

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE JOINT
RESOLUTION 1051

By: Calvey

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 gross household income limitation for purposes of valuation of certain homesteads; authorizing elections by counties; authorizing waiver or repeal of gross household income limitation; prescribing process for conduct of elections; providing for effect of certain election outcome; prohibiting conduct of election within specified period after certain election outcome; 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, and except as otherwise provided by subsection C of this section, beginning January 1, 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 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 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 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 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 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 Except for persons whose homestead is located in a county having waived or repealed the limitation on the amount of

gross household income as provided by subsection C of this section, the income threshold for the gross household income 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.

C. The requirements of subsection A of this section with respect to the maximum amount of gross household income allowed in order to qualify for the restriction on increases in the fair cash value of any homestead property located in the county may be eliminated if approved by a majority of the voters of the county at an election which may be called for such purpose by an affirmative vote of a majority of the board of county commissioners of the county. Such elections shall be conducted not later than November 30 each year and all persons who are otherwise eligible for the benefit of the provisions of subsection A of this section may qualify pursuant to subsection A of this section without regard to gross household income, subject to the outcome of the election authorized by this subsection, for the first assessment year following such election and for each assessment year thereafter if all other requirements of this section are met. If a county conducts an election as authorized by this subsection and the gross household income limitation is waived or repealed as a result of the election, no subsequent election to determine such requirement shall be conducted. If a county conducts an election as authorized by this subsection and the gross household income limitation is not waived or not repealed, no election upon the same question shall be placed on the ballot for a period of six (6) months after the outcome of such an election.

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. This section prevents a county assessor from increasing the value of certain property. It prevents increases in the fair cash value of some homestead property. The homestead must be owned by a person age 65 or older. Currently, there is a limit on the amount of gross household income a person may have to qualify for this protection. This measure would allow each county to vote upon whether to waive the income requirement. If a homestead was located in a county that voted to do this, the homestead of any person age 65 or older would not be subject to any increase in its fair cash value. This rule would apply regardless of the income of the owner. If a county voted to repeal the income limit, this change would be permanent and no other election could be called to reinstate it. If a county voted to retain the income limit, no election on the same question could be called for at least six months after that election.

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.

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