

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE JOINT  
RESOLUTION 1048

By: Newport

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 Constitution of the State of Oklahoma; modifying provisions related to valuation of certain homesteads; modifying definition of gross household income; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH 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, ~~2005~~ 2007, the fair cash value, as determined by law, on each homestead of an individual head of household whose ~~gross~~ household income from all sources, inclusive of any net income or loss resulting from the ownership or operation of a lawful for-profit business, for the preceding calendar year did not exceed an amount as provided in subsection ~~B~~ E 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, as defined by this subsection, from all sources which did not exceed an amount as provided in subsection ~~B~~ E of this section.

B. 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, as defined by subsection A of this section, from all sources does not exceed an amount as provided in subsection ~~B~~ E of this section.

C. 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, as defined by subsection A of this section, from all sources does not exceed an amount as provided in subsection ~~B~~ E of this section.

D. 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, as defined in subsection A of this section, from all sources exceeds an amount as provided in subsection ~~B~~ E 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.~~ E. The income threshold for the ~~gross~~ household income, as defined in subsection A of this section, from all sources for an individual head of household under this section 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 county or metropolitan statistical area which includes such county. The Oklahoma Tax Commission shall provide such information to each county assessor each year as soon as such information becomes available.

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 person's principal residence is known as the homestead. If a person is 65 years old or older and owns a homestead, the county assessor may be restricted from increasing the value of the homestead. There is a maximum amount of income that a person can have to qualify for this treatment. This measure would change the way the income is measured. Only net income would be counted. If a person had income from ownership or operation of a business, only the net income would be counted. If the business operated at a loss, the loss would be subtracted from all other income. This change would be effective January 1, 2007.

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.

50-2-7744      MAH      01/19/06