

ENROLLED SENATE JOINT RESOLUTION 52
ENACTED BY THE SECOND REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 766
LEGISLATIVE REFERENDUM NUMBER 363

RECEIVED: MAY 25, 2012

Resolution

ENROLLED SENATE

JOINT

RESOLUTION NO. 52

By: Mazzei, Brinkley, Jolley,
Crain, Newberry and Branan
of the Senate

and

Dank, McDaniel (Randy),
Hamilton and Murphey 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 6A of Article X of the Oklahoma Constitution; exempting all intangible personal property from ad valorem taxation; deleting obsolete language; providing ballot title; and directing filing.

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

Section 6A. ~~Intangible~~ Beginning January 1, 2013, intangible personal property ~~as below defined~~ shall not be subject to ad valorem tax or to any other tax in lieu of ad valorem tax within this State.

~~(a) Money and cash on hand, including currency, gold, silver, and other coin, bank drafts, certified checks, and cashier's checks.~~

~~(b) Money on deposit in any bank, trust company, or other depository of money, within or without the State of Oklahoma, including certificates of deposit.~~

~~(c) Accounts and bills receivable, including brokerage accounts, and other credits, whether secured or unsecured.~~

~~(d) Bonds, promissory notes, debentures, and all other evidences of debt, whether secured or unsecured; except notes, debentures, and other evidences of debt secured by real estate mortgages which are subject to the Mortgage Registration Tax under Sections 12351—12362, inclusive, Oklahoma Statutes, 1931 (68 O.S. 1961, Sections 1171—1182).~~

~~(e) Shares of stock or other written evidence or proportional shares of beneficial interests in corporations, joint stock companies, associations, syndicates, express or business trusts, special or limited partnerships, or other business organizations.~~

~~(f) All interests in property held in trust or on deposit within or without this State, and whether or not evidenced by certificates, shares, or other written evidence of beneficial ownership.~~

~~(g) Final judgments for the payment of money.~~

~~(h) All annuities and annuity contracts.~~

~~The effective date of this Amendment shall be January 1, 1969; provided, that the intangible personal property taxes levied for the year 1968 shall be collected.~~

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 Oklahoma Constitution. It amends Section 6A of Article 10. The section exempts certain intangible personal property from property tax. This measure would exempt all intangible personal property from property tax. No person, family or business would pay a tax on intangible property. The change would apply to all tax years beginning on and after January 1, 2013.

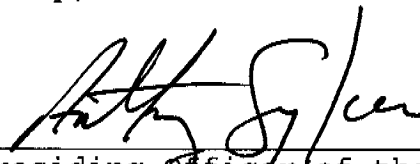
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

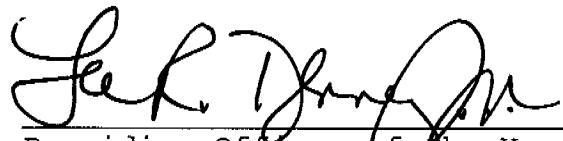
SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 22nd day of May, 2012.



Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2012.

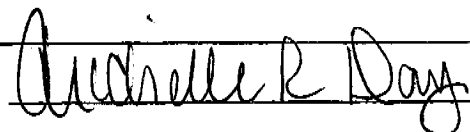


Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

25th day of May, 20 12,
at 7:42 o'clock P. M.

By: 

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

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

Re: State Question 766, Legislative Referendum 363
Proposed Constitutional Amendment Exempting All Intangible
Personal Property from Taxation

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 52 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 766, Legislative Referendum Number 363.**

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 that reads "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 766, Legislative Referendum Number 363

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

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MAY 29 2012

**OFFICE OF THE
GOVERNOR**

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

Re: State Question 766, Legislative Referendum 363
Proposed Constitutional Amendment Exempting All Intangible
Personal Property from Taxation

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 52 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 766, Legislative Referendum Number 363**.

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

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 766, Legislative Referendum Number 363

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

RECEIVED

MAY 29 2012

STATE ELECTION
BOARD

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

Re: State Question 766, Legislative Referendum 363
Proposed Constitutional Amendment Exempting All Intangible
Personal Property from Taxation

Dear Secretary Ziriaux:

You are hereby notified that Enrolled Senate Joint Resolution 52 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 766, Legislative Referendum Number 363.**

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

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 766, Legislative Referendum Number 363



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUN 05 2012

**OKLAHOMA SECRETARY
OF STATE**

June 5, 2012

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

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

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

Senator Mike Mazzei
2300 N. Lincoln, Room 424
Oklahoma City, Oklahoma 73105-4897

Representative David Dank
2300 N. Lincoln Blvd., Room 433
Oklahoma City, Oklahoma 73105-4897

Re: Ballot Title for State Question No. 766, Legislative Referendum No. 363

Dear Sirs and Madames:


In accordance with the provisions of 34 O.S.2011, § 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 reason:

It fails to explain in basic words the effect of the proposition because it does not explain what intangible personal property or an ad valorem tax is.



Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2011, § 9(C), within ten (10) business days, prepare a preliminary ballot title which complies with the law and furnish a copy to each of you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized initial "E" and "P".

E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUN 18 2012

**OKLAHOMA SECRETARY
OF STATE**

June 15, 2012

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

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

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

Senator Mike Mazzei
2300 N. Lincoln, Room 424
Oklahoma City, Oklahoma 73105-4897

Representative David Dank
2300 N. Lincoln Blvd., Room 433
Oklahoma City, Oklahoma 73105-4897

**Re: Preliminary Ballot Title for State Question No. 766,
Legislative Referendum No. 363**

Dear Sirs:

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.2011, § 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:

RECEIVED

JUN 18 2012

**OKLAHOMA SECRETARY
OF STATE**

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 766

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;
- custom computer software; and
- trademarks, trade names and brand names.

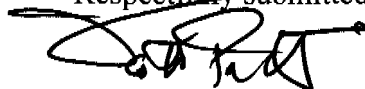
If adopted, the measure would apply to property taxation starting with the tax year that begins on January 1, 2013.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUL 09 2012

OKLAHOMA SECRETARY
OF STATE

July 9, 2012

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

Re: Your written comments regarding the Preliminary Ballot Title for State Question No. 766.

Dear President Pro Tempore Bingman:

We have received the comments and suggestions you made with respect to the Preliminary Ballot Title for State Question No. 766, and write to let you know that we will be incorporating your second suggestion into the Final Ballot Title by adding: "land leases, mineral interests, and insurance policies;" to the examples of intangible Personal Property which is still currently taxed, but would not be taxed if the measure is adopted.

We will, by separate letter, be filing the Final Ballot Title, incorporating the suggestions noted above.

Respectfully submitted,


E. Scott Pruitt
Attorney General

ESP/ab





OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUL 09 2012

**OKLAHOMA SECRETARY
OF STATE**

July 9, 2012

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

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

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

Senator Mike Mazzei
2300 N. Lincoln, Room 424
Oklahoma City, Oklahoma 73105-4897

Representative David Dank
2300 N. Lincoln Blvd., Room 433
Oklahoma City, Oklahoma 73105-4897

Re: Final Ballot Title for State Question No. 766, Legislative Referendum No. 363

Dear Sirs:

Having found that the proposed ballot title for the above-referenced state question did not comply with applicable laws, we prepared a Preliminary Ballot Title on June 15, 2012. We have considered comments by President Pro Tempore Bingman to that Preliminary Ballot Title and, in accordance with 34 O.S. 2011, § 9(C), have prepared 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 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. 766

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.

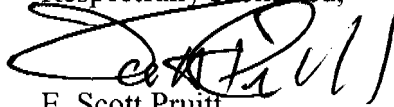
If adopted, the measure would apply to property taxation starting with the tax year that begins on January 1, 2013.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,



E. Scott Pruitt
Attorney General

ESP/ab

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

July 11, 2012

RECEIVED

JUL 11 2012

**OFFICE OF THE
GOVERNOR**

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

Re: State Question 766, Legislative Referendum 363
Proposed Constitutional Amendment relating to Ad Valorem Taxation

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 Final Ballot Title 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

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

Michelle R. Day
Assistant Secretary of State

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

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

July 11, 2012

RECEIVED

JUL 11 2012

**STATE ELECTION
BOARD**

The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room B-6
Oklahoma City, Oklahoma 73105

Re: State Question No. 766, Legislative Referendum 363
Proposed Constitutional Amendment relating to Ad Valorem Taxation

Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 766, Legislative Referendum 363 and attest that the enclosed copy of Senate Joint Resolution 52 is a true and accurate copy of the measure filed with this office. Also enclosed is the Final Ballot Title prepared by the Attorney General.

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 766, Legislative Referendum 363
Attorney General's Final Ballot Title