

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
7TH CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 475

By: Williams (Don) and
Williams (Penny) of the
Senate

and

Larason, Boyd (Laura) and
Adair of the House

7TH CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Section 18-109.1, which relates to the State Aid formula; requiring county assessor to provide certain statement to school districts under certain conditions; prohibiting modification of certain assessment ratios or certain assessment percentages under certain conditions; providing exceptions; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 18-109.1, is amended to read as follows:

Section 18-109.1 The Legislature hereby declares, for the purpose of financial support to school districts through the State Aid Formula, that greater equalization of State Aid to school districts will be attained by the following procedure:

1. For the 1989-90 school year, the real property portion of the valuations for those school districts in counties having an assessment ratio in excess of twelve percent (12%) shall be computed at a twelve percent (12%) assessment ratio to determine chargeable valuations. Beginning with the 1990-91 school year, the real property portion of the valuations for those school districts in counties having an assessment ratio in excess of eleven percent (11%) shall be computed at an eleven percent (11%)

assessment ratio to determine chargeable valuations. Beginning with the 1991-92 school year, the commercial personal and agricultural personal property portion of the valuations for those school districts in counties having an assessment ratio in excess of eleven percent (11%) shall be computed at an eleven percent (11%) assessment ratio to determine chargeable valuations. The Oklahoma Tax Commission shall supply to the State Department of Education the information necessary to carry out the provisions of this paragraph.

2. The real property portions of the valuations for those school districts in counties having an actual assessment ratio of less than twelve percent (12%) shall be computed at the actual assessment ratio in effect for the county as determined by the Oklahoma Tax Commission in order to determine chargeable valuations for calculating State Aid to such district if such ratio is at least nine percent (9%) and the county is certified by the Oklahoma Tax Commission to have a verifiable revaluation program using property identification cards for the applicable assessment year.

3. The real property portion of the valuations for those school districts in counties which have an actual assessment ratio of less than twelve percent (12%) and which are not certified by the Oklahoma Tax Commission to have a verifiable revaluation program using property identification cards shall be computed at a twelve percent (12%) assessment ratio to determine chargeable valuations. For each school year, the actual assessment ratio shall be the assessment ratio recommended by the Oklahoma Tax Commission and certified by the State Board of Equalization for the applicable assessment year.

4. The Oklahoma Tax Commission shall certify by October 1, for each applicable assessment year, to the State Superintendent of Public Instruction those counties which have revaluation programs using property identification cards. The Oklahoma Tax Commission shall, as soon as practicable, certify to the State Superintendent of Public Instruction and the district attorney for the applicable county the date as of which a county implements a

Req. No. 2716Page 2

verifiable revaluation program using property identification cards after October 1 of any year.

5. Any county assessor who fails to have an approved revaluation program using property identification cards shall pay a penalty in the amount of One Hundred Dollars (\$100.00) for each calendar day beyond October 1 of any year that the county does not have a verifiable revaluation program using property identification cards. The penalty shall be imposed for each calendar day on and after October 2 of each year until the county implements a verifiable revaluation program using property identification cards; provided, that such penalty shall be collected from any county assessor of a county which did not have a verifiable revaluation program using property identification cards as of October 1, 1985, for each day from and after July 1, 1986, that the applicable county does not have a verifiable revaluation program using property identification cards.

6. Upon receipt of certification by the Oklahoma Tax Commission of the counties having approved revaluation programs, the State Superintendent of Public Instruction shall cause notice to be mailed by return receipt mail to the county assessor, the district attorney, the county treasurer and the superintendent of each school district of any county not included in the certification.

7. The district attorney, upon receipt of the notice provided for in paragraph 6 of this section, shall immediately institute an action to collect the One Hundred Dollar (\$100.00) penalty for each day that the county does not have a verifiable revaluation program using property identification cards. The district attorney shall be authorized to institute a single action in district court pursuant to which any amount of penalty may be collected for any day the assessor fails to implement the revaluation program using property identification cards. Any amount of such fine collected shall be deposited in a special account within the county general fund. Such amounts shall be apportioned to the school districts of the county on the basis of the preceding year's average daily attendance.

8. The district attorney shall initiate action for removal of the county assessor from office for malfeasance if the county assessor has not instituted a verifiable revaluation program using property identification cards within thirty (30) days after the district attorney receives notice from the State Superintendent of Public Instruction. Initiation of an action for the removal of the county assessor for malfeasance as required by this section is a mandatory duty of the office of the district attorney. If the district attorney fails to initiate an action within forty (40) days after receipt of the notice from the State Superintendent of Public Instruction, and the county assessor has not implemented a verifiable revaluation program using property identification cards, the district attorney shall pay a penalty of One Hundred Dollars (\$100.00) for each day that an action could have been filed for the removal of the county assessor and such action has not been filed or until the county assessor implements the revaluation program using property identification cards. The Attorney General shall initiate an action to collect the penalty from the district attorney pursuant to the authority of Section 18b of Title 74 of the Oklahoma Statutes. All penalties collected pursuant to the provisions of this paragraph shall be deposited in the special account within the county general fund and apportioned to the school districts of the county on the basis of the preceding year's average daily attendance.

9. The notice to the superintendents of the various school districts from the State Superintendent of Public Instruction shall state that the State Aid formula funds computed for such districts based upon the actual assessment ratio valuations in excess of the amount computed upon twelve percent (12%) assessment ratio valuations shall be withheld from distribution to the school district until the office of the county assessor has complied with the requirement of a verifiable revaluation program using property identification cards.

10. If a county assessor modifies the assessment ratio or the fractional assessment percentage on any class of property, the assessor shall provide each school district within the county with

a statement of the impact of the change in revenue for each school district which will result from the modification. To provide stability in the school funding formula, for a period beginning with the effective date of this act until January 10, 1995, a county assessor shall not be authorized to modify the assessment ratio or the fractional assessment percentage on any class of property for the calendar year that will begin on January 1 following the county assessor's action. The provisions of this paragraph shall not apply to a modification of a ratio or fractional assessment percentage to comply with a directive from the State Board of Equalization or a court of competent jurisdiction.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-2716

SB