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THE STATE SENATE  
Tuesday, February 17, 2004

Senate Joint  
Resolution No. 30

SENATE JOINT RESOLUTION NO. 30 - By: MONSON of the Senate and POPE 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

1 older, shall not exceed the fair cash value placed upon the property  
2 during the first year in which the individual head of household was  
3 sixty-five (65) years of age or older and had gross household income  
4 from all sources ~~of Twenty-five Thousand Dollars (\$25,000.00) or~~  
5 ~~less~~ which did not exceed an amount as provided in subsection B of  
6 this section. Subject to the limitations of this section, the fair  
7 cash value shall not exceed such amount as long as the individual  
8 head of household who is sixty-five (65) years of age or older owns  
9 and occupies the property and as long as the gross household income  
10 from all sources does not exceed ~~Twenty-five Thousand Dollars~~  
11 ~~(\$25,000.00) in any calendar year~~ an amount as provided in  
12 subsection B of this section. If any improvements are made to the  
13 property, the fair cash value of the improvements shall be assessed  
14 in accordance with law by the county assessor and added to the  
15 assessed value of the property. Once the fair cash value of the  
16 improvements has been added to the fair cash value of the property,  
17 the total fair cash value shall not exceed the revised valuation of  
18 the property so long as the individual head of household who is  
19 sixty-five (65) years of age or older owns and occupies the property  
20 and so long as the gross household income from all sources does not  
21 exceed ~~Twenty-five Thousand Dollars (\$25,000.00) in a calendar year~~  
22 an amount as provided in subsection B of this section. For any  
23 individual head of household who is sixty-five (65) years of age or

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

15 B. The income threshold for the gross household income from all  
16 sources for an individual head of household under this section shall  
17 be determined as follows:

18 1. For a homestead located in a county with a population  
19 greater than five hundred thousand (500,000), the income shall not  
20 exceed the amount determined by the United States Department of  
21 Housing and Urban Development to be the estimated median income for  
22 the preceding year for the metropolitan statistical area which  
23 includes such county;



1 individuals over 65 years of age. It changes the income limit  
2 for the head of household. The income limit would change from  
3 more than \$25,000 to the estimated median income for an area.  
4 The income limit would be set by government agencies. One  
5 agency is a federal agency. It is the U.S. Department of  
6 Housing and Urban Development. It estimates income levels for  
7 certain areas. The income limit would be based on the  
8 population and location. One limit would be for any county with  
9 500,000 people or more. It would be based on the estimated  
10 income level for the county and nearby areas. Two other limits  
11 would be for counties with less than 500,000 people. One would  
12 be for a county which is not part of a nearby larger area. The  
13 income level would be based on the estimated income level for  
14 that county alone. The other would be for a county which is  
15 part of a nearby larger area. The income limit would be based  
16 on a certain calculation. A state agency would make the  
17 calculation. The agency is the Oklahoma Tax Commission. The  
18 Commission would average federally calculated income levels for  
19 certain counties. They would use only counties which are not  
20 part of a larger nearby area.

21 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

22  YES, FOR THE AMENDMENT

23  NO, AGAINST THE AMENDMENT

1 SECTION 3. The President Pro Tempore of the Senate shall,  
2 immediately after the passage of this resolution, prepare and file  
3 one copy thereof, including the Ballot Title set forth in SECTION 2  
4 hereof, with the Secretary of State and one copy with the Attorney  
5 General.

6 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-10-04 - DO PASS,  
7 As Coauthored.