

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT
4 RESOLUTION 1053

By: Rousselot

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 8C of
10 Article X of the Constitution of the State of
11 Oklahoma; modifying provisions related to income
12 qualification for purposes of limitation on valuation
13 increases of homesteads; providing ballot title; and
14 directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendment to Section 8C of Article X of the
20 Constitution of the State of Oklahoma to read as follows:

21 Section 8C. ~~A.~~ Despite any provision to the contrary,
22 beginning January 1, ~~2005~~ 2009, the fair cash value, as determined
23 by law, on each homestead of an individual head of household whose
24 adjusted gross household income from all sources for purposes of
federal income taxation for the preceding calendar year did not

1 ~~exceed an amount as provided in subsection B of this section, Fifty-~~
2 ~~four Thousand Five Hundred Dollars (\$54,500.00) and which individual~~
3 head of household is sixty-five (65) years of age or older, shall
4 not exceed the fair cash value placed upon the property during the
5 first year in which the individual head of household was sixty-five
6 (65) years of age or older and ~~had~~ whose federal adjusted gross
7 ~~household income from all sources which~~ did not exceed ~~an~~ the amount
8 ~~as provided specified in subsection B of this section.~~ Subject to
9 the limitations of this section, the fair cash value shall not
10 exceed such amount as long as the individual head of household who
11 is sixty-five (65) years of age or older owns and occupies the
12 property and as long as the federal adjusted gross household income
13 ~~from all sources~~ does not exceed ~~an~~ the amount ~~as provided specified~~
14 ~~in subsection B of this section.~~ If any improvements are made to
15 the property, the fair cash value of the improvements shall be
16 assessed in accordance with law by the county assessor and added to
17 the assessed value of the property. Once the fair cash value of the
18 improvements has been added to the fair cash value of the property,
19 the total fair cash value shall not exceed the revised valuation of
20 the property so long as the individual head of household who is
21 sixty-five (65) years of age or older owns and occupies the property
22 and so long as the federal adjusted gross household income from all
23 ~~sources~~ does not exceed ~~an~~ the amount as provided in ~~subsection B of~~
24 this section. ~~For any individual head of household who is sixty-~~

1 ~~five (65) years of age or older prior to January 1, 1997, and has~~
2 ~~gross household income from all sources of Twenty five Thousand~~
3 ~~Dollars (\$25,000.00) or less in calendar year 1996, the fair cash~~
4 ~~value of the real property shall be the fair cash value placed upon~~
5 ~~the property on January 1, 1997. If the individual head of~~
6 ~~household ceases to own and occupy the property or if the gross~~
7 ~~household income from all sources exceeds an amount as provided in~~
8 ~~subsection B of this section, the fair cash value of the property~~
9 ~~shall be determined as if the provisions of Section 8 of Article X~~
10 ~~of the Constitution of the State of Oklahoma or any other provisions~~
11 ~~relating to a limitation on the fair cash value of locally assessed~~
12 ~~real property had been in effect during the time the property was~~
13 ~~valued pursuant to the provisions of this section.~~

14 ~~B. The income threshold for the gross household income from all~~
15 ~~sources for an individual head of household under this section shall~~
16 ~~not exceed the amount determined by the United States Department of~~
17 ~~Housing and Urban Development to be the estimated median income for~~
18 ~~the preceding year for the county or metropolitan statistical area~~
19 ~~which includes such county. The Oklahoma Tax Commission shall~~
20 ~~provide such information to each county assessor each year as soon~~
21 ~~as such information becomes available.~~

22 SECTION 2. The Ballot Title for the proposed Constitutional
23 amendment as set forth in SECTION 1 of this resolution shall be in
24 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 relates to property taxes. The value of certain homesteads cannot increase for purposes of property tax. You must be 65 years old or older to qualify. Your income cannot be greater than a certain amount. This amount is based on income data from a federal agency. This agency is the Department of Housing and Urban Development. This measure would eliminate the income test from the federal agency. The new standard would be based upon adjusted gross income. Adjusted gross income is the amount used to determine the amount of federal income tax a person owes. If a person's adjusted gross income was not more than Fifty-four Thousand Five Hundred Dollars (\$54,500.00) the homestead of that person would not be subject to increases in value for property tax purposes.

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

1 SECTION 2 hereof, with the Secretary of State and one copy with the
2 Attorney General.

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