



2018 FACT SHEET  
**SQ 793: ALLOW OPTOMETRISTS &  
OPTICIANS TO OPERATE IN RETAIL STORES**

UPDATED: 9/10/18

## THE GIST

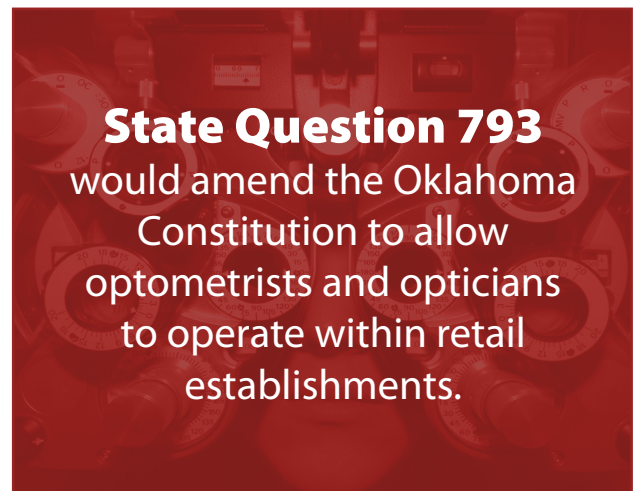
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State Question 793 would amend the Oklahoma Constitution to allow optometrists and opticians to operate within retail establishments.

It would also prohibit the Legislature from enacting laws that discriminate against optometrists and opticians based on where they practice, or laws infringing the ability of eye clinics located in retail establishments to sell prescribed optometry goods and services.

SQ 793 would allow the Legislature to prevent optometrists from performing surgery (laser or otherwise) in eye clinics located in retail establishments, and it would allow the Legislature to limit the number of locations in which a single optometrist may practice. It would allow optometrists and opticians working in retail establishments to limit their scope of practice.

It would also allow the Legislature to maintain optometry licenses, require eye clinics to be in a separate room in retail establishments, and impose health and safety standards.



## BACKGROUND INFORMATION

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State law currently bans eye clinics from operating inside retail establishments. If SQ 793 passes, Oklahoma would join 47 other states in allowing glasses to be sold in stores like Wal-Mart and Cotsco, and 34 other states in allowing an optometrist's clinic to be located within and considered part of a retail establishment.

Advocacy groups in favor of changing the law have attempted to change the law through the legislative process in previous years but have been unsuccessful.

Oklahomans for Consumer Freedom, the group that filed the initiative petition to put SQ 793 on the ballot, gathered more than 255,000 signatures, substantially more than the 123,725 necessary.

The state Supreme Court threw out a challenge from the Oklahoma Association of Optometric Physicians asserting that the measure violated Oklahoma's single-subject rule.

...OVER

## SUPPORTERS SAY...



Being able to visit the optometrist where Oklahomans do the rest of their shopping will lead to more choices and convenience for consumers.



Increasing competition will drive prices down, which is good for consumers.



Forty-seven other states allow for retail optometry. Oklahoma is limiting business opportunities by not allowing it.

## OPPONENTS SAY...



Smaller, independent optometrists will be driven out of the market. With their competition gone, this will leave big-box retailers free to raise their prices.



Allowing large chain retailers to limit what services optometrists provide will result in substandard patient care.



Putting retail optometry in the Oklahoma Constitution will limit the Legislature's ability to make changes if there are unanticipated consequences.

## BALLOT LANGUAGE

“ This measure adds a new Section 3 to Article 20 of the Oklahoma Constitution. Under the new Section, no law shall infringe on optometrists' or 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 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 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 conflicting with this section are void.

The Section defines 'laws,' 'optometrist,' 'optician,' 'optical goods and services,' and 'retail mercantile establishment.'”



## 2018 FACT SHEET **SQ 794: MARSY'S LAW CRIME VICTIM RIGHTS AMENDMENT**

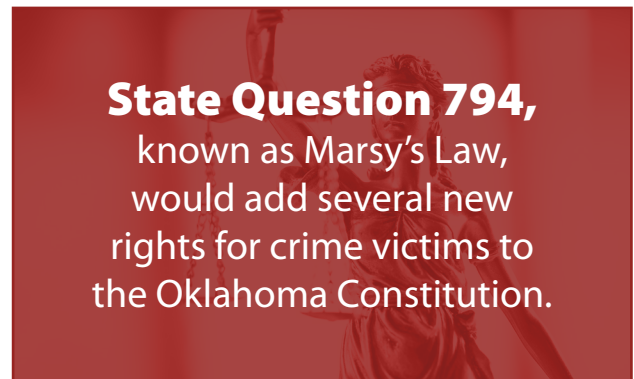
### THE GIST

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State Question 794 would add several new rights for crime victims to the Oklahoma Constitution.

The measure, commonly known as Marsy's Law, would give victims the right to be notified about proceedings in the criminal case they are involved in, to be heard in most court proceedings on their case, to receive full and timely restitution, and to speak with the prosecutor of the case upon request.

These rights would be in addition to several other rights for crime victims that were put into the Oklahoma Constitution in 1996.



**State Question 794,**  
known as Marsy's Law,  
would add several new  
rights for crime victims to  
the Oklahoma Constitution.

### BACKGROUND INFORMATION

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During the 2017 legislative session, the Oklahoma Legislature voted to put SQ 794 to a vote of the people on the November 2018 ballot. Oklahoma follows several other states that have already voted on similar measures.

Marsy's Law was first passed in California in 2008, and it has since been adopted in five other states: Illinois, South Dakota, North Dakota, Montana, and Ohio.

In 2017, the Montana Supreme Court struck down that state's adoption of the law, ruling that the ballot measure included too many separate issues and did not give voters the opportunity to express their opinion on each change. It is not clear whether SQ 794 could be challenged for similar reasons in Oklahoma.

The campaign for SQ 794 is financed mainly by Dr. Henry T. Nicholas, a wealthy California man whose sister, Marsy, was killed by her ex-boyfriend in 1983.

The effort is supported by a local affiliate of the national group, Marsy's Law for Oklahoma.

...OVER

## SUPPORTERS SAY...



People accused of crimes should not have more rights than the victims, and Marsy's Law simply gives the two groups equal rights before the law.



Victims and their families should have a say in things like plea bargaining, and SQ 794 would ensure that they can participate in the resolution of their case.



Formalizing the right to be notified would ensure that agencies coordinate to notify victims, making it less likely that they will fail to do so.

## OPPONENTS SAY...



The implementation of Marsy's Law will be expensive since courts will have to hire more staff and more attorneys. The courts are already underfunded, and this would strain them even further.



Allowing victims to testify at every stage of a legal proceeding will interfere with a defendant's right to a fair trial or parole hearing.



Marsy's Law could run into legal challenges similar to those that caused the law to be tossed out in Montana. Adding so many different rights for victims may violate Oklahoma's constitutional requirement that each ballot proposal deal with only one subject.

## BALLOT LANGUAGE

“ This measure amends the provision of the Oklahoma Constitution that guarantees certain rights for crime victims. These rights would now be protected in a manner equal to the defendant's rights. The measure would also make changes to victims' rights, including:

- (1) expanding the court proceedings at which victims have the right to be heard;
- (2) adding a right to reasonable protection;
- (3) adding a right to proceedings free from unreasonable delay;
- (4) adding a right to talk with the prosecutor; and
- (5) allowing victims to refuse interview requests from the defendant 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 defendants. Victims would be able to assert these rights in court and the court would be required to act promptly. ”



## 2018 FACT SHEET SQ 798: GOVERNOR & LIEUTENANT GOVERNOR JOINT TICKET

### THE GIST

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In 2018, the Legislature approved a measure to put State Question 798 on the ballot by a vote of 69 to 22 in the House and 34 to 9 in the Senate.

If adopted by the people, SQ 798 would amend the state constitution to require the governor and lieutenant governor to run together on one ticket beginning in 2026.

Up to now, Oklahomans have cast separate votes for governor and lieutenant governor.

SQ 798 also requires the Legislature to provide the procedure for the joint nomination and election of candidates for Governor and Lieutenant Governor.

**State Question 798**  
would amend the state  
constitution to require the  
governor and lieutenant  
governor to run together on  
one ticket beginning in 2026.

### BACKGROUND INFORMATION

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The governor and lieutenant governor run on a combined ticket in 26 other states. In 17 states, including currently in Oklahoma, the lieutenant governor is elected separately from the governor. The remaining states either do not have a lieutenant governor position or give that title to the President of the state Senate.

Of the 26 states with a combined governor/lieutenant governor ticket, candidates for governor may pick their running mate in 18 states. The other 8 states hold separate primaries to decide each party's nominees for governor and lieutenant governor.

SQ 798 would leave it up to the Legislature to decide what method Oklahoma uses for party nominations, but once candidates are nominated, they will appear together as one item on the ballot.

...OVER

## SUPPORTERS SAY...



Partnering the Governor and Lieutenant Governor will make it more likely that Oklahoma leaders have a unified vision and better coordinated efforts to implement policies.



A combined ticket will make sure that Oklahoma's Governor and Lieutenant Governor always come from the same party, reducing the risk of having executive branch leaders working against each other.



Races for Governor receive far more media attention and scrutiny than races for Lieutenant Governor, so voters will be able to make a more informed vote when these are combined.

## OPPONENTS SAY...



Requiring both positions to be elected as one ticket takes away options from Oklahoma voters and concentrates too much power with the Governor.



If a Governor is forced to resign or is impeached due to serious wrongdoing, it will be better to replace that Governor with a Lieutenant who is more independent of the previous administration.



Oklahoma's Lieutenant Governor position has few important powers or responsibilities and should be abolished to save money.

## BALLOT LANGUAGE



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 for 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 candidates for Governor and Lieutenant Governor. If passed, this new election format will be used beginning in the 2026 general election cycle.





## 2018 FACT SHEET SQ 800: NEW RESERVE FUND FOR OIL AND GAS REVENUE

### THE GIST

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State Question 800 would amend Oklahoma's constitution to create a trust fund known as the Oklahoma Vision Fund. SQ 800 was put on the ballot by the Legislature with Senate Joint Resolution 35 in 2018.

Under this state question, beginning July 1, 2020 (FY 2021) five percent of the collections from the gross production tax on oil and gas would be deposited in the Oklahoma Vision Fund.

The percentage of the gross production tax directed to the Vision Fund would increase by two-tenths of a percentage point every year. The fund would also include any investment and income returns and any other appropriations made by the Legislature.

As of July 1, 2020, 4 percent of the average annual principal amount of the Fund over the preceding five years would be deposited to the General Revenue Fund. Up to five percent of the monies in the Fund could also be used to pay for debt obligations of the State of Oklahoma or local government entities.

The State Treasurer would invest monies in the Fund according to the prudent investment standard, which aims to ensure a diversified portfolio and minimize the risk of large losses. The Fund would be exempt from the constitution's general prohibition on the state owning stock.

#### **State Question 800**

would amend the state constitution to require 5% of the collections from the gross production tax on oil and gas to be deposited in a trust fund known as the Oklahoma Vision Fund.

### BACKGROUND INFORMATION

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SJR 35, authored by Sen. John Sparks and Rep. Charles McCall, passed the House 94-3 and the Senate 42-0 in 2018. A companion measure, HB 1401, that mostly replicated the constitutional language of SJR 35 as a change to state statutes, passed the Legislature but was vetoed by Governor Mary Fallin.

If SQ 800 is approved by the voters, the Oklahoma Vision Fund would become the state's third budget reserve fund, along with the Constitutional Reserve Fund (Rainy Day Fund) created in 1985 and the Revenue Stabilization Fund, a statutory (non-constitutional) fund created in 2016.

Whereas deposits to the Vision Fund would be made every year, deposits to the other funds are made only in years when actual revenue collections exceed projections in the case of the Rainy Day Fund or when anticipated collections from certain taxes (gross production taxes and the corporate income tax) exceed recent historical averages in the case of the Revenue Stabilization Fund. A set amount of the Vision Fund would be spent every year, while the other two reserve funds are available to be tapped only when revenues fall short of projections or prior collections.

Oil and gas tax collections can fluctuate dramatically from year to year. The state collected \$411 million in gross production taxes in FY 2017, which would have produced a \$20.5 million deposit to the Oklahoma Vision Fund. With higher tax rates on oil and gas approved by the Legislature in 2017 and 2018, and depending on energy prices, the Fund could receive \$50 to \$60 million annually in future years.

...OVER

## SUPPORTERS SAY...



Oil and gas is a depleting resource. We should take the opportunity now to prepare for future declines in oil and gas production by saving a portion of current collections for future needs.



By building an oil and gas trust fund, the state is taking a prudent long-term approach to ensuring that its budget needs can be met.



With prudent financial management, the balance of the Vision Fund is guaranteed to grow over time, creating a growing revenue stream to help address our long-term needs.

## OPPONENTS SAY...



Oklahoma already has two reserve funds, including one, the Revenue Stabilization Fund, that receives a portion of gross production tax collections. We could end up diverting too much into reserve funds at the expense of our current needs.



The measure would allow a portion of the Fund (5 percent) to be used for debt payments for counties, municipalities, and other local entities. But SQ 799 doesn't specify who decides to make this kind of payment or how it will be made. In her veto of HB 1401, the companion bill to SJR 35, Gov. Fallin stated that to the state should not be paying obligations that belong to local governments.

## BALLOT LANGUAGE

“ This measure would add a 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 invested 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.







## 2018 FACT SHEET

# SQ 801: ALLOW BUILDING FUND REVENUE FOR SCHOOL OPERATIONS

## THE GIST

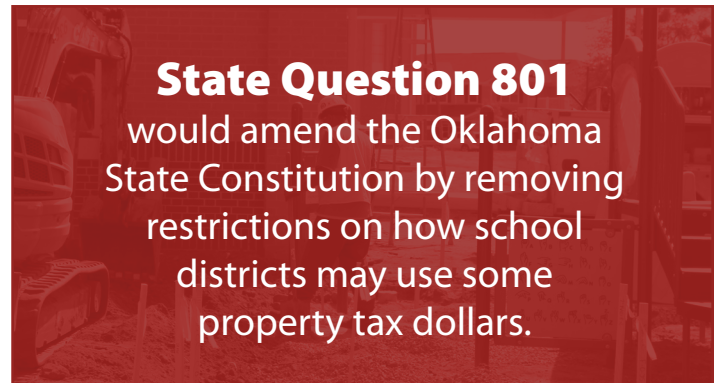
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State Question 801 would amend the Oklahoma State Constitution by removing restrictions on how school districts may use property tax dollars. Currently, school districts may use five mills of property tax dollars for their “building fund,” which includes maintenance, repair operations, upkeep and construction of district facilities and grounds.

Building funds are property tax dollars that school districts set aside for routine facility upkeep. These funds are distinct from bond issues used for large scale building projects, which would not be affected by SQ 801.

One mill is a property tax rate of \$1 for every \$1,000 in assessed property value, and this unit is used to calculate the portion of property taxes levied for specific funds each year.

SQ801 would remove the limitation on how school districts can spend the five mills currently reserved for building funds. These property tax dollars could be used to pay for teacher salaries, hire additional staff, or make other general expenditures.



## BACKGROUND INFORMATION

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In 2018, State Senator Stephanie Bice, R-Oklahoma City, introduced Senate Joint Resolution 70, to place a question on the ballot that would let voters decide whether to lift the current restrictions on building fund use. The measure passed by a vote of 28-15 in the Senate and 57-14 in the House.

If that question, now designated SQ 801 passes, it will amend section 10, Article 10 of the Oklahoma State Constitution. Like all state constitutional amendments, it would require a majority vote of the people to pass the amendment.

Property taxes are the largest source of local revenue for Oklahoma school districts, making up approximately 76 percent of revenue from local sources (2016 U.S. Census Annual Survey of School System Finances). Under Oklahoma’s Constitution, schools are allowed to levy up to a certain number of property tax “mills” for specific purposes.

Currently, individual school districts can levy up to 39 mills to support general operations and up to five mills for the building Fund. Voters in every Oklahoma school district have already increased general operations and building fund property taxes to the maximum 44 total mills allowed under state law, so this measure would not create any new revenue sources for schools. It would only allow more discretion over how districts may use their existing building fund revenue.

...OVER

## SUPPORTERS SAY...



SQ801 could create more competition between school districts. School districts may be able to pay teachers higher salaries or hire additional teachers to address large classroom sizes.



SQ801 would give greater flexibility to school districts. Districts would not be forced to divert property tax dollars out of their building funds, but it would allow them to use these funds for teacher salaries if they choose.



Low-income schools could especially benefit from greater budgetary flexibility. More competitive teacher salaries could help attract the most highly qualified teachers to these districts.

## OPPONENTS SAY...



Lifting this budgetary restriction could lead to larger disparities in education quality and student outcomes if districts with the most local property wealth are able to offer higher teacher salaries.



Lifting this budgetary restriction could shift the burden of funding teacher salaries from the Legislature to local school boards. For every dollar they receive in local property tax revenue, districts receive a dollar less in state aid.



SQ 801 would not change the total amount of per-pupil funding or add additional revenue sources. Instead, schools would be forced to choose between operations and building maintenance within an already tight budget. This could create political pressures to forgo needed repairs until they become even more damaging and expensive.

## BALLOT LANGUAGE



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 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.

