

1 **SENATE FLOOR VERSION**

February 11, 2021

2 **AS AMENDED**

3 SENATE BILL NO. 189

By: Rader of the Senate

4 and

5 Sims of the House

6
7
8 **[counties and county officers - Oklahoma Hazard**
9 **Mitigation Assessment District Act - Hazard**
10 **Mitigation District Trust Authority - cooperative**
11 **agreements with tribal entities - statement to**
12 **taxpayers - codification - effective date -**
13 **emergency]**

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 501.1 of Title 19, unless there
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Oklahoma Hazard
19 Mitigation Assessment District Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 501.2 of Title 19, unless there
22 is created a duplication in numbering, reads as follows:

23 The governing body of a county may initiate the creation of a
24 hazard mitigation assessment district by the adoption of a
resolution calling for the question to be placed before the

1 registered voters of the county of whether to organize a hazard
2 mitigation assessment district. The resolution shall be submitted
3 to registered voters of the county at a countywide special or
4 general election. When a district is organized, it shall have the
5 powers conferred by the Oklahoma Hazard Mitigation Assessment
6 District Act.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 501.3 of Title 19, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A hazard mitigation assessment district shall include all
11 territory located within the county.

12 B. To administer the hazard mitigation assessment district, a
13 Hazard Mitigation District Trust Authority shall be created to be
14 responsible for the administration, determination of projects and
15 programs to be funded, to create, amend and oversee the budget and
16 to approve the expenditures of the collected assessment. The
17 Authority shall have seven (7) trustees which shall include the
18 three members of the board of county commissioners, the mayor or
19 other elected officials from three municipalities within the county
20 selected by the board of county commissioners and one member at
21 large selected by the board of county commissioners. Operational
22 management of the hazard mitigation assessment district as it
23 pertains to the approval of any capital improvements constructed and
24 any short-term and long-term capital acquisitions and other

1 expenditures as provided in paragraphs 1 through 13 of subsection C
2 of Section 7 of this act shall be vested within the Hazard
3 Mitigation Trust Authority.

4 C. Budgetary oversight, prioritization of capital and
5 noncapital projects funded and the development of the necessary
6 administrative policies and procedures shall be vested within the
7 Hazard Mitigation District Trust Authority.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 501.4 of Title 19, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The costs of an election to establish a hazard mitigation
12 assessment district shall be paid by the county as determined by the
13 county election board conducting the countywide special or general
14 election.

15 B. The election to determine whether a district shall be
16 established, and the notice thereof, shall be conducted in the same
17 manner as other county questions which are submitted to the
18 electorate of the county. The notice shall require the registered
19 voters of the county to cast ballots which contain the words:

20 1. "Hazard Mitigation Assessment District - Yes"; and

21 2. "Hazard Mitigation Assessment District - No",

22 or words equivalent thereto. All residents of the county who are
23 qualified electors shall be qualified to vote on the proposition.

24 The hazard mitigation assessment district election shall be

1 conducted in accordance with the general or special election laws of
2 the state, and the regular election officials shall be in charge at
3 the usual polling place of each regular precinct, or part of a
4 precinct, which shall include lands within the boundaries of the
5 county.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 501.5 of Title 19, unless there
8 is created a duplication in numbering, reads as follows:

9 If the certified election results show that greater than sixty
10 percent (60%) of all the votes cast are "Hazard Mitigation
11 Assessment District - Yes", the governing body of the county shall,
12 by adoption of a resolution, declare the hazard mitigation
13 assessment district established. Any resolution establishing a
14 hazard mitigation assessment district shall be filed in the office
15 of the county clerk in the county where the election was held.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 501.6 of Title 19, unless there
18 is created a duplication in numbering, reads as follows:

19 The governing body of the county may establish a hazard
20 mitigation advisory board composed of thirteen (13) citizens from
21 the municipalities and unincorporated areas of the county to make
22 reports and recommendations to the Hazard Mitigation Trust Authority
23 to advise the county governing body on hazard mitigation and
24 disaster recovery expenditures and projects. The governing body of

1 the county shall appoint the hazard mitigation advisory board
2 members for either one- or two-year terms.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 501.7 of Title 19, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There shall be levied an annual assessment no greater than
7 two (2) mills on the dollar of assessed value of the types of
8 property in the district as provided in paragraphs 1, 2 and 3 of
9 subsection A of Section 2803 of Title 68 of the Oklahoma Statutes.

10 B. The annual assessment provided in subsection A of this
11 section shall not apply to real property zoned for agricultural land
12 use, livestock utilized in support of the family and personal
13 property owned by for-profit agricultural business entities. A
14 property that is exempt from the assessment at the time when the
15 voters approve the assessment shall remain exempt even if the
16 property is rezoned to a nonexempt category at a later time.
17 Government-owned and nonprofit properties shall be exempt from the
18 annual assessment. Properties located within a tax increment
19 financing district shall be subject to the assessment.

20 C. The proceeds of the assessments shall be used for the short-
21 term and long-term capital acquisitions and capital improvements of
22 the hazard mitigation assessment district, as well as expenses
23 related to any of the following, or combination of the following,
24 purposes:

- 1 1. Planning, designing, installing, constructing, operating and
2 maintaining hazard mitigation capital improvements;
- 3 2. Creating a fund balance equal to ten percent (10%) of the
4 amount of assessment collected annually to be used by the county
5 where the district is located or any municipality located within the
6 district for matching any funding requirements by the state or
7 federal government in order to qualify and to receive state or
8 federal government disaster relief funds;
- 9 3. Purchasing and maintaining equipment and vehicles required
10 to implement projects in a FEMA-approved hazard mitigation plan;
- 11 4. Providing funds in support of efforts to acquire and
12 demolish or relocate, if technically feasible, or elevate structures
13 located in areas prone to flooding including expenses to ensure that
14 people whose real property is acquired using federal funds, or who
15 move as a result of projects receiving funds, will be treated fairly
16 and equitably, pursuant to the Uniform Relocation Assistance and
17 Real Property Acquisition Policies Act of 1970, Sections 4601
18 through 4655 of Title 42 of the United States Code, and receive
19 assistance in moving from the property they occupy;
- 20 5. Providing funding to county health departments for the
21 creation of and implementation of public health hazard mitigation
22 plans;

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1 6. Funding for studies, evaluations, consulting services and
2 professional services related directly or indirectly to purposes in
3 paragraphs 1 through 5 of this subsection;

4 7. Providing and receiving hazard mitigation training;

5 8. Providing administrative costs not to exceed five percent
6 (5%) of the total amount of assessment collected annually for the
7 administration of the hazard mitigation plan;

8 9. Providing for costs incurred by the county for including
9 hazard mitigation assessment information in the tax statement as
10 provided in subsection B of Section 2915 of Title 68 of the Oklahoma
11 Statutes;

12 10. Providing any funds required as a deductible on the
13 municipal and county property insurance policies that cover any
14 property, buildings, facilities, equipment, vehicles and materials
15 located within the district damaged or destroyed as a result of the
16 hazard for which an insurance claim is filed. For purposes of this
17 section, "hazard" shall mean a condition with the potential threat
18 or actual loss or harm to humans, property, the community or
19 environment that is naturally occurring or a human-induced disaster
20 or event which poses or results in great risk or danger or damage;

21 11. Providing for any required matching funds in order to
22 receive hazard mitigation grants from the state or federal
23 government or any private sector or nonprofit organization provided
24 grant funds;

1 12. Providing hazard mitigation and disaster recovery funding
2 to public authorities and trusts which are responsible for the
3 management, operation, construction, maintenance and preservation of
4 public property; and

5 13. Providing funds for any cleanup, demolition, debris removal
6 and hazardous material removal following any hazard.

7 D. The establishment of the hazard mitigation annual assessment
8 shall terminate five (5) years after the passage by the voters of
9 the county unless renewed by the voters of the county.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 501.8 of Title 19, unless there
12 is created a duplication in numbering, reads as follows:

13 No portion of annual assessment shall be used to supplant or be
14 used in exchange for any current appropriations dedicated for and
15 expended for hazard mitigation or disaster recovery expenditures.
16 The annual assessment shall only be used in addition to or to
17 supplement current appropriations and expenditures for hazard
18 mitigation or disaster recovery. The prohibition provided in this
19 subsection shall not apply to federal Community Development Block
20 Grant (CDBG) funding which a county or municipality is using for
21 hazard mitigation or disaster recovery. In those cases, the annual
22 assessment shall be used to replace any CDBG funding which has been
23 directed towards hazard mitigation, disaster recovery expenditures
24 or both hazard mitigation and disaster recovery expenditures.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 501.9 of Title 19, unless there
3 is created a duplication in numbering, reads as follows:

4 In counties determined by the most recent Federal Decennial
5 Census to be completely or mostly rural, no less than forty percent
6 (40%) of the annual assessment collected in the county shall be used
7 for mitigation improvements, disaster recovery or both mitigation
8 improvements and disaster recovery impacting agricultural property.

9 SECTION 10. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 501.10 of Title 19, unless there
11 is created a duplication in numbering, reads as follows:

12 Every assessment levied under the authority of the Oklahoma
13 Hazard Mitigation Assessment District Act shall be a lien against
14 the tract of land on which it has been levied, until paid, and the
15 lien shall be coequal with the lien of ad valorem and other taxes
16 including special assessments, and prior and superior to all other
17 liens, and the assessment shall draw interest and shall be collected
18 in the same manner as ad valorem taxes.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 501.11 of Title 19, unless there
21 is created a duplication in numbering, reads as follows:

22 The county assessor shall compute and enter, in respective
23 columns of the tax rolls, the respective sums in dollars and cents
24 to be paid on each piece of property therein enumerated. The county

1 clerk shall certify to the county treasurer in the county where the
2 district, or any part thereof, is located the amount of assessment
3 in each fund levied upon each tract. The county treasurer shall
4 enter the amount of each in separate columns of the tax list of the
5 county. The assessments shall be collected by the county treasurer
6 at the same time and in the same manner as all other taxes are
7 collected in this state. Costs associated with the collection of
8 the assessments incurred by the county treasurer shall be paid from
9 the proceeds of the district. If any assessment becomes delinquent,
10 it shall draw interest as a penalty after delinquency at the rate of
11 eighteen percent (18%) per annum. All assessments and penalties
12 collected or received from the Oklahoma Hazard Mitigation Assessment
13 District Act shall be paid to the county treasurer.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 501.12 of Title 19, unless there
16 is created a duplication in numbering, reads as follows:

17 A hazard mitigation assessment district may be dissolved by a
18 majority vote of the registered voters at an election called for
19 that purpose by the governing body of the county.

20 SECTION 13. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 501.13 of Title 19, unless there
22 is created a duplication in numbering, reads as follows:

23 The governing body of the county is authorized to negotiate and
24 enter into intergovernmental cooperative agreements on behalf of the

1 district with a federally recognized Indian tribal government within
2 this state, owner of restricted property, beneficiaries of trust
3 property and the federal Bureau of Indian Affairs to address
4 payments in lieu of assessments and other issues of mutual interest.

5 SECTION 14. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 501.14 of Title 19, unless there
7 is created a duplication in numbering, reads as follows:

8 The governing body of the county shall prepare, present and file
9 quarterly reports on the activities of the hazard mitigation
10 assessment district. The reports shall include, but shall not be
11 limited to, the current receipts, the current expenditures and the
12 projects funded, the projects to be funded in the next quarter, any
13 reports and recommendations received from the hazard mitigation
14 advisory board, and any other information regarding the activities
15 and actions taken.

16 SECTION 15. AMENDATORY 68 O.S. 2011, Section 2915, is
17 amended to read as follows:

18 Section 2915. A. It shall be the duty of every person subject
19 to taxation under the Ad Valorem Tax Code, Section 2801 et seq. of
20 this title, to attend the treasurer's office and pay taxes, and if
21 any person neglects to attend and pay taxes until after they have
22 become delinquent, the treasurer shall collect the same in the
23 manner provided by law. If any person owing taxes, removes from one
24 county to another in this state, the county treasurer shall forward

1 the tax claim to the treasurer of the county to which the person has
2 removed, and the taxes shall be collected by the county treasurer of
3 the latter place as other taxes and returned to the proper county,
4 less legal charges. The county treasurer may visit, in person or by
5 deputy, places other than the county seat for the purpose of
6 receiving taxes. Nothing herein shall be so construed as to prevent
7 an agent of any person subject to taxation from paying the taxes.

8 B. The county treasurer of each county shall, within thirty
9 (30) days after the tax rolls have been completed and delivered to
10 the office of the county treasurer by the county assessor, mail to
11 each taxpayer at the taxpayer's last-known address a statement
12 showing separately the amount of all ad valorem taxes assessed
13 against the taxpayer's real and personal property for the current
14 year ~~and~~, all delinquent taxes remaining unpaid thereon for previous
15 years and, if applicable, any assessments levied on properties
16 within a hazard mitigation assessment district pursuant to Section 7
17 of this act. At the county treasurer's option, in lieu of regular
18 mailing, the treasurer may instead send the tax statement to the
19 taxpayer by electronic mail provided the taxpayer has submitted a
20 written request to receive such statements by electronic mail
21 instead of by regular mail. It is expressly provided, however, that
22 failure of any taxpayer to receive such statement, or failure of the
23 treasurer to so mail the same, shall not in any way extend the date
24 by which such taxes or assessments shall be due and payable nor

1 relieve the taxpayer or property owner of the duty and
2 responsibility of paying same as provided by law.

3 C. The statement required by this section shall contain an
4 explanation of how the ad valorem tax bill is calculated using
5 language so that a person of common understanding would know what is
6 intended. The statement shall also contain an explanation of the
7 manner in which ad valorem taxes are apportioned between the county,
8 school district or other jurisdiction levying ad valorem taxes and
9 shall identify the apportionment of the taxes for the current year
10 on the subject property. The State Auditor and Inspector shall
11 promulgate rules necessary to implement the provisions of this
12 subsection.

13 D. It shall be the mandatory duty of the county treasurer to
14 request an appropriation for necessary postage and expense to defray
15 the cost of furnishing taxpayers the statement herein provided and
16 it shall be the mandatory duty of the board of county commissioners
17 and the county excise board to make such appropriation.

18 SECTION 16. This act shall become effective July 1, 2021.

19 SECTION 17. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
24 February 11, 2021 - DO PASS AS AMENDED