

1 ENGROSSED HOUSE
2 BILL NO. 1688

By: Denney of the House

and

Quinn of the Senate

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6
7 [revenue and taxation - ad valorem taxation -
8 documentary stamp tax revenues - computer-assisted
9 mass appraisal - County Government Modernization
10 Revolving Fund - support staff and certain training
11 programs - ~~effective date~~ -
12 emergency]

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14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

1 prescribed by this section. Such accreditation shall be achieved
2 within the time prescribed. Failure to achieve such accreditation
3 shall result in forfeiture of office or termination of employment.
4 A vacancy in a public office created for failure to achieve such
5 accreditation shall be filled in the manner provided by law.

6 B. Accreditation for persons designated in subsection A of this
7 section shall consist of initial accreditation and advanced
8 accreditation as follows:

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

21 2. Within one (1) year from the completion date of initial
22 accreditation, the assessor shall be required to successfully
23 complete advanced accreditation. If the assessor does not
24 successfully complete advanced accreditation testing or some part of

1 the requirement, advanced accreditation shall be completed by July
2 1, 1995, for persons holding office on May 27, 1993, or for persons
3 assuming office after May 27, 1993, within eighteen (18) months from
4 the date initial accreditation is completed. Advanced accreditation
5 shall consist of successful completion of ~~four (4)~~ five (5) academic
6 units. Each unit shall consist of one of the following topics:

- 7 a. appraisal procedures,
- 8 b. valuation of personal property,
- 9 c. valuation of agricultural property, and
- 1 0 d. mass appraisal procedures.

1 1 3. A county assessor's deputy not previously accredited
1 2 pursuant to paragraphs 1 and 2 of this subsection shall be subject
1 3 to the same requirements as the county assessor. Failure to
1 4 complete the accreditations within the times prescribed shall result
1 5 in dismissal of the deputy.

1 6 4. For any person required to achieve accreditation pursuant to
1 7 this section and for whom the period of time to complete the
1 8 accreditation is not otherwise prescribed, the accreditation shall
1 9 be completed within eighteen (18) months of January 1, 1991, or
2 0 within eighteen (18) months of the beginning date of employment if
2 1 such person is initially employed after January 1, 1991.

2 2 C. Each county assessor who has successfully completed advanced
2 3 accreditation shall thereafter be required to complete a continuing
2 4 education requirement of thirty (30) hours every three (3) years.

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

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

23 E. For purposes of the administration of the accreditation
24 requirements, the Oklahoma State University Center for Local

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

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

1 performance of the duties imposed upon the Oklahoma State University
2 Center for Local Government Technology shall be paid out of funds
3 deposited in the County Government Modernization Revolving Fund as
4 provided by Section 6 of this act, appropriated or otherwise made
5 available to the Tax Commission, or the University may charge a
6 reasonable fee to defray the cost of sponsoring the County Computer
7 Assistance Program support services required by this 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 system, 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 Tax Commission.

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, referenced in subsection G
3 of this section, including, but not limited to, program management,
4 support and training, are hereby transferred to the Oklahoma State
5 University Center for Local Government Technology.

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

8 Section 2947. A. There is hereby created in the State Treasury
9 a revolving fund for the Oklahoma Tax Commission, to be designated
10 the "Computer-Assisted Mass Appraisal Implementation Revolving
11 Fund". The fund shall be a continuing fund, not subject to fiscal
12 year limitations, and shall consist of appropriations made by the
13 Legislature. Monies appropriated to the fund shall be expended by
14 the Ad Valorem Division of the Oklahoma Tax Commission for the
15 purpose of implementing the visual inspection program and the
16 computer-assisted system of mass appraisal as required by law.

17 B. On the effective date of this act, all monies remaining in
18 the Computer-Assisted Mass Appraisal Implementation Revolving Fund
19 shall be transferred to the County Government Modernization
20 Revolving Fund created in Section 5 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) for each Five
8 Hundred Dollars (\$500.00) of the consideration or any fractional
9 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

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) collected shall be apportioned as~~
19 follows:

20 1. ~~The~~ For the fiscal year ending June 30, 2016, and for each
21 fiscal year thereafter, the county clerks shall retain ~~five percent~~
22 ~~(5%)~~ thirty and thirty-three one-hundredths percent (30.33%) of all
23 monies collected for such stamps ~~as their cost of administration~~ and
24 shall pay the same into the county general fund-;

1 2. ~~The remaining ninety-five percent (95%) of the collections~~
2 ~~shall be transferred by~~ For the fiscal year ending June 30, 2016,
3 ~~the Oklahoma Tax Commission to~~ shall transfer thirty-nine percent
4 (39%) of all monies collected for such stamps and shall pay the same
5 into the General Revenue Fund of the State Treasury to be expended
6 pursuant to legislative appropriation;

7 3. For the fiscal year ending June 30, 2017, the Oklahoma Tax
8 Commission shall transfer thirty-four and sixty-seven one-hundredths
9 percent (34.67%) of all monies collected for such stamps and shall
10 pay the same into the General Revenue Fund of the State Treasury;
11 and

12 4. For the fiscal year ending June 30, 2018, and for each
13 fiscal year thereafter, the Oklahoma Tax Commission shall transfer
14 twenty-nine and thirty-three one-hundredths percent (29.33%) of all
15 monies collected for such stamps and shall pay the same into the
16 General Revenue Fund of the State Treasury.

17 C. ~~The remaining twenty cents (\$0.20) of each seventy-five~~
18 ~~cents (\$0.75) collected shall be paid into the county general fund~~
19 After the retention of the amount by county clerks prescribed by
20 paragraph 1 of subsection B of this section and the apportionment of
21 revenues prescribed by paragraphs 2, 3 and 4 of subsection B of this
22 section to the General Revenue Fund of the State Treasury, the
23 Oklahoma Tax Commission shall transfer monthly to the County
24

1 Government Modernization Revolving Fund created by Section 5 of this
2 act the following amounts of revenue collected from such stamps:

3 1. For the fiscal year ending June 30, 2016, thirty and sixty-
4 seven one-hundredths percent (30.67%);

5 2. For the fiscal year ending June 30, 2017, thirty-five
6 percent (35%); and

7 3. For the fiscal year ending June 30, 2018, and for each
8 fiscal year thereafter, forty and thirty-four one-hundredths percent
9 (40.34%).

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2947.1 of Title 68, unless there
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund
14 for the Oklahoma Tax Commission to be designated the "County
15 Government Modernization Revolving Fund". The fund shall be a
16 continuing fund, not subject to fiscal year limitations, and shall
17 consist of all monies received by the Oklahoma Tax Commission from
18 the apportionment of documentary stamp tax revenues as provided by
19 Section 3204 of Title 68 of the Oklahoma Statutes. All monies
20 accruing to the credit of said fund are hereby appropriated and may
21 be budgeted and expended by the Oklahoma State University Center for
22 Local Government Technology and the Oklahoma Cooperative Extension
23 Service for the purpose of education, training, research, software
24 and computer modernization. The fund shall be subject to the

1 oversight of the Commission on County Government Personnel Education
2 and Training, hereinafter called the "Commission", established in
3 Section 130.1 of Title 19 of the Oklahoma Statutes, or, if the
4 Commission is terminated pursuant to the Oklahoma Sunset Law, the
5 fund shall be subject to the oversight of the State Board of
6 Equalization. Amounts deposited in any fiscal year shall be
7 distributed by the Tax Commission as provided in Section 6 of this
8 act. Expenditures from said fund shall be made upon warrants issued
9 by the State Treasurer against claims filed as prescribed by law
10 with the Director of the Office of Management and Enterprise
11 Services for approval and payment.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2947.2 of Title 68, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Amounts deposited monthly to the County Government
16 Modernization Revolving Fund in any fiscal year shall be distributed
17 by the Tax Commission monthly as follows to the Oklahoma Cooperative
18 Extension Service for duties imposed on the Extension Service
19 pursuant to Sections 130.1 through 130.7 and Section 1500 of Title 19
20 of the Oklahoma Statutes and Section 3006 of Title 68 of the Oklahoma
21 Statutes:

22 1. For the fiscal year ending June 30, 2016, eight percent
23 (8%), but not less than Forty-four Thousand Fifty-one Dollars
24 (\$44,051.00) per month;

1 2. For the fiscal year ending June 30, 2017, nine percent (9%),
2 but not less than Fifty-six Thousand Five Hundred Sixty Dollars and
3 sixty-six cents (\$56,560.66) per month; and

4 3. For the fiscal year ending June 30, 2018, and for each
5 fiscal year thereafter, ten percent (10%), but not less than
6 Seventy-two Thousand Four Hundred Twenty Dollars (\$72,420.00) per
7 month.

8 B. Amounts deposited monthly to the County Government

9 Modernization Revolving Fund in any fiscal year shall be distributed
10 by the Tax Commission monthly as follows to the Oklahoma State
11 University Center for Local Government Technology for duties imposed
12 pursuant to Sections 2816 and 2862 of Title 68 of the Oklahoma
13 Statutes related to any training, support, professional development,
14 and additional software necessary for county assessors, treasurers
15 and boards of equalization, and the acquisition and administration
16 of a computer-assisted mass appraisal software system for county
17 governments; provided, the Oklahoma State University Center for
18 Local Government Technology may delay the acquisition of such
19 software system until such time as sufficient funds are available:

20 1. For the fiscal year ending June 30, 2016, eighty percent
21 (80%), but not less than Four Hundred Forty Thousand Five Hundred
22 Six Dollars (\$440,506.00) per month;

1 2. For the fiscal year ending June 30, 2017, eighty-two percent
2 (82%), but not less than Five Hundred Fifteen Thousand Three Hundred
3 Twenty-one Dollars (\$515,321.00) per month;

4 3. For the fiscal year ending June 30, 2018, eighty-five
5 percent (85%), but not less than Six Hundred Fifteen Thousand Five
6 Hundred Seventy-two Dollars (\$615,572.00) per month; and

7 4. For the fiscal year ending June 30, 2019, and for each
8 fiscal year thereafter, fifty-five percent (55%), but not less than
9 Three Hundred Ninety-eight Thousand Three Hundred Eleven Dollars
10 (\$398,311.00) per month.

11 C. The minimum dollar amounts specified in paragraphs 1, 2 and
12 3 of subsection A of this section and the minimum dollar amounts
13 specified in paragraphs 1, 2, 3 and 4 of subsection B of this
14 section shall be proportionally reduced during any month that the
15 total amount of revenue apportioned to the County Government
16 Modernization Revolving Fund is not sufficient in order to equal
17 such minimum dollar amounts. All such minimum dollar amounts shall
18 be reduced by an equal percentage to the extent of any deficiency.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2947.3 of Title 68, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Within the County Government Modernization Revolving Fund
23 there shall be established a reserve account. The reserve account
24 shall consist of any revenue not otherwise apportioned pursuant to

1 the provisions of subsection A or subsection B of Section 6 of this
2 act.

3 B. The maximum balance for the reserve account shall never
4 exceed Eight Million Dollars (\$8,000,000.00).

5 C. The Oklahoma State University Center for Local Government
6 Technology and the Oklahoma Cooperative Extension Service may
7 request permission to expend funds in the reserve account from the
8 Commission on County Government Personnel Education and Training
9 or, if that entity is terminated pursuant to the provisions of the
10 Oklahoma Sunset Law, then permission may be requested from the State
11 Board of Equalization.

12 D. The balance in the reserve account of the County Government
13 Modernization Revolving Fund shall serve as a contingency for
14 adverse conditions if the distributions provided for by subsections
15 A and B of Section 6 of this act are insufficient to support the
16 purposes of education, training, research, software and computer
17 modernization of county governments.

18 E. For any fiscal year ending June 30, the Director of the
19 Office of Management and Enterprise Services shall transfer any
20 amount of revenue in excess of Eight Million Dollars (\$8,000,000.00)
21 remaining in the reserve account of the County Government
22 Modernization Revolving Fund to the General Revenue Fund of the
23 State Treasury.
24

1 SECTION 8. AMENDATORY 19 O.S. 2011, Section 130.6, as
2 amended by Section 2, Chapter 189, O.S.L. 2013 (19 O.S. Supp. 2013,
3 Section 130.6), is amended to read as follows:

4 Section 130.6 A. 1. Any professional or clerical support
5 staff required by the Commission on County Government Personnel
6 Education and Training shall be provided through the Cooperative
7 Extension Service.

8 2. The training programs developed pursuant to Section 130.1 et
9 seq. of this title shall not interfere with or duplicate any other
10 existing training programs for county government personnel.

11 B. Expenses incurred in the performance of the duties imposed
12 upon the Commission by law shall primarily be paid out of funds
13 ~~appropriated or otherwise made available to the Office of the State~~
14 ~~Auditor and Inspector~~ distributed to the Oklahoma Cooperative
15 Extension Service from the County Government Modernization Revolving
16 Fund, appropriated or otherwise, made available to the Tax
17 Commission and may also be paid by the collection of training
18 expenses paid by the counties directly to the Cooperative Extension
19 Service.

20 ~~SECTION 9. This act shall become effective July 1, 2015.~~

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

1 Passed the House of Representatives the 4th day of March, 2015.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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7
8 _____
9 Presiding Officer of the Senate