

# 2008 State Questions

*Speaker Chris Bengé  
Oklahoma House of Representatives*

SEPTEMBER 2008

Edited by  
L. Ryan Bair  
Staff Attorney  
And  
Brad Wolgamott  
Senior Research Analyst  
Oklahoma House of Representatives

*Chad Warmington  
Chief of Staff*

*Rick Farmer  
Director  
Committee Staff Division*

*Janice Buchanan  
Director  
Fiscal Division*



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# Preface and Acknowledgments

The purpose of this document is to provide an overview of the state questions on the November 4, 2008, general election ballot. All of the questions scheduled at this time for the ballot are legislative referendums.

The House Committee Staff has prepared this report to provide background information on the state questions for the benefit of the Oklahoma House of Representatives members and other interested parties. The purpose of this summary is to inform readers, not to influence the outcome of the election. Section 16-119 of Title 26 of the Oklahoma Statutes prohibits state officials from directing or authorizing the expenditure of any public funds to be used in support of, or in opposition to, any measure which is being referred to a vote of the people. Oklahoma Ethics Commission Rules prohibit the use of public funds, property or time to influence the results of a ballot measure.

The state questions in this report are organized in order of state question number. Each state question is divided into the following sections unless otherwise noted:

- I. **Official or Proposed Ballot Title:** For each state question, the official ballot title or the proposed ballot title for those questions which have not had an official ballot title written is quoted directly. The official ballot title is an exact copy of what will appear on the ballot. For legislative referendums, the Legislature proposes ballot titles, but they are frequently rewritten by the Attorney General pursuant to Section 9 of Title 34 of the Oklahoma Statutes. Ballot titles are limited to 200 words, cannot exceed an eighth grade reading comprehension level, and must explain the effect of the proposition.
- II. **Authorizing Document:** This section provides the state question's principal legislative authors or proponents, the authorizing document, the final House and Senate vote for passage of the legislation, and the date the state question was filed with the Secretary of State.
- III. **Description:** This section explains the provisions of the state question.
- IV. **Election Date:** This section specifies the date of the election.
- V. **Legislation:** The signed legislation or petition containing the actual constitutional or statutory changes being proposed is provided.

The intent of this document is to provide the reader with an accurate and objective summary of the 2008 state questions. More information on the initiative and referendum process and on current or past state questions can be obtained from the Secretary of State's website <http://www.sos.state.ok.us/>



# Initiative and Referendum Requirements

The Oklahoma Constitution (see Sections 1, 2, 3, 4, 5, and 6 of Article 5 and Sections 1 and 2 of Article 24, as well as Title 34 of the Oklahoma Statutes) provides for both the initiative and referendum petition procedures. These procedures come under the concept of a direct democracy in that the people, who ultimately are vested with legislative authority, may promulgate laws. All four of the state questions scheduled for a vote this year are the result of the legislative referendum process, which enables the Oklahoma Legislature to pass a measure that will require the approval of a majority of voters voting on the measure for the measure to become law.

Legislative referendums are placed on the general election ballot unless a special election feature is added. This requires a two-thirds vote of both houses for the approval of the special election provision. State questions may also be placed on the election ballot pursuant to Section 33 of Article V of the Oklahoma Constitution, which requires that revenue-raising measures passed by the Legislature be approved at the next general election in order for them to become law, unless such measures are passed by a three-fourths majority in both houses.

The initiative petition procedure gives legal voters the right to propose measures to amend Oklahoma’s statutes or constitution. Initiative petitions proposing legislative (nonconstitutional) measures must receive 74,117 (or 8 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at such election) valid signatures for the question to be placed on the election ballot.

Referendum petitions seeking to refer a measure enacted by the Legislature *without* the emergency clause for repeal of the measure must receive 46,324 (or 5 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at such election) valid signatures for the question to be placed on the election ballot. An emergency clause is a legislative provision that allows a measure with two-thirds approval of both houses to take effect immediately upon the Governor’s signature.

Initiative petitions seeking to amend the Oklahoma Constitution must receive 138,970 (or 15 percent of the total number of votes cast in the last general election for the state office receiving

Signature Petition Requirements for Initiative and Referendum		
Petition	Percentage Requirement	Number of Signatures Required*
<b>Statutory Questions</b>	8%	74,117
<b>Referendum on Legislative Enactments</b>	5%	46,324
<b>Constitutional Questions</b>	15%	138,970
<b>Consideration of a Matter in a State Question Defeated Within Prior Three Years</b>	25%	231,616
*Determination by the state office receiving the largest number of votes cast at the last general election. These numbers are reflective of the 2006 General Election.		
<i>Source: Oklahoma Secretary of State’s Website, <a href="http://www.sos.state.ok.us">www.sos.state.ok.us</a>.</i>		

the highest number of votes at such election) valid signatures for the petition to be placed on the election ballot.

Any measure rejected by the people, through the powers of initiative and referendum, cannot be proposed again by the initiative within three years unless it has more than 231,616 (or 25 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at such election) valid signatures for the petition to be placed on the election ballot.

The above numbers will most likely change following the November 4 general election because the base amount for calculating signature requirements is the total number of votes cast for the statewide office receiving the most votes.

# Summary of 2008 State Questions

Four measures are scheduled for a vote on the November 4, 2008, General Election.

Question	Authorizing Document	Subject	Status
735	HB 1808	Constitutional amendment regarding personal property tax. The amendment creates an exemption for the full amount of taxes due on all household personal property. The exemption would apply to certain injured veterans or to the 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.	Scheduled for vote on November 4, 2008
741	HB 3354	Constitutional amendment regarding property tax exemptions. The amendment adds a new Section 22A to Article 10. It would require a person or business to file an application for an exemption. No exemption could be granted prior to filing an application.	Scheduled for vote on November 4, 2008
742	SJR 38	Constitutional amendment regarding hunting, fishing, trapping and harvesting game and fish. The amendment adds a new Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.	Scheduled for vote on November 4, 2008
743	SJR 29	Constitutional amendment regarding direct sale of wine to retail package stores and restaurants. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail	Scheduled for vote on November 4, 2008

Question	Authorizing Document	Subject	Status
		<p>package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.</p>	

**State Questions on  
November 4, 2008  
General Election**



**STATE QUESTION 735**  
**Legislative Referendum No. 343**

**Proposed Ballot Title**

This measure amends the Oklahoma Constitution. It adds Section 8 D 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 THIS PROPOSAL BE APPROVED?

For the Proposal             YES

Against the Proposal       NO

**Authorizing Document**

HB 1808 by Representative Terrill and Senator Mazzei. Passed House 99-0 on May 21, 2007. Passed Senate 46-0 on May 23, 2007. Filed with Secretary of State on May 24, 2007.

**Description**

HB 1808 amends Article 10 of the Oklahoma Constitution by adding a new section 8D, which states 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.

The measure creates an exemption from personal property tax. The exemption would be for the full amount of taxes due on all household personal property and applies to certain injured veterans and surviving spouses.

To qualify for the exemption, an injured veteran would have to meet the following requirements:

1. A branch of the Armed Forces or the Oklahoma National Guard would have to have honorably discharged the veteran from active service;
2. The veteran would have to be an Oklahoma resident;
3. The veteran would have to be the head of the household;
4. The veteran would have to be one hundred percent permanently disabled;
5. The United States Department of Veterans Affairs would have to certify the disability, and
6. 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. However, such laws could not change the amount of the exemption.

### **Election Date**

November 4, 2008

ENROLLED HOUSE BILL 1808  
ENACTED BY THE FIRST REGULAR SESSION OF THE  
51<sup>TH</sup> 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.

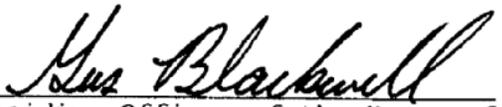
SHALL THE PROPOSAL BE APPROVED?

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

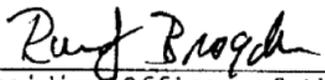
AGAINST THE PROPOSAL - NO \_\_\_\_\_

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.

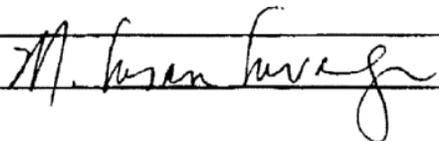
  
Presiding Officer of the Senate

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_

24<sup>th</sup> 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

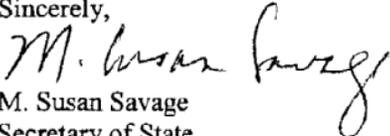
Dear Governor Henry:

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,

  
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

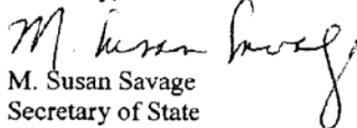
Dear Attorney General Edmondson:

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

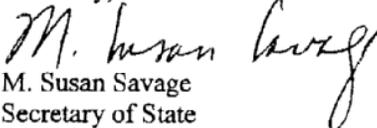
Dear Secretary Clingman:

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,

  
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".

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

**FILED**

JUN 4 2007

OKLAHOMA SECRETARIAT  
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:

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', written over a horizontal line.

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

WAE/ab



**OKLAHOMA SECRETARY OF STATE**

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

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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

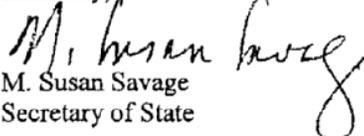
Dear Governor Henry:

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

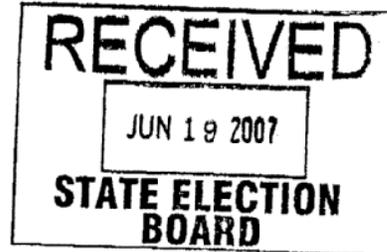
OKLAHOMA CITY, OK 73105-4897

(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

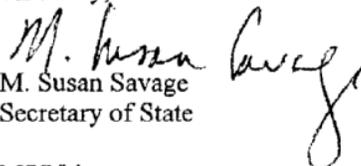
Dear Mr. Clingman:

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**

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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:

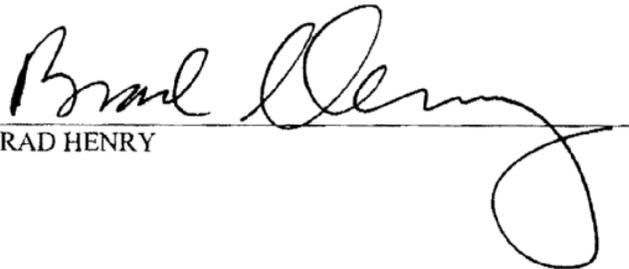
This measure amends the Oklahoma Constitution. It adds Section 8D to Article 10. The measure takes effect January 1, 2009. It creates an exemption from personal property tax. The exemption would be for the full amount of taxes due on all household personal property. The exemption would apply to certain 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 23<sup>rd</sup> 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

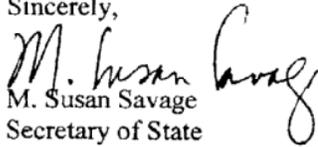
The Honorable Michael Clingman  
Oklahoma State Election Board  
Room 3, State Capitol  
Oklahoma City, Oklahoma 73105

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





**STATE QUESTION 741**  
**Legislative Referendum No. 344**

**Proposed Ballot Title**

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 THIS PROPOSAL BE APPROVED?

For the Proposal            \_\_\_ YES

Against the Proposal      \_\_\_ NO

**Authorizing Document**

HB 3354 by Representative Terrill and Senator Wilson. Passed House 80-0 on March 6, 2008. Passed Senate 45-0 on April 10, 2008. Filed with Secretary of State on April 14, 2008.

**Description**

HB 3354 amends Article 10 of the Oklahoma Constitution by adding a new section 22A, which states 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.

This measure requires a person or business to file an application for an ad valorem tax exemption with the county assessor. No exemption can be granted prior to filing an application. The Legislature may write laws to carry out the provisions of this section.

**Election Date**

November 4, 2008



ENROLLED HOUSE BILL 3354  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
51<sup>ST</sup> 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.

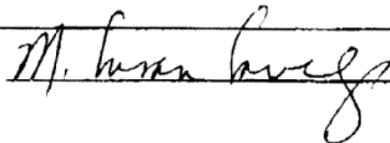
  
Presiding Officer of the House of  
Representatives

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

  
Presiding Officer of the Senate

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this 14<sup>th</sup> day of April, 2008,  
at 4:51 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

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. 3354 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 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*  
M. Susan Savage  
Secretary of State

MSS/ks



**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

April 16, 2008

RECEIVED

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

APR 16 2008

OFFICE OF THE  
GOVERNOR

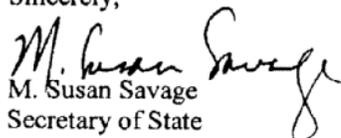
Dear Governor Henry:

You are hereby notified that Enrolled House Bill No. 3354 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



**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



April 16, 2008

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

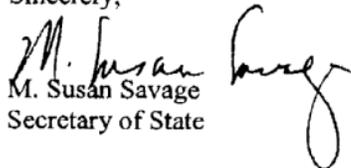
Dear Secretary Clingman:

You are hereby notified that Enrolled House Bill No. 3354 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



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

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

**FILED**

**APR 24 2008**

**OKLAHOMA SECRETARY  
OF STATE**

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

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

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.

Page Two  
Secretary Savage  
Senator Morgan  
Senator Coffee  
Speaker Bengtson  
April 22, 2008

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,

A handwritten signature in black ink, appearing to read "W.A. Edmondson", with a long horizontal flourish extending to the right.

W.A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

WAE:kak



W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

May 5, 2008

Susan Savage  
Secretary of State  
State Capitol, Room 301  
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 Bengtson  
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 Bengtson:

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

Page Two  
Secretary Savage  
Senator Morgan  
Senator Coffee  
Speaker Bengtson  
May 5, 2008

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



W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

May 22, 2008

**FILED**

**MAY 22 2008**

**OKLAHOMA SECRETARY  
OF STATE**

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 Bengtson  
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 Bengtson:

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:

Page Two  
Secretary Savage  
Senator Morgan  
Senator Coffee  
Speaker Bengtson  
May 22, 2008

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



**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 23, 2008

**RECEIVED**

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

**MAY 23 2008**

**OFFICE OF THE  
GOVERNOR**

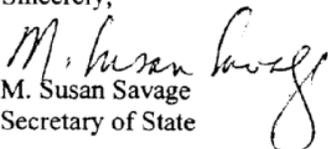
Dear Governor Henry:

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/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 23, 2008

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



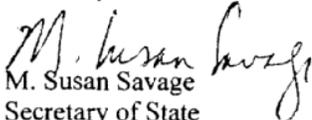
Dear Mr. Clingman:

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



*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 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.

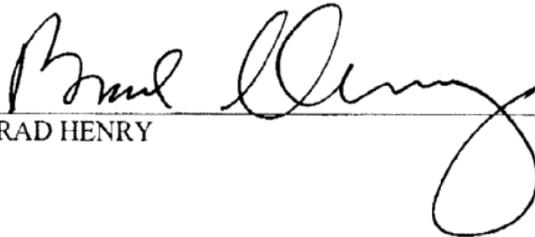
The substance of the measure is as follows:

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 23<sup>rd</sup> 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

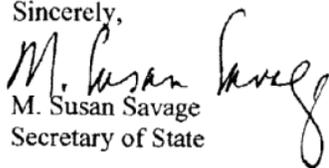
The Honorable Michael Clingman  
Oklahoma State Election Board  
Room 3, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

Enclosed is a copy of the Governor's Proclamation calling for the election on State Question Number 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



**STATE QUESTION 742**  
**Legislative Referendum No. 345**

**Proposed Ballot Title**

This measure adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

SHALL THIS PROPOSAL BE APPROVED?

For the Proposal           \_\_\_ YES

Against the Proposal     \_\_\_ NO

**Authorizing Document**

SJR 38 by Senator Coffee and Representative Terrill. Passed House 97-2 on April 22, 2008. Passed Senate 46-0 on May 5, 2008. Filed with Secretary of State on May 6, 2008.

**Description**

SJR 38 amends Article 2 of the Oklahoma Constitution by adding a new Section 36, which states as follows,

Section 36. All citizens of this state shall have a right to hunt, fish, trap, and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, or any other property rights.

This measure gives the people of the state of Oklahoma the right to hunt, trap, fish and take game and fish, subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. The new law will not affect existing laws relating to property rights.

**Election Date**

November 4, 2008

ENROLLED SENATE JOINT RESOLUTION 38  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
51<sup>ST</sup> LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

**STATE QUESTION NUMBER 742**  
**LEGISLATIVE REFERENDUM NUMBER 345**

RECEIVED: MAY 6, 2008

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 38

By: Coffee, Rabon, Rice, Garrison,  
Ivester, Gumm, Sparks, Adelson,  
Paddack, Corn, Burrage, Aldridge,  
Anderson, Ballenger, Barrington,  
Bass, Bingman, Branan, Brogdon,  
Brown, Coates, Crain,  
Crutchfield, Easley, Eason  
McIntyre, Ford, Johnson  
(Constance), Johnson (Mike),  
Jolley, Justice, Lamb, Laster,  
Laughlin, Leftwich, Lerblance,  
Mazzei, Morgan, Myers, Nichols,  
Reynolds, Riley, Schulz, Sweeden,  
Sykes, Wilcoxson, Williamson,  
Wilson and Wyrick of the Senate

and

Terrill, Billy, Brannon, Coody,  
Denney, Dorman, Duncan,  
Harrison, Hoskin, Jackson, Jett,  
Johnson (Dennis), Kern,  
Luttrell, Martin (Steve),  
McMullen, Renegar, Reynolds,  
Sears, Smithson, Thompson,  
Turner and Walker 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 the Oklahoma Constitution by adding a new section to Article II to be designated as Section 36; recognizing certain right of the citizens of this state related to game and fish; granting the Wildlife Conservation Commission certain power and authority; allowing for the use of certain methods, practices and procedures

to take certain wildlife; specifying preferred means of managing certain wildlife; providing for construction of law; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST 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 Article II of the Constitution of the State of Oklahoma by adding a new Section 36 to read as follows:

Section 36. All citizens of this state shall have a right to hunt, fish, trap, and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, or any other property rights.

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 adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

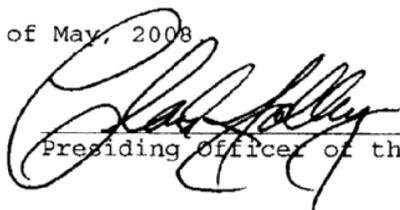
SHALL THE PROPOSAL BE APPROVED?

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 5th day of May, 2008



Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2008.



Presiding Officer of the House  
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this  
6<sup>th</sup> day of May, 2008  
at 3:30 o'clock P. M.

By: M. [Signature]



**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 6, 2008

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

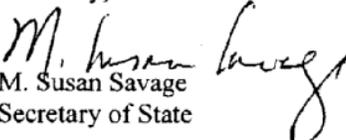
Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 38 was received in the Office of the Secretary of State on May 6, 2008. This bill has been designated as **State Question Number 742, Legislative Referendum Number 345.**

Pursuant to 34 O.S. 2007 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



W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

May 9, 2008

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

Re: State Question Number 742 - Proposed Ballot Title  
Legislative Referendum Number 345

Dear Secretary Savage:

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

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Edmondson".

W.A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE:st

cc: Neal Leader

**RECEIVED**

MAY 13 2008

**OKLAHOMA SECRETARY  
OF STATE**



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

May 14, 2008

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

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

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

**FILED**

**MAY 14 2008**

**OKLAHOMA SECRETARY  
OF STATE**

**Re: Ballot Title for State Question No. 742, Legislative Referendum  
No. 345**

Dear Secretary Savage, Senator , Speaker :

We have, in accordance with the provisions of 34 O.S.Supp.2007, § 9(D), reviewed the Ballot Title for the above referenced State Question and conclude that it does comply with applicable laws.

As a Title 34 ballot title review, this does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying change in the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Edmondson". The signature is fluid and cursive, with a long horizontal stroke at the end.

W. A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab



**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 14, 2008

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

**RECEIVED**

**MAY 15 2008**

**OFFICE OF THE  
GOVERNOR**

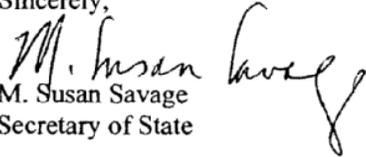
Dear Governor Henry:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title for State Question 742, Legislative Referendum 345; the State Question from Senate Joint Resolution 38; 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/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 14, 2008

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

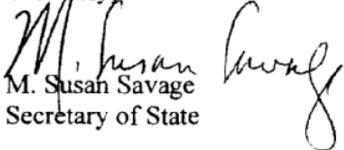
Dear Mr. Clingman:

Enclosed is a copy of the Attorney General's review of the proposed Ballot Title and an attested copy of State Question 742, Legislative Referendum 345 as stated in Senate Joint Resolution 38.

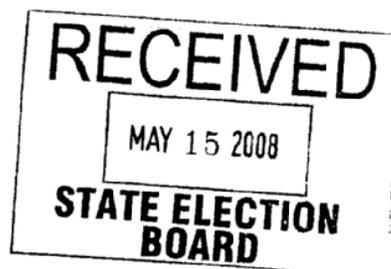
The Governor has been notified of the official ballot title pursuant to 34 O.S. 2001, Section 12. This office will provide a copy of the election proclamation upon receipt from the Governor's Office.

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





*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 742, Legislative Referendum Number 345, 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.

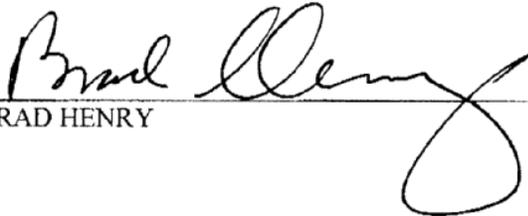
The substance of the measure is as follows:

This measure adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

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





**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

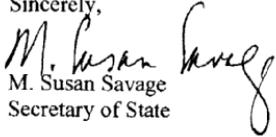
July 24, 2008

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 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



**STATE QUESTION 743**  
**Legislative Referendum No. 346**

**Proposed Ballot Title**

This measure amends Section 3 of Article 28 of the Constitution. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

SHALL THIS PROPOSAL BE APPROVED?

For the Proposal            \_\_\_ YES

Against the Proposal      \_\_\_ NO

**Authorizing Document**

SJR 29 by Senator Ivester and Representative Morgan. Passed Senate 37-5 on May 19, 2008. Passed House 87-11 on May 22, 2008. Filed with Secretary of State on May 23, 2008.

**Description**

SJR 29 amends Section 3 of Article 28 of the Oklahoma Constitution by adding the following underlined language,

Section 3. A. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverages, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer, who markets his or her product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors. Winemakers either within or without this state shall be required to sell wine they produce to every licensed wholesale distributor who desires to purchase the wine, but winemakers

shall not be required to sell the wine they produce only to licensed wholesale distributors. Winemakers either within or without this state may sell wine produced at the winery to adult consumers who are at least twenty-one (21) years of age and are physically present on the premises of the winery or at a festival or trade show. ~~Oklahoma winemakers~~ Winemakers either within or without this state that annually produce no more than ten thousand (10,000) gallons of wine may sell and ship only the wine they produce at wineries in this state directly to licensed retail package stores and restaurants in this state; provided, however, that any such winemaker which elects to directly sell its wine to package stores and restaurants shall not also use a licensed wholesale distributor as a means of distribution, and shall be required to sell its wines to every package store and restaurant licensee who desires to purchase the same, as supplies allow, on the same price basis and without discrimination. As used in this section, “restaurant” means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

B. Any winemaker within or without this state that annually produces no more than ten thousand (10,000) gallons of wine and elects to directly sell its wine to retail package stores and restaurants in this state must self-distribute the wine using only vehicle(s) owned or leased by the winemaker, and without the use of a common or private contract carrier.

C. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision. All provisions of this amendment are declared to be interdependent. If any provision of this amendment applicable to winemakers is ruled to be unconstitutional by a court of competent jurisdiction, then no winemaker shall be permitted to directly sell its wine to retail package stores or restaurants in this state.

The measure requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. The measure applies to winemakers in state and out of state. Winemakers must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine, and must be at the same price basis. The sales must be without discrimination. Winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

## **Election Date**

November 4, 2008

ENROLLED SENATE JOINT RESOLUTION 29  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
51<sup>ST</sup> LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

**STATE QUESTION NUMBER 743**  
**LEGISLATIVE REFERENDUM NUMBER 346**

RECEIVED: MAY 23, 2008

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 29

By: Ivester, Coates and Schulz  
of the Senate

and

Morgan, Kiesel, Collins,  
Hoskin and Roan 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 3 of Article XXVIII of the Oklahoma Constitution; making language gender neutral; clarifying who may be sold wine at wineries, festivals or trade shows; providing for direct sale of wine to retail package stores and restaurants by all wineries that produce no more than ten thousand gallons of wine annually; prohibiting use of a licensed wholesale distributor in certain circumstances; requiring wineries to sell wine to every package store and restaurant who desires to purchase the wine on the same price basis and without discrimination; prohibiting the use of common or private contract carriers in certain circumstances; making provisions of the amendment nonseverable; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST 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 3 of Article XXVIII of the Constitution of the State of Oklahoma to read as follows:

Section 3. A. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverages, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer, who markets his or her product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors. Winemakers either within or without this state shall be required to sell wine they produce to every licensed wholesale distributor who desires to purchase the wine, but winemakers shall not be required to sell the wine they produce only to licensed wholesale distributors. Winemakers either within or without this state may sell wine produced at the winery to adult consumers who are at least twenty-one (21) years of age and are physically present on the premises of the winery or at a festival or trade show. ~~Oklahoma winemakers~~ Winemakers either within or without this state that annually produce no more than ten thousand (10,000) gallons of wine may sell and ship only the wine they produce at wineries in this state directly to licensed retail package stores and restaurants in this state; provided, however, that any such winemaker which elects to directly sell its wine to package stores and restaurants shall not also use a licensed wholesale distributor as a means of distribution, and shall be required to sell its wines to every package store and restaurant licensee who desires to purchase the same, as supplies allow, on the same price basis and without discrimination. As used in this section, "restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

B. Any winemaker within or without this state that annually produces no more than ten thousand (10,000) gallons of wine and elects to directly sell its wine to retail package stores and restaurants in this state must self-distribute the wine using only

vehicle(s) owned or leased by the winemaker, and without the use of a common or private contract carrier.

C. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision. All provisions of this amendment are declared to be interdependent. If any provision of this amendment applicable to winemakers is ruled to be unconstitutional by a court of competent jurisdiction, then no winemaker shall be permitted to directly sell its wine to retail package stores or restaurants in this state.

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 Section 3 of Article 28 of the State Constitution. The measure clarifies who may purchase wine at a winery, festival or trade show. Also, currently, winemakers cannot sell wine directly to restaurants and retail package stores. This measure would allow winemakers from within this state and from without this state that produce up to ten thousand gallons of wine a year to sell wine directly to retail package stores and restaurants in this state. It would prohibit winemakers that sell directly to retail package stores and restaurants from using a licensed wholesale distributor as a means of distribution. It would require winemakers to sell wine to every retail package store or restaurant who wants to buy the wine. It would require the winemakers to sell the wine to every retail package store or restaurant on the same price basis and without discrimination. It would prohibit winemakers that sell wine directly to retail package stores or restaurants from using common or private carriers to distribute the wine. If any part of this amendment related to winemakers is found unconstitutional, then no winemaker shall be permitted to directly sell its wine to retail package stores or restaurants in this state.

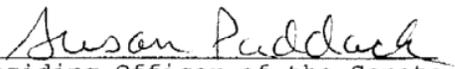
SHALL THE PROPOSAL BE APPROVED?

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

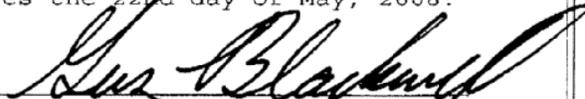
AGAINST THE PROPOSAL - NO \_\_\_\_\_

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 19th day of May, 2008.

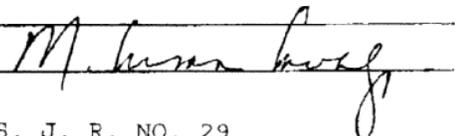
  
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2008.

  
Presiding Officer of the House  
of Representatives

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_  
23rd day of May, 2008,  
at 8:52 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

May 27, 2008

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

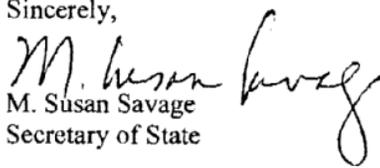
Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 29 was received in the Office of the Secretary of State on May 23, 2008. This resolution has been designated as **State Question Number 743, Legislative Referendum Number 346.**

Pursuant to 34 O.S. 2007 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/ks



**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 27 2008

OFFICE OF THE  
GOVERNOR

May 27, 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 Senate Joint Resolution 29 was received in the Office of the Secretary of State on May 23, 2008. This resolution has been designated as **State Question Number 743, Legislative Referendum Number 346.**

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



**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 27, 2008

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

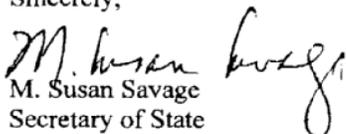
Dear Secretary Clingman:

You are hereby notified that Enrolled Senate Joint Resolution 29 was received in the Office of the Secretary of State on May 23, 2008. This resolution has been designated as **State Question Number 743, Legislative Referendum Number 346.**

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





W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

May 28, 2008

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

Re: State Question Number 743 - Proposed Ballot Title  
Legislative Referendum Number 346

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 her 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".

W.A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE:st

cc: Sandra Rinehart

**RECEIVED**

MAY 30 2008

**OKLAHOMA SECRETARY  
OF STATE**



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 3, 2008

**RECEIVED**

JUN 03 2008

**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  
Senate President Pro Tempore  
State Capitol, Room 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

**FILED**

JUN 3 2008

**OKLAHOMA SECRETARY  
OF STATE**

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

The Honorable Chris Bengtson  
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. 743, Legislative Referendum  
No. 346**

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

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 does not comply with applicable laws for the following reasons:

- It exceeds two hundred (200) words,

- It is not written on the eighth-grade reading comprehension level.

Having found that the Ballot Title does not comply with applicable laws, we will, in conformity with the provisions of 34 O.S.Supp.2005, § 9(C), within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,



W. A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 16, 2008

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

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

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

**FILED**  
**JUN 16 2008**  
OKLAHOMA SECRETARY  
OF STATE

**Re: Ballot Title for State Question No. 743, Legislative Referendum  
No. 346**

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

The following is a preliminary ballot title we have prepared in accordance with 34 O.S.Supp.2005, § B(1). We determined the proposed ballot title was defective and have prepared this preliminary ballot title which complies with the law. Pursuant to 34 O.S.Supp.2005, § B(1), we may consider any comments by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and are required to file a final ballot title with the Secretary of State no sooner than ten (10) business days and no later than fifteen (15)

313 N.E. 21<sup>ST</sup> STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246



business days after furnishing this preliminary ballot title. We ask that, if you have any comments to the ballot title, you provide them to us by June 30, 2008 so that we may have an opportunity to consider them in preparing the final ballot title.

The preliminary Ballot Title reads as follows:

This measure amends Section 3 of Article 28 of the Constitution. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

**SHALL THE PROPOSAL BE APPROVED?**

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

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

If you have any questions you may contact Senior Assistant Attorney General  
Sandy Rinehart at 522-4392. Thank you.

Respectfully submitted,



TOM GRUBER  
FIRST ASSISTANT ATTORNEY GENERAL

TG/ab



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**FILED**

JUL 03 2008

OKLAHOMA SECRETARY  
OF STATE

July 3, 2008

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

**Re: Ballot Title for State Question No. 743, Legislative Referendum  
No. 346**

Dear Secretary Savage:

On June 16, 2008, we furnished you a copy of a preliminary ballot title we prepared in accordance with 34 O.S. Supp. 2005, § C(1). At that time we provided copies of the preliminary ballot title to the Presidents Pro Tempore of the Senate and Speaker of the House of Representatives to allow them the opportunity to provide comment as required by law. Having received no response, we submit the preliminary ballot title for filing as the final ballot title.

This measure amends Section 3 of Article 28 of the Constitution. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no

winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

**SHALL THE PROPOSAL BE APPROVED?**

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

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

Respectfully submitted,



W. A. DREW EDMONDSON  
Attorney General

WAE/ab

cc: The Honorable Mike Morgan  
The Honorable Glenn Coffee  
The Honorable Chris Bengel



**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 3, 2008

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

RECEIVED

JUL 03 2008

OFFICE OF THE  
GOVERNOR

Dear Governor Henry:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title for State Question 743, Legislative Referendum 346; the State Question from Senate Joint Resolution 29; 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,

A handwritten signature in cursive script, appearing to read "Kathy Jekel".

Kathy Jekel  
Acting Assistant  
Secretary of State

KJ/ks



**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 3, 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 743, Legislative Referendum 346.

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,

A handwritten signature in cursive script, appearing to read "Kathy Jekel".

Kathy Jekel  
Acting Assistant  
Secretary of State

KJ/ks



*Brad Henry*  
Governor

**FILED**  
JUL 23 2008  
OKLAHOMA SECRETARY  
OF STATE

**EXECUTIVE DEPARTMENT**

**EXECUTIVE PROCLAMATION**

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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 743, Legislative Referendum Number 346, 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.

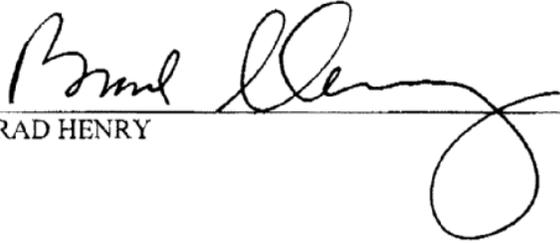
The substance of the measure is as follows:

This measure amends Section 3 of Article 28 of the Constitution. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

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

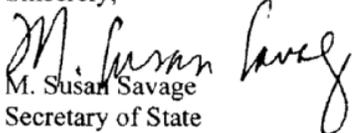
The Honorable Michael Clingman  
Oklahoma State Election Board  
Room 3, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

Enclosed is a copy of the Governor's Proclamation calling for the election on State Question Number 743, Legislative Referendum 346.

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

