

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1562

By: Bice

AS INTRODUCED

An Act relating to documentary stamp tax revenue apportionment; amending Sections 5, 6 and 7, Chapter 260, O.S.L. 2018 (68 O.S. Supp. 2019, Sections 2947.1, 2947.2 and 2947.3), which relate to the County Government Education-Technical Revolving Fund; authorizing direct apportionment of revenue to specified entities by changing nature of specified fund; modifying start date for certain apportionments; conforming references; eliminating requirement for specified reserve account; updating reference; requiring Oklahoma Tax Commission to distribute certain revenue under specified circumstances; amending 68 O.S. 2011, Section 3204, as amended by Section 4, Chapter 260, O.S.L. 2018 (68 O.S. Supp. 2019, Section 3204), which relates to documentary stamp tax; conforming language; modifying start date for certain apportionment; specifying statutory authority; providing for transfer of specified funds; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 260, O.S.L. 2018 (68 O.S. Supp. 2019, Section 2947.1), is amended to read as follows:

Section 2947.1. There is hereby created in the State Treasury a ~~revolving fund~~ an agency special account for the Oklahoma Tax Commission ~~to be designated the "County Government Education-~~

1 ~~Technical Revolving Fund". The fund shall be a continuing fund, not~~
2 ~~subject to fiscal year limitations, and shall consist of all monies~~
3 ~~received by the Oklahoma Tax Commission from the apportionment for~~
4 ~~the collection and distribution of documentary stamp revenues as~~
5 ~~provided by Section 3204 of Title 68 of the Oklahoma Statutes. All~~
6 ~~monies accruing to the credit of said fund are hereby appropriated~~
7 ~~and may be budgeted and expended by the Oklahoma State University~~
8 ~~Center for Local Government Technology and the Oklahoma Cooperative~~
9 ~~Extension Service County Training Program for the purpose of~~
10 ~~education, training, research, software and computer modernization.~~
11 ~~The fund shall be subject to the oversight of the Commission on~~
12 ~~County Government Personnel Education and Training. Amounts~~
13 ~~deposited in any fiscal year shall be distributed by the Oklahoma~~
14 ~~Tax Commission as provided in Section 6 of this act. Expenditures~~
15 ~~from said fund shall be made upon warrants issued by the State~~
16 ~~Treasurer against claims filed as prescribed by law Sections 2947.2~~
17 ~~and 2947.3 of this title.~~

18 SECTION 2. AMENDATORY Section 6, Chapter 260, O.S.L.
19 2018 (68 O.S. Supp. 2019, Section 2947.2), is amended to read as
20 follows:

21 Section 2947.2. A. For the fiscal year ending ~~June 30, 2020~~
22 June 30, 2021, and for each fiscal year thereafter, ten percent
23 (10%) ~~deposited to the County Government Education Technical~~
24 ~~Revolving Fund in any fiscal year shall be distributed of the~~

1 revenue collected pursuant to Section 3204 of this title shall be
2 apportioned by the Oklahoma Tax Commission monthly to the Oklahoma
3 Cooperative Extension Service for duties imposed on the Extension
4 Service pursuant to Sections 130.1 through 130.7 and Section 1500 of
5 Title 19 of the Oklahoma Statutes and Section 3006 of ~~Title 68 of~~
6 ~~the Oklahoma Statutes~~ this title.

7 B. For the fiscal year ending ~~June 30, 2020~~ June 30, 2021, and
8 for each fiscal year thereafter, eighty-eight and five-tenths
9 percent (88.5%) ~~deposited to the County Government Education-~~
10 ~~Technical Revolving Fund in any fiscal year shall be distributed of~~
11 the revenue collected pursuant to Section 3204 of this title shall
12 be apportioned by the Oklahoma Tax Commission monthly to the
13 Oklahoma State University Center for Local Government Technology for
14 duties imposed pursuant to Sections 2816 and 2862 of Title 68 of the
15 Oklahoma Statutes related to any training, support, professional
16 development, and additional software necessary for county assessors,
17 treasurers and boards of equalization, and the acquisition and
18 administration of a computer-assisted mass appraisal software system
19 for county governments; provided, the Oklahoma State University
20 Center for Local Government Technology may delay the acquisition of
21 such software until such time as sufficient funds are available.

22 C. After the computer-assisted mass appraisal software
23 acquisition is complete and associated costs are paid, any county
24 which elects not to participate in the Oklahoma State University

1 Center for Local Government Technology's computer-assisted mass
2 appraisal software system may apply to the Center for Local
3 Government Technology for a refund up to ten percent (10%) of such
4 county's ~~deposit to the revolving fund annually~~ annual documentary
5 stamp tax revenue apportionment received by the Center for Local
6 Government Technology; provided, if available funds are insufficient
7 for a ten-percent rebate, the percentage shall be adjusted so that
8 rebates may be paid.

9 SECTION 3. AMENDATORY Section 7, Chapter 260, O.S.L.
10 2018 (68 O.S. Supp. 2019, Section 2947.3), is amended to read as
11 follows:

12 Section 2947.3. A. ~~Within the County Government Education-~~
13 ~~Technical Revolving Fund there shall be established a reserve~~
14 ~~account. The reserve account shall consist of any~~ Any revenue not
15 otherwise apportioned pursuant to the provisions of subsection A or
16 subsection B of ~~Section 6 of this act~~ Section 2947.2 of this title
17 shall be deposited and maintained in the special agency account
18 created in Section 1 of this act subject to the procedures provided
19 in this section.

20 B. The maximum balance for the ~~reserve~~ agency special account
21 shall never exceed Two Million Dollars (\$2,000,000.00) at the end of
22 each fiscal year.

23 C. The Oklahoma State University Center for Local Government
24 Technology and the Oklahoma Cooperative Extension Service County
25

1 Training Program may request permission to expend funds in the
2 reserve account from the Commission on County Government Personnel
3 Education and Training. The Oklahoma Tax Commission shall, upon
4 written notification of expenditure approval from the Commission on
5 County Government Personnel Education and Training, distribute from
6 the agency special account the approved amount, if available, to the
7 Oklahoma State University Center for Local Government Technology or
8 the Oklahoma Cooperative Extension Service County Training Program,
9 as applicable.

10 D. The balance in the ~~reserve account of the County Government~~
11 ~~Education-Technical Revolving Fund~~ special agency account shall
12 serve as a contingency for adverse conditions if the distributions
13 provided for in subsections A and B of ~~Section 6 of this act~~ Section
14 2947.2 of this title are insufficient to support the purposes of
15 education training, research, software and computer modernization of
16 county governments.

17 E. For any fiscal year ending June 30, the Oklahoma Tax
18 Commission shall transfer any amount of revenue in excess of Two
19 Million Dollars (\$2,000,000.00) remaining in the ~~reserve account of~~
20 ~~the County Government Education-Technical Revolving Fund~~ special
21 agency account to the General Revenue Fund of the State Treasury.

22 SECTION 4. AMENDATORY 68 O.S. 2011, Section 3204, as
23 amended by Section 4, Chapter 260, O.S.L. 2018 (68 O.S. Supp. 2019,
24 Section 3204), is amended to read as follows:

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

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

17 1. The county clerks shall retain five percent (5%) of all
18 monies collected for such stamps as their cost of administration;
19 and

20 2. Of the remaining ninety-five percent (95%) the Oklahoma Tax
21 Commission shall ~~transfer monthly to the County Government~~
22 ~~Education-Technical Revolving Fund created by Section 5 of this act~~
23 apportion for the fiscal year ending ~~June 30, 2020~~ June 30, 2021,
24 and for each fiscal year thereafter, Five Hundred Thousand Dollars

1 (\$500,000.00) plus three percent (3%) of the remainder as provided
2 in Sections 2947.2 and 2947.3 of this title. The remainder of the
3 collections shall be transferred by the Oklahoma Tax Commission to
4 the General Revenue Fund of the State Treasury to be expended
5 pursuant to legislative appropriation.

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

8 SECTION 5. NEW LAW A new section of law not to be
9 codified in the Oklahoma Statutes reads as follows:

10 On the effective date of this act, all monies remaining in the
11 County Government Education-Technical Revolving Fund shall be
12 transferred to the agency special account created in Section 1 of
13 this act.

14 SECTION 6. This act shall become effective July 1, 2020.

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

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