2 of this  
2 subsection.

3 2. Amounts deposited in any fiscal year shall be distributed as  
4 follows:

5 a. six and eighty-eight one-hundredths percent (6.88%) to  
6 the Oklahoma Cooperative Extension Service for duties  
7 imposed on the Extension Service and the Commission of  
8 County Government Personnel Education and Training  
9 pursuant to Sections 130.1 through 130.7 and Section  
10 1500 of Title 19 of the Oklahoma Statutes and Section  
11 3006 of this title,

12 b. eleven and twenty-five one-hundredths percent (11.25%)  
13 to the Oklahoma Cooperative Extension Service and  
14 Oklahoma Agricultural Experiment Station for the  
15 purposes of public education, professional training  
16 and research in support of Oklahoma counties and the  
17 state,

18 c. thirty-two and fifty one-hundredths percent (32.50%)  
19 to the Oklahoma State University Center for Local  
20 Government Technology for duties imposed pursuant to  
21 Sections 2816 and 2862 of this title related to any  
22 training, support, professional development, or  
23 additional software necessary for county assessors,  
24 treasurers and boards of equalization, and

1           d.   forty-nine and thirty-seven one-hundredths percent  
2           (49.37%) available to the Oklahoma State University  
3           Center for Local Government Technology to acquire and  
4           administer a computer-assisted mass appraisal software  
5           system for county governments. To the extent such  
6           amount exceeds the actual cost of the computer-  
7           assisted mass appraisal software license fee, the  
8           excess will be reserved in the fund with a maximum  
9           accumulated reserve amount of Eight Million Dollars  
10           (\$8,000,000.00).

11           3. If a reserve balance exceeds Eight Million Dollars  
12           (\$8,000,000.00) in any fiscal year, the amount above Eight Million  
13           Dollars (\$8,000,000.00) shall be distributed by the State Auditor  
14           and Inspector after the State Board of Equalization certifies the  
15           amount of funds available for distribution as provided in this  
16           paragraph. At its meeting in December 2014, and December of each  
17           subsequent year, held pursuant to the provisions of paragraph 1 of  
18           Section 23 of Article X of the Oklahoma Constitution, the State  
19           Board of Equalization shall certify the amount held in reserve in  
20           excess of Eight Million Dollars (\$8,000,000.00) in the County  
21           Government Modernization Revolving Fund for the immediately  
22           preceding fiscal year. The certified amount shall be distributed by  
23           the State Auditor and Inspector to counties for the benefit of  
24           computerization, technology and training enhancement. Any county

1 which elects not to participate in Oklahoma State University Center  
2 for Local Government Technology's Computer-assisted mass appraisal  
3 software system shall receive a refund equal to seventeen and  
4 thirty-two-hundredths percent (17.32%) of such county's deposit to  
5 the revolving fund annually and shall be deposited in the County  
6 Assessor Fee Revolving Fund established in Section 2829.1 of this  
7 title.

8 SECTION 5. This act shall become effective July 1, 2013.

9 SECTION 6. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON FINANCE  
14 February 19, 2013 - DO PASS AS AMENDED  
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