

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1033

By: Jackson

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; imposing limitation on increase in taxable
13 fair cash value of homestead property; prescribing
14 method for valuation of commercial or income-
15 producing property; providing ballot title; and
16 directing filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
18 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

23 Section 8B. ~~Despite A.~~ Except as otherwise provided by this
24 section, 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.

1 B. The taxable fair cash value for locally assessed real
2 property which has qualified for the homestead exemption shall not
3 increase by more than three percent (3%) in any taxable year.

4 C. If for any reason the actual fair cash value of a commercial
5 property or any income-producing property decreases below its capped
6 taxable fair cash value in a given taxable year, that actual fair
7 cash value shall become its taxable fair cash value. If within a
8 period of three (3) subsequent taxable years the actual fair cash
9 value for any such property increases above the capped value which
10 existed prior to its decrease in value, then that prior capped value
11 shall become its new capped, taxable fair cash value. Any
12 subsequent increases in taxable fair cash value for such commercial
13 properties or income-producing property shall remain subject to the
14 five-percent cap.

15 D. The provisions of this section shall not apply in any year
16 when title to the property is transferred, changed, or conveyed to
17 another person or when improvements have been made to the property.
18 If title to the property is transferred, changed, or conveyed to
19 another person, the property shall be assessed for that year based
20 on the actual fair cash value as set forth in Section 8 of Article X
21 of this Constitution.

22 E. If any improvements are made to the property, the increased
23 value to the property as a result of the improvement shall be
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1 assessed for that year based on the fair cash value as set forth in
2 Section 8 of Article X of this Constitution.

3 F. The provisions of this section shall be effective January 1,
4 1997, and thereafter for counties which are in compliance with the
5 applicable law or administrative regulations governing valuation of
6 locally assessed real property as of such date. For counties which
7 are not in compliance with such law or regulations as of January 1,
8 1997, the provisions of this section shall be effective January 1 of
9 the year following the date the county is deemed to be in compliance
10 with such laws or regulations as provided by law. The provisions of
11 this section shall not apply to any personal property which may be
12 taxed ad valorem or any property which may be valued or assessed by
13 the State Board of Equalization.

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

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

19 BALLOT TITLE

20 Legislative Referendum No. _____ State Question No. _____

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This measure amends the Oklahoma Constitution. It amends
23 Section 8B of Article 10. The fair cash value of certain types
24 of property cannot increase more than five percent (5%) each

1 year. This is the rule for homesteads. This measure would
2 change the limit to three percent (3%) per year for homesteads.
3 A different rule would apply for business property. Values of
4 business property could fall below the legal limit for property
5 tax purposes. If that happened, the lower value would be
6 subject to tax. If the value of business property increased by
7 a certain amount, the former low value would not be used any
8 more. The value of the business property for tax purposes would
9 be higher. The new value could not be higher than the maximum
10 value for the property before its value decreased.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES _____

13 AGAINST THE PROPOSAL - NO _____

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

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