

**ENROLLED SENATE JOINT RESOLUTION NO. 12**  
**ENACTED BY THE FIRST REGULAR SESSION OF THE**  
**49<sup>TH</sup> LEGISLATURE OF THE STATE OF OKLAHOMA**  
**NUMBERED BY THE SECRETARY OF STATE**  
**STATE QUESTION NUMBER 707**  
**LEGISLATIVE REFERENDUM NUMBER 332**

**RECEIVED: May 19, 2003**

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 12

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 6C of Article X of the Oklahoma Constitution; authorizing prospective apportionment of tax monies for certain purposes; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES 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 Section 6C of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 6C. A. The Legislature, by law, may grant incorporated cities, towns, or counties the ability to provide incentives, exemptions and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline. Relief from taxes imposed by other local taxing jurisdictions shall only be allowed by contractual arrangement with the municipal or county governing body. The law shall require public hearings before such relief may be granted and shall provide for the local initiative power and referendum of the people. The Legislature may set limitations on the cumulative incentives and relief provided pursuant to the provisions of this section, the time period for the exemptions, the geographical area of the jurisdiction covered, the percentage of the tax base of the jurisdiction eligible for the relief programs, and threshold limits of investment credit and jobs created.

B. The Legislature, by law, may authorize that the cities, towns, or counties may specifically use local taxes and local fees, in whole or in part, for specific public investments, assistance in development financing, or as a specific revenue source for other public entities in the area in which the improvements take place and may direct the apportionment of the taxes and fees specified in this subsection for the purposes specified in this section. A direction of apportionment may be prospective and may continue for one or more years, and apportioned tax increments may be pledged beyond the

current fiscal year to the repayment of indebtedness of other public entities, notwithstanding the provisions of Section 26 of Article X of the Oklahoma Constitution, or other constitutional provisions. The Legislature may establish for this subsection, the same procedures and limitations authorized in subsection A of this section.

C. The Legislature, by law, may authorize any city, town, or county to plan, finance and carry out the development or redevelopment of areas determined by the governing body of such city, town, or county to be unproductive, undeveloped, underdeveloped or blighted. The authority of the county shall be limited to the unincorporated areas of such county but any city, town or county may by agreement jointly plan, finance or carry out a development plan with any other public or private entity for one or more development projects within their respective boundaries.

D. Any city, town, or county may exercise the provisions of this section separately or in combination with powers granted by any other laws of this state.

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 Section 6C of Article 10 of the State Constitution. It would allow cities or counties to authorize the use of certain local tax money for one or more years for economic development and redevelopment. A pledge of such funds to repay debt of other public entities for such purposes would be allowed. Such a pledge could extend to taxes to be received in future years. No new taxes are authorized by this amendment.

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 13th day of May, 2003.

Herb Rzell  
Presiding Officer of the Senate

Passed the House of Representatives the 16th day of May, 2003.

Jari Askins  
Presiding Officer of the House  
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this  
19<sup>th</sup> day of May, 2003,  
at 2:21 o'clock P. M.

By: M. Luman King



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 9, 2003

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

**FILED**

**JUN 9 2003**

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. 707, Legislative Referendum No. 332**

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 Section 6C of Article 10 of the Oklahoma Constitution. The amendment deals with the use of certain city, town and county taxes and fees. When authorized by law, cities, towns or counties can put these taxes and fees to use in three ways. The first use is specific public investments. The second use is aid in development financing. The third use is an income source for other public bodies in the area.

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The Legislature can direct the apportionment of these fees and taxes among or between these uses. The amendment allows these apportionments to be prospective. The amendment permits these apportionments to continue from year to year.

The amendment permits cities, towns and counties to pledge taxes and fees beyond the current fiscal year.

The amendment allows cities, towns and counties to pledge taxes and fees to repay the debts of other public entities.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL—YES** \_\_\_\_\_

**AGAINST THE PROPOSAL—NO** \_\_\_\_\_

Respectfully submitted,



W.A. DREW EDMONDSON  
ATTORNEY GENERAL



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

July 23, 2004

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

**FILED**

JUL 23 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: Amended Ballot Title for State Question No. 707,  
Legislative Referendum No. 332**

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

Having found that the Ballot Title for the above-referenced State Question submitted by this office contained inaccurate statements, we have prepared the following Amended 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 changes in the law. The Amended Ballot Title reads as follows:

**BALLOT TITLE**

This measure amends Section 6C of Article 10 of the Oklahoma Constitution. The amendment deals with the use of certain city, town and county taxes and fees. When authorized by law, cities, towns or counties can put these taxes and fees to use in three ways. The first use is specific public investments. The second

use is aid in development financing. The third use is an income source for other public bodies in the area.

The Legislature can authorize cities, towns and counties to direct the apportionment of these fees and taxes among or between these uses. The amendment allows these apportionments to be prospective. The amendment permits these apportionments to continue from year to year.

The amendment permits cities, towns and counties to pledge certain taxes and fees beyond the current fiscal year and to pledge certain taxes and fees to repay some debts of other public entities.

**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 332, State Question 707, 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 Section 6C of Article 10 of the Oklahoma Constitution. The amendment deals with the use of certain city, town and county taxes and fees. When authorized by law, cities, towns or counties can put these taxes and fees to use in three ways. The first use is specific public investments. The second use is aid in development financing. The third use is an income source for other public bodies in the area.

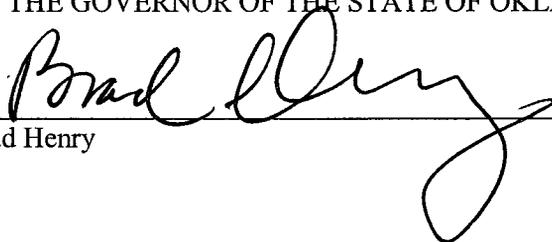
The Legislature can authorize cities, towns and counties to direct the apportionment of these fees and taxes among or between these uses. The amendment allows these apportionments to be prospective. The amendment permits these apportionments to continue from year to year.

The amendment permits cities, towns and counties to pledge certain taxes and fees beyond the current fiscal year and to pledge certain taxes and fees to repay some debts of other public entities.

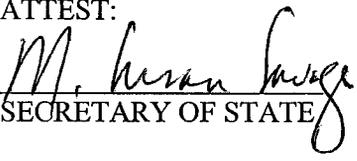
Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

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 13<sup>th</sup> day of August, 2004.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
Brad Henry

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE