

ENGROSSED HOUSE  
JOINT  
RESOLUTION NO. 1006

By: Case, Calvey, Nance,  
Terrill, Covey, Duncan,  
Hastings, Liotta, McCarter  
and Perry of the House

and

Reynolds of the Senate

( Joint Resolution - Section 8B of Article X -  
property - ballot title - special election -  
filing )

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
1ST SESSION OF THE 50TH 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 Section 8B of Article X of the  
Constitution of the State of Oklahoma to read as follows:

Section 8B. Despite any provision to the contrary, the taxable  
fair cash value of any parcel of locally assessed real property  
shall not increase by more than five percent (5%) in any taxable  
year, except the taxable fair cash value of locally assessed real  
property which has qualified for the homestead exemption shall not  
increase by more than three percent (3%) in any taxable year. If  
the actual fair cash value of income-producing property decreased  
due to a decline in capitalized net income and such property in  
future years realizes a gain in capitalized net income, then the  
taxable fair cash value may increase without a cap to the level  
previously determined prior to the reduction. From this previously  
established taxable value any increases are subject to the five-  
percent cap. The provisions of this section shall not apply in any

year when title to the property is transferred, changed, or conveyed to another person or when improvements have been made to the property. If title to the property is transferred, changed, or conveyed to another person, the property shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution. If any improvements are made to the property, the increased value to the property as a result of the improvement shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution. The provisions of this section shall be effective January 1, 1997, and thereafter for counties which are in compliance with the applicable law or administrative regulations governing valuation of locally assessed real property as of such date. For counties which are not in compliance with such law or regulations as of January 1, 1997, the provisions of this section shall be effective January 1 of the year following the date the county is deemed to be in compliance with such laws or regulations as provided by law. The provisions of this section shall not apply to any personal property which may be taxed ad valorem or any property which may be valued or assessed by the State Board of Equalization.

The Legislature shall enact any laws necessary to implement the provisions of this section.

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 amends Section 8B of Article 10. This section relates to the property tax. The law limits the amount by which the market value of some types of property can increase each year. This value is

known as fair cash value. This limit applies to real property that is assessed by the local county assessor. The law limits the increase to five percent each year. This measure would change the annual limit to three percent for some property. The three-percent limit would apply to homestead property in that county. A different rule would apply to property that produces income for its owner. If the fair cash value of this kind of property decreased, the limit would allow the value to increase. The increase would be allowed up to the fair cash value prior to the decrease. Then this type of property would once again be subject to a five-percent limit.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES \_\_\_\_\_

AGAINST THE PROPOSAL — NO \_\_\_\_\_

SECTION 3. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of September 13, 2005, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

SECTION 4. 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 Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 24th day of February,  
2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate