

ENGROSSED HOUSE
BILL NO. 1898

By: Dunegan and Davis of the
House

and

Mickle of the Senate

An Act relating to homestead exemptions; amending Section 1 of Article XII of the Oklahoma Constitution, which relates to exempt homestead property; amending 31 O.S. 1991, Section 2, which relates to exempt homestead property; modifying provisions of Oklahoma Constitution pursuant to authority granted by Section 3 of Article XII of the Oklahoma Constitution; providing for exemption of homestead property located within cities or towns; providing exemption for homestead property based upon use for residential or agricultural purposes; providing exemption for homestead property based upon use for residential or business purposes; requiring certain amount of square area to be used as principal residence for purposes of exemption; modifying statutory provisions to conform to modifications made in the Constitution of the State of Oklahoma; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Pursuant to the authority vested in the Legislature by Section 3 of Article XII of the Oklahoma Constitution, Section 1 of Article XII of the Oklahoma Constitution is amended to read as follows:

Section 1. A. The homestead of any family or single, adult person in this State, not within any city, or town, ~~or village,~~ shall consist of not more than one hundred ~~and~~ sixty acres of land, which may be in one or more parcels, to be selected by the owner.

B. The homestead within any city or town owned and occupied and used for both residential and agricultural purposes shall consist of not more than one hundred sixty acres of land, which may be in one or more parcels, to be selected by the owner.

C. The homestead within any city, or town, ~~or village,~~ owned and occupied as a residence only, or used for both residential and business purposes, shall consist of not exceeding one acre of land, to be selected by the owner: ~~Provided, That the same.~~

D. Homesteads within any city or town, owned and occupied as a residence only or used for both residential and business purposes, shall not exceed in value the sum of ~~five thousand dollars~~ Five Thousand Dollars (\$5,000.00), and in no event shall the homestead, whether used as a residence only or used for both residential and business purposes, be reduced to less than one-quarter of an acre, without regard to value; ~~And Provided Further, That in case said homestead is used for both residence and business purposes, the homestead interest therein shall not exceed in value the sum of five thousand dollars: Provided, That nothing.~~ For purposes of this subsection, at least seventy-five percent (75%) of the total square foot area of the improvements for which a homestead exemption is claimed must be used as the principal residence in order to qualify for the exemption.

E. Nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or

other allottee of the benefit of the homestead and exemption laws of the State: ~~And Provided Further, That any.~~

F. Any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SECTION 2. AMENDATORY 31 O.S. 1991, Section 2, is amended to read as follows:

Section 2. A. The homestead of any family in this state or the homestead of a single, adult person in this state, not within any city, or town or village, shall consist of not more than one hundred sixty (160) acres of land, which may be in one or more parcels, to be selected by the owner.

B. The homestead within any city or town owned and occupied and used for both residential and agricultural purposes shall consist of not more than one hundred sixty acres of land, which may be in one or more parcels, to be selected by the owner.

C. The homestead within any city or town, owned and occupied as a residence only, or used for both residential and business purposes, shall consist of not exceeding one (1) acre of land, to be selected by the owner: ~~Provided, that the same.~~

D. Homesteads within any city or town, owned and occupied as a residence only or used for both residential and business purposes, shall not exceed in value the sum of Five Thousand Dollars (\$5,000.00), and in no event shall the homestead, whether used as a residence only or used for both residential and business purposes, be reduced to less than one-quarter (1/4) of an acre, without regard to value: ~~And provided, further, that in case said homestead is used for both residence and business purposes, the homestead interests therein shall not exceed in value the sum of Five Thousand Dollars (\$5,000.00): Provided, that nothing.~~ For purposes of this subsection, at least seventy-five percent (75%) of the total square foot area of the improvements for which a homestead exemption is

claimed must be used as the principal residence in order to qualify for the exemption.

E. Nothing in the laws of the United States, or any treaties with the Indian tribes in the state, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the state: ~~And provided, further, that any.~~

F. Any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SECTION 3. This act shall become effective November 1, 1997.

Passed the House of Representatives the 27th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate