

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 338

By: Williams (Don) of the  
Senate

and

Cotner of the House

COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; amending 68 O.S. 1991, Sections 2844, 2847, 2857 and 2860, which relate to the Ad Valorem Tax Code; providing for assessment of certain penalties; granting certain authority to State Board of Equalization; modifying circumstances under which certain penalties imposed; requiring county assessor to forward certain information to Ad Valorem Division of the Oklahoma Tax Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2844, is amended to read as follows:

Section 2844. A. If any real, personal or public service corporation property is omitted in the assessment of any prior year or years, and the property thereby escapes just and proper taxation, at any time and as soon as such omission is discovered, the county assessor or the county board of equalization, or the State Board of Equalization in the case of public service corporation property, whose duty it is to assess the class of property which has been omitted, shall at any time cause such property to be entered on the assessment rolls and tax rolls for the year or years omitted, not to exceed the last fifteen (15) years as to real property and the last three (3) years as to personal property, and shall, after reasonable notice to the parties affected, in order that they be heard, assess such omitted

property for said periods and cause to be extended against the same on the tax rolls for the current year all arrearage of taxes properly accruing against it, including therein interest thereon at the rate of twelve percent (12%) per annum from the time such tax should have become delinquent and penalties as provided by Section 2857 of this title.

B. If any tax on property subject to taxation is prevented from being collected for any year or years by reason of any erroneous proceedings, or failure to give notice, or otherwise, the amount of such tax which such property should have paid or should have been paid thereon shall be added to the tax on such property for the current year, and if for want of sufficient time or for any cause such assessment cannot be entered, and the tax thereon extended on the tax rolls for the current year, the same shall be done the following year.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 2847, is amended to read as follows:

Section 2847. A. The property of all railroad and public service corporations shall be assessed annually by the State Board of Equalization at its fair cash value estimated at the price it would bring at a fair voluntary sale.

B. Taxable values of real and personal property of all railroad and public service corporations shall be established in accordance with the requirements of Article X, Section 8 of the Oklahoma Constitution. The State Board of Equalization shall determine the taxable value of all taxable property that the Board is required by law to assess and value, and shall determine such taxable value in accordance with the requirements of Article X, Section 8 of the Oklahoma Constitution. The State Board of Equalization shall be authorized to request the assistance of the Oklahoma Corporation Commission, any other state agency or any county of this state for assistance in determining the taxable value of taxable property that the Board is required by law to assess and value.

C. The percentage of fair cash value for real and personal property of public service corporations required by the Oklahoma

Constitution to be taxable, ~~if less than one hundred percent (100%)~~, shall be selected by the State Board of Equalization and, subject to the requirements of federal law, uniformly applied to calculate the taxable values of public service corporation property within the state for the applicable assessment year.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 2857, is amended to read as follows:

Section 2857. Should any railroad or public service corporation doing business in this state fail or refuse to make the statements or schedules to the Oklahoma Tax Commission within the time and manner required by law or should any railroad or public service corporation doing business in this state make the statements or schedules to the Oklahoma Tax Commission within the time and manner required by law but omit any property or information required on such statements or schedules, it shall be the duty of the State Board of Equalization to ascertain from the best information obtainable the value of the property of such company, and as a mandatory penalty shall add amounts as follows: If listed or assessed after April 15 but on or before May 15, ten percent (10%) of the assessed value; if listed or assessed after May 15, twenty percent (20%) of the assessed value. The Oklahoma Tax Commission may grant an extension without penalty, upon written request of the taxpayer and for a good cause, of not to exceed fifteen (15) days for the filing of the returns as required by the Ad Valorem Tax Code, Section 2801 et seq. of this title.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 2860, is amended to read as follows:

Section 2860. A. The State Board of Equalization, after having assessed all property of railroad and public service corporations in this state according to the provisions of the Ad Valorem Tax Code, Section 2801 et seq. of this title, shall cause the assessed valuations to be certified by the State Auditor and Inspector to the county assessors of each county in which any portion of the property of any such railroad or public service corporation may be located. Such certificates of assessment shall show the various portions of the property of such corporations

located and taxable in each county, and in every city, town, school district or other municipal subdivision thereof, and shall include a full statement of all property of such corporations located in each of the said several subdivisions, together with the assessed value thereof. Said valuations shall be certified by the State Auditor and Inspector to the assessors of the several counties wherein such property is located on or before the third Monday of June of each year.

B. The county assessor shall enter on his assessment roll in its appropriate place the assessed valuation of each railroad and public service corporation, and at the proper time, place such assessment on the proper tax roll of his county, subject to the levies as provided by law. If the county assessor obtains information in any manner which indicates that the assessed valuation of a railroad or public service corporation as placed on the tax roll of his county is not correct, he shall immediately forward such information to the Ad Valorem Division of the Oklahoma Tax Commission.

SECTION 5. This act shall become effective September 1, 1993.

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