

Oklahoma

STATE QUESTIONS FOR GENERAL ELECTION November 2, 2004

STATE QUESTION NO. 705

LEGISLATIVE REFERENDUM NO. 330

This measure creates the Oklahoma Education Lottery Act. It creates the Oklahoma Lottery Commission. The Commission will be governed by a board of trustees. The Commission will operate a state lottery. The board will write rules regarding the conduct of lottery games. At least 45% of the revenue from ticket sales will be returned as prizes. The net proceeds of the lottery will be used for education purposes. Net proceeds will equal at least 35% of ticket proceeds except for the first two years. The act contains provisions relating to the selection and regulation of retailers. This act would lose the force and effect of law under certain conditions. The act contains many other provisions relating to the conduct of a state lottery.

SHALL THE PROPOSAL BE APPROVED?

**FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO**

STATE QUESTION NO. 706

LEGISLATIVE REFERENDUM NO. 331

This measure amends the Oklahoma Constitution. It adds a new Section 41 to Article 10. This measure would create the Oklahoma Education Lottery Trust Fund. The trust fund shall consist of monies from the Oklahoma Education Lottery. The monies of the trust fund may only be used for certain purposes. All of the purposes for which the trust fund may be used relate to education. The monies in the trust fund may not be used to replace other state funds used to support education. The State Board of Equalization will determine if any of the monies in the trust fund are being used to replace state funding of education. If such a finding is made, the Legislature may not make any appropriations until the amount of replaced funding is returned to the trust fund. This measure would only become effective if voters approved the lottery contained in House Bill No. 1278 (State Question 705).

SHALL THE PROPOSAL BE APPROVED?

**FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO**

STATE QUESTION NO. 707

LEGISLATIVE REFERENDUM NO. 332

This measure amends Section 6C of Article 10 of the Oklahoma Constitution. The amendment deals with the use of certain city, town and county taxes and fees. When authorized by law, cities, towns or counties can put these taxes and fees to use in three ways. The first use is specific public investments. The second use is aid in development financing. The third use is an income source for other public bodies in the area.

The Legislature can authorize cities, towns and counties to direct the apportionment of these fees and taxes among or between these uses. The amendment allows these apportionments to be prospective. The amendment permits these apportionments to continue from year to year.

The amendment permits cities, towns and counties to pledge certain taxes and fees beyond the current fiscal year and to pledge certain taxes and fees to repay some debts of other public entities.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 708

LEGISLATIVE REFERENDUM NO. 333

This measure amends the Oklahoma Constitution. It amends Section 23 of Article 10. This section involves the Constitutional Reserve Fund also known as the Rainy Day Fund. This measure changes the amount which could be spent from the Rainy Day Fund. The State Board of Equalization would decide if the taxes the state collects each fiscal year will be less than predicted. This is called revenue failure. If this happens, up to three-eighths (3/8) of the Rainy Day Fund could be spent. The total amount spent from the Rainy Day Fund for revenue failure could not exceed the amount of the funds shortage predicted by the State Board of Equalization. The Rainy Day Fund can be used now if the prediction about state tax collections for the current year is less than the prediction made the year before. One-half (1/2) of the Fund can be spent now if this occurs. If this measure passes, that amount would change to three-eighths (3/8). Money can now be spent from the Fund for certain emergencies. One-half (1/2) of the Fund can now be spent for these emergencies. This measure would change that amount to one quarter (1/4).

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 711

LEGISLATIVE REFERENDUM NO. 334

This measure adds a new section of law to the Constitution. It adds Section 35 to Article 2. It defines marriage to be between one man and one woman. It prohibits giving the benefits of marriage to people who are not married. It provides that same sex marriages in other states are not valid in this state. It makes issuing a marriage license in violation of this section a misdemeanor.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 712

LEGISLATIVE REFERENDUM NO. 335

This measure enacts the State-Tribal Gaming Act. The Act contains a Model Tribal Gaming Compact. Indian tribes that agree to the Compact can use new types of gaming machines. These machines are used for gambling. Compacting tribes could also offer some card games.

If at least four Indian tribes enter into the Compact, three State licensed racetracks could use the same electronic gaming machines.

The Act limits the number of gaming machines racetracks can use. The Act does not limit the number of machines that Indian tribes can use.

The State Horse Racing Commission would regulate machine gaming at racetracks. A tribal agency would regulate authorized gaming by a tribe. The Office of State Finance would monitor authorized tribal gambling.

Proceeds from authorized gaming at racetracks go to:

1. the racetrack,
2. the owners of winning horses,
3. horsemen's organizations,
4. breed organizations, and
5. the State to be used for educational purposes.

Some of the proceeds from authorized gaming by Indian tribes goes to the State. The State would use these proceeds for educational purposes and compulsive gambling programs.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 713

LEGISLATIVE REFERENDUM NO. 336

The measure ends sales tax on cigarettes and other tobacco products. The measure places a new tax on cigarettes. This tax will be 4 cents per cigarette. The measure places a new tax on other tobacco products. These taxes begin January 1, 2005.

Some monies from the new taxes will be given to state, county, and local government. Some monies from these taxes will be used for various health-related purposes. These purposes include health care, building a cancer center, trauma care, long-distance medical care, substance abuse, breast cancer, and aid to hospitals and ambulance services.

A committee is created to recommend rules regarding tobacco product taxes.

The measure provides penalties for Indian tribes that break tobacco tax compacts.

The measure makes several income tax changes. It makes the highest Method One individual income tax rate 6.65%. It increases the amount of certain retirement benefits not subject to income tax. It allows certain capital gains of an individual to not be subject to income tax.

The measure sets maximum income levels for individuals making claims under the Sales Tax Relief Act.

The measure makes other changes.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 714

LEGISLATIVE REFERENDUM NO. 337

This measure amends the Oklahoma Constitution. It amends Section 8C of Article 10. This measure changes the method for determining the fair cash value of the homestead of certain heads of household. The change only applies to heads of household who meet two requirements. First, they must be at least 65 years old.

Second, their gross household income must meet income level requirements.

This measure changes the income level requirement. At present, to be eligible, the gross household income from all sources must be \$25,000 or below. The amendment changes the qualifying income level. To be eligible under the change, gross household income cannot exceed the area's mean income for the prior year. A federal agency determines these mean income levels. The agency determines mean income levels for counties and metropolitan areas. The State Tax Commission must inform each county assessor of the established mean income levels each year.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

STATE QUESTION NO. 715

LEGISLATIVE REFERENDUM NO. 338

This measure amends the Oklahoma Constitution. It adds a new section to Article 10. The new section is Section 8E. The measure creates an exemption from property tax. The exemption would apply to certain injured veterans. The exemption would also apply to veterans' surviving spouses. The exemption would be for the full fair cash value of the homestead. To qualify for the exemption an injured veteran would have to meet several requirements. First, the veteran must have been honorably discharged from a branch of the Armed Forces or the Oklahoma National Guard. Second, the veteran would have to be a State resident. Third, the veteran would have to have a 100% permanent disability. Fourth, the disability would have to have been sustained through military action or accident, or result from a disease contracted while in active service. Fifth, the disability would have to be certified by U.S. Department of Veterans Affairs. Finally, the veteran would have to be otherwise qualified for homestead exemption. The exemption can be claimed beginning January 1, 2006.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO