

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE JOINT
4 RESOLUTION 1013

By: Inman

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 8B of
10 Article X of the Constitution of the State of
11 Oklahoma and Section 8C of Article X of the
12 Constitution of the State of Oklahoma; modifying
13 provisions related to valuation increases for certain
14 real property; modifying maximum percentage increase
15 with respect to homesteads; modifying provisions
16 related to certain qualifying income; providing
17 ballot title; and directing filing.

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19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
20 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

21 Section 8B. A. Despite any provision to the contrary, the fair
22 cash value of any parcel of locally assessed real property, other
23 than homestead property, shall not increase by more than five
24 percent (5%) in any taxable year.

1 B. Despite any provision to the contrary, beginning January 1,
2 2013, the fair cash value of any parcel of real property which is
3 the homestead of any person shall not increase by more than three
4 percent (3%) in any taxable year.

5 C. The provisions of this section shall not apply in any year
6 when title to the property is transferred, changed, or conveyed to
7 another person or when improvements have been made to the property.
8 If title to the property is transferred, changed, or conveyed to
9 another person, the property shall be assessed for that year based
10 on the fair cash value as set forth in Section 8 of Article X of
11 this Constitution.

12 D. If any improvements are made to the property, the increased
13 value to the property as a result of the improvement shall be
14 assessed for that year based on the fair cash value as set forth in
15 Section 8 of Article X of this Constitution.

16 E. The provisions of this section shall be effective January 1,
17 1997, and thereafter for counties which are in compliance with the
18 applicable law or administrative regulations governing valuation of
19 locally assessed real property as of such date. For counties which
20 are not in compliance with such law or regulations as of January 1,
21 1997, the provisions of this section shall be effective January 1 of
22 the year following the date the county is deemed to be in compliance
23 with such laws or regulations as provided by law.

1 F. The provisions of this section shall not apply to any
2 personal property which may be taxed ad valorem or any property
3 which may be valued or assessed by the State Board of Equalization.

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

6 Section 8C. ~~A.~~ Despite any provision to the contrary,
7 beginning January 1, ~~2005~~ 2013, the fair cash value, as determined
8 by law, on each homestead of an individual head of household ~~whose~~
9 ~~gross household income from all sources for the preceding calendar~~
10 ~~year did not exceed an amount as provided in subsection B of this~~
11 ~~section, and~~ which individual head of household is sixty-five (65)
12 years of age or older, shall not exceed the fair cash value placed
13 upon the property during the first year in which the individual head
14 of household was sixty-five (65) years of age or older ~~and had gross~~
15 ~~household income from all sources which did not exceed an amount as~~
16 ~~provided in subsection B of this section.~~ Subject to the
17 limitations of this section, the fair cash value shall not exceed
18 such amount as long as the individual head of household who is
19 sixty-five (65) years of age or older owns and occupies the property
20 ~~and as long as the gross household income from all sources does not~~
21 ~~exceed an amount as provided in subsection B of this section.~~ If
22 any improvements are made to the property, the fair cash value of
23 the improvements shall be assessed in accordance with law by the
24 county assessor and added to the assessed value of the property.

1 Once the fair cash value of the improvements has been added to the
2 fair cash value of the property, the total fair cash value shall not
3 exceed the revised valuation of the property so long as the
4 individual head of household who is sixty-five (65) years of age or
5 older owns and occupies the property ~~and so long as the gross~~
6 ~~household income from all sources does not exceed an amount as~~
7 ~~provided in subsection B of this section.~~ For any individual head
8 of household who is sixty-five (65) years of age or older prior to
9 January 1, 1997, and has gross household income from all sources of
10 Twenty-five Thousand Dollars (\$25,000.00) or less in calendar year
11 1996, the fair cash value of the real property shall be the fair
12 cash value placed upon the property on January 1, 1997. If the
13 individual head of household ceases to own and occupy the property
14 ~~or if the gross household income from all sources exceeds an amount~~
15 ~~as provided in subsection B of this section,~~ the fair cash value of
16 the property shall be determined as if the provisions of Section 8
17 of Article X of the Constitution of the State of Oklahoma or any
18 other provisions relating to a limitation on the fair cash value of
19 locally assessed real property had been in effect during the time
20 the property was valued pursuant to the provisions of this section.

21 ~~B. The income threshold for the gross household income from all~~
22 ~~sources for an individual head of household under this section shall~~
23 ~~not exceed the amount determined by the United States Department of~~
24 ~~Housing and Urban Development to be the estimated median income for~~

1 ~~the preceding year for the county or metropolitan statistical area~~
2 ~~which includes such county. The Oklahoma Tax Commission shall~~
3 ~~provide such information to each county assessor each year as soon~~
4 ~~as such information becomes available.~~

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

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure amends the Oklahoma Constitution. This measure
12 amends Section 8B of Article 10. This section prevents
13 increases to the fair cash value of most kinds of real property.
14 The increase in fair cash value cannot be more than five percent
15 (5%) each year. This measure would provide a different rule for
16 homestead property. The fair cash value of homestead property
17 could not increase more than three percent (3%) each year. This
18 measure also amends Section 8C of Article 10. Persons aged 65
19 or older who own a homestead can qualify for a property tax
20 benefit. A homestead owned by such persons will not be subject
21 to increases in value for property tax purposes. This value is
22 known as fair cash value. The law limits the amount of income
23 persons may have in order to qualify for this benefit. This
24 measure would allow any person age 65 or older regardless of

1 income to have this benefit. The homestead of these persons
2 would not be subject to any further increases in fair cash
3 value. This change would become effective January 1, 2013.

4 SHALL THE PROPOSAL BE APPROVED?

5 FOR THE PROPOSAL - YES _____

6 AGAINST THE PROPOSAL - NO _____

7 SECTION 3. The Chief Clerk of the House of Representatives,
8 immediately after the passage of this resolution, shall prepare and
9 file one copy thereof, including the Ballot Title set forth in
10 SECTION 2 hereof, with the Secretary of State and one copy with the
11 Attorney General.

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