

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT

RESOLUTION HJR1014:

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AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 8D to Article X, and a proposed amendment to Section 8C of Article X of the Constitution of the State of Oklahoma; imposing limit on amount of ad valorem tax increases applicable to certain property; specifying method for computing maximum increase; providing exceptions for certain measures approved by voters; providing exceptions based upon additions or improvements to property; providing exceptions based upon transfer of title to real property; modifying provisions related to qualifying income limits for property tax relief related to certain homestead property; providing ballot titles; directing filing; and providing for special election.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 8D to Article X thereof, to read as follows:

Section 8D. A. Notwithstanding any other provision of law and except as otherwise provided by this section, for the assessment year beginning January 1, 2004, and for each assessment year thereafter, the maximum amount of ad valorem taxes which may be levied against any locally assessed residential real property shall be equal to the highest amount of ad valorem taxes levied against the property during the five (5) assessment years preceding the year

in which the determination is made plus one percent (1%). The provisions of this subsection shall not be applicable to measures approved by voters of any applicable taxing jurisdiction either prior to or subsequent to the effective date of this section for the purpose of payment of any indebtedness of the jurisdiction.

B. For the assessment year during which the additions or construction occurs, the provisions of this section shall not be applicable to any locally assessed residential real property upon which improvements are added or constructed for the first time on or after January 1, 2004, or to any locally assessed residential real property with improvements added or constructed prior to January 1, 2004, if further improvements are made to such property on or after January 1, 2004.

C. The provisions of this section shall not be applicable to any locally assessed residential real property for the assessment year in which title to such property is transferred or conveyed to another person or entity on or after January 1, 2004.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Section 8D to Article 10. It would limit property tax increases for some kinds of real property. Residential real property assessed by the county assessor would be subject to this limit. The limit would be based upon the property tax bill for this property from the prior five years plus one percent. The property tax limit would not apply in years during which an addition or improvement was made. The property tax limit would

not apply in years during which property was sold or transferred.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 8C of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 8C. Despite any provision to the contrary, beginning January 1, ~~1997~~ 2004, the fair cash value, as determined by law, on each homestead of an individual head of household ~~whose gross household income from all sources for the preceding calendar year did not exceed Twenty-five Thousand Dollars (\$25,000.00),~~ and which individual head of household is sixty-five (65) years of age or older, shall not exceed the fair cash value placed upon the property during the first year in which the individual head of household was sixty-five (65) years of age or older ~~and had gross household income from all sources of Twenty-five Thousand Dollars (\$25,000.00) or less.~~ Subject to the limitations of this section, the fair cash value shall not exceed such amount as long as the individual head of household who is sixty-five (65) years of age or older owns and occupies the property ~~and as long as the gross household income from all sources does not exceed Twenty-five Thousand Dollars (\$25,000.00) in any calendar year.~~ If any improvements are made to the property, the fair cash value of the improvements shall be assessed in accordance with law by the county assessor and added to the assessed value of the property. Once the fair cash value of the improvements has been added to the fair cash value of the property, the total fair cash value shall not exceed the revised valuation of the property so long as the individual head of household who is sixty-five (65) years of age or older owns and occupies the property

~~and so long as the gross household income from all sources does not exceed Twenty-five Thousand Dollars (\$25,000.00) in a calendar year.~~
For any individual head of household who is sixty-five (65) years of age or older prior to January 1, 1997, and has gross household income from all sources of Twenty-five Thousand Dollars (\$25,000.00) or less in calendar year 1996, the fair cash value of the real property shall be the fair cash value placed upon the property on January 1, 1997. If the individual head of household ceases to own and occupy the property ~~or if the gross household income from all sources exceeds Twenty-five Thousand Dollars (\$25,000.00) in a calendar year,~~ the fair cash value of the property shall be determined as if the provisions of Section 8 of Article X of the Constitution of the State of Oklahoma or any other provisions relating to a limitation on the fair cash value of locally assessed real property had been in effect during the time the property was valued pursuant to the provisions of this section.

SECTION 4. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 3 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the Oklahoma Constitution. It would amend Section 8C of Article 10. Homesteads owned by persons age 65 or older cannot have an increase in market value for property tax purposes. This rule applies only if the owner does not have gross household income greater than certain amounts set by this part of the Oklahoma Constitution. If this measure passes, the income limits would be repealed. The homestead property of persons age 65 or older could not have an increase in market value for property tax purposes. This limit on increases in market value would apply regardless of the income of the owner.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 5. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Titles set forth in SECTIONS 2 and 4 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 6. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of September 23, 2003, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTIONS 1 and 3 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

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