ENROLLED HOUSE BILL 3354

ENACTED BY THE SECOND REGULAR SESSION OF THE
51ST LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 741

LEGISLATIVE REFERENDUM NUMBER 344

RECEIVED: APRIL 14, 2008
An Act

ENROLLED HOUSE
BILL NO. 3354

By: Terrill of the House
and
Wilson 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 22A to Article X; prohibiting applications for exemption from ad valorem taxation prior to certain filing; authorizing laws for purposes of implementation; 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 22A to Article X thereof, to read as follows:

Section 22A. No person, firm, corporation or other legal entity shall be allowed to file for any ad valorem tax exemption provided for in Article X of the Oklahoma Constitution, for any year or years prior to the person, firm, corporation or legal entity filing their original application for said exemption with the county assessor. Eligibility for the applicable exemption shall be established as required by law. The Legislature may pass any additional laws that may be required to implement the provisions of 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 22A to Article 10. This section is related to the property tax system. There are certain types of exemptions from property tax. A person or a business might be required to file an application for an exemption. This section would require a person or a business to file an application the first time in order to have an exemption. A person or a business could not file an application late to obtain an exemption for a prior tax year. The Legislature would be given the authority to write laws to implement the provisions of this section.

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 6th day of March, 2008.

[Signature]
Presiding Officer of the House of Representatives

Passed the Senate the 10th day of April, 2008.

[Signature]
Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 14th day of April 2008,
at 4:51 o’clock P. M.

By: [Signature]

ENR. H. B. NO. 3354
April 16, 2008

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

Dear Attorney General Edmondson:

You are hereby notified that Enrolled House Bill No. 3374 was received in the Office of the Secretary of State on April 14, 2008. This bill has been designated as State Question Number 741, Legislative Referendum Number 344.

Pursuant to 34 O.S., 2007 Sapp., Section 9, this office is submitting the proposed ballot title to you for review.

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

Sincerely,

M. Susan Savage
Secretary of State

MSS/ks
April 16, 2008

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

Dear Governor Henry:

You are hereby notified that Enrolled House Bill No. 3154 was received in the Office of the Secretary of State on April 14, 2008. This bill has been designated as State Question Number 741, Legislative Referendum Number 344.

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S., 2007 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,

M. Susan Savage
Secretary of State

MSS/ks

RECEIVED
APR 16 2008
OFFICE OF THE GOVERNOR
April 16, 2008

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

Dear Secretary Clingman:

You are hereby notified that Enrolled House Bill No. 3334 was received in the Office of the Secretary of State on April 14, 2008. This bill has been designated as State Question Number 741, Legislative Referendum Number 34.

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2007 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,

M. Susan Savage
Secretary of State

MSS/ks
April 22, 2008

Susan Savage
Secretary of State
State Capitol, Room 101
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Mike Morgan
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Glenn Coffee
Senate Co-President Pro Tempore
State Capitol, Room 418
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 432-D
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

RE: Ballot Title for State Question No. 741, Legislative Referendum No. 332

Dear Secretary Savage, Senator Morgan, Senator Coffee, and Speaker Benge:

We have, in accordance with provisions of 34 O.S.Supp.2007, § 9(C), reviewed the Ballot Title for the above-referenced State Question and concluded that it does not comply with the applicable law for the following reason:

It does not adequately explain in basic words the effect of the proposition, as, the necessity of filing the application before being eligible for an exemption.
Having found that the Ballot Title does not comply with the law, we will in conformity with the provisions of 34 O.S.Supp.2007, § 9(C)(1) within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,

[Signature]

W.A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

WAE:kak
Susan Savage  
Secretary of State  
State Capitol, Room 101  
2300 N. Lincoln Boulevard  
Oklahoma City, OK  73105

The Honorable Mike Morgan  
Senate President Pro Tempore  
State Capitol, Room 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

The Honorable Glenn Coffee  
Senate Co-President Pro Tempore  
State Capitol, Room 418  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

The Honorable Chris Benge  
Speaker of the House of Representatives  
State Capitol, Room 422-D  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

RE:  Ballot Title for State Question No. 741, Legislative Referendum No. 332

Dear Secretary Savage, Senator Morgan, Senator Coffee, and Speaker Benge:

Having found that the proposed Ballot Title for the above-referenced State Question did not comply with the applicable law, we have, in accordance with the provisions of 34 O.S. Supp. 2007, § 9 C(1), prepared the following preliminary ballot title. We will consider any comments and file a final ballot title with the Secretary of State no sooner than ten (10) business days and no longer than fifteen (15) business days after the date of this letter. 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 Preliminary Ballot Title reads as follows:

BALLOT TITLE FOR STATE QUESTION NO. 741

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. This section is related to exemptions from property taxes. It would require a person or business to file an application for an exemption. No exemption could be granted prior to filing an application. The Legislature may write laws to carry out the provisions of this section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

Respectfully submitted,

W.A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

WAD:kak
May 22, 2008

Susan Savage
Secretary of State
State Capitol, Room 101
2300 N. Lincoln Boulevard
Oklahoma City, OK  73105

The Honorable Mike Morgan
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Glenn Coffee
Senate Co-President Pro Tempore
State Capitol, Room 418
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Caris Benge
Speaker of the House of Representatives
State Capitol, Room 432-D
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

RE:  Ballot Title for State Question No. 741, Legislative Referendum No. 344

Dear Secretary Savage, Senator Morgan, Senator Coffee, and Speaker Benge:

Having provided a preliminary ballot title on May 5, 2008 and receiving no comments, pursuant to 34 O.S. Supp. 2007, § 9(C)(1), we have prepared the final ballot title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General’s Opinion on the merits of constitutionality of the underlying proposed change in law. The final Ballot Title reads as follows:

313 N.E. 21st STREET • OKLAHOMA CITY, OK 73105-4894 • (405) 521-3921 • Fax: (405) 521-6246
recycled paper
BALLOT TITLE FOR STATE QUESTION NO. 741

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. This section is related to exemptions from property taxes. It would require a person or business to file an application for an exemption. No exemption could be granted prior to filing an application. The Legislature may write laws to carry out the provisions of this section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

Respectfully submitted,

[Signature]

W.A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

WAD:kak
May 23, 2008

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

Dear Governor Henry:

Enclosed are copies of the Attorney General’s review of the proposed Ballot Title for State Question 741, Legislative Referendum 344; the State Question from House Bill 3354; and the 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 reviewed and approved and the election proclamation may be issued with 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

RECEIVED

MAY 23, 2008

OFFICE OF THE GOVERNOR
May 23, 2008

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

Dear Mr. Clingman:

Enclosed is a copy of the Attorney General’s review of the proposed Ballot Title and an attested copy of State Question 741, Legislative Referendum 344.

The Governor has been notified of the official ballot title pursuant to 34 O.S. 2001, Section 12. This 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
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 741, Legislative Referendum Number 344, 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 would add a new Section 22A to Article 10. This section is related to exemptions from property taxes. It would require a person or business to file an application for an exemption. No exemption could be granted prior to filing an application. The Legislature may write laws to carry out the provisions of this section.

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:
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 741, Legislative Referendum 344.

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
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 741 to have passed. The results of the election held on November 4, 2008, on State Question 741, Legislative Referendum Number 344, are as follows:

Total Votes – 1,333,514

YES — 908,609
NO — 424,905

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 4th day of November, 2008.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY

SECRETARY OF STATE