

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE JOINT  
4 RESOLUTION 1002

By: Dank

5  
6 AS INTRODUCED

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8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 8B of  
11 Article X of the Constitution of the State of  
12 Oklahoma; authorizing submission of certain  
13 proposition to voters of counties; requiring question  
14 regarding limitation for voter consideration at  
15 certain elections; providing for approval of  
16 proposition by simple majority; providing for  
17 effective date of limitation on valuation increases;  
18 providing ballot title; and directing filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for  
23 their approval or rejection, as and in the manner provided by law,  
24 the following proposed amendment to Section 8B of Article X of the  
25 Constitution of the State of Oklahoma to read as follows:

26 Section 8B. ~~Despite A.~~ Except as otherwise provided by  
27 subsection B of this section, despite any provision to the contrary,  
28 the fair cash value of any parcel of locally assessed real property  
29 shall not increase by more than five percent (5%) in any taxable

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

22 B. Upon an affirmative vote of a majority of the county  
23 commissioners of any county or in the absence of a call by the  
24 county commissioners at the first special election conducted for any

1 county office or at any general election there shall be referred to  
2 the qualified electors of a county the question of whether the  
3 limitation upon the increase in the fair cash value of the  
4 properties described in subsection A of this section shall be  
5 limited further to a percentage not to exceed two percent (2%) per  
6 year. A simple majority of the votes cast in favor of the  
7 proposition shall be sufficient for the passage of the proposition.  
8 Any modification to the percentage otherwise prescribed by  
9 subsection A of this section shall be in force and effect beginning  
10 January 1 of the succeeding calendar year after the approval of the  
11 limitation.

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

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

17 BALLLOT TITLE  
18 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

19 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

20 This measure amends the Oklahoma Constitution. It amends  
21 Section 8B of Article 10. This section limits increases in the  
22 fair cash value of certain types of property. The property  
23 consists of real property that the county assessor determines a  
24 market value for each year. It includes residences,

1 agricultural property and commercial property. The current  
2 maximum is five percent (5%) each year. There are some  
3 exceptions to this rule. This measure would let county  
4 commissioners call an election. If the county commissioners did  
5 not call an election, the question would be voted upon at any  
6 special election for a county office or at a general election.  
7 The election would be to determine whether to limit the five-  
8 percent amount to two percent (2%). If a majority of the voters  
9 of a county approved this question, the new limit would be in  
10 effect beginning January 1 of the year following the year in  
11 which the election was held. After that, the county assessor  
12 could not increase the fair cash value of the property by more  
13 than two percent (2%) each year.

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES \_\_\_\_\_

16 AGAINST THE PROPOSAL - NO \_\_\_\_\_

17 SECTION 3. The Chief Clerk of the House of Representatives,  
18 immediately after the passage of this resolution, shall prepare and  
19 file one copy thereof, including the Ballot Title set forth in  
20 SECTION 2 hereof, with the Secretary of State and one copy with the  
21 Attorney General.

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23 52-1-5068 MAH 11/13/08  
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