

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE JOINT  
4 RESOLUTION 1030

By: Morrissette

5  
6 AS INTRODUCED

7  
8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 8C of  
11 Article X of the Constitution of the State of  
12 Oklahoma and a proposed amendment by adding a new  
13 Section 8H to Article X of the Oklahoma Constitution;  
14 modifying provisions related to qualifying income  
15 limit for valuation of certain homesteads; providing  
16 homestead exemption for certain disabled persons;  
17 providing ballot title; and directing filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

26 Section 8C. ~~A.~~ Despite any provision to the contrary, beginning  
27 January 1, ~~2005~~ 2011, the fair cash value, as determined by law, on  
28 each homestead of an individual head of household whose gross  
29 household income from all sources for the preceding calendar year

1 did not exceed ~~an amount as provided in subsection B of this~~  
2 ~~section,~~ Sixty-five Thousand Dollars (\$65,000.00) for a husband and  
3 wife or whose gross household income from all sources for the  
4 preceding calendar year did not exceed Fifty-five Thousand Dollars  
5 (\$55,000.00) for an individual and which individual head of  
6 household is sixty-five (65) years of age or older, shall not exceed  
7 the fair cash value placed upon the property during the first year  
8 in which the individual head of household was sixty-five (65) years  
9 of age or older and had gross household income from all sources  
10 which did not exceed ~~an~~ the applicable amount as provided in  
11 ~~subsection B of~~ this section. Subject to the limitations of this  
12 section, the fair cash value shall not exceed such amount as long as  
13 the individual head of household who is sixty-five (65) years of age  
14 or older owns and occupies the property and as long as the gross  
15 household income from all sources does not exceed ~~an~~ the amount as  
16 provided in ~~subsection B of~~ this section. If any improvements are  
17 made to the property, the fair cash value of the improvements shall  
18 be assessed in accordance with law by the county assessor and added  
19 to the assessed value of the property. Once the fair cash value of  
20 the improvements has been added to the fair cash value of the  
21 property, the total fair cash value shall not exceed the revised  
22 valuation of the property so long as the individual head of  
23 household who is sixty-five (65) years of age or older owns and  
24 occupies the property and so long as the gross household income from

1 all sources does not exceed an amount as provided in ~~subsection B of~~  
2 this section. For any individual head of household who is sixty-  
3 five (65) years of age or older prior to January 1, 1997, and has  
4 gross household income from all sources of Twenty-five Thousand  
5 Dollars (\$25,000.00) or less in calendar year 1996, the fair cash  
6 value of the real property shall be the fair cash value placed upon  
7 the property on January 1, 1997. If the individual head of  
8 household ceases to own and occupy the property or if the gross  
9 household income from all sources exceeds an amount as provided in  
10 ~~subsection B of~~ this section, the fair cash value of the property  
11 shall be determined as if the provisions of Section 8 of Article X  
12 of the Constitution of the State of Oklahoma or any other provisions  
13 relating to a limitation on the fair cash value of locally assessed  
14 real property had been in effect during the time the property was  
15 valued pursuant to the provisions of this section.

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

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1 SECTION 2. The Secretary of State shall refer to the people for  
2 their approval or rejection, as and in the manner provided by law,  
3 the following proposed amendment to the Constitution of the State of  
4 Oklahoma by adding a new Section 8H to Article X thereof, to read as  
5 follows:

6 Section 8H. The homestead of any person who has been determined  
7 to have a one hundred percent (100%) disability by the Social  
8 Security Administration, or its successor, shall be exempt from ad  
9 valorem taxation.

10 SECTION 3. The Ballot Title for the proposed Constitutional  
11 amendment as set forth in SECTIONS 1 and 2 of this resolution shall  
12 be in the following form:

13 BALLOT TITLE  
14 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It amends  
17 Section 8C of Article 10. The measure would add a new Section  
18 8H to Article 10. The value of certain homesteads cannot  
19 increase. This limit applies to the value used for property  
20 taxes. For the limit to be in effect, the homestead must be  
21 owned by a person age 65 or older. The owner cannot have income  
22 greater than a certain amount. The amount is determined each  
23 year. The amount is based on data from the United States  
24 government. This measure would change the income limit. The

1 income limit would be set at Sixty-five Thousand Dollars  
2 (\$65,000.00) for a married couple. The income limit would be  
3 set at Fifty-five Thousand Dollars (\$55,000.00) for a single  
4 person. This measure would also provide a homestead exemption  
5 for certain disabled persons. Only a person with a 100%  
6 disability would have the homestead exemption. If the disabled  
7 person qualified, there would be no property tax on the person's  
8 homestead property.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL - YES \_\_\_\_\_

11 AGAINST THE PROPOSAL - NO \_\_\_\_\_

12 SECTION 4. The Chief Clerk of the House of Representatives,  
13 immediately after the passage of this resolution, shall prepare and  
14 file one copy thereof, including the Ballot Title set forth in  
15 SECTION 3 hereof, with the Secretary of State and one copy with the  
16 Attorney General.

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18 52-1-5154 MAH 01/13/09  
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