STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE JOINT
RESOLUTION HJR1041: Pope and Case

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 8C of Article X of the Oklahoma Constitution; modifying income limits for determining fair cash value of certain homesteads; establishing method of determining income thresholds based on homestead location; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 49TH 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 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~~ 2005, 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)~~ an amount as provided in subsection B of this section, 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~~ which did not exceed an amount as provided in subsection B of this section. 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~~ an amount as provided in subsection B of this section. 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~~ an amount as provided in subsection B of this section. 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~~ an amount as provided in subsection B of this section, 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.

B. The income threshold for the gross household income from all sources for an individual head of household under this section shall be determined as follows:

1. For a homestead located in a county with a population greater than five hundred thousand (500,000), the income shall not exceed the amount determined by the United States Department of Housing and Urban Development to be the estimated median income for the preceding year for the metropolitan statistical area which includes such county;

2. For a homestead located in a county with a population equal to or less than five hundred thousand (500,000), no part of which is included within a metropolitan statistical area, the income shall not exceed the amount determined by the United States Department of Housing and Urban Development to be the estimated median income for the preceding year for such county; and

3. For a homestead located in a county with a population less than five hundred thousand (500,000), all or part of which is included within a metropolitan statistical area, the income shall not exceed an amount determined by the Oklahoma Tax Commission to be the average of all estimated median income amounts determined by the United States Department of Housing and Urban Development for the preceding year for all counties in this state which are not part of a metropolitan statistical area.

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 the Oklahoma Constitution. It amends Section 8C of Article 10. Property used as a residence is known as the homestead. Persons who are 65 years of age or older who

have a homestead can receive a property tax exemption. The exemption means that the value of homestead property owned by these persons cannot increase. You cannot have this exemption if your income is more than $25,000.00 per year. This measure would change the income limit. Instead of a fixed dollar amount, the income limit would be based on other information. The information would be provided by the U.S. Department of Housing and Urban Development. The income limit would depend upon the population of the county where the property is located. The income limit could change each year.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. 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 Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

49-2-7363 MAH 01/14/04