

ENROLLED HOUSE BILL 1808

ENACTED BY THE FIRST REGULAR SESSION OF THE
51TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 735

LEGISLATIVE REFERENDUM NUMBER 343

RECEIVED: MAY 24, 2007

An Act

ENROLLED HOUSE
BILL NO. 1808

By: Terrill, Brannon, Cannaday, Hilliard,
Inman, Kern, McCarter, McCullough,
Proctor, Reynolds, Smithson and
Wesselhoft of the House

and

Mazzei, Corn, Gumm, Sparks, Wilson,
Leftwich, Reynolds, Paddack, Jolley,
Johnson (Mike), Myers, Barrington,
Branan, Schulz, Sykes, Aldridge,
Brogdon, Coates, Lamb, Ford, Crain,
Justice, Anderson, Bingman, Nichols
and Brown of the Senate

An Act 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 8D to Article X; authorizing exemption for household personal property for certain disabled veterans; prescribing procedures; authorizing enabling legislation; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 8D to Article X thereof, to read as follows:

Section 8D. A. Despite any provision to the contrary, beginning January 1, 2009, 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 all household personal property which is subject to ad valorem taxation and which is not subject to any form of taxation in lieu of ad valorem taxation.

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.

C. The Legislature shall be authorized to enact such laws as may be necessary in order to implement the exemption provided by this section; however, the exemption amount shall not be subject to modification by such enactments and shall be for the full amount of the valuation of any household personal property as otherwise prescribed by this section.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act 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 would add a new Section 8D to Article 10. It would provide an exemption for personal property tax. The exemption would be for household personal property. The exemption would be provided to disabled veterans. Only disabled veterans who have a one-hundred-percent disability would qualify. The disabled veteran would be required to be an Oklahoma resident. Laws could be passed to implement the exemption. The exemption amount would always be for the full value of any household personal property. The amount of the exemption could not be changed by laws that the Legislature passes.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

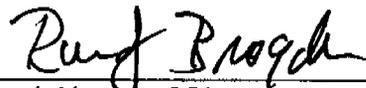
SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 21st day of May, 2007.



Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2007.



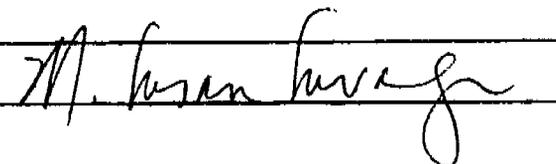
Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

24th day of May, 2007,

at 12:50 o'clock P M.

By: 



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

RECEIVED

MAY 24 2007

OFFICE OF THE
GOVERNOR

May 24, 2007

The Honorable Brad Henry
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

You are hereby notified that House Bill No. 1808 was received in the Office of the Secretary of State this 24th day of May, 2007. This bill has been designated as **State Question Number 735, Legislative Referendum Number 343.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S., 2005 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If our office may be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "M. Susan Savage".

M. Susan Savage
Secretary of State

MSS/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 24, 2007

The Honorable Drew Edmondson
Attorney General
State Capitol, Room 112
Oklahoma City, Oklahoma 73105

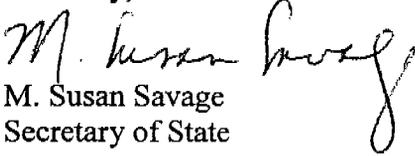
Dear Attorney General Edmondson:

You are hereby notified that House Bill 1808 was received in the Office of the Secretary of State this 24th day of May, 2007. This bill has been designated as **State Question Number 735, Legislative Referendum Number 343.**

Pursuant to 34 O.S. 2005 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If our office may be of further assistance, please let us know.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor



May 24, 2007

The Honorable Michael Clingman
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

You are hereby notified that House Bill 1808 was received in the Office of the Secretary of State this 24th day of May, 2007. This bill has been designated as **State Question Number 735, Legislative Referendum Number 343.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2005 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If our office may be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "M. Susan Savage".
M. Susan Savage
Secretary of State

MSS/kj



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

May 29, 2007

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

Re: State Question Number 735 - Proposed Ballot Title
Legislative Referendum Number 343

Dear Secretary Savage:

Thank you for your letter regarding the above matter. I have referred this information to Sandra Rinehart, Senior Assistant Attorney General, for his review and appropriate action.

If you have any questions, please feel free to contact Ms. Rinehart directly.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Edmondson", written over a horizontal line.

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:st

cc: Sandra Rinehart

RECEIVED

MAY 31 2007

OKLAHOMA SECRETARY
OF STATE



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 4, 2007

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

JUN 4 2007

OKLAHOMA SECRETARIAT
OF STATE

The Honorable Mike Morgan
Co-President Pro Tempore
422 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Glenn Coffee
Co-President Pro Tempore
418 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Lance Cargill
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 735, Legislative Referendum No. 343

Dear Secretary Savage, Senators Morgan and Coffee, and Speaker Cargill:

We have, in accordance with the provisions of 34 O.S. Supp. 2005, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is not in harmony with the law for the following reasons:

- It states that only disabled veterans qualify for the exception and fails to state that surviving spouses also qualify.
- It fails to state the measure will not take effect until January 1, 2009.

Ballot Title for SQ No. 735
Legislative Referendum No. 343
June 4, 2007
Page 2

Having found that the Ballot Title is not in harmony with the law, we will in conformity with the provisions of 34 O.S. Supp. 2005, (9)(C), within ten (10) business days, prepare and file a Ballot Title which is in harmony with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Gruber', with a stylized flourish at the end.

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL

TG:arb



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 15, 2007

FILED

JUN 15 2007

**OKLAHOMA SECRETARY
OF STATE**

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Mike Morgan
Co-President Pro Tempore
422 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Glenn Coffee
Co-President Pro Tempore
418 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Lance Cargill
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 735, Legislative Referendum No. 343

Dear Secretary Savage, Senators Morgan and Coffee, and Speaker Cargill:

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.Supp.2005, § 9(D), prepared the following Substitute Ballot Title for filing. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Substitute Ballot Title reads as follows:

BALLOT TITLE

This measure amends the Oklahoma Constitution. It adds Section 8D to Article 10. The measure takes effect January 1, 2009. It creates an exemption from personal property tax. The exemption would be for the full amount of taxes due on all household personal property. The exemption would apply to certain injured veterans. It would also apply to those veterans' surviving spouses.

To qualify for the exemption an injured veteran would have to meet certain requirements. First, a branch of the Armed Forces or the Oklahoma National Guard would have to have honorably discharged the veteran from active service. Second, the veteran would have to be an Oklahoma resident. Third, the veteran would have to be the head of the household. Fourth, the veteran would have to be one hundred percent permanently disabled. Fifth, the United States Department of Veterans Affairs would have to certify the disability. Sixth, the disability must have occurred through military action or accident, or resulted from a disease contracted while in active service. The Legislature could pass laws to carry out the exemption. Such laws could not change the amount of the exemption.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

June 18, 2007

The Honorable Brad Henry
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

RECEIVED

JUN 19 2007

OFFICE OF THE
GOVERNOR

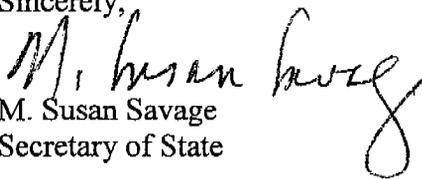
Dear Governor Henry:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title for State Question 735, Legislative Referendum 343; a copy of the State Question as set out in House Bill 1808; and a copy of our letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Title 34 O.S. 2001, Section 12, the Ballot Title has been decided upon and the election proclamation may be issued, setting forth the substance of the State Question and the date on which the vote will be held.

If there are any questions, please do not hesitate to contact this office at the above number or address.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

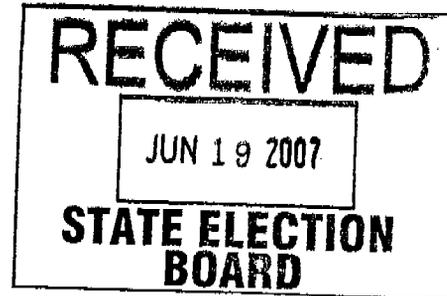
OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor



June 18, 2007

The Honorable Michael Clingman
Oklahoma State Election Board
State Capitol
Oklahoma City, Oklahoma 73105

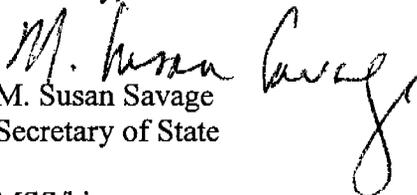
Dear Mr. Clingman:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title and an attested copy of State Question 735, Legislative Referendum 343 as set out in House Bill 1808.

The Governor has been notified of the official ballot title pursuant to 34 O.S. 2001, Section 12. Our office will provide a copy of the election proclamation upon receipt from the Governor's Office.

If there are any questions, please do not hesitate to contact this office at the above number or address.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj



Brad Henry
Governor

FILED

JUL 23 2008

**OKLAHOMA SECRETARY
OF STATE**

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by 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, do hereby order that State Question Number 735, Legislative Referendum Number 343, 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 4, 2008.

The substance of the measure is as follows:

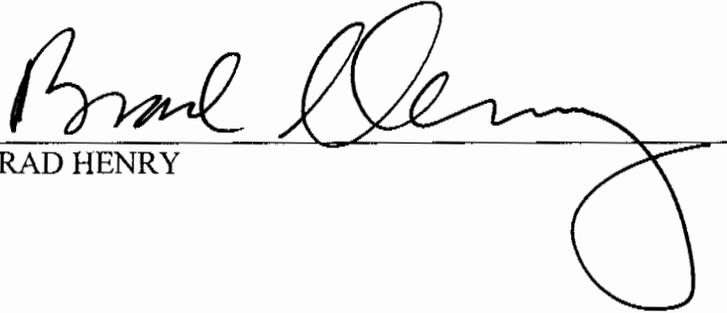
This measure amends the Oklahoma Constitution. It adds Section 8D to Article 10. The measure takes effect January 1, 2009. It creates an exemption from personal property tax. The exemption would be for the full amount of taxes due on all household personal property. The exemption would apply to certain injured veterans. It would also apply to those veterans' surviving spouses.

To qualify for the exemption an injured veteran would have to meet certain requirements. First, a branch of the Armed Forces or the Oklahoma National Guard would have to have honorably discharged the veteran from active service. Second, the veteran would have to be an Oklahoma resident. Third, the veteran would have to be the head of the household. Fourth, the veteran would have to be one hundred percent permanently disabled. Fifth, the United States Department of Veterans Affairs would have to certify the disability. Sixth, the disability must have occurred through military action or accident, or resulted from a disease contracted while in active service. The Legislature could pass laws to carry out the exemption. Such laws could not change the amount of the exemption.

Copies of this Executive Proclamation shall be distributed 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. The Secretary of the State Election Board and the secretaries of the appropriate county election boards are hereby directed to take all actions necessary to conduct the aforesaid election.

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 23rd day of July, 2008.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA


BRAD HENRY

ATTEST:





OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

July 24, 2008

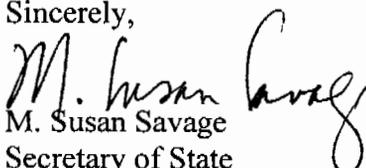
The Honorable Michael Clingman
Oklahoma State Election Board
Room 3, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

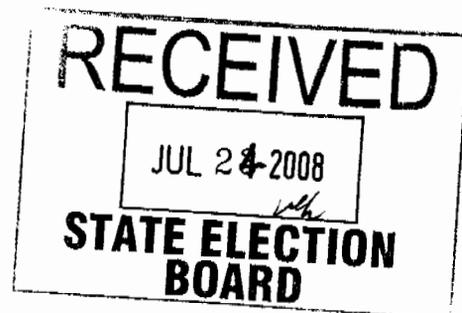
Enclosed is a copy of the Governor's Proclamation calling for the election on State Question Number 735, Legislative Referendum 343.

If there are any questions or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj





Brad Henry
Governor

FILED

NOV 20 2008

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT
EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, do hereby proclaim State Question Number 735 to have passed. The results of the election held on November 4, 2008, on State Question 735, Legislative Referendum Number 343, are as follows:

Total Votes – 1,357,475

YES — 1,153,831

NO – 203,644

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 20th day of November, 2008.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Brad Henry", written over a horizontal line.

BRAD HENRY

