

State Questions on the November 4 ballot 2008

STATE QUESTION NO. 735

LEGISLATIVE REFERENDUM NO. 343

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL YES

AGAINST THE PROPOSAL NO

Explanation Disabled veterans and their surviving spouses will be granted exemption from personal property taxes provided they meet the following requirements. They are certified 100% permanently disabled as a result of military action, or accident or illness contracted while on active duty in the U.S. armed services or the Oklahoma National Guard; they were honorably discharged; they are residents of Oklahoma. The Legislature may pass laws to implement this measure, but the amount of the exemption may not be altered.

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STATE QUESTION NO. 741

LEGISLATIVE REFERENDUM NO. 444

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL YES

AGAINST THE PROPOSAL NO

Explanation: Persons or business eligible for exemptions from property tax must file an application to receive the exemption. Exemptions for past years may not be filed.

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STATE QUESTION NO. 742

LEGISLATIVE REFERENDUM NO. 345

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL YES

AGAINST THE PROPOSAL NO

Explanation: This measure would add a new section to the Constitution stating that all citizens of Oklahoma should have the right to hunt, fish and trap game and fish subject only to reasonable regulation by the Legislature and the Wildlife Conservation Commission. The Commission has the power to approve practices of taking game and fish, but traditional methods are allowed and traditional methods are the preferred means of wildlife management. This measure does not affect traditional property rights.

These rights are well established in common law and tradition in the U.S. and Oklahoma. In addition, numerous laws and regulations governing these activities are already in effect. These regulations deal with such things as hunting seasons, bag limits, size requirements, and protection of endangered species. Therefore, there is some question as to why we should add this section to the constitution.

The Humane Society fears that this measure would hamper legitimate wildlife management regulation and threaten the rights of citizens who value wildlife for purposes other than food or sport.

Proponents of the measure fear that radical animal rights groups will seek regulations which would totally prohibit hunting, fishing and trapping. In addition, civilization has sufficiently altered habitats and natural predatory chains that population management of wildlife is necessary.

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STATE QUESTION NO. 743

LEGISLATIVE REFERENDUM NO. 346

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL YES

AGAINST THE PROPOSAL NO

Explanation: This measure applies only to winemakers who produce no more than 10,000 gallons of wine a year. It applies to Oklahoma wineries and those from other states. Similar legislation passed a few years ago was declared unconstitutional because it applied only to Oklahoma wineries.

These winemakers may sell to adults who are present in person at a winery, festival or trade fair. They may sell only their own products directly to licensed package stores or restaurants, however, if they sell directly they may not also use a wholesale distributor. If they sell directly, they must deliver their product only in vehicles which they own or lease, and they must sell, at the same price, to anyone who desires to purchase. This provision would appear to bar the addition of a delivery fee, regardless of the distance involved. The in-person purchase requirement blocks internet or mail sales.

This measure applies only to winemakers and does not apply to producers of any other form of alcoholic beverage. This does not mean that similar regulation may not be found in other parts of the Article of the Constitution which do cover other beverages.

If any part of this measure is found to be unconstitutional, then no winemaker may sell directly to package stores or restaurants in Oklahoma!