



Oklahoma  
State  
Senate

# Legislative Brief

Revised September 2002

## Issues Referred to Oklahoma Voters

(see also Secretary of State home page at <http://www.sos.state.ok.us/>)

**Issue: Cockfighting**

**State Question 687**

**Initiative Petition 365**

**Election Date: November 5, 2002**

**Ballot Title (as it appears on the Secretary of State Home Page)**

This measure adds a new section to Title 21 of the Oklahoma Statutes. The measure makes cockfighting illegal. It defines "cockfight" or "cockfighting" as:

1. A fight between birds.
2. Whether or not fitted with spurs, knives or gaffs.
3. Whether or not bets or wagers are made on the outcome of the fight.

The definition includes training fights.

The measure defines equipment used for training or handling a fighting bird.

Under the measure:

1. It is a felony to instigate or encourage cockfighting.
2. It is a felony to keep places, equipment or facilities for cockfighting.
3. It is a felony to aid or assist in cockfighting.
4. It is a felony to own, possess, keep or train birds for cockfighting.

Under the proposal it is a misdemeanor to knowingly be a spectator at a cockfight.

The measure provides for the forfeiture of birds and equipment used in cockfighting.

**Issue: Local Government Bonds**

**State Question 693**

**Legislative Referendum 321**

**Originating Legislation HB 1198 (2001)**

**Principal Authors: Representative Mike Ervin  
Senator Ted Fisher**

**Election Date: November 5, 2002**

**Ballot Title (as prepared by the Office of Attorney General)**

This measure amends the Oklahoma Constitution. It amends Section 35 of Article 10. The amendment allows local governments to issue bonds for economic or community development. Voter approval would be required to issue bonds. Local governments could pass a special sales tax to repay the bonds. The tax rate could not be more than one cent (\$0.01). The tax could not be repealed until the bonds were repaid. When not needed for bond repayment the tax could be suspended.

This measure would also allow regional economic development districts to be created by laws. The districts could issue bonds. The procedures by which regional economic development district bonds could be issued may be specified by the Legislature.

**Issue: Right to Work****State Question 695****Legislative Referendum 322****Originating Legislation SJR 1 (2001)**

**Principal Authors:** Senator Dave Herbert  
Representative Jack Begley

**Election Date:** Approved by voters on September 25, 2001, with 447,072 yes votes and 378,465 nay votes

**Ballot Title (as prepared by the Office of Attorney General)**

This measure adds a new section to the State Constitution. It adds Section 1A to Article 23. The measure defines the term "labor organization." "Labor organization" includes unions. That term also includes committees that represent employees.

The measure bans new employment contracts that impose certain requirements to get or keep a job. The measure bans contracts that require joining or quitting a labor organization to get or keep a job. The measure bans contracts that require remaining in a labor organization to get or keep a job. The measure bans contracts that require the payment of dues to labor organizations to get or keep a job. The measure bans contracts that require other payments to labor organizations to get or keep a job. Employees would have to approve deductions from wages paid to labor organizations. The measure bans contracts that require labor organization approval of an employee to get or keep a job.

The measure bans other employment contract requirements. Violation of this section is a misdemeanor.

**Issue: Storm Shelter Tax Exemption****State Question 696****Legislative Referendum 323****Originating Legislation HJR 1001 (2001)**

**Principal Authors:** Representative Forrest Claunch  
Senator Jim Reynolds

**Election Date:** November 5, 2002

**Ballot Title (as prepared by the Office of Attorney General)**

This measure amends the Oklahoma Constitution. It amends Section 6 of Article 10. This measure would exempt up to 100 square feet of a storm shelter from property tax. To be exempt, a storm shelter must be designed to provide protection and safety from tornadoes. Storm shelters include

safe rooms built within a home. The exemption would apply to storm shelters installed or added after January 1, 2002. A transfer of real property with an exempt storm shelter would result in the shelter being subject to property tax.

**Issue: Use of County Property Tax**

**State Question 697**

**Legislative Referendum 324**

**Originating Legislation HJR 1025 (2001)**

**Principal Authors: Representative Loyd Benson  
Senator Jim Maddox**

**Election Date: November 5, 2002**

***Ballot Title (as prepared by the Office of Attorney General)***

This measure amends the Oklahoma Constitution. It amends Section 6B of Article 10. Businesses pay property tax on business property. Some kinds of business have an exemption from property tax for up to five years. After the exemption expires, the business pays property tax. Property taxes are used to support Counties and other local governments. If this measure passes, an election could be called. If voters approve, up to one-fourth of county property tax from previously exempt business property could be used for economic development. Only property tax a county receives could be used in this way. Other local governments that receive property tax would get their full amount of property tax from business property.

**Issue: Signatures Required for Initiative Petitions**

**State Question 698**

**Legislative Referendum 325**

**Originating Legislation HB 1375 (2001)**

**Principal Authors: Representative Bob Plunk  
Senator Frank Shurden**

**Election Date: November 5, 2002**

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

This measure amends the Oklahoma Constitution. It amends Section 2 of Article 5. It changes the number of legal voters needed to propose an amendment to the law of this state. At present 8% of the legal voters are required to propose a change in the law. This measure will change the number of legal voters to 15%. It would only apply to certain types of laws. It would apply to laws that would do away with methods for hunting, fishing, or trapping. It would also apply to laws that would do away with occupations dealing with animals. Also, it would apply to laws that would do away with sporting or entertainment events dealing with animals.

**Issue: Tobacco Settlement Endowment Trust Fund Expenditures**

**State Question 701**

**Legislative Referendum 326**

**Originating Legislation HJR 1036 (2002)**

**Principal Authors: Representative Larry Adair  
Senator Stratton Taylor**

**Election Date: November 5, 2002**

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

This measure amends the Oklahoma Constitution. It amends Section 40 of Article 10. This measure changes certain procedures related to the tobacco trust fund. It changes the way it is determined how much money in the fund may be spent each year. Now only earnings of the fund may be spent. This measure would base spending from the fund on the average market value of the fund. Each year an amount not to exceed 5 1/2 percent of the average market value of the fund may be spent. The actual percentage amount to be expended is set by the Board of Investors. It cannot exceed 5 1/2 percent. Monies from the fund may be used to pay outside vendors and for financial management services.

**Issue: Abatement of Tax Assessments****State Question 702****Legislative Referendum 327****Originating Legislation SJR 32 (2002)**

**Principal Authors:** Senator Brooks Douglass  
Representative Richard Phillips

**Election Date:** November 5, 2002

**Ballot Title (as prepared by the Office of Attorney General)**

This measure amends part of Section 5 of Article 10 of the State Constitution. The measure allows the Legislature to pass laws permitting abatement of taxes. Under the proposal, the Legislature could abate taxes only if:

1. Collection of the tax with interest and penalties would cause the taxpayer to declare bankruptcy;
2. The tax is not collectible because, for reasons beyond his control, the taxpayer is insolvent;
3. Other similar factors beyond the taxpayer's control caused the tax not to be collectible;
4. The tax resulted from actions of a person other than the taxpayer. Moreover, it must be unfair to hold the taxpayer responsible; or
5. The tax is a trust fund tax which the taxpayer did not collect from his customer.

Additionally, the taxpayer must have believed in good faith that he did not have to collect the tax.

The measure does not amend the portion of Section 5 of Article 10 which requires that taxes be uniform upon the same class of subjects.

**Issue: Limiting Liability for Information Technology Contracts****State Question 703****Legislative Referendum 328****Originating Legislation HJR 1051 (2002)**

**Principal Authors:** Representative Fred Perry  
Senator Glenn Coffee

**Election Date:** November 5, 2002

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

This measure amends the Oklahoma Constitution. It amends Section 53 of Article 5. This measure would allow the Legislature to pass certain laws. The laws would affect persons contracting with the state. The laws could limit the liability those persons have to the state. The liability limit would

apply only to certain contracts. It would apply to contracts for information technology. Liability could not be limited to less than the amount of the contract.

**Issue: Use of School District Building Fund**

**State Question 704**

**Legislative Referendum 329**

**Originating Legislation HB 1863 (2002)**

**Principal Authors: Representative Russ Roach  
Senator Penny Williams**

**Election Date: November 5, 2002**

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

This measure amends the Oklahoma Constitution. It amends Section 10 of Article 10. School districts have building funds. Property taxes are levied for this purpose. Generally, monies in these funds are used to construct school buildings. This measure would allow the building funds to be used for payment of certain costs. These costs are related to the inspection of property by the county assessor. The inspections are part of the property tax system. The way in which building funds could be used for this purpose could be prescribed by law.

The Oklahoma State Senate, Senate Staff  
Senator Stratton Taylor, President Pro Tempore