

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3372

By: Wallace

AS INTRODUCED

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 Office of the State Auditor and Inspector; 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~~ Office of the State Auditor and
3 Inspector, or the university may charge a reasonable fee to defray
4 the cost of sponsoring the educational accreditation academic units
5 required by this section.

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

21 G. The Oklahoma State University Center for Local Government
22 Technology, in cooperation with the County Assessors' Association,
23 shall provide the administration, support, training and
24 implementation of the Oklahoma State University Center for Local

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

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

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

Section 2947. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission, to be designated the "Computer-Assisted Mass Appraisal Implementation Revolving

1 Fund". The fund shall be a continuing fund, not subject to fiscal
2 year limitations, and shall consist of appropriations made by the
3 Legislature. Monies appropriated to the fund shall be expended by
4 the Ad Valorem Division of the Oklahoma Tax Commission for the
5 purpose of implementing the visual inspection program and the
6 computer-assisted system of mass appraisal as required by law.

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

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

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

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

5 C. As used in this section:

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

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

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

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

18 Section 3204. A. The Oklahoma Tax Commission shall design such
19 stamps in such denominations as in its judgment it deems necessary
20 for the administration of this tax. The Oklahoma Tax Commission
21 shall distribute the stamps to the county clerks of the counties of
22 this state, and the county clerks shall have the responsibility of
23 selling these stamps and shall have the further duty of accounting
24 for the stamps to the Oklahoma Tax Commission on the last day of

1 each month. Stamp metering machines or rubber stamps as prescribed
2 by the Oklahoma Tax Commission may be used by the county clerk, and
3 the expenses thereof shall be paid by the county concerned. The use
4 of meters or rubber stamps shall be governed by the Oklahoma Tax
5 Commission.

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

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

14 2. ~~The~~ Of the remaining ninety-five percent (95%), sixty
15 percent (60%) of the collections shall be transferred by the
16 Oklahoma Tax Commission to the General Revenue Fund of the State
17 Treasury to be expended pursuant to legislative appropriation; and

18 3. After the retention of the amount by county clerks
19 prescribed by paragraph 1 of this subsection and the apportionment
20 of revenues prescribed by paragraph 2 of this subsection to the
21 General Revenue Fund of the State Treasury, the Oklahoma Tax
22 Commission shall transfer monthly to the County Government
23 Education-Technical Revolving Fund created by Section 5 of this act
24 for the fiscal year ending June 30, 2019, and for each fiscal year

1 thereafter, forty percent (40%) of the revenue collected for such
2 stamps.

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

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

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

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

6 A. For the fiscal year ending June 30, 2019, and for each
7 fiscal year thereafter, ten percent (10%), but not less than Fifty-
8 three Thousand Dollars (\$53,000.00) per month, deposited to the
9 County Government Education-Technical Revolving Fund in any fiscal
10 year shall be distributed by the Office of the State Auditor and
11 Inspector monthly to the Oklahoma Cooperative Extension Service for
12 duties imposed on the Extension Service pursuant to Sections 130.1
13 through 130.7 and Section 1500 of Title 19 of the Oklahoma Statutes
14 and Section 3006 of Title 68 of the Oklahoma Statutes.

15 B. For the fiscal year ending June 30, 2019, and for each
16 fiscal year thereafter, eighty-eight and five-tenths percent
17 (88.5%), but not less than Four Hundred Fifty Thousand Dollars
18 (\$450,000.00) per month, deposited to the County Government
19 Education-Technical Revolving Fund in any fiscal year shall be
20 distributed by the Office of the State Auditor and Inspector monthly
21 to the Oklahoma State University Center for Local Government
22 Technology for duties imposed pursuant to Sections 2816 and 2862 of
23 Title 68 of the Oklahoma Statutes related to any training, support,
24 professional development, and additional software necessary for

1 county assessors, treasurers and boards of equalization, and the
2 acquisition and administration of a computer-assisted mass appraisal
3 software system for county governments; provided, the Oklahoma State
4 University Center for Local Government Technology may delay the
5 acquisition of such software until such time as sufficient funds are
6 available.

7 C. The minimum dollar amounts specified in subsection A of this
8 section and the minimum dollar amounts specified in subsection B of
9 this section shall be proportionally reduced during any month that
10 the total amount of revenue apportioned to the County Government
11 Education-Technical Revolving Fund is not sufficient in order to
12 equal such minimum dollar amounts. All such minimum dollar amounts
13 shall be reduced by an equal percentage to the extent of any
14 deficiency. After the computer-assisted mass appraisal software
15 acquisition is complete and associated costs are paid, any county
16 which elects not to participate in the Oklahoma State University
17 Center for Local Government Technology's computer-assisted mass
18 appraisal software system may apply to the Center for Local
19 Government Technology for a refund up to ten percent (10%) of such
20 county's deposit to the revolving fund annually; provided, if
21 available funds are insufficient for a ten-percent rebate, the
22 percentage shall be adjusted so that rebates may be paid.

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

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

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

12 C. The Oklahoma State University Center for Local Government
13 Technology and the Oklahoma Cooperative Extension Service County
14 Training Program may request permission to expend funds in the
15 reserve account from the State Board of Equalization.

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

22 E. For any fiscal year ending June 30, the State Board of
23 Equalization shall transfer any amount of revenue in excess of Two
24 Million Dollars (\$2,000,000.00) remaining in the reserve account of

1 the County Government Education-Technical Revolving Fund to the
2 General Revenue Fund of the State Treasury.

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

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

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