

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1042

By: Hiett, Pope (Clay), Roggow,
DeWitt, Friskup and Dank of
the House

and

Johnson of the Senate

(Joint Resolution - proposed amendments to Sections
6 and 8C of Article X of the Constitution -
exemption for tractors - ad valorem taxation of
homesteads - ballot titles -
filing)

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for
their approval or rejection, as and in the manner provided by law,
the following proposed amendment to Section 6 of Article X of the
Constitution of the State of Oklahoma to read as follows:

Section 6. ~~(a)~~ A. Except as otherwise provided in subsection
~~(b)~~ B or C of this section, all property used for free public
libraries, free museums, public cemeteries, property used
exclusively for nonprofit schools and colleges, and all property
used exclusively for religious and charitable purposes, and all
property of the United States except property for which a federal
agency obtains title through foreclosure, voluntary or involuntary
liquidation or bankruptcy unless the taxation of such property is
prohibited by federal law; all property of this state, and of
counties and of municipalities of this state; household goods of the
heads of families, tools, implements, and livestock employed in the
support of the family, not exceeding One Hundred Dollars (\$100.00)

in value, and all growing crops, shall be exempt from taxation: Provided, that all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whitaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason of treaty stipulations, existing between the Indians and the United States government, or by federal laws, during the force and effect of such treaties or federal laws. The Legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five (5) years, as an inducement to their location.

~~(b)~~ B. The board of county commissioners of any county may call a special election to determine whether or not household goods of the heads of families and livestock employed in support of the family located within the county shall be exempt from ad valorem taxation. Such an election shall also be called by the board upon petition signed by not less than twenty-five percent (25%) of the registered voters of the county. Upon passage of the question, the exemption provided for in this subsection shall become effective on January 1 of the following year.

C. The board of county commissioners of any county may call a special election to determine whether to exempt from ad valorem taxation tractors and drawn or attachable implements. This exemption shall apply only to tractors and drawn or attachable implements. Such election shall also be called by the board of

county commissioners upon a petition signed by not less than twenty-five percent (25%) of the registered voters of the county. The Legislature shall enact laws to provide for the reimbursement to common schools, county governments, cities and towns, emergency medical services districts, technology center school districts, junior colleges, county health departments, and libraries for revenues lost to such entities as a result of the exemption provided by this subsection. For the purpose of this section, "tractor" means any tractor with a twenty-horse-power engine or greater.

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 6 of Article 10 of the Oklahoma Constitution. It allows each county to exempt tractors and implements from property tax. The exemption would have to be approved at an election. The election could be called by the board of county commissioners on their own. The election could also be called by the board of county commissioners upon petition. The petition would have to be signed by at least 25% of the registered voters of the county. The Legislature shall enact laws to reimburse taxing entities. This measure defines the term "tractor".

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 8C of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 8C. A. Despite any provision to the contrary, beginning January 1, 1997, the fair cash value, as determined by law, on each homestead of an individual head of household whose gross household income from all sources for the preceding calendar year did not exceed Twenty-five Thousand Dollars (\$25,000.00), and which individual head of household is sixty-five (65) years of age or older, shall not exceed the fair cash value placed upon the property during the first year in which the individual head of household was sixty-five (65) years of age or older and had gross household income from all sources of Twenty-five Thousand Dollars (\$25,000.00) or less. Subject to the limitations of this section, the fair cash value shall not exceed such amount as long as the individual head of household who is sixty-five (65) years of age or older owns and occupies the property and as long as the gross household income from all sources does not exceed Twenty-five Thousand Dollars (\$25,000.00) in any calendar year. If any improvements are made to the property, the fair cash value of the improvements shall be assessed in accordance with law by the county assessor and added to the assessed value of the property. Once the fair cash value of the improvements has been added to the fair cash value of the property, the total fair cash value shall not exceed the revised valuation of the property so long as the individual head of household who is sixty-five (65) years of age or older owns and occupies the property and so long as the gross household income from all sources does not exceed Twenty-five Thousand Dollars (\$25,000.00) in a calendar year. For any individual head of household who is sixty-five (65) years of age or older prior to January 1, 1997, and has gross household income from all sources of Twenty-five Thousand Dollars (\$25,000.00) or less in calendar year 1996, the fair cash value of the real property shall be the fair cash value placed upon the property on January 1, 1997. If the individual head of household ceases to own and occupy the property

or if the gross household income from all sources exceeds Twenty-five Thousand Dollars (\$25,000.00) in a calendar year, the fair cash value of the property shall be determined as if the provisions of Section 8 of Article X of the Constitution of the State of Oklahoma or any other provisions relating to a limitation on the fair cash value of locally assessed real property had been in effect during the time the property was valued pursuant to the provisions of this section. The provisions of this subsection shall continue in force and effect with respect to homesteads owned by the heads of households who are sixty-five (65) years of age or older at any time prior to January 1, 2003. Effective January 1, 2003, the limitations prescribed by this subsection for the maximum amount of gross household income shall cease to have the force and effect of law and the heads of households who qualified for the provisions of this subsection prior to January 1, 2003, shall continue to qualify without regard to the gross household income of such person. The other provisions of this subsection shall continue to have the force and effect of law for such persons.

B. Despite any provision to the contrary, beginning January 1, 2003, the fair cash value, as determined by law, on each homestead of an individual head of household who is sixty-eight (68) years of age or older, shall not exceed the fair cash value placed upon the property during the first year in which the individual head of household was sixty-eight (68) years of age or older. Subject to the limitations of this section, the fair cash value shall not exceed such amount as long as the individual head of household who is sixty-eight (68) years of age or older owns and occupies the property. If any improvements are made to the property, the fair cash value of the improvements shall be assessed in accordance with law by the county assessor and added to the assessed value of the property. Once the fair cash value of the improvements has been added to the fair cash value of the property, the total fair cash

value shall not exceed the revised valuation of the property so long as the individual head of household who is sixty-eight (68) years of age or older owns and occupies the property. If the individual head of household ceases to own and occupy the property, the fair cash value of the property shall be determined as if the provisions of Section 8 of Article X of the Constitution of the State of Oklahoma or any other provisions relating to a limitation on the fair cash value of locally assessed real property had been in effect during the time the property was valued pursuant to the provisions of this section.

SECTION 4. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 3 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the Oklahoma Constitution. It would amend Section 8C of Article 10. Homestead property is a person's residence. Homesteads are subject to property tax. Homesteads have to be valued for property tax purposes. There is a special rule to value some kinds of homesteads. The special rule applies to homesteads owned by people who are 65 years of age and older. If you are this age or over and do not have income greater than \$25,000 per year, the special rule applies to your homestead. The special rule is that the value of these homesteads does not increase for property tax purposes. There are some exceptions. This measure would change the age requirement. It would change the age requirement for the special rule beginning January 1, 2003. On this date, you would have to be age 68 or over to have the special rule apply. Beginning January 1, 2003, you could still have the special rule apply to your homestead without considering your income.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 5. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Titles set forth in SECTIONS 2 and 4 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 26th day of February, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2002.

Presiding Officer of the Senate