

SQ 793: ALLOW OPTOMETRISTS & OPTICIANS TO OPERATE IN RETAIL STORES

SQ 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 in retail establishments and limit the number of locations in which a single optometrist may practice. It would also allow optometrists and opticians working in retail establishments to limit what services they provide.

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.

SQ 794: CRIME VICTIM RIGHTS AMENDMENT (MARSY'S LAW)

SQ 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.

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.

SQ 798: GOVERNOR & LIEUTENANT GOVERNOR JOINT TICKET

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.

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.

SQ 800: NEW RESERVE FUND FOR OIL AND GAS REVENUE

SQ 800 would amend Oklahoma's constitution to create a trust fund known as the Oklahoma Vision Fund. 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, and the Fund would be exempt from the constitution's general prohibition on the state owning stock.

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.

SQ 801: ALLOW BUILDING FUND REVENUE FOR SCHOOL OPERATIONS

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. SQ 801 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.

SUPPORTERS SAY...

- SQ 801 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.
- SQ 801 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.



For links to additional information and complete fact sheets on all the 2018 State Questions, visit our State Questions & Elections page at www.okpolicy.org/OKvotes