

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3372 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3372

By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to computer-assisted mass appraisal funding; amending 68 O.S. 2011, Sections 2816 and 2947, which relate to the Ad Valorem Tax Code; modifying source of payment for duties imposed on Oklahoma State University Center for Local Government Technology; providing for apportionment of revenues; imposing duties on Center for Local Government Technology with respect to computer-assisted mass appraisal; transferring certain powers, duties, responsibilities, property, assets, liabilities, fund balances, encumbrances and obligations; providing for transfer of funds from the Computer-Assisted Mass Appraisal Implementation Revolving Fund; amending 68 O.S. 2011, Sections 3201 and 3204, which relate to documentary stamps; modifying terminology; modifying apportionment provisions; creating County Government Education-Technical Revolving Fund; providing for apportionment of monies into fund; providing for expenditures; describing purpose of expenditures; providing for distribution of funds by the Oklahoma Tax Commission; providing for reserve account within the County Government Education-Technical Revolving Fund; prescribing maximum balance for reserve account; providing for contingent use of reserve amounts; providing for transfer of funds in excess of maximum reserve account balance to the General Revenue Fund; providing for codification; providing an effective date; and declaring an emergency.

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

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

3 Section 2816. A. The Director of the Ad Valorem Division of
4 the Oklahoma Tax Commission, the first deputy within such division,
5 all field analysts or equalization and assessment analysts within
6 such division, each elected county assessor assuming office on or
7 after January 1, 1991, all first deputies within such assessors'
8 offices and all personnel involved in the actual appraisal of ~~real~~
9 property shall be required to achieve educational accreditation as
10 prescribed by this section. Such accreditation shall be achieved
11 within the time prescribed. Failure to achieve such accreditation
12 shall result in forfeiture of office or termination of employment.
13 A vacancy in a public office created for failure to achieve such
14 accreditation shall be filled in the manner provided by law.

15 B. Accreditation for persons designated in subsection A of this
16 section shall consist of initial accreditation and advanced
17 accreditation as follows:

18 1. Within one (1) year from the date an assessor is elected to
19 office, the assessor shall be required to successfully complete
20 initial accreditation. If the assessor does not successfully
21 complete testing or some part of the requirement, initial
22 accreditation shall be completed within eighteen (18) months from
23 the date of the assessor's election to office. Initial
24 accreditation shall consist of successful completion of two (2)

1 academic units. The first academic unit shall consist of basic ad
2 valorem taxation law, legal responsibilities of the assessor's
3 office, the role of the county assessor, valuation requirements and
4 assessment administration. The second academic unit shall consist
5 of basic appraisal and assessment processes.

6 2. Within one (1) year from the completion date of initial
7 accreditation, the assessor shall be required to successfully
8 complete advanced accreditation. If the assessor does not
9 successfully complete advanced accreditation testing or some part of
10 the requirement, advanced accreditation shall be completed by July
11 1, 1995, for persons holding office on May 27, 1993, or for persons
12 assuming office after May 27, 1993, within eighteen (18) months from
13 the date initial accreditation is completed. Advanced accreditation
14 shall consist of successful completion of ~~four (4)~~ five (5) academic
15 units. Each unit shall consist of one of the following topics:

- 16 a. appraisal procedures,
- 17 b. valuation of personal property,
- 18 c. valuation of agricultural property, ~~and~~
- 19 d. mass appraisal procedures, and
- 20 e. cadastral mapping.

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

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

9 C. Each county assessor who has successfully completed advanced
10 accreditation shall thereafter be required to complete a continuing
11 education requirement of thirty (30) hours every three (3) years.
12 Failure to complete the continuing education requirement shall
13 result in forfeiture of any travel reimbursement until the
14 requirement is completed. Continuing education shall consist of
15 successful completion of academic units on changes in Oklahoma
16 Statutes affecting ad valorem taxation, real estate or appraisal,
17 valuation and appraisal methods, mass appraisal methods or other
18 topics appropriate to the improvement of county assessor's offices.
19 A deputy who has completed advanced accreditation as required by
20 this section shall be subject to the continuing education
21 requirement.

22 D. The Oklahoma State University Center for Local Government
23 Technology, in cooperation with the Oklahoma Tax Commission and the
24 County Assessors' Association, shall develop educational

1 requirements, curriculum materials, appropriate study resources and
2 examinations for an education program for accreditation purposes
3 established in this section. The Oklahoma State University Center
4 for Local Government Technology shall provide necessary classes,
5 seminars and materials in support of the accreditation requirements.
6 Nothing in this section shall be construed to prohibit use of the
7 International Association of Assessing Officers' course work, where
8 applicable, or any of its professional designations, as a substitute
9 for or supplement to the accreditation program requirements.

10 E. For purposes of the administration of the accreditation
11 requirements, the Oklahoma State University Center for Local
12 Government Technology shall be responsible for keeping an official
13 record as to the accreditation of individual county assessors and
14 deputies and others who are required to achieve accreditation. Such
15 record shall be the sole responsibility of Oklahoma State University
16 and shall be defined as an open record under Section 24A.1 et seq.
17 of Title 51 of the Oklahoma Statutes. The Oklahoma State University
18 Center for Local Government Technology shall be responsible for
19 forwarding only the pass/fail results of individual testing to the
20 Tax Commission. The Tax Commission shall issue the accreditations
21 to all persons who have so qualified. All expenses incurred in the
22 performance of the duties imposed upon the Oklahoma State University
23 Center for Local Government Technology shall be paid out of funds
24 deposited in the County Government Education-Technical Revolving

1 Fund as provided in Section 6 of this act, appropriated or otherwise
2 made available to the Tax Commission or the university may charge a
3 reasonable fee to defray the cost of sponsoring the educational
4 accreditation academic units required by this section.

5 F. The Oklahoma State University Center for Local Government
6 Technology, in cooperation with the ~~Tax Commission,~~ the County
7 Assessors' Association and the County Treasurers' Association shall
8 provide computer software programs, support of software and hardware
9 including installation, maintenance, data management and training,
10 to counties currently using the services previously provided by the
11 State Auditor and Inspector. All expenses incurred in the
12 performance of the duties imposed upon the Oklahoma State University
13 Center for Local Government Technology shall be paid out of funds
14 deposited in the County Government Education-Technical Revolving
15 Fund as provided by Section 6 of this act, appropriated or otherwise
16 made available to the Tax Commission, or the University may charge a
17 reasonable fee to defray the cost of sponsoring the County Computer
18 Assistance Program support services required by this section.

19 G. The Oklahoma State University Center for Local Government
20 Technology, in cooperation with the County Assessors' Association,
21 shall provide the administration, support, training and
22 implementation of the Oklahoma State University Center for Local
23 Government Technology-sponsored computer-assisted mass appraisal
24 computer software system to any county using the services provided

1 by the Ad Valorem Division of the Oklahoma Tax Commission and other
2 counties upon request on the effective date of this act, if such
3 county elects to adopt the Oklahoma State University Center for
4 Local Government Technology-sponsored program. All expenses
5 incurred in the performance of the duties imposed upon the Oklahoma
6 State University Center for Local Government Technology for the
7 computer-assisted mass appraisal program shall be paid out of funds
8 deposited in the County Government Education-Technical Revolving
9 Fund as provided by Section 6 of this act, appropriated or otherwise
10 made available to the Oklahoma Tax Commission.

11 H. All powers, duties, responsibilities, property, assets,
12 liabilities, fund balances, encumbrances and obligations of the Ad
13 Valorem Division of the Oklahoma Tax Commission relating to the
14 computer-assisted mass appraisal system, referenced in subsection G
15 of this section, including, but not limited to, program management,
16 support and training, are hereby transferred to the Oklahoma State
17 University Center for Local Government Technology.

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

20 Section 2947. A. There is hereby created in the State Treasury
21 a revolving fund for the Oklahoma Tax Commission, to be designated
22 the "Computer-Assisted Mass Appraisal Implementation Revolving
23 Fund". The fund shall be a continuing fund, not subject to fiscal
24 year limitations, and shall consist of appropriations made by the

1 Legislature. Monies appropriated to the fund shall be expended by
2 the Ad Valorem Division of the Oklahoma Tax Commission for the
3 purpose of implementing the visual inspection program and the
4 computer-assisted system of mass appraisal as required by law.

5 B. On the effective date of this act, all monies remaining in
6 the Computer-Assisted Mass Appraisal Implementation Revolving Fund
7 shall be transferred to the County Government Education-Technical
8 Revolving Fund created in Section 5 of this act.

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

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

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

3 C. As used in this section:

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

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

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

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

16 Section 3204. A. The Oklahoma Tax Commission shall design such
17 stamps in such denominations as in its judgment it deems necessary
18 for the administration of this tax. The Oklahoma Tax Commission
19 shall distribute the stamps to the county clerks of the counties of
20 this state, and the county clerks shall have the responsibility of
21 selling these stamps and shall have the further duty of accounting
22 for the stamps to the Oklahoma Tax Commission on the last day of
23 each month. Stamp metering machines or rubber stamps as prescribed
24 by the Oklahoma Tax Commission may be used by the county clerk, and

1 the expenses thereof shall be paid by the county concerned. The use
2 of meters or rubber stamps shall be governed by the Oklahoma Tax
3 Commission.

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

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

12 2. ~~The~~ Of the remaining ninety-five percent (95%) the Oklahoma
13 Tax Commission shall transfer monthly to the County Government
14 Education-Technical Revolving Fund created by Section 5 of this act
15 for the fiscal year ending June 30, 2019, and for each fiscal year
16 thereafter, Five Hundred Thousand Dollars (\$500,000.00) plus three
17 percent (3%) of the revenue collected for such stamps. The
18 remainder of the collections shall be transferred by the Oklahoma
19 Tax Commission to the General Revenue Fund of the State Treasury to
20 be expended pursuant to legislative appropriation.

21 C. The remaining twenty cents (\$0.20) of each seventy-five
22 cents (\$0.75) collected shall be paid into the county general fund.
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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2947.1 of Title 68, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Tax Commission to be designated the "County
6 Government Education-Technical Revolving Fund". The fund shall be a
7 continuing fund, not subject to fiscal year limitations, and shall
8 consist of all monies received by the Oklahoma Tax Commission from
9 the apportionment of documentary stamp revenues as provided by
10 Section 3204 of Title 68 of the Oklahoma Statutes. All monies
11 accruing to the credit of said fund are hereby appropriated and may
12 be budgeted and expended by the Oklahoma State University Center for
13 Local Government Technology and the Oklahoma Cooperative Extension
14 Service County Training Program for the purpose of education,
15 training, research, software and computer modernization. The fund
16 shall be subject to the oversight of the Commission on County
17 Government Personnel Education and Training. Amounts deposited in
18 any fiscal year shall be distributed by the Oklahoma Tax Commission
19 as provided in Section 6 of this act. Expenditures from said fund
20 shall be made upon warrants issued by the State Treasurer against
21 claims filed as prescribed by law.

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

1 A. For the fiscal year ending June 30, 2019, and for each
2 fiscal year thereafter, ten percent (10%) deposited to the County
3 Government Education-Technical Revolving Fund in any fiscal year
4 shall be distributed by the Oklahoma Tax Commission monthly to the
5 Oklahoma Cooperative Extension Service for duties imposed on the
6 Extension Service pursuant to Sections 130.1 through 130.7 and
7 Section 1500 of Title 19 of the Oklahoma Statutes and Section 3006
8 of Title 68 of the Oklahoma Statutes.

9 B. For the fiscal year ending June 30, 2019, and for each
10 fiscal year thereafter, eighty-eight and five-tenths percent (88.5%)
11 deposited to the County Government Education-Technical Revolving
12 Fund in any fiscal year shall be distributed by the Oklahoma Tax
13 Commission monthly to the Oklahoma State University Center for Local
14 Government Technology for duties imposed pursuant to Sections 2816
15 and 2862 of Title 68 of the Oklahoma Statutes related to any
16 training, support, professional development, and additional software
17 necessary for county assessors, treasurers and boards of
18 equalization, and the acquisition and administration of a computer-
19 assisted mass appraisal software system for county governments;
20 provided, the Oklahoma State University Center for Local Government
21 Technology may delay the acquisition of such software until such
22 time as sufficient funds are available.

23 C. After the computer-assisted mass appraisal software
24 acquisition is complete and associated costs are paid, any county

1 which elects not to participate in the Oklahoma State University
2 Center for Local Government Technology's computer-assisted mass
3 appraisal software system may apply to the Center for Local
4 Government Technology for a refund up to ten percent (10%) of such
5 county's deposit to the revolving fund annually; provided, if
6 available funds are insufficient for a ten-percent rebate, the
7 percentage shall be adjusted so that rebates may be paid.

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

11 A. Within the County Government Education-Technical Revolving
12 Fund there shall be established a reserve account. The reserve
13 account shall consist of any revenue not otherwise apportioned
14 pursuant to the provisions of subsection A or subsection B of
15 Section 6 of this act.

16 B. The maximum balance for the reserve account shall never
17 exceed Two Million Dollars (\$2,000,000.00) at the end of each fiscal
18 year.

19 C. The Oklahoma State University Center for Local Government
20 Technology and the Oklahoma Cooperative Extension Service County
21 Training Program may request permission to expend funds in the
22 reserve account from the Commission on County Government Personnel
23 Education and Training.

1 D. The balance in the reserve account of the County Government
2 Education-Technical Revolving Fund shall serve as a contingency for
3 adverse conditions if the distributions provided for in subsections
4 A and B of Section 6 of this act are insufficient to support the
5 purposes of education training, research, software and computer
6 modernization of county governments.

7 E. For any fiscal year ending June 30, the Oklahoma Tax
8 Commission shall transfer any amount of revenue in excess of Two
9 Million Dollars (\$2,000,000.00) remaining in the reserve account of
10 the County Government Education-Technical Revolving Fund to the
11 General Revenue Fund of the State Treasury.

12 SECTION 8. This act shall become effective July 1, 2018.

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

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