

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE JOINT
RESOLUTION 1047

By: Thompson

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 8E of Article X of the Constitution of the State of Oklahoma; authorizing homestead exemption for surviving spouses of honorably discharged veterans; defining term; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH 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 8E of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 8E. 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 one hundred percent (100%) 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 full amount of the fair cash value of the homestead.

B. Despite any provision to the contrary, beginning January 1, 2007, the surviving spouse of any veteran shall be entitled to claim

an exemption for the full amount of the fair cash value of the homestead. As used in this subsection, "veteran" shall mean:

1. Any person honorably discharged from any branch of the United States Armed Forces or the Oklahoma National Guard, who died as a direct result of the performance of duties for any branch of the United States Armed Forces or Oklahoma National Guard while on active military duty; or

2. Any person honorably discharged from any branch of the United States Armed Forces or the Oklahoma National Guard, who died after discharge as a result of injury, illness or disease caused by the performance of such duties while on active duty.

C. In order to be eligible for the exemption authorized by subsection A or subsection B of 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 amends Section 8E of Article 10. It would allow the surviving spouse of a veteran to have a homestead exemption. The homestead exemption would be the full amount of the homestead value.

Veterans are defined as persons who have been honorably discharged from any branch of the United States Armed Forces or the Oklahoma National Guard. A surviving spouse would be able to have the exemption if the military spouse died while on active duty. A surviving spouse would be able to have the exemption if the military spouse died after being discharged if

the death resulted from the military service. This change would be effective January 1, 2007.

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

50-2-8272 MAH 01/15/06