

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB13 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: David Dank

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

PROPOSED COMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 13

By: Mazzei of the Senate

and

Dank of the House

PROPOSED COMMITTEE SUBSTITUTE

[Ad Valorem Reimbursement Fund - distribution of
funds - modifying reimbursement amount - effective
date]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 193, is
amended to read as follows:

Section 193. A. There is hereby created in the State Treasury
a revolving fund for the Oklahoma Tax Commission to be designated
the "Ad Valorem Reimbursement Fund". The fund shall be a continuing
fund, not subject to fiscal year limitations. Monies apportioned to
this fund shall be expended:

1 1. To reimburse counties of this state for loss of revenue due
2 to exemptions of ad valorem taxes for new or expanded manufacturing
3 or research and development facilities; provided, for tax year 2012
4 and all subsequent tax years, the property valuation used for
5 determining the amount of such reimbursement for those manufacturing
6 facilities engaged in electric power generation by means of wind and
7 which are subject to the provisions of paragraph 8 of subsection C
8 of Section 2902 of Title 68 of the Oklahoma Statutes shall be
9 limited to the property valuation for the calendar year immediately
10 preceding the calendar year in which the facility initially
11 qualified for such exemption;

12 2. To reimburse counties of this state for loss of revenue for
13 school district and county purposes due to exemptions granted
14 pursuant to the provisions of Section 2890 of Title 68 of the
15 Oklahoma Statutes; and

16 3. To reimburse counties of this state for loss of revenue due
17 to decreased valuation and assessment for buffer strips pursuant to
18 ~~Section 2 of this act~~ Section 2817.2 of Title 68 of the Oklahoma
19 Statutes.

20 Provided that it shall be the duty of the Tax Commission to
21 assess the valuation of all property for new or expanded
22 manufacturing or research and development facilities which are
23 exempt from ad valorem taxes.
24

1 Monies apportioned to this fund also may be transferred to other
2 state funds or otherwise expended as directed by the Legislature by
3 law.

4 B. The county commissioners of each county seeking
5 reimbursement for lost revenue from the Ad Valorem Reimbursement
6 Fund shall make claims for reimbursement on forms prescribed by the
7 Tax Commission prior to April 30 of each year. Claims for
8 reimbursement for loss of revenue due to exemptions of ad valorem
9 taxes for new or expanded manufacturing or research and development
10 facilities shall be made separately from claims for reimbursement
11 for loss of revenue for school district and county purposes due to
12 exemptions granted pursuant to the provisions of Section 2890 of
13 Title 68 of the Oklahoma Statutes and separately from claims for
14 reimbursement for loss of revenue for decreased valuation and
15 assessment of buffer strips. Provided, the assessed valuation of a
16 school district as stated in the claim for reimbursement shall be
17 the same as reported to the State Department of Education on the
18 Estimate of Need and shall include the total valuation of property
19 exempt from taxation pursuant to Section 2902 of Title 68 of the
20 Oklahoma Statutes. The claims shall be either approved or
21 disapproved in whole or in part by the Tax Commission by June 15 of
22 each year. A claim for reimbursement for loss of revenue due to an
23 exemption of ad valorem taxes for a new or expanded manufacturing or
24 research and development facility shall be disapproved if a county

1 or school district has received any payment in lieu of ad valorem
2 taxes from such facility, to the extent of the amount of such
3 reimbursement. If the Tax Commission determines that an exemption
4 has been erroneously or unlawfully granted, it shall notify the
5 appropriate county assessor who shall immediately value and assess
6 the property and place it on the rolls for ad valorem taxation.
7 Disbursements from the fund shall be made on warrants issued by the
8 State Treasurer against claims filed by the Tax Commission with the
9 Office of State Finance for payment. Such disbursements shall be
10 exempt from all agency expenditure ceilings. The county treasurer
11 shall apportion or disburse such funds for expenditures in the same
12 manner as other ad valorem tax collections.

13 C. In the event monies apportioned to the Ad Valorem
14 Reimbursement Fund are insufficient to pay all claims for
15 reimbursement made pursuant to subsection B of this section, claims
16 for reimbursement for loss of revenue due to exemptions of ad
17 valorem taxes for new or expanded manufacturing or research and
18 development facilities shall be paid first, and any remaining funds
19 shall be distributed proportionally among the counties making claims
20 for reimbursement for loss of revenue for school district and county
21 purposes due to exemptions granted pursuant to the provisions of
22 Section 2890 of Title 68 of the Oklahoma Statutes, according to the
23 amount of the claim made by each county. If any funds remain after
24 paying all claims for reimbursement for loss of revenue due to

1 exemptions of ad valorem taxation for new or expanded manufacturing
2 or research and development facilities and for reimbursement for
3 loss of revenue for school district and county purposes due to
4 exemptions granted pursuant to the provisions of Section 2890 of
5 Title 68 of the Oklahoma Statutes, the remaining funds shall be
6 distributed proportionally among the counties making claims for
7 reimbursement for loss of revenue for decreased valuation and
8 assessment for buffer strips pursuant to ~~Section 2 of this act~~
9 Section 2817.2 of Title 68 of the Oklahoma Statutes.

10 SECTION 2. This act shall become effective January 1, 2012.
11

12 53-1-7381 MAH 04/05/11
13
14
15
16
17
18
19
20
21
22
23
24