

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1437

By: Bergstrom

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5  
6 AS INTRODUCED

7 An Act relating to ad valorem tax; amending 68 O.S.  
8 2011, Sections 2835, as amended by Section 1, Chapter  
9 263, O.S.L. 2015, 2836, as amended by Section 1,  
10 Chapter 276, O.S.L. 2012 and 2838 (68 O.S. Supp.  
11 2019, Sections 2835 and 2836), which relate to  
12 listing and assessment of property for ad valorem  
13 taxation purposes; requiring Oklahoma Tax Commission  
14 to develop certain form for specified use; providing  
15 exception to specific requirement; exempting  
16 specified personal property from requirement to list  
17 and defining related term; providing exception from  
18 certain penalty; providing exception for certain  
19 entities from requirement to list certain property;  
20 updating statutory language; and providing an  
21 effective date.

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

23 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2835, as  
24 amended by Section 1, Chapter 263, O.S.L. 2015 (68 O.S. Supp. 2019,  
25 Section 2835), is amended to read as follows:

26 Section 2835. A. On or before January 1 of each year, the  
27 Oklahoma Tax Commission shall prescribe for the use of all county  
28 assessors, suitable blank forms for the listing and assessment of  
29 all property, both real and personal, including a postcard style

1 form for taxpayer use if property is not subject to the requirement  
2 to list pursuant to subsection C of this section. Such forms shall  
3 contain such information and instructions as may be necessary in  
4 order to obtain a full and complete list of all taxable property and  
5 such forms shall be used uniformly throughout the state. Any change  
6 in these forms must have the approval of the Tax Commission.

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

18 C. 1. Real estate need not be listed by the taxpayer, but may  
19 be listed if the taxpayer so desires, in which case the list shall  
20 show the taxpayer's estimate of the value of each tract of land and  
21 shall separately show the value of the buildings and improvements  
22 thereon.

23 2. Personal property shall be exempt from the requirement to  
24 list if such property:

- 1           a. had an acquisition cost, as defined in this  
2           subsection, of less than Ten Thousand Dollars  
3           (\$10,000.00), or  
4           b. has a fair cash or market value, as defined in Section  
5           2802 of this section, less than Five Thousand Dollars  
6           (\$5,000.00) for the tax year applicable to the  
7           listing.

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

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

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

20           SECTION 2.           AMENDATORY           68 O.S. 2011, Section 2836, as  
21 amended by Section 1, Chapter 276, O.S.L. 2012 (68 O.S. Supp. 2019,  
22 Section 2836), is amended to read as follows:

23           Section 2836. A. The county assessor of each county in the  
24 state shall, on the first day of January of each year, or as soon  
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1 thereafter as may be practicable, proceed to take a list of taxable  
2 property in the county. In order to take lists of personal property  
3 and receive homestead exemption applications, the county assessor,  
4 or the assessor's deputy, shall meet the taxpayers at various places  
5 throughout the county. The county assessor may exercise discretion  
6 as to where to meet the taxpayers and how long to stay at each  
7 place, provided the assessor goes to each city and incorporated town  
8 in counties that have not abolished household personal property tax.  
9 At least ten (10) days prior to the date the county assessor will  
10 meet the taxpayers to list their property, the county assessor shall  
11 give notice by publication in at least one newspaper of general  
12 circulation in the county, stating the date and hours of the day of  
13 each visit to each city, town or other place; and such notice may be  
14 published in the manner of commercial advertising, rather than legal  
15 notices, and the county may pay up to rates prevalent in the area  
16 for commercial advertising.

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

3 C. After the county assessor shall have visited each city,  
4 town, or other place, the county assessor shall be in the county  
5 assessor's office at the county seat from March 1 to March 15,  
6 inclusive, for the purpose of receiving lists from those who have  
7 not listed their property for the current year, and all who fail to  
8 list all or any part of their personal property for the current  
9 year, on or before March 15, shall be delinquent. If any personal  
10 property is not listed by the person whose duty it is to list such  
11 property on or before March 15 of any year, when such property is  
12 assessed there shall be added to the assessed valuation of such  
13 property as a mandatory penalty, amounts as follows:

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

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

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

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

1 SECTION 3. AMENDATORY 68 O.S. 2011, Section 2838, is

2 amended to read as follows:

3 Section 2838. A. All corporations organized, existing or doing  
4 business in this state, other than railroads, air carriers and  
5 public service corporations assessed by the State Board of  
6 Equalization, and other than national banks, state banks and trust  
7 companies, and building and loan associations, shall, on or before  
8 March 15th of each year, return sworn lists or schedules of their  
9 taxable property within each county, to the county assessor of such  
10 county, and ~~such~~ property not exempt pursuant to subsection C of  
11 Section 2835 of this title shall be listed with reference to amount,  
12 kind and value, on the first day of January of the year in which it  
13 is listed; and ~~said~~ the property shall be subject to taxation for  
14 county, municipal, public school and other purposes to the same  
15 extent as the real and personal property of private persons, in the  
16 taxing districts in which such property is located. Any real estate  
17 owned by such corporation shall be assessed annually at the same  
18 time and in the same manner as real estate belonging to private  
19 persons. In making such sworn lists, all corporations shall itemize  
20 their property in the same manner and to the same extent as required  
21 by railroads, air carriers and public service corporations.

22 B. It shall be the duty of each corporation to make, under  
23 oath, and deliver to the county assessor of the county where its  
24 principal business is transacted, a statement on forms prescribed by

1 the Oklahoma Tax Commission, of its authorized capital stock and the  
2 amount of capital paid thereon, the amount of its outstanding bonded  
3 and other indebtedness, the total amount of its invested capital  
4 within and without Oklahoma, and such other financial information as  
5 may be deemed necessary to enable the county assessor to determine  
6 the value of real or personal property owned by any such  
7 corporation; and each corporation shall also deliver to the county  
8 assessor of the county where its principal business is located, a  
9 copy of all lists or schedules of property filed in every other  
10 county in this state.

11 SECTION 4. This act shall become effective January 1, 2021.

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