

ENROLLED SENATE JOINT RESOLUTION 30
ENACTED BY THE SECOND REGULAR SESSION OF THE
49TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
STATE QUESTION NUMBER 714
LEGISLATIVE REFERENDUM NUMBER 337

RECEIVED: May 28, 2004

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 30

By: Monson, Williams, Johnson,
Leftwich (Debbe) of the
Senate

and

Pope, Lindley, Nance,
Case, Pettigrew, Hastings,
Benge, Cargill, Jones,
Peterson (Ron), Piatt,
Roggow, Steele and Tibbs
of the House

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; establishing date after which new income limits apply; 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 SENATE AND THE HOUSE OF REPRESENTATIVES 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 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. This measure changes the way the fair cash value of a homestead is figured. It applies to individuals over 65 years of age. It changes the income limit for the head of household. The income limit would change from more than \$25,000 to the estimated median income for each individual county or the metropolitan statistical area which includes the individual county.

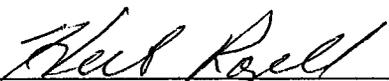
SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

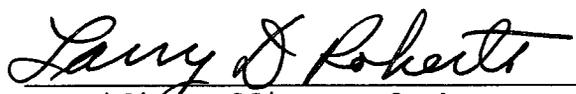
NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, 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.

Passed the Senate the 25th day of May, 2004.


Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2004.

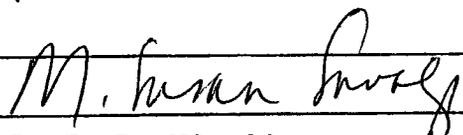

Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

28th day of May, 2004,

at 12:07 o'clock P. M.

By: 



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 21, 2004

M. Susan Savage, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

FILED

JUN 21 2004

OKLAHOMA SECRETARY
OF STATE

The Honorable Cal Hobson
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Larry E. Adair
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 714, Legislative Referendum No. 337

Dear Speaker Adair, President Pro Tempore Hobson, and Secretary Savage:

Having found that the suggested Ballot Title for the above-referenced State Question was not in harmony with the law, we have, in accordance with the provisions of 34 O.S.2001, § 9(C), prepared the following Substitute Ballot Title for filing. As a Title 34 Ballot Title review, the following does not constitute an Attorney General's Opinion on the merits or constitutionality of the underlying proposed change in the law. The Substitute Ballot Title reads as follows:

BALLOT TITLE

This measure amends the Oklahoma Constitution. It amends Section 8C of Article 10. This measure changes the method for determining the fair cash value of the homestead of certain heads of household. The change only applies to heads of household who meet two requirements. First, they must be at least 65 years old.



Second, their gross household income must meet income level requirements.

This measure changes the income level requirement. At present, to be eligible, the gross household income from all sources must be \$25,000 or below. The amendment changes the qualifying income level. To be eligible under the change, gross household income cannot exceed the area's mean income for the prior year. A federal agency determines these mean income levels. The agency determines mean income levels for counties and metropolitan areas. The State Tax Commission must inform each county assessor of the established mean income levels each year.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL



F I L E D

AUG 13 2004

OKLAHOMA SECRETARY
OF STATE

Brad Henry

Governor

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, and Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State do hereby declare that Legislative Referendum Number 337, State Question 714, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 2, 2004.

The substance of the measure, as reflected in the Substitute Ballot Title prepared by the Attorney General is as follows:

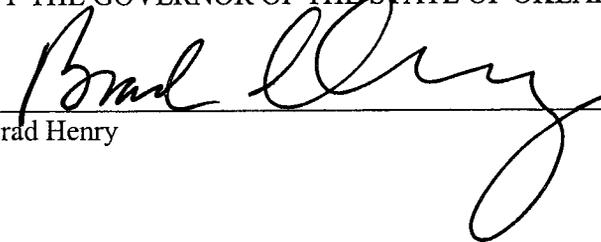
This measure amends the Oklahoma Constitution. It amends Section 8C of Article 10. This measure changes the method for determining the fair cash value of the homestead of certain heads of household. The change only applies to heads of household who meet two requirements. First, they must be at least 65 years old. Second, their gross household income must meet income level requirements.

This measure changes the income level requirement. At present, to be eligible, the gross household income from all sources must be \$25,000 or below. The amendment changes the qualifying income level. To be eligible under the change, gross household income cannot exceed the area's mean income for the prior year. A federal agency determines these mean income levels. The agency determines mean income levels for counties and metropolitan areas. The State Tax Commission must inform each county assessor of the established mean income levels each year.

Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

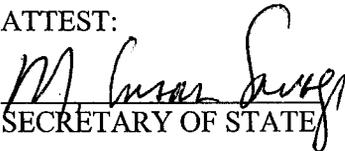
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 13th day of August, 2004.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



Brad Henry

ATTEST:



SECRETARY OF STATE