

ENROLLED HOUSE JOINT RESOLUTION 1085  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
53RD LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

**STATE QUESTION NUMBER 764**  
**LEGISLATIVE REFERENDUM NUMBER 361**

RECEIVED: APRIL 30, 2012

# Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1085

By: Richardson, Hickman and  
Roan of the House

and

Crain and Fields 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 39A to Article X; creating the Water Infrastructure Credit Enhancement Reserve Fund; specifying use of the credit enhancement reserve fund; requiring use of certain other monies, funds and sources for repayment prior to issuance of bonds; authorizing the Oklahoma Water Resources Board to issue general obligation bonds for a credit enhancement reserve fund; stating purpose; limiting the amount of bonds issued; directing certain appropriations; providing for establishment of method for issuance of bonds; providing for administration of reserve fund; providing ballot title; and directing filing.

SUBJECT: Water Infrastructure Credit Enhancement Reserve Fund

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND 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 the Constitution of the State of Oklahoma by adding a new Section 39A to Article X thereof, to read as follows:

Section 39A. A. There is hereby created within the Oklahoma Water Resources Board the Water Infrastructure Credit Enhancement Reserve Fund to be used by the Oklahoma Water Resources Board solely to secure the payment of principal, interest and premiums, if any, on bonds and other financial obligations issued or incurred to provide for the financial assistance programs as authorized in Section 39 of Article X of the Oklahoma Constitution.

B. The Oklahoma Water Resources Board shall issue bonds as authorized in subsection C of this section to provide for the Water Infrastructure Credit Enhancement Reserve Fund only after the following have been used, to the extent allowed by law, to repay the bonds and other financial obligations:

1. All other pledged monies;
2. Any reserved funds required of borrowers;
3. Any reserved funds required of the Oklahoma Water Resources Board; and
4. Any surety bond payments.

C. The Oklahoma Water Resources Board is hereby authorized to issue general obligation bonds, in an amount not to exceed a cumulative total of Three Hundred Million Dollars (\$300,000,000.00), for the purpose of providing for the Water Infrastructure Credit Enhancement Reserve Fund for the water resource and sewage treatment financial assistance programs for municipalities, political subdivisions and other public entities of the state provided by the Board as authorized in Section 39 of Article X of the Oklahoma Constitution.

D. The Legislature shall provide sufficient appropriations from any monies of the state not otherwise obligated, committed or appropriated to pay the principal and interest of any general obligation bond issued pursuant to this section.

E. The Legislature shall establish a method by law to provide for the issuance of the general obligation bonds authorized pursuant to this section and to provide for the administration of the Water Infrastructure Credit Enhancement Reserve Fund.

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 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.

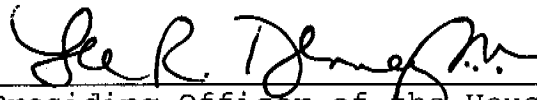
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_


AGAINST THE PROPOSAL - NO \_\_\_\_\_

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 12th day of March, 2012.

  
Presiding Officer of the House of  
Representatives

Passed the Senate the 25th day of April, 2012.

  
Presiding Officer of the Senate

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_  
30th day of April, 2012,  
at 3:07 o'clock P M.

By: Michelle R Day

V. Glenn Coffee  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 2, 2012

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 1085 was received in the Office of the Secretary of State on April 30, 2012. This resolution has been designated as **State Question Number 764, Legislative Referendum Number 361.**

Pursuant to 34 O.S. §9(C), 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,

V. Glenn Coffee  
Secretary of State

A handwritten signature in black ink, reading "Michelle R. Day".

Michelle R. Day  
Assistant Secretary of State

Enclosure: State Question Number 764, Legislative Referendum Number 361

V. Glenn Coffee  
Secretary of State



RECEIVED

MAY 02 2012

OFFICE OF THE  
GOVERNOR

Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 2, 2012

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 1085 was received in the Office of the Secretary of State on April 30, 2012. This resolution has been designated as **State Question Number 764, Legislative Referendum Number 361**.

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). 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

A handwritten signature in cursive script that reads "Michelle R. Day".

Michelle R. Day  
Assistant Secretary of State

Enclosure: State Question Number 764, Legislative Referendum Number 361

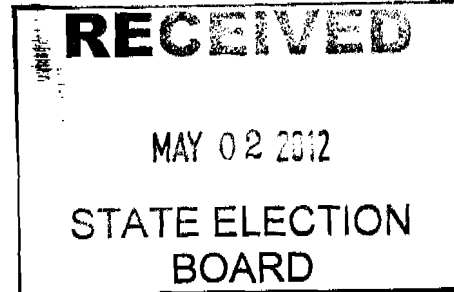
V. Glenn Coffee  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 2, 2012



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

Dear Secretary Ziriak:

You are hereby notified that Enrolled House Joint Resolution 1085 was received in the Office of the Secretary of State on April 30, 2012. This resolution has been designated as **State Question Number 764, Legislative Referendum Number 361.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). 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,

V. Glenn Coffee  
Secretary of State

A handwritten signature in cursive script that reads "Michelle R. Day".

Michelle R. Day  
Assistant Secretary of State

Enclosure: State Question Number 764, Legislative Referendum Number 361





E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

**FILED**

**MAY 10 2012**

**OKLAHOMA SECRETARY  
OF STATE**

May 7, 2012

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

Senator Brian Bingman  
President Pro Tempore  
Oklahoma Senate  
2300 N. Lincoln Blvd., Room 422  
Oklahoma City, Oklahoma 73105-4897

Representative Kris Steele  
Speaker  
Oklahoma House of Representatives  
2300 N. Lincoln Blvd., Room 401  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 764, Legislative Referendum No. 361**

Dear Secretary Coffee, Senator Bingman and Speaker Steele:

In accordance with the provisions of 34 O.S.2011, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it complies with applicable law. As a Title 34 Ballot Title Review, this letter 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.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL

ESP/ab





E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

May 7, 2012

**FILED**

**MAY 10 2012**

**OKLAHOMA SECRETARY  
OF STATE**

Senator Brian Crain  
Oklahoma Senate  
2300 N. Lincoln Blvd., Room 417B  
Oklahoma City, Oklahoma 73105-4897

Representative Phil Richardson  
Oklahoma House of Representatives  
2300 N. Lincoln Blvd., Room 438  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 764, Legislative Referendum No. 361**

Dear Senator Crain and Representative Richardson:

In accordance with the provisions of 34 O.S.2011, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it complies with applicable law. As a Title 34 Ballot Title Review, this letter 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.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL

ESP/ab

V. Glenn Coffee  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 15, 2012

**RECEIVED**

MAY 15 2012

OFFICE OF THE  
GOVERNOR

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

Re: State Question 764, Legislative Referendum 361  
Proposed Constitutional Amendment – Water Infrastructure  
Credit Enhancement Reserve Fund

Dear Governor Fallin:

Pursuant to 34 O.S. § 9(C)(2), the Secretary of State has transmitted to the Secretary of the State Election Board an attested copy of the above referenced measure. A copy of the transmittal letter and the Attorney General's Ballot Title review are enclosed for your information and records.

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

Sincerely,

V. Glenn Coffee  
Secretary of State

Michelle R. Day  
Assistant Secretary of State

Enclosures: Attorney General's Ballot Title review  
Transmittal letter to Secretary of the State Election Board

V. Glenn Coffee  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 15, 2012

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

Re: State Question No. 764, Legislative Referendum 361  
Proposed Constitutional Amendment – Water Infrastructure  
Credit Enhancement Reserve Fund

Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 764, Legislative Referendum 361 and attest that the enclosed copy of House Joint Resolution 1085 is a true and accurate copy of the measure filed with this office. Also enclosed is the Attorney General's letter concluding the Ballot Title as written in the measure complies with applicable law.

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

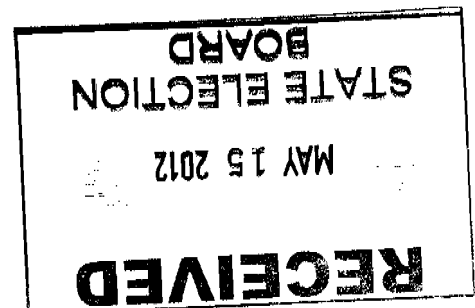
Sincerely,

V. Glenn Coffee  
Secretary of State

A handwritten signature in cursive script that reads "Michelle R. Day".

Michelle R. Day  
Assistant Secretary of State

Enclosures: State Question 764, Legislative Referendum 361  
Attorney General's Ballot title review



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, reading "Michelle R. Day".

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.

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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**

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### **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

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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

\_\_\_\_\_

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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

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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

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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 ZIRIAS, 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 Gills".

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

**RECEIVED**

NOV 16 2012

OFFICE OF THE  
GOVERNOR

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

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

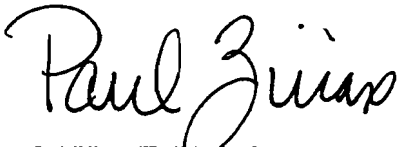
STATE QUESTION No. 765  
LEGISLATIVE REFERENDUM No. 362

YES: 751,909  
NO: 502,949

STATE QUESTION No. 766  
LEGISLATIVE REFERENDUM No. 363

YES: 826,102  
NO: 445,500

Sincerely,

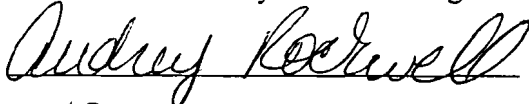


PAUL ZIRIAS, Secretary  
State Election Board

PZ/mf

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

By:



Time:

10:00am