

ENROLLED HOUSE JOINT RESOLUTION 1002
ENACTED BY THE FIRST REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 758
LEGISLATIVE REFERENDUM NUMBER 358

RECEIVED: April 25, 2011

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1002

By: Dank, Reynolds, Ritze,
Kern, Shelton, Hall,
Nelson, Schwartz, McDaniel
(Randy) and Joyner of the
House

and

Reynolds, Holt, Treat and
Branan 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 Section 8B of Article X of the Constitution of the State of Oklahoma; modifying limitation on valuation increases; providing ballot title; and directing filing.

SUBJECT: Valuation of real property for ad valorem taxation

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 53RD 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 8B of Article X of the Oklahoma Constitution to read as follows:

Section 8B. Despite any provision to the contrary, on and after January 1, 2013, the fair cash value of any parcel of locally assessed real property shall not increase by more than five percent (5%) in any taxable year; provided, if such property qualified for a homestead exemption or is classified as agricultural land, any increase to the fair cash value of such locally assessed real

property in a taxable year shall be limited to three percent (3%). The provisions of this section shall not apply in any year when title to the property is transferred, changed, or conveyed to another person or when improvements have been made to the property. If title to the property is transferred, changed, or conveyed to another person, the property shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution. If any improvements are made to the property, the increased value to the property as a result of the improvement shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution.—~~The provisions of this section shall be effective January 1, 1997, and thereafter for counties which are in compliance with the applicable law or administrative regulations governing valuation of locally assessed real property as of such date. For counties which are not in compliance with such law or regulations as of January 1, 1997, the provisions of this section shall be effective January 1 of the year following the date the county is deemed to be in compliance with such laws or regulations as provided by law.~~ The provisions of this section shall not apply to any personal property which may be taxed ad valorem or any property which may be valued or assessed by the State Board of Equalization.

The Legislature shall enact any laws necessary 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 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 State Constitution. It amends Section 8B of Article 10. This measure affects the way changes to the fair cash value of some real property are made. It includes only property which is a homestead or property which is used for agricultural purposes. It prevents the value from increasing in any one year by more than three percent. It also removes obsolete language from the law.

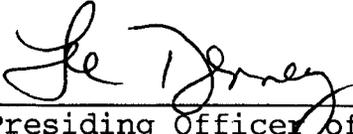
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

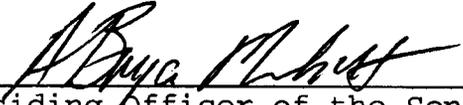
SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 20th day of April, 2011.



Presiding Officer of the House of
Representatives

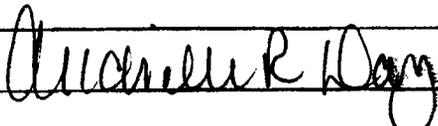
Passed the Senate the 13th day of April, 2011.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
25th day of April, 2011,
at 4:19 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

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

April 26, 2011

The Honorable E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April, 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

Pursuant to 34 O.S., 2010 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Coffee".

V. Glenn Coffee
Secretary of State

VGC/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

April 26, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Coffee".

V. Glenn Coffee
Secretary of State

VGC/kj

RECEIVED

APR 26 2011

OFFICE OF THE
GOVERNOR

at 10:26am.
JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

RECEIVED

APR 26 2011

STATE ELECTION
BOARD

April 26, 2011

The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriaux:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April, 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

V. Glenn Coffee
Secretary of State

VGC/kj



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 3, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

MAY - 3 2011

**OKLAHOMA SECRETARY
OF STATE**

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

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

In accordance with the provisions of 34 O.S.Supp.2010, § 9(C), we have reviewed the proposed Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

It does not adequately explain the **effect** of the proposition because:

- It does not explain that the changed limitation on the increase of fair cash value of property is for property tax purposes.
- It does not explain that the new three percent (3%) limit imposed upon the increase of fair cash value, is a reduction from the current limit of five percent (5%).

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2010, § 9(D), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over the typed name.

E. SCOTT PRUITT
ATTORNEY GENERAL

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

MAY 10 2011

**OKLAHOMA SECRETARY
OF STATE**

May 9, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

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

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Preliminary Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2010, § 9(C), prepared the following Preliminary Ballot Title. 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, nor on the ability of federal law to preempt the changes in the law. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 758

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

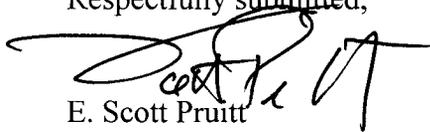
The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', is written over the typed name below.

E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 27, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

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

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED
MAY 31 2011
**OKLAHOMA SECRETARY
OF STATE**

Re: Final Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws and having heretofore provided a Preliminary Ballot Title, we now, in accordance with the provisions of 34 O.S.Supp.2010, § 9(C), provide the following **Final Ballot Title**. 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, nor on the ability of federal law to preempt the changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 758

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt
Attorney General

ESP/ab



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

May 31, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 758, Legislative Referendum 358; the State Question from House Joint Resolution 1002; and the letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Article 24, of the Oklahoma Constitution, Section 1, this office is submitting said state question and the Attorney General's review to your office.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

Michelle Day
Assistant Secretary of State

MD/kj

RECEIVED

JUN 01 2011

OFFICE OF THE
GOVERNOR

at 9:12am
JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

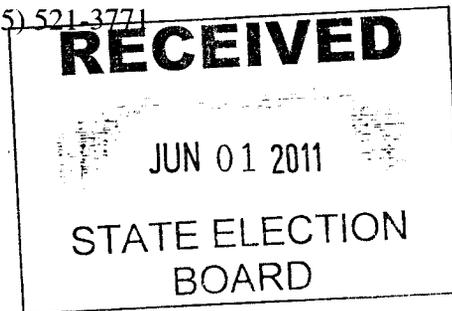
OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor



May 31, 2011

The Honorable Paul Ziriak
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriak:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 758, Legislative Referendum 358.

If there are any questions, please do not hesitate to contact this office.

Sincerely;

Michelle Day
Assistant Secretary of State

MD/kj

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

September 27, 2012

Cindy Shea
Oklahoma Press Service
3601 N. Lincoln
Oklahoma City, OK 73105

Dear Ms. Shea:

Attached for publication is the notice of proposed constitutional measures and the ballot titles for the six state questions that will appear on the November 6, 2012, General Election ballot.

I hereby request a copy of the notice and ballots to be published in accordance with 34 O.S. § 17: once, no less than five (5) days before the election, in two different newspapers of general statewide circulation and in a newspaper of general circulation in each county. If you have any questions or concerns, please contact us.

Please submit proof of publication to us as soon as possible.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink that reads 'Michelle R. Day'. The signature is written in a cursive style with a large, looping 'M' and 'D'.

Michelle R. Day
Assistant Secretary of State

PROPOSED MEASURES

**General Election
November 6, 2012**

In compliance with Title 34 Oklahoma Statutes, Section 17, notice is hereby given for the proposed amendments to the Oklahoma Constitution which will appear on the ballot November 6, 2012.

V. Glenn Coffee
Secretary of State

BALLOT TITLES

STATE QUESTION NO. 758

LEGISLATIVE REFERENDUM 358

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 759

LEGISLATIVE REFERENDUM 359

This measure adds a new section to the State Constitution. It adds Section 36 to Article II.

The measure deals with three areas of government action. These areas are employment, education and contracting.

In these areas, the measure does not allow affirmative action programs. Affirmative action programs give preferred treatment based on race, color or gender. They also give preferred treatment based on ethnicity or national origin. Discrimination on these bases is also not permitted.

The measure permits affirmative action in three instances. 1. When gender is a bonafide qualification, it is allowed. 2. Existing court orders and consent decrees that require preferred

treatment will continue and can be followed. 3. Affirmative action is allowed when needed to keep or obtain federal funds.

The measure applies to the State and its agencies. It applies to counties, cities and towns. It applies to school districts. It applies to other State subdivisions.

The measure applies only to actions taken after its approval by the people.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 762

LEGISLATIVE REFERENDUM 360

This measure amends Section 10 of Article 6 of the Oklahoma Constitution. It changes current law, decreasing the power and authority of the Governor by removing the Governor from the parole process for persons convicted of certain offenses defined as nonviolent offenses. It enlarges the power and authority of the Pardon and Parole Board by authorizing that Board, in place of the Governor, to grant parole to persons convicted of certain offenses defined as nonviolent offenses.

The Legislature defines what offenses are nonviolent offenses and the Legislature may change that definition.

The measure authorizes the Pardon and Parole Board to recommend to the Governor, but not to itself grant, parole for persons convicted of certain offenses, specifically those offenses identified by law as crimes for which persons are required to serve not less than eighty-five percent of their sentence prior to being considered for parole and those designated by the Legislature as exceptions to nonviolent offenses. For those offenses for which persons are required to serve a minimum mandatory period of confinement prior to being eligible to be considered for parole, the Pardon and Parole Board may not recommend parole until that period of confinement has been served.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 764

LEGISLATIVE REFERENDUM 361

This measure amends the Oklahoma Constitution. It adds a new Section 39A to Article 10. It would allow the Oklahoma Water Resources Board to issue bonds. Any bonds issued would be used to provide a reserve fund for the Board. The fund would be a reserve fund for certain water resource and sewage treatment funding programs. The fund could only be used to pay other bonds and obligations for the funding programs. The bonds could only be issued after other monies and sources are used for repayment. The bonds would be general obligation bonds. Not

more than Three Hundred Million Dollars worth of bonds could be issued. The Legislature would provide the monies to pay for the bonds. The Legislature would provide for methods for issuing the bonds. The Legislature would provide for how the fund is administered.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL – YES
AGAINST THE PROPOSAL – NO

STATE QUESTION NO. 765

LEGISLATIVE REFERENDUM 362

The measure amends the Oklahoma Constitution. It abolishes the Oklahoma Department of Human Services, the Oklahoma Commission of Human Services and the position of Director of the Oklahoma Department of Human Services. These entities were created under different names by Sections 2, 3 and 4 of Article 25 of the Oklahoma Constitution and given duties and responsibilities related to the care of the aged and needy. The measure repeals these sections of the Constitution and consequently, removes the power of the Commission of Human Services to establish policy and adopt rules and regulations. Under the measure, the Legislature and the people by initiative petition retain the power to adopt legislation for these purposes.

The measure adds a provision to the Constitution authorizing the Legislature to create a department or departments to administer and carry out laws to provide for the care of the aged and the needy. The measure also authorizes the Legislature to enact laws requiring the newly-created department or departments to perform other duties.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL - YES
AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 766

LEGISLATIVE REFERENDUM 363

This measure amends Section 6A of Article 10 of the Oklahoma Constitution. At present that section exempts some intangible personal property from ad valorem property taxation. This measure would exempt all intangible personal property from ad valorem property taxation.

An ad valorem property tax is a tax imposed upon the value of property.

Intangible Personal Property is property whose value is not derived from its physical attributes, but rather from what it represents or evidences.

Intangible Personal Property which is still currently taxed but would not be taxed if the measure is adopted, includes items such as:

- patents, inventions, formulas, designs, and trade secrets;

- licenses, franchise, and contracts;
- land leases, mineral interests, and insurance policies;
- custom computer software; and
- trademarks, trade names and brand names.

If adopted, the measure would apply to property taxation starting with the tax year that begins on January 1, 2013.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 15, 2012

FILED

NOV 16 2012

**OKLAHOMA SECRETARY
OF STATE**

The Honorable Glenn Coffee
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Mr. Coffee:

Enclosed please find a copy of the official returns of the vote at the General Election on November 6, 2012, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 758, Legislative Referendum No. 358

State Question No. 759, Legislative Referendum No. 359

State Question No. 762, Legislative Referendum No. 360

State Question No. 764, Legislative Referendum No. 361

State Question No. 765, Legislative Referendum No. 362

State Question No. 766, Legislative Referendum No. 363

Sincerely,

A handwritten signature in cursive script that reads "Paul Zirias".

PAUL ZIRIAX, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2012.

By: A handwritten signature in cursive script that reads "Lynn Mills".

Time: 10:15 a.m.

045798



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 15, 2012

The Honorable Mary Fallin
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

RECEIVED

NOV 16 2012

OFFICE OF THE
GOVERNOR

Dear Governor Fallin:

Pursuant to the provisions of 26 O.S. 2011, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 6, 2012, on the following measures.

STATE QUESTION NO. 758
LEGISLATIVE REFERENDUM NO. 358

YES: 858,081
NO: 409,041

STATE QUESTION NO. 759
LEGISLATIVE REFERENDUM NO. 359

YES: 745,854
NO: 514,163

STATE QUESTION NO. 762
LEGISLATIVE REFERENDUM NO. 360

YES: 745,133
NO: 514,080

Governor Fallin
November 15, 2012
Page 2

STATE QUESTION NO. 764
LEGISLATIVE REFERENDUM NO. 361

YES: 706,322
NO: 539,492

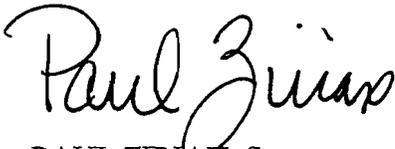
STATE QUESTION NO. 765
LEGISLATIVE REFERENDUM NO. 362

YES: 751,909
NO: 502,949

STATE QUESTION NO. 766
LEGISLATIVE REFERENDUM NO. 363

YES: 826,102
NO: 445,500

Sincerely,

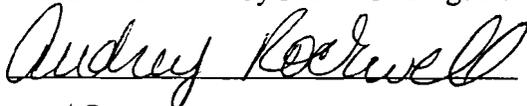


PAUL ZIRIAX, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2012.

By:



Time:

10:00AM