ENROLLED HOUSE JOINT RESOLUTION 1044

ENACTED BY THE SECOND REGULAR SESSION OF THE

49TH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 715

LEGISLATIVE REFERENDUM NUMBER 338

RECEIVED: May 28, 2004

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1044

By: McCarter, Kirby, Adair, Hilliard, Adkins, Blackburn, Boren, Braddock, Covey, Deutschendorf, Easley, Gilbert, Hamilton, Miller (Ray), Nations, Roan, Staggs, Sullivan, Sweeden, Walker, Benge, Case, Hiett, Jones, Piatt, Roggow, Steele, Tibbs and Young of the House

and

Helton, Corn, Gumm, Riley and Rabon of the Senate

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 based upon disability determination; 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 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 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 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. In order to be eligible for the exemption 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. Homesteads are taxed for property tax purposes. This measure would create an exemption. The exemption would be for veterans who have been injured. The exemption would also be available to their surviving spouses. The exemption would be the full amount of the fair cash value of the homestead. A person would also have to be a resident of this state to claim the exemption.

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.

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

Larry D. Roberts
Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2004.

Herb Rozell
Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 28th **day of** May **20** 04, **at** 1:41, **o'clock** P. **M.**

By: M. Susan Savage

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED
JUN 21 2004
OKLAHOMA SECRETARY
OF STATE

June 21, 2004

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

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. 715, Legislative Referendum No. 338

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 adds a new section to Article 10. The new section is Section 8E. The measure creates an exemption from property tax. The exemption would apply to certain injured veterans. The exemption would also apply to veterans' surviving spouses. The exemption would

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be for the full fair cash value of the homestead. To qualify for the exemption an injured veteran would have to meet several requirements. First, the veteran must have been honorably discharged from a branch of the Armed Forces or the Oklahoma National Guard. Second, the veteran would have to be a State resident. Third, the veteran would have to have a 100% permanent disability. Fourth, the disability would have to have been sustained through military action or accident, or result from a disease contracted while in active service. Fifth, the disability would have to be certified by U.S. Department of Veterans Affairs. Finally, the veteran would have to be otherwise qualified for homestead exemption. The exemption can be claimed beginning January 1, 2006.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

FILED

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 338, State Question 715, 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 adds a new section to Article 10. The new section is Section 8E. The measure creates an exemption from property tax. The exemption would apply to certain injured veterans. The exemption would also apply to veterans' surviving spouses. The exemption would be for the full fair cash value of the homestead. To qualify for the exemption an injured veteran would have to meet several requirements. First, the veteran must have been honorably discharged from a branch of the Armed Forces or the Oklahoma National Guard. Second, the veteran would have to be a State resident. Third, the veteran would have to have a 100% permanent disability. Fourth, the disability would have to have been sustained through military action or accident, or result from a disease contracted while in active service. Fifth, the disability would have to be certified by U.S. Department of Veterans Affairs. Finally, the veteran would have to be otherwise qualified for homestead exemption. The exemption can be claimed beginning January 1, 2006.

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

Brad Henry

ATTEST:

M. Susan Savage

SECRETARY OF STATE

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