



Oklahoma State Senate

Legislative Brief

August 2008

Issues Referred to Oklahoma Voters for Approval or Rejection at the 2008 Elections

(see also the list of State Questions compiled by the Secretary of State at
http://www.sos.state.ok.us/exec_legis/InitListAll.asp)

Issue: Property tax exemption for disabled veterans
State Question 735
Legislative Referendum 343
Originating Legislation: HB 1808 (2007)
Principal Authors: Senator Mike Mazzei, Representative Randy Terrill
Election Date: November 4, 2008

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

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.

Issue: Applications for property tax exemptions
State Question 741
Legislative Referendum 344
Originating Legislation: HB 3354 (2008)
Principal Authors: Senator Jim Wilson, Representative Randy Terrill
Election Date: November 4, 2008

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

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.

Issue: Rights of hunting, trapping, fishing and taking game or fish

State Question 742

Legislative Referendum 345

Originating Legislation: SJR 38 (2008)

Principal Authors: Senator Glenn Coffee, Representative Randy Terrill

Election Date: November 4, 2008

Ballot Title *(as approved by the Attorney General)*

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.

Issue: Sales of wine by winemakers

State Question 743

Legislative Referendum 346

Originating Legislation: SJR 29

Principal Authors: Senator Tom Ivester, Representative Danny Morgan

Election Date: November 4, 2008

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

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.

Contact For More Information:

The Senate staff members listed below may be able to provide further information on the state questions listed in this legislative brief. However, the provisions of Section 16-119 of Title 26 of the Oklahoma Statutes prohibit state officials from directing or authorizing the expenditure of public funds to be used in support of or in opposition to measures being referred to the people for a vote, and provide misdemeanor penalties for offenses. In addition, rules of the Ethics Commission prohibit the use of public funds, property or time to influence the results of a ballot measure. Due to these restrictions, the information on state questions that the Senate staff is able to provide may be limited.

State Questions 735 and 741:

Joanie Raff, Legislative Analyst

Judy King, Staff Attorney

State Question 742:

Jeri Trope, Legislative Analyst

State Question 743:

Lexa Shafer, Legislative Analyst

Selden Jones, Staff Attorney

Prepared By:

The Oklahoma State Staff

Senator Mike Morgan, President Pro Tempore

Senator Glenn Coffee, Co-President Pro Tempore