

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1021

By: Deutschendorf

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 8E to Article X; providing for homestead exemption amounts based upon disability determinations; providing for homestead exemption amounts based upon receipt of certain forms of federal assistance; requiring proof of residency and eligibility for homestead exemption; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST 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 the Constitution of the State of Oklahoma by adding a new Section 8E to Article X thereof, to read as follows:

A. Despite any provision to the contrary, beginning January 1, 2006, each head of household who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs or its successor to have a permanent disability sustained through military action or accident or resulting from disease contracted while in such active service or the surviving spouse of such head of household shall be entitled to claim an exemption for the fair cash value of their homestead based upon the extent of disability according to the following schedule:

<u>Disability Rating</u>	<u>Exemption Amount</u>
10% to 30%	\$2,500.00
31% to 50%	\$5,500.00
51% to 70%	\$8,000.00
71% to 100%	\$10,500.00

B. If a person qualifies for an exemption pursuant to subsection A of this section and has a disability rating of 60% or greater, but is determined to be unemployable, the homestead exemption amount shall be in the amount of Thirteen Thousand Dollars (\$13,000.00).

C. Despite any provision to the contrary, beginning January 1, 2006, each head of household receiving disability benefits pursuant to the federal Old Age, Survivors and Disability Insurance Program administered by the Social Security Administration who is employable shall be entitled to an exemption for the fair cash value of the homestead in the amount of Nine Thousand Dollars (\$9,000.00). In order to claim the exemption provided by this subsection, the individual must present proof of permanent disability from the Social Security Administration.

D. Despite any provision to the contrary, beginning January 1, 2006, any person age sixty-five (65) or older receiving any form of Social Security benefits shall be entitled to an exemption for the fair cash value of the homestead in the amount of Ten Thousand Five Hundred Dollars (\$10,500.00).

E. In order to be eligible for any of the exemptions authorized by this section, the individual shall be required to prove residency within the State of Oklahoma and must have previously qualified for the homestead exemption authorized by law or be eligible for the homestead exemption pursuant to law.

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 adds a new Section 8E to Article 10. It provides exemptions for the fair cash value of homestead property for certain persons. Disabled veterans or their surviving spouses would be eligible for these exemptions. These exemptions would be greater for persons with higher disability ratings. This provision would create a homestead exemption for persons receiving certain kinds of federal assistance. The amount of the exemption would depend upon the type of assistance. To be eligible for these exemptions, a person would have to prove residency and otherwise be eligible for a homestead exemption.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

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.

49-1-5036

MAH

01/22/03