ENGROSSED SENATE
BILL NO. 857

By: Herbert of the Senate

and

Seikel of the House

[revenue and taxation - illegality of tax - county treasurer -

effective date]

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2886, is amended to read as follows:

Section 2886. ~~A.~~ In all cases where the illegality of the tax is alleged to arise by reason of some action from which the laws provide no appeal, the aggrieved person shall pay the full amount of the taxes ~~at the time and in the manner provided by law, and shall give notice to the officer collecting the taxes showing the grounds of complaint and that suit will be brought against the officer for recovery of them. It shall be the duty of such collecting officer to hold such taxes separate and apart from all other taxes collected by him, for a period of thirty (30) days, and if within such time summons shall be served upon such officer in a suit for recovery of such taxes, the officer shall further hold such taxes until the final determination of such suit. The treasurer shall invest such protested taxes in the same manner as he invests surplus tax funds not paid under protest, but shall select an investment medium which will permit prompt refund or apportionment of such protested taxes upon expiration of the thirty-day period after notice or upon final determination of the suit.~~

~~B. All such suits shall be brought in the court having jurisdiction thereof, and they shall have precedence therein. If,~~

~~upon final determination of any such suit, the court shall determine that the taxes were illegally collected, as not being due and owing, the court shall render judgment showing the correct and legal amount of taxes due by such person, and shall issue such order in accordance with the court's findings, and if such order shows that the taxes so paid are in excess the legal and correct amount due, the collecting officer shall pay to such person the excess, together with all accrued interest on the excess amount, and shall take his receipt therefor~~ and give notice of his or her lawsuit at the time and in the manner provided by Section 2884 of this title. It shall be the duty of the county treasurer to hold, invest and disburse such taxes only in the manner provided for by Section 2884 of this title.

SECTION 2. This act shall become effective November 1, 2000.

Passed the Senate the 28th day of February, 2000.

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President of the Senate

Passed the House of Representatives the ____ day of _____, 2000.

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Speaker of the House of Representatives