

1 providing for contingent use of reserve amounts;
2 providing for transfer of funds in excess of maximum
3 reserve account balance to the General Revenue Fund;
4 providing for codification; providing an effective
5 date; and declaring an emergency.

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

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

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

21 B. Accreditation for persons designated in subsection A of this
22 section shall consist of initial accreditation and advanced
23 accreditation as follows:

24 1. Within one (1) year from the date an assessor is elected to
office, the assessor shall be required to successfully complete

1 initial accreditation. If the assessor does not successfully
2 complete testing or some part of the requirement, initial
3 accreditation shall be completed within eighteen (18) months from
4 the date of the assessor's election to office. Initial
5 accreditation shall consist of successful completion of two (2)
6 academic units. The first academic unit shall consist of basic ad
7 valorem taxation law, legal responsibilities of the assessor's
8 office, the role of the county assessor, valuation requirements and
9 assessment administration. The second academic unit shall consist
10 of basic appraisal and assessment processes.

11 2. Within one (1) year from the completion date of initial
12 accreditation, the assessor shall be required to successfully
13 complete advanced accreditation. If the assessor does not
14 successfully complete advanced accreditation testing or some part of
15 the requirement, advanced accreditation shall be completed by July
16 1, 1995, for persons holding office on May 27, 1993, or for persons
17 assuming office after May 27, 1993, within eighteen (18) months from
18 the date initial accreditation is completed. Advanced accreditation
19 shall consist of successful completion of ~~four (4)~~ five (5) academic
20 units. Each unit shall consist of one of the following topics:

- 21 a. appraisal procedures,
- 22 b. valuation of personal property,
- 23 c. valuation of agricultural property, ~~and~~
- 24 d. mass appraisal procedures, and

1 e. cadastral mapping.

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

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

13 C. Each county assessor who has successfully completed advanced
14 accreditation shall thereafter be required to complete a continuing
15 education requirement of thirty (30) hours every three (3) years.
16 Failure to complete the continuing education requirement shall
17 result in forfeiture of any travel reimbursement until the
18 requirement is completed. Continuing education shall consist of
19 successful completion of academic units on changes in Oklahoma
20 Statutes affecting ad valorem taxation, real estate or appraisal,
21 valuation and appraisal methods, mass appraisal methods or other
22 topics appropriate to the improvement of county assessor's offices.
23 A deputy who has completed advanced accreditation as required by
24

1 this section shall be subject to the continuing education
2 requirement.

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

15 E. For purposes of the administration of the accreditation
16 requirements, the Oklahoma State University Center for Local
17 Government Technology shall be responsible for keeping an official
18 record as to the accreditation of individual county assessors and
19 deputies and others who are required to achieve accreditation. Such
20 record shall be the sole responsibility of Oklahoma State University
21 and shall be defined as an open record under Section 24A.1 et seq.
22 of Title 51 of the Oklahoma Statutes. The Oklahoma State University
23 Center for Local Government Technology shall be responsible for
24 forwarding only the pass/fail results of individual testing to the

1 Tax Commission. The Tax Commission shall issue the accreditations
2 to all persons who have so qualified. All expenses incurred in the
3 performance of the duties imposed upon the Oklahoma State University
4 Center for Local Government Technology shall be paid out of funds
5 deposited in the County Government Modernization Revolving Fund as
6 provided in Section 10 of this act, appropriated or otherwise made
7 available to the ~~Tax Commission~~ Office of the State Auditor and
8 Inspector or the university may charge a reasonable fee to defray
9 the cost of sponsoring the educational accreditation academic units
10 required by this section.

11 F. The Oklahoma State University Center for Local Government
12 Technology, in cooperation with the ~~Tax Commission,~~ the County
13 Assessors' Association and the County Treasurers' Association shall
14 provide computer software programs, support of software and hardware
15 including installation, maintenance, data management and training,
16 to counties currently using the services previously provided by the
17 State Auditor and Inspector. All expenses incurred in the
18 performance of the duties imposed upon the Oklahoma State University
19 Center for Local Government Technology shall be paid out of funds
20 deposited in the County Government Modernization Revolving Fund as
21 provided by Section 10 of this act, appropriated or otherwise made
22 available to the ~~Tax Commission~~ Office of the State Auditor and
23 Inspector, or the University may charge a reasonable fee to defray
24

1 the cost of sponsoring the County Computer Assistance Program
2 support services required by this section.

3 G. The Oklahoma State University Center for Local Government
4 Technology, by way of contractual agreement with the Board of
5 Equalization Subcommittee appointed by the Governor, shall provide
6 the administration, support, training and implementation of the
7 Oklahoma State University Center for Local Government Technology-
8 sponsored computer-assisted mass appraisal computer software system
9 to any county using the services provided by the Ad Valorem Division
10 of the Oklahoma Tax Commission and other counties upon request on
11 the effective date of this act, if such county elects to adopt the
12 Oklahoma State University Center for Local Government Technology-
13 sponsored program. All expenses incurred in the performance of the
14 duties imposed upon the Oklahoma State University Center for Local
15 Government Technology for the computer-assisted mass appraisal
16 program shall be paid out of funds deposited in the County
17 Government Modernization Revolving Fund as provided by Section 10 of
18 this act, appropriated or otherwise made available to the Office of
19 the State Auditor and Inspector through contractual agreement.

20 H. All powers, duties, responsibilities, property, assets,
21 liabilities, fund balances, encumbrances and obligations of the Ad
22 Valorem Division of the Oklahoma Tax Commission relating to the
23 computer-assisted mass appraisal system, referenced in subsection G
24 of this section, including but not limited to program management,

1 support and training, are hereby transferred to the Board of
2 Equalization Subcommittee and shall be made available to the
3 Oklahoma State University Center for Local Government Technology
4 upon agreement.

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

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

16 B. On the effective date of this act, all monies remaining in
17 the Computer-Assisted Mass Appraisal Implementation Revolving Fund
18 shall be transferred to the County Government Modernization
19 Revolving Fund created in Section 9 of this act.

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

22 Section 3201. A. A ~~tax~~ fee is hereby imposed on each deed,
23 instrument, or writing by which any lands, tenements, or other
24 realty sold shall be granted, assigned, transferred, or otherwise

1 conveyed to or vested in the purchaser or purchasers, or any other
2 person or persons, by his or their direction, when the consideration
3 or value of the interest or property conveyed, exclusive of the
4 value of any lien or encumbrance remaining thereon at the time of
5 sale, exceeds One Hundred Dollars (\$100.00). The ~~tax~~ fee shall be
6 prorated at the rate of ~~seventy-five cents (\$0.75)~~ One Dollar
7 (\$1.00) for each Five Hundred Dollars (\$500.00) of the consideration
8 or any fractional part thereof.

9 B. The ~~tax~~ fee is limited to conveyances of realty sold and
10 does not apply to other conveyances. The ~~tax~~ fee attaches at the
11 time the deed or other instrument of conveyance is executed and
12 delivered to the buyer, irrespective of the time when the sale is
13 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 3202, is
2 amended to read as follows:

3 Section 3202. The ~~tax~~ fee imposed by Section 3201 of this title
4 shall not apply to:

5 1. Deeds recorded prior to the effective date of Sections 3201
6 through 3206 of this title;

7 2. Deeds which secure a debt or other obligation;

8 3. Deeds which, without additional consideration, confirm,
9 correct, modify or supplement a deed previously recorded;

10 4. Deeds between husband and wife, or parent and child, or any
11 persons related within the second degree of consanguinity, without
12 actual consideration therefor, deeds between any person and an
13 express revocable trust created by such person or such person's
14 spouse or deeds pursuant to which property is transferred from a
15 person to a partnership, limited liability company or corporation of
16 which the transferor or the transferor's spouse, parent, child, or
17 other person related within the second degree of consanguinity to
18 the transferor, or trust for primary benefit of such persons, are
19 the only owners of the partnership, limited liability company or
20 corporation. However, if any interest in the partnership, limited
21 liability company or corporation is transferred within one (1) year
22 to any person other than the transferor or the transferor's spouse,
23 parent, child, or other person related within the second degree of
24 consanguinity to the transferor, the seller shall immediately pay

1 the fee amount ~~of tax~~ which would have been due had this exemption
2 not been granted;

3 5. Tax deeds;

4 6. Deeds of release of property which is security for a debt or
5 other obligation;

6 7. Deeds executed by Indians in approval proceedings of the
7 district courts or by the Secretary of the Interior;

8 8. Deeds of partition, unless, for consideration, some of the
9 parties take shares greater in value than their undivided interests,
10 in which event a ~~tax~~ fee attaches to each deed conveying such
11 greater share computed upon the consideration for the excess;

12 9. Deeds made pursuant to mergers of partnerships, limited
13 liability companies or corporations;

14 10. Deeds made by a subsidiary corporation to its parent
15 corporation for no consideration other than the cancellation or
16 surrender of the subsidiary's stock;

17 11. Deeds or instruments to which the State of Oklahoma or any
18 of its instrumentalities, agencies or subdivisions is a party,
19 whether as grantee or as grantor or in any other capacity;

20 12. Deeds or instruments to which the United States or any of
21 its agencies or departments is a party, whether as grantor or as
22 grantee or in any other capacity, provided that this shall not
23 exempt transfers to or from national banks or federal savings and
24 loan associations;

1 13. Any deed executed pursuant to a foreclosure proceeding in
2 which the grantee is the holder of a mortgage on the property being
3 foreclosed, or any deed executed pursuant to a power of sale in
4 which the grantee is the party exercising such power of sale or any
5 deed executed in favor of the holder of a mortgage on the property
6 in consideration for the release of the borrower from liability on
7 the indebtedness secured by such mortgage except as to cash
8 consideration paid; provided, however, the ~~tax~~ fee shall apply to
9 deeds in other foreclosure actions, unless otherwise hereinabove
10 exempted, and shall be paid by the purchaser in such foreclosure
11 actions; or

12 14. Deeds and other instruments to which the Oklahoma Space
13 Industry Development Authority or a spaceport user, as defined in
14 the Oklahoma Space Industry Development Act, is a party.

15 SECTION 5. AMENDATORY 68 O.S. 2011, Section 3203, is
16 amended to read as follows:

17 Section 3203. A. The ~~taxes~~ fees imposed by Section 3201 of
18 this title shall be paid by any person who makes, signs, issues, or
19 sells any of the documents and instruments subject to the ~~taxes~~ fees
20 imposed by Section 3201 of this title, or for whose use or benefit
21 the same are made, signed, issued or sold.

22 B. Only documentary stamps shall be used in payment of the ~~tax~~
23 fee imposed by Section 3201 of this title. The requisite stamps
24 shall be affixed to the deed, instrument, or other writing by which

1 the realty is conveyed. Said ~~tax~~ fee is not to be considered paid
2 until the requisite stamps are affixed to the deed, instrument, or
3 other writing by which the realty is conveyed, which stamps must be
4 affixed before the deed is accepted for recording.

5 C. The name and address of the buyer shall be shown on the face
6 of the deed, instrument or other writing by which the realty is
7 conveyed prior to the recording of such deed, instrument or other
8 writing.

9 SECTION 6. AMENDATORY 68 O.S. 2011, Section 3204, is
10 amended to read as follows:

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

23 B. The county clerks shall account for all collections from the
24 sales of such ~~tax~~ stamps to the Oklahoma Tax Commission, on the last

1 day of each month. The ~~first fifty-five cents (\$0.55)~~ of each
2 ~~seventy-five cents (\$0.75)~~ One Dollar (\$1.00) collected shall be
3 apportioned as follows:

4 1. ~~The~~ For the fiscal year ending June 30, 2017, and for each
5 fiscal year thereafter, the county clerks shall retain ~~five percent~~
6 ~~(5%)~~ three and seventy-five one hundredths percent (3.75%) of all
7 monies collected for such stamps as their cost of administration and
8 shall pay the same into the county general fund.

9 2. ~~The remaining ninety-five percent (95%) of the collections~~
10 ~~shall be transferred by~~ For the fiscal year ending June 30, 2017,
11 and for each fiscal year thereafter, the Oklahoma Tax Commission
12 shall transfer forty-one and twenty-five one hundredths percent
13 (41.25%) of all monies collected for such stamps and shall pay the
14 same to the General Revenue Fund of the State Treasury ~~to be~~
15 ~~expended pursuant to legislative appropriation.~~

16 C. ~~The remaining twenty cents (\$0.20)~~ Twenty cents (\$0.20) of
17 each ~~seventy-five cents (\$0.75)~~ One Dollar (\$1.00) collected shall
18 be paid into the county general fund. After the retention of the
19 amount by county clerks prescribed by paragraph 1 of subsection B of
20 this section and the apportionment of revenues prescribed by
21 paragraph 2 of subsection B of this section to the General Revenue
22 Fund of the State Treasury, the Oklahoma Tax Commission shall
23 transfer monthly to the County Government Modernization Revolving
24

1 Fund created by Section 9 of this act the following amounts of
2 revenue collected from such stamps:

3 1. For the fiscal year ending June 30, 2017, and for each
4 fiscal year thereafter, thirty-five percent (35%).

5 SECTION 7. AMENDATORY 68 O.S. 2011, Section 3205, is
6 amended to read as follows:

7 Section 3205. The Oklahoma Tax Commission shall prescribe such
8 rules and regulations as it may deem necessary to carry out the
9 purpose of Sections 3201 through 3206 of this title. There is
10 hereby created the Documentary Stamp ~~Tax~~ Fee Unit of the Oklahoma
11 Tax Commission. The Oklahoma Tax Commission through the Documentary
12 Stamp ~~Tax~~ Fee Unit shall be responsible for the administration and
13 enforcement of the ~~taxes~~ fees as imposed by Section 3201 of this
14 title. The provisions of Section 240 of Title 68 of the Oklahoma
15 Statutes apply to the provisions of the documentary stamp ~~tax~~ act.

16 SECTION 8. AMENDATORY 68 O.S. 2011, Section 3206, is
17 amended to read as follows:

18 Section 3206. A. Any person who shall willfully fail to
19 purchase and affix the exact amount of stamps on any deed,
20 instrument, or writing as required under Section 3201 of this title
21 shall, upon conviction, be subject to a fine of not more than One
22 Thousand Dollars (\$1,000.00) or to imprisonment of not more than one
23 (1) year, or to both such fine and imprisonment for such offense.

24

1 B. The willful removal or alteration of the cancellation or
2 defacing marks with intent to use or cause the same to be used after
3 a documentary stamp has already been used shall, upon conviction,
4 subject the guilty person to a fine of not more than One Thousand
5 Dollars (\$1,000.00) or to imprisonment of not more than one (1)
6 year, or to both such fine and imprisonment for such offense.

7 C. Proof of payment of the documentary stamp ~~tax~~ fee shall be
8 the exhibiting of the conveyance instrument showing the required
9 stamps have been affixed. The failure or refusal of any taxpayer to
10 furnish proof of payment of the documentary stamp ~~tax~~ fee, upon
11 being so requested to do so by the Oklahoma Tax Commission, within
12 ninety (90) days after being notified by registered or certified
13 mail with return receipt requested shall be prima facie evidence of
14 intent of the taxpayer to defraud the state and evade the payment of
15 such ~~tax~~ fee. Any taxpayer who intends to defraud the state or
16 evade the payment of the documentary stamp ~~tax~~, fee, penalty or
17 interest thereon pursuant to the provisions of Section 217 of this
18 title, shall be guilty of a misdemeanor and, upon conviction, shall
19 be punished by a fine of not more than One Thousand Dollars
20 (\$1,000.00) for each offense.

21 D. Should the county clerk become aware that the provisions of
22 the documentary stamp law have or might have been violated, he or
23 she shall immediately report the facts to the Oklahoma Tax
24 Commission.

1 SECTION 9. 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 Office of the State Auditor and Inspector to be designated
6 the "County Government Modernization Revolving Fund". The fund
7 shall be a continuing fund, not subject to fiscal year limitations,
8 and shall consist of all monies received by the Oklahoma Tax
9 Commission from documentary stamp revenues as provided by Section
10 3204 of Title 68 of the Oklahoma Statutes. Monies accruing to the
11 credit of said fund shall be budgeted and expended by the Oklahoma
12 State University Center for Local Government Technology and the
13 Oklahoma Cooperative Extension Service for the purpose of education,
14 training, research, software and computer modernization, and by the
15 Office of the State Auditor and Inspector for auditing functions and
16 oversight of the programs outlined above. The fund shall be
17 budgeted based on agreements with the Board of Equalization
18 Subcommittee and the County Government Oversight Committee with
19 oversight of the State Board of Equalization. Amounts deposited in
20 any fiscal year shall be distributed by the Office of the State
21 Auditor and Inspector as provided in Section 10 of this act.
22 Expenditures from said fund shall be made upon warrants issued by
23 the State Treasurer against claims filed as prescribed by law.

24

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2947.2 of Title 68, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Amounts deposited monthly to the County Government
5 Modernization Revolving Fund in any fiscal year shall be distributed
6 by the Office of the State Auditor and Inspector monthly as follows
7 to the Oklahoma Cooperative Extension Service for duties imposed on
8 the Extension Service pursuant to Sections 130.1 through 130.7 and
9 Section 1500 of Title 19 of the Oklahoma Statutes and Section 3006
10 of Title 68 of the Oklahoma Statutes.

11 B. Amounts deposited monthly to the County Government
12 Modernization Revolving Fund in any fiscal year shall be distributed
13 by the Office of the State Auditor and Inspector monthly as follows
14 to the Oklahoma State University Center for Local Government
15 Technology for duties imposed pursuant to Section 2816 and 2862 of
16 Title 68 of the Oklahoma Statutes related to any training, support,
17 professional development, and additional software necessary for
18 county assessors, treasurers and boards of equalization, and the
19 acquisition and administration of a computer-assisted mass appraisal
20 software system for county governments.

21 C. Amounts deposited monthly to the County Government
22 Modernization Revolving Fund in any fiscal year shall be distributed
23 by the Office of the State Auditor and Inspector monthly as agreed
24

1 upon to the Office of the State Auditor and Inspector for duties
2 imposed upon the State Auditor and Inspector by law.

3 D. The minimum dollar amounts specified in paragraph 1 of
4 subsection A of this section and the minimum dollar amounts
5 specified in paragraph 1 of subsection C of this section shall be
6 proportionally reduced during any month that the total amount of
7 revenue apportioned to the County Government Modernization Revolving
8 Fund is not sufficient in order to equal such minimum dollar
9 amounts. All such minimum dollar amounts shall be reduced by an
10 equal percentage to the extent of any deficiency.

11 SECTION 11. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2947.3 of Title 68, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Within the County Government Modernization Revolving Fund
15 there shall be established a reserve account. The reserve account
16 shall consist of any revenue not otherwise apportioned pursuant to
17 the provisions of subsection A or subsection B of Section 10 of this
18 act.

19 B. The maximum balance for the reserve account shall never
20 exceed Three Million Dollars (\$3,000,000.00) at the end of each
21 fiscal year.

22 C. The Oklahoma State University Center for Local Government
23 Technology and the Oklahoma Cooperative Extension Service may
24 request permission to expend funds in the reserve account from the

1 Subcommittee of the Board of Equalization and approval of the State
2 Board of Equalization.

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

9 E. For any fiscal year ending June 30, the State Board of
10 Equalization shall transfer any amount of revenue in excess of Three
11 Million Dollars (\$3,000,000.00) remaining in the reserve account of
12 the County Government Modernization Revolving Fund to the General
13 Revenue Fund of the State Treasury.

14 SECTION 12. This act shall become effective July 1, 2016.

15 SECTION 13. It being immediately necessary for the preservation
16 of the public peace, health and 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.

19

20 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
21 AND BUDGET, dated 05/17/2016 - DO PASS.

22

23

24

25