



Oklahoma *Legislative* State *Brief* Senate

May 2018

(updated July 2018)

Issues To Be Referred to Oklahoma Voters for Approval or Rejection at the 2018 Elections

see also the list of State Questions compiled by the Secretary of State at
<https://www.sos.ok.gov/gov/questions.aspx>

Issue: Optometrists and Opticians Practice
State Question 793
Initiative Petition No. 415
Election Date: November 6, 2018
Ballot Title: *(as approved by the Attorney General)*

This measure adds a new Section 3 to Article 20 of the Oklahoma Constitution. Under the new Section, no law shall infringe optometrists' and opticians' ability to practice within a retail mercantile establishment, discriminate against optometrists or opticians based on the location of their practice, or require external entrances for optometric offices within retail mercantile establishments. No law shall infringe on retail mercantile establishments' ability to sell prescription optical goods and services. The Section allows the Legislature to restrict optometrists from performing surgeries from within retail mercantile establishments, limit the number of locations at which an optometrist may practice, maintain optometric licensing requirements, require optometric offices to be in a separate room of a retail mercantile establishment, and impose health and safety standards. It does not prohibit optometrists and opticians from agreeing with retail mercantile establishments to limit their practice. Laws with this Section are void. The Section defines "laws," "optometrist," "optician," "optical goods and services," and "retail mercantile establishment."

Issue: Crime Victim's Rights
State Question 794
Legislative Referendum No. 371
Originating Legislation: SJR 46 (2017)
Principal Authors: Senator Sykes, Representative Biggs
Election Date: November 6, 2018
Ballot Title: *(as re-written by the Attorney General)*

This measure amends Article 2, Section 34 of the Oklahoma Constitution, which guarantees certain rights for crime victims. The measure would make changes to these rights, including:

- Expanding the court proceedings at which victims have the right to be heard;
- Adding a right to reasonable protection;
- Adding a right to proceedings free from unreasonable delay;
- Adding a right to talk with the prosecutor; and
- Allowing victims to refuse interview requests from the defendant's attorney without a subpoena.

The Oklahoma Constitution currently grants victims' rights to crime victims and their family members. This measure would instead grant these rights to crime victims and those directly harmed by the crime. Victims would no longer have a constitutional right to know the defendant's location following arrest, during prosecution, and while sentenced to confinement or probation, but would have the right to be notified of the defendant's release or escape from custody.

Under this measure, victims would have these rights in both adult and juvenile proceedings. Victims' rights would be protected in a manner equal to the rights of the defendant. Victims would be able to assert these rights in court and the court would be required to act promptly.

Issue: Governor and Lieutenant Governor Elected Jointly

State Question 798

Legislative Referendum No. 372

Originating Legislation: SJR 66 (2018)

Principal Authors: Senator Pugh, Representative Lepak

Election Date: November 6, 2018

Ballot Title: (as re-written by the Attorney General)

This measure will add a provision to the Oklahoma Constitution to change the manner in which the Governor and Lieutenant Governor are elected. Currently, voters cast one vote for their preferred candidate for Governor and a separate vote for their preferred candidate for Lieutenant Governor. Under this measure, if approved, candidates for Governor and Lieutenant Governor from the same party will run together on a single ticket and voters will cast one vote for their preferred ticket.

The measure requires the Legislature to establish procedures for the joint nomination and election of the candidates for Governor and Lieutenant Governor. If passed, this new election format will be used beginning in the 2026 general election cycle.

Issue: State Finances – Oklahoma Vision Fund

State Question 800

Legislative Referendum No. 373

Originating Legislation: SJR 35 (2018)

Principal Authors: Senator Sparks, Representative McCall

Election Date: November 6, 2018 (anticipated)

Ballot Title: (as re-written by the Attorney General)

This measure would add a new provision to the Oklahoma Constitution creating a new trust fund. This fund would consist of (i) legislative appropriations, (ii) deposits from other sources, and (iii) investment income. Beginning July 1, 2020, 5% of revenues from the gross production tax on oil and gas will be deposited into the fund as well. The percentage of gross production tax revenues deposited into the fund will then increase by 0.2% per year.

Monies in the fund will be deposited by the State Treasurer. The fund is exempt from constitutional restrictions on the State owning stock. The State Treasurer is required to make prudent investment decisions and diversify the Fund investments to minimize risk.

After July 1, 2020, 4% of the fund's principal will be deposited each year into the State's General Revenue Fund. Principal will be calculated by using an average of the fund's annual principal for the five years before the deposit. No more than 5% of the Fund may be used to pay interest on bonds issued by the State or local governments. This Fund will be called the Oklahoma Vision Fund.

Issue: Ad valorem tax usage
State Question 801
Legislative Referendum No. 374
Originating Legislation: SJR 70 (2018)
Principal Authors: Senator Bice, Representative Hall
Election Date: November 6, 2018 (anticipated)
Ballot Title: (as re-written by the Attorney General)

This measure would provide a means for voters to allow school districts to expand the permissible uses of ad valorem tax revenues to include school operations.

The Oklahoma Constitution limits the rate of ad valorem taxation. However, it permits voters in a school district to approve an increase of up to five mills (\$5.00 per \$1,000.00 of the assessed value of taxable property) over this limit for the purpose of raising money for a school district building fund.

Currently, monies from this building fund may only be used to build, repair, or remodel school buildings and purchase furniture. This measure would amend the Constitution to permit voters to approve such a tax to be used for school operations deemed necessary by the school district, in addition to the purposes listed above.

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