

1 **SENATE FLOOR VERSION**

2 April 1, 2013

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1933

6 By: Jackson of the House

7 and

8 Marlatt of the Senate

9 **[cities and towns - defining terms - codification -**
10 **effective date]**

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 22-112.4 of Title 11, unless
14 there is created a duplication in numbering, reads as follows:

15 A. A municipal governing body may cause unpaid solid waste
16 service accounts within the municipal limits to be collected in
17 accordance with the following procedure:

18 1. At least ten (10) days' notice shall be given to the account
19 holder and property owner before the municipal governing body holds
20 a hearing or takes action;

21 2. The municipal clerk shall forward a notice of the delinquent
22 account after a minimum of four (4) consecutive months of nonpayment
23 and a demand for payment by mail to the account holder at the last
24 known address as shown on the account and any property owner at the

1 address shown by the current year's tax rolls in the office of the
2 county treasurer. At the time of mailing of the notice of the
3 delinquent account to the account holder and property owner, the
4 municipality shall obtain a receipt of mailing from the postal
5 service, which receipt shall indicate the date of mailing and the
6 name and address of the mailee. However, if the account holder or
7 property owner cannot be located, notice may be given to such
8 account holder or property owner by posting a copy of the notice on
9 the property and by publication, as defined in Section 1-102 of
10 Title 11 of the Oklahoma Statutes, one time no less than ten (10)
11 days prior to any hearing or action by the municipality;

12 3. A hearing may be held by the municipal governing body to
13 determine the delinquency of the account for a minimum of four (4)
14 consecutive months of nonpayment, the actual cost of the service
15 provided by the municipality and any other expenses as may be
16 necessary in connection therewith, including the cost of notice,
17 publication and mailing;

18 4. Upon a finding of delinquency of the account for a minimum
19 of four (4) consecutive months of nonpayment, cost of the service
20 and expenses, the municipal clerk shall file a notice of lien with
21 the county clerk describing the property, cost of the service
22 provided and expenses incurred by the municipality and stating that
23 the municipality claims a lien on the property for this service; and
24

1 5. If payment of the cost of service provided and expenses
2 incurred has not been made within thirty (30) days of filing of the
3 notice of lien with the county clerk, then the municipal clerk shall
4 forward a certified statement of the amount of the cost of service
5 provided and expenses incurred to the county treasurer of the county
6 in which the property is located and the same shall be levied on the
7 property and collected by the county treasurer as other taxes
8 authorized by law. Once certified to the county treasurer, payment
9 may only be made to the county treasurer, except as otherwise
10 provided for in this section. In addition, the cost of service
11 provided, expenses incurred and interest shall be a lien against the
12 property from the date the cost of service and expenses are
13 certified to the county treasurer, coequal with the lien of ad
14 valorem taxes and all other taxes and special assessments and prior
15 and superior to all other titles and liens against the property, and
16 the lien shall continue until the cost and expenses shall be fully
17 paid. At the time of collection, the county treasurer shall collect
18 a fee of Five Dollars (\$5.00) for each parcel of property. The fee
19 shall be deposited to the credit of the general fund of the county.
20 If the county treasurer and the municipality agree that the county
21 treasurer is unable to collect the assessment, the municipality may
22 pursue a civil remedy for collection of the amount owing and
23 interest by an action in personam against the property owner and an
24 action in rem to foreclose its lien against the property. A mineral

1 interest, if severed from the surface interest and not owned by the
2 surface owner, shall not be subject to any tax or judgment lien
3 created pursuant to this section. Upon receiving payment, if any,
4 the municipal clerk shall forward to the county treasurer a notice
5 of payment and direct discharge of the lien.

6 B. A municipal governing body may cause unpaid storm water
7 drainage service accounts within the municipal limits to be
8 collected in accordance with the procedures in subsection A of this
9 section.

10 C. The account holder and property owner shall have a right of
11 appeal to the municipal governing body from any order of the
12 administrative officer or administrative body. The appeal shall be
13 taken by filing written notice of appeal with the municipal clerk
14 within ten (10) days after the administrative order is rendered in
15 subsections A and B of this section.

16 D. As used in this section:

17 1. "Solid waste" shall have the same meaning as provided in
18 Section 2-10-103 of Title 27A of the Oklahoma Statutes;

19 2. "Storm water" shall have the same meaning as provided in
20 Section 1-1-201 of Title 27A of the Oklahoma Statutes;

21 3. "Account holder" means the person or entity that set up the
22 solid waste or storm water drainage account with the municipality;
23 and
24

1 4. "Property owner" means the owner of record as shown by the
2 most current tax rolls of the county treasurer.

3 SECTION 2. This act shall become effective November 1, 2013.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
5 April 1, 2013 - DO PASS AS AMENDED
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