

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1266

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to ad valorem tax; amending 68 O.S.
8 2021, Sections 2835, 2836, and 2838, which relate to
9 listing and assessment of property for ad valorem
10 taxation purposes; providing exception to specific
11 requirement; exempting specified personal property
12 from requirement to list and defining related term;
13 providing exception from certain penalty; providing
14 exception for certain entities from requirement to
15 list certain property; updating statutory language;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2835, is
19 amended to read as follows:

20 Section 2835. A. On or before January 1 of each year, the
21 Oklahoma Tax Commission shall prescribe for the use of all county
22 assessors, suitable blank forms for the listing and assessment of
23 all property, both real and personal. Such forms shall contain such
24 information and instructions as may be necessary in order to obtain
a full and complete list of all taxable property and such forms
shall be used uniformly throughout the state. Any change in these
forms must have the approval of the Tax Commission.

1 B. It shall be the duty of the county assessor to furnish such
2 forms to any taxpayer upon request, and all personal property shall
3 be listed on such forms in the manner provided therein, unless
4 exempt from the requirement pursuant to subsection C of this
5 section. Such lists shall be signed and sworn to and filed with the
6 county assessor not later than March 15 of each year; and such lists
7 may show the description of real property, which may be by
8 subdivision of quarter sections, or less if any such subdivision is
9 owned in less quantity, describing such less quantity by United
10 States Land Survey nomenclature if that can be done, otherwise by
11 metes and bounds, according to ownership.

12 C. 1. Real estate need not be listed by the taxpayer, but may
13 be listed if the taxpayer so desires, in which case the list shall
14 show the taxpayer's estimate of the value of each tract of land and
15 shall separately show the value of the buildings and improvements
16 thereon.

17 2. Personal property shall be exempt from the requirement to
18 list if such property:

19 a. had an acquisition cost, as defined in this
20 subsection, of less than Ten Thousand Dollars

21 (\$10,000.00), or

22 b. has a fair cash or market value, as defined in Section
23 2802 of this title, less than Five Thousand Dollars

1 (\$5,000.00) for the tax year applicable to the
2 listing.

3 For the purpose of this section, "acquisition cost" shall mean
4 all costs required to put an item of tangible personal property into
5 service.

6 D. All such sworn lists of property shall contain such other
7 information concerning both real and personal property as may be
8 required by such forms so prescribed.

9 E. All such sworn lists of property, any other documents
10 produced by a taxpayer to the assessor or the board of equalization
11 during the informal and formal hearing process, or during discovery
12 in any ad valorem tax appeal in the Court of Tax Review or the
13 district court, shall be protected as confidential and shall not be
14 available for inspection under the Oklahoma Open Records Act.

15 SECTION 2. AMENDATORY 68 O.S. 2021, Section 2836, is
16 amended to read as follows:

17 Section 2836. A. The county assessor of each county in the
18 state shall, on the first day of January of each year, or as soon
19 thereafter as may be practicable, proceed to take a list of taxable
20 property in the county. In order to take lists of personal property
21 and receive homestead exemption applications, the county assessor,
22 or the assessor's deputy, shall meet the taxpayers at various places
23 throughout the county. The county assessor may exercise discretion
24 as to where to meet the taxpayers and how long to stay at each

1 place, provided the assessor goes to each city and incorporated town
2 in counties that have not abolished household personal property tax.
3 At least ten (10) days prior to the date the county assessor will
4 meet the taxpayers to list their property, the county assessor shall
5 give notice by publication in at least one newspaper of general
6 circulation in the county, stating the date and hours of the day of
7 each visit to each city, town, or other place; and such notice may
8 be published in the manner of commercial advertising, rather than
9 legal notices, and the county may pay up to rates prevalent in the
10 area for commercial advertising.

11 B. If any taxpayer shall fail to meet the county assessor and
12 list the taxpayer's property on the date advertised, such taxpayer
13 may render a written list of all the taxpayer's personal property
14 and make written application for homestead exemption, and shall
15 subscribe and swear to the oath required by each taxpayer as to its
16 correctness. Such written lists or applications shall not
17 constitute a valid return or application unless made on the forms
18 prescribed by the Oklahoma Tax Commission and in the manner required
19 by law.

20 C. After the county assessor shall have visited each city,
21 town, or other place, the county assessor shall be in the county
22 assessor's office at the county seat from March 1 to March 15,
23 inclusive, for the purpose of receiving lists from those who have
24 not listed their property for the current year, and all who fail to

1 list all or any part of their personal property for the current
2 year, on or before March 15, shall be delinquent. If any personal
3 property is not listed by the person whose duty it is to list such
4 property on or before March 15 of any year, when such property is
5 assessed there shall be added to the assessed valuation of such
6 property as a mandatory penalty, amounts as follows:

7 1. If listed or assessed after March 15, but on or before April
8 15, ten percent (10%) of the assessed value; and

9 2. If listed or assessed after April 15, twenty percent (20%)
10 of the assessed value.

11 Personal property that is exempt from the requirement to list
12 pursuant to subsection C of Section 2835 of this title shall not be
13 subject to the penalty provided for in this subsection.

14 D. If the county assessor fails, neglects, or refuses to add
15 the valuation penalty as provided by this section, the county
16 assessor shall be liable on the county assessor's official bond for
17 the amount of the penalties.

18 SECTION 3. AMENDATORY 68 O.S. 2021, Section 2838, is
19 amended to read as follows:

20 Section 2838. A. All corporations organized, existing, or
21 doing business in this state, other than railroads, air carriers,
22 and public service corporations assessed by the State Board of
23 Equalization, and other than national banks, state banks and trust
24 companies, and building and loan associations, shall, on or before

1 March 15th of each year, return sworn lists or schedules of their
2 taxable property within each county, to the county assessor of such
3 county, and ~~such~~ property not exempt pursuant to subsection C of
4 Section 2835 of this title shall be listed with reference to amount,
5 kind and value, on the first day of January of the year in which it
6 is listed; and ~~said~~ the property shall be subject to taxation for
7 county, municipal, public school, and other purposes to the same
8 extent as the real and personal property of private persons, in the
9 taxing districts in which such property is located. Any real estate
10 owned by such corporation shall be assessed annually at the same
11 time and in the same manner as real estate belonging to private
12 persons. In making such sworn lists, all corporations shall itemize
13 their property in the same manner and to the same extent as required
14 by railroads, air carriers, and public service corporations.

15 B. It shall be the duty of each corporation to make, under
16 oath, and deliver to the county assessor of the county where its
17 principal business is transacted, a statement on forms prescribed by
18 the Oklahoma Tax Commission, of its authorized capital stock and the
19 amount of capital paid thereon, the amount of its outstanding bonded
20 and other indebtedness, the total amount of its invested capital
21 within and without Oklahoma, and such other financial information as
22 may be deemed necessary to enable the county assessor to determine
23 the value of real or personal property owned by any such
24 corporation; and each corporation shall also deliver to the county

1 assessor of the county where its principal business is located, a
2 copy of all lists or schedules of property filed in every other
3 county in this state.

4 SECTION 4. This act shall become effective January 1, 2023.

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