

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE JOINT
4 RESOLUTION 49

By: Crain

5 AS INTRODUCED

6 A Joint Resolution directing the Secretary of State
7 to refer to the people for their approval or
8 rejection a proposed amendment to Section 8 of
9 Article X of the Oklahoma Constitution; modifying
10 manner in which the value of certain property is
determined for purposes of ad valorem taxation after
certain date; prescribing use of certain assessment
ratios; authorizing Legislature to enact certain
laws; providing ballot title; and directing filing.

11
12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

18 Section 8. A. Except as otherwise provided in Article X of
19 this Constitution, beginning January 1, 1997, all property which may
20 be taxed ad valorem shall be assessed for taxation as follows:

21 1. Tangible personal property shall not be assessed for
22 taxation at less than ten percent (10%) nor more than fifteen
23 percent (15%) of its fair cash value, estimated at the price it
24 would bring at a fair voluntary sale;

1 2. Real property shall not be assessed for ad valorem taxation
2 at a value less than eleven percent (11%) nor greater than thirteen
3 and one-half percent (13.5%) of its fair cash value for the highest
4 and best use for which such property was actually used, or was
5 previously classified for use, during the calendar year next
6 preceding the first day of January on which the assessment is made.
7 The transfer of property without a change in its use classification
8 shall not require a reassessment based exclusively upon the sale
9 value of such property. In connection with the foregoing, the
10 Legislature shall be empowered to enact laws defining
11 classifications of use for the purpose of applying standards to
12 facilitate uniform assessment procedures in this state; ~~and~~

13 3. All other property which is assessed by the State Board of
14 Equalization shall be assessed for ad valorem taxation at the
15 percentage of its fair cash value, estimated at the price it would
16 bring at a fair voluntary sale, at which it was assessed on January
17 1, 1996; and

18 4. Beginning January 1, 2017, the State Board of Equalization
19 shall determine the taxable value of all real or personal property
20 of any taxpayer who has claimed a tax incentive for the immediately
21 preceding tax year. The assessment ratios provided pursuant to
22 paragraphs 1 and 2 of this subsection shall be applied to the value
23 determined by the State Board of Equalization. The Legislature
24 shall define the term "taxpayer who has claimed a tax incentive" and

1 may pass any additional laws that may be required to implement the
2 provisions of this section.

3 B. Beginning January 1, 1997, the percentage at which real or
4 tangible personal property is assessed within a county shall not be
5 increased except upon approval by a majority of the registered
6 voters of the county, voting at an election called for that purpose
7 by a majority of the county commissioners, or upon a petition
8 initiated by not less than ten percent (10%) of the registered
9 voters of the county based on the total number of votes cast at the
10 last general election for the county office receiving the highest
11 number of votes at the election. In no event shall the percentage
12 be increased by more than one percentage point per year or increase
13 in excess of the limitations set forth in paragraphs 1 and 2 of
14 subsection A of this section. The percentage at which real or
15 tangible personal property is assessed within a county may be
16 decreased, within the limitations set forth in paragraphs 1 and 2 of
17 subsection A of this section, without approval of the voters of the
18 county.

19 C. Any officer or other person authorized to assess values or
20 subjects for taxation, who shall commit any wilful error in the
21 performance of the duties of the office, shall be deemed guilty of
22 malfeasance, and upon conviction thereof shall forfeit the office
23 and be otherwise punished as may be provided by law.
24

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends Section 8 of Article 10 of the Oklahoma
8 Constitution. It changes the way the value of certain property
9 is determined for purposes of property tax. The property is
10 that owned by a taxpayer who uses certain tax incentives. The
11 value of that property will be determined by the State Board of
12 Equalization and not the county assessor. The Legislature is
13 authorized to pass laws relating to this provision.

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES _____

16 AGAINST THE PROPOSAL - NO _____

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

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