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House Concurrent Resolution No. 14

By Disney

A Resolution

Providing For The Submission Of A Proposition To Amend Section 3, Of Article 19, Of The Constitution Of Oklahoma Relating To Insurance, And Providing For An Election Thereon.

Be It Resolved By The House Of Representatives Of The State Of Oklahoma, The Senate Concurring Therein:

That the following proposed amendment of the Constitution shall be referred to the voters for their ratification or rejection at the next election held throughout the State. The proposed amendment shall be submitted under Section 3, Article 19, changing and amending the said Section to read as follows:

"Section 3. The revenue and tax provisions of this Constitution shall not include, but the State shall provide by law, for the following classes of Insurance organizations not conducted for profit, and insuring their own members: And such minor children as may be provided by law.

"First. Farm companies insuring farm property and products thereon: Second, Trades Insurance Companies insuring the property and interest of one line of business; Third, Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders"

Said proposed amendment shall be submitted as provided by law, in the following form:

"Shall the proposed amendment be adopted?"

To vote in favor of the Adoption of the Amendment, stamp a cross (X) in the Square for the word Yes: ☐

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To vote against the adoption of the Amendment, stamp a cross (X) in the square for the word No. ☐

That this question shall be submitted at any special election called for any purpose, or at the next general or primary election held throughout the State, and in accordance as near as may be, with the provisions of the general election laws of this State.

That the Secretary of the State Election Board is hereby authorized, empowered and directed to certify to the Secretary of the County Election Board of each County, the form of ballot and also to take every step required of this Resolution and by the general election laws of this State, to be taken in such case. That the respective persons whose duty it is, under the general election laws of this State, to cause notice of election to be given, and ballots to be furnished, and election to be held, and the results thereof to be ascertained and declared, are hereby authorized, empowered and directed to take every step required by the Statutes of this State to be taken in such elections, so as to cause this question to be properly submitted to the people of this State.

Passed by the House of Representatives this 5th day of March A.D. 1919.

Tom C. Waldrep

Speaker of the House of Representatives

Passed by the Senate this 13th day of March A.D. 1919.

M E Trapp

President of the Senate

Approved this 15th day of March, A.D. 1919.

J B A Robertson

Governor of the State of Oklahoma.

October 4, 1920.

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA) SS.
DEPARTMENT OF STATE)

I, JOE S. MORRIS, Secretary of State of the State of Oklahoma, do hereby certify that there was passed by the Seventh Legislature, 1919, House Concurrent Resolution No. 14, authorizing the submission of a proposed amendment to Section 3, Article 19, of the Constitution of the State of Oklahoma; The ballot title being as follows:

STATE QUESTION 111. REFERENDUM PETITION NO. 38.

BALLOT TITLE.

The Gist of this proposition is:

To amend Section 3, Article 19, of the Constitution of the State of Oklahoma, so as to authorize the State to provide for certain classes of insurance organizations conducted without profit, and insuring their own members; and such minor children as may be provided by law, towit;

Farm companies insuring farm property and farm products thereon; Trades Insurance Companies insuring the property and interest of one line of business; Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders.

Done at the Capitol, at Oklahoma City, State of Oklahoma, this the Fourth day of October, A. D., 1920, at the hour of Two o'clock P. M., and of the Independence of the United States of America the One Hundred Forty-fifth.

Joe S. Morris
SECRETARY OF STATE.

B A L L O T T I T L E

STATE QUESTION NO. _____.

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Farm companies insuring farm property and farm products thereon; Trades Insurance Companies insuring the property and interest of one line of business; Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders.

Put words underscored in black face type

ARGUMENT AGAINST ADOPTION OF REFERENDUM

PETITION NO. 38, STATE QUESTION NO. 111.

PROPOSED AMENDMENT VICIOUS--SCHEME EXPOSED--W.O.W., M.W.A. and OTHER FRATERNAL INSURANCE SOCIETIES EFFECTED.

The affirmative argument is deceptive and is calculated to mislead the voters. It is asserted that the Fraternal Congress of Oklahoma endorsed and requests the adoption of the amendment. I contend that the Fraternal Congress of Oklahoma does not represent the desires or the best interest of the members of the beneficiary fraternal societies in Oklahoma. It was organized from the top to serve the selfish ends of certain head officers of certain societies which it is claimed are represented in said Fraternal Congress. I propose to show that it would be against the public good and the interest of fraternal insurance societies in Oklahoma for the amendment to be adopted. Real reforms come from the bottom, as in a tree the vital currents of life come up through the roots, the body, the branches, the flower to the fruit. They do not come from the top.

WHAT IS THE FRATERNAL CONGRESS OF OKLAHOMA? HOW IS IT COMPOSED? WHAT IS ITS PURPOSE? No camp or lodge elects delegates to attend its meetings. About four years ago W.A.Fraser, Sovereign Commander of the W.O.W., was in Oklahoma City, and a few of his henchmen and a few others got together and organized what they called the Fraternal Congress of Oklahoma. They are high-sounding words, it is true. There is no basis of representation or fixed time of meeting for said organization and only a few attend its called meetings. In the facts herein given you will see the sinister purpose of the organization.

MEMBERS OF THE LEGISLATURE DECEIVED

The Fraternal Congress of Oklahoma gave a banquet to the members of the Legislature in the Lee-Huckins Hotel for the purpose of "boosting" a certain proposed law and the said proposed amendment to our Constitution. Of course the rank and file of the members belonging to the several fraternal societies concerned knew nothing about the meeting or its purposes, but contributed the money which the head officers used to pay the expenses of the banquet, contrary to the principle, "Taxation without representation is tyranny." Members of the legislature evidently believed that

that the Fraternal Congress of Oklahoma represented the members of the several societies concerned. In this they were deceived, as the facts hereinafter disclosed will show. The legislature merely submitted the proposed amendment to the people for their ratification or rejection. Several members of the legislature who voted to refer the proposed amendment to the people will vote against the same.

OBJECT TO CONVERT INTO OLD LINE COMPANIES

The laws of the various states recognize two lines or types of policies, one for profit and the other for mutual protection. Sec. 3 of Art. 9 of our Constitution exempts insurance companies which are not conducted for profit, and insuring only their own members (fraternal societies), and all of which the interest of each respecttively shall be uniform and mutual, from certain burdens imposed upon old line foreign life insurance companies. Foreign life insurance companies, organized for profit, are permitted to write different types of insurance, and they are required to pay to out State $200. per annum, $3.00 for each agent and two per cent on premiums collected in Oklahoma. For the year 1919 the New York Life Insurance Co. paid to our State on premiums collected, after deducting dividends, $27,543.84. Other companies paid large sums to our State. Fraternal insurance societies which write uniform and mutual policies, only pay $5.00 when permitted to do business, and do not pay anything on premiums collected. It is the object of the proposed amendment to "lay down the bars" so that fraternal societies can write different types of policies. This is admitted in the affirmative argument. I agree that that would be the effect of the amendment if adopted. Instead of all new blood going to support one type of a policy, the energies and prestige of the fraternal societies would be scattered. When the Woodmen of the World began to write types of policies other than the one which had been built up by the old members, the rates on the old members were increased. It was probably contemplated that with many of the old members forced out of the society, it would still go on with the same officers at its head. The rates were greatly increased and at the same time the Sovereign Commander's salary was increased from $12,500 to $25,000. per year in addition to large sums allowed for expenses. Remember that such a man was the

moving spirit behind the Fraternal Congress of Oklahoma, which urges the adoption of the proposed amendment. Let us members think for ourselves. When we see our interests betrayed, let us act for our common good. To allow fraternal societies to write different types of policies would be a FRUITFUL SOURCE OF FRAUD. In that way they could, under the guise of a fraternal society, write old line insurance. After writing one type of policy for awhile, the unscrupulous could use the prestige of the society in fostering another type of policy, and as the old policies are supported by new blood from new members the rates would be greatly increased or they would be unable to pay the old policies at death. Members, when they are too old to take out other insurance, find they have no insurance or the rates are so increased until many cannot carry their insurance. The Supreme Court of Oklahoma in the case of Pretorians vs. Bloom, 171 Pac. 917, in construing Sec. 3 of Art. 19 of our Constitution, which the proposed amendment would change, among other things, held: "It is a matter of common knowledge that life insurance as written by the old line company, both stock and mutual, is highly complicated and involves innumerable variations of policy, form and privileges----every gradation possible. Fraternal benefit insurance has never taken such character; simplicity---oneness---is the dominant idea, etc.xxxxx Over and against the complexity, variety and inequality and want of uniformity of the old line insurance stands the simplicity, the uniformity, mutuality, and oneness of the fraternal benefit type of insurance, and this differentiating test has been carried into our constitution, etc.xxxxx It is true that the beneficiary association can engage in old line insurance, but when it does the day of its special privileges is gone, nor does the order meet the requirements that the fraternal association must be conducted without profit.xxxxxxYet it is the character of the business transacted and not the mere formal working of the organization which will fix the true status of the order."

AMENDMENT WOULD CAUSE LITIGATION

If the "bars are laid down", and our beneficial fraternal societies are allowed to write a diversity of complicated policies, they will be frequently contested and they will be harder for our

members to understand than one plain, simple type of a policy, as suggested by our Supreme Court. Also, as our Supreme Court held, it is the character of the business transacted which fixes the status of our fraternal societies, and not their formal workings. When we begin to write old line insurance or a diversity of policies that are not uniform and mutual, as our Supreme Court held, the day of special privileges granted to our fraternal societies that write a uniform and mutual policies will be ended. If we amend out constitution and "lay the bars down" and say that our fraternal societies can write any type of a policy that an old line company can write, the old line companies would refuse to pay $200. per year, $3.00 for each agent and two per cent. on premiums collected in Oklahoma, unless the fraternal societies which are allowed to write the same type of policies are required to assume the same burdens; and, as held by our Supreme Court, if our laws attempt to impose upon them different burdens or grant privileges to one not granted to the other, such LAW WOULD BE VIOLATIVE OF THE FOURTEENTH AMENDMENT TO THE FEDERAL CONSTITUTION, which guarantees equal protection of the law. Every Past Head Consul of the W.O.W., except probably one, and a number of other prominent members of the societies effected, and the members generally when they understand the facts and see the viciousness of the proposed amendment will VOTE NO.

IF YOU WISH TO PROTECT OUR MEMBERS, VOTE NO.

IF YOU DO NOT WANT THE PUBLIC IMPOSED UPON, VOTE NO.

I HEREBY AGREE TO MEET W.A.FRASER, SOVEREIGN COMMANDER OF THE W.O.W., OR ANY OTHER PERSON WHO FAVORS THE PROPOSED CHANGE IN OUR CONSTITUTION, WHO BY REASON OF THEIR ABILITY OR POSITION ARE ENTITLED TO REPRESENT THE AFFIRMATIVE SIDE, AT DIFFERENT PLACES IN OKLAHOMA, BEFORE THE MEMBERS OF THE SOCIETIES EFFECTED, AND WILL AFFIRM THE CHARGES I HAVE MADE HEREIN.

Respectfully submitted, William M. Franklin

WILLIAM M. FRANKLIN,
Of Oklahoma City, Past Head Consul of Oklahoma Jurisdiction of the W.O.W., member of Woodmen Circle and some other societies effected, and citizen and tax-payer in Oklahoma.

YES ☐

NO ☒

VOTE

ARGUMENT IN FAVOR OF THE ADOPTION OF

REFERENDUM PETITION NUMBER 39,

STATE QUESTION NUMBDER 112.

This Constitutional Amendment was proposed and adopted through the action of the Legislature in adoption of the House Joint Resolution No. 3, authorizing the submission of the question to the voters of the State. Its amended Section Twenty One of Article Five of the Constitution so as to provide that the time limit for the Session of the Legislature shall be extended to ninety actual working days, but that no bills shall be introduced in either House after the sixty days of the Session, except upon recommendation of the Governor.

This amendment should be adopted for the following reasons:

The varied interests of the State of Oklahoma has grown to such an extent that a Session of the Legislature of sixty days duration, as now provided by law, is to limited a time to properly consider the subjects demanding attention and the practise of introducing legislation until the last days of the Session, thus crowding the calendar full, of undigested measures, is a bad one. Under this amendment it would allow thirty days to give due and deliberate consideration to such measures as had been introduced in the previous sixty days.

This is an important amendment to our Constitution as our Legislature only meets every two years and ninety days at the best is short enough time to consider the subjects for legislation, and, as I stated before, this amendment will give time for due consideration of worthy subjects that may be prevented, and will prevent the hasty consideration and adoption of unworthy bills of any character.

THIS AMENDMENT SHOULD BE ADOPTED.

ARGUMENT IN FAVOR OF ADOPTION OF REFERENDUM PETITION NO. 38, STATE QUESTION NO. III.

This amendment was initiated by the action of the State Legislature by joint resolution by unamious vote of both House and Senate, the entire membership of those present voting YES. The Fraternal Congress of Oklahoma composed of the W. O. W. Woodmen Circle, Modern Woodmen, Royal Neighbors, Yeoman, A O U W Knights and Ladies of Security, Fraternal Aid Union, Ben Hur Homesteaders, Heralds of Liberty, and Degree of Honor has endorsed and requests the adoption of this amendment, also the National Fraternal Congress of America composed of ninety great societies by resolution requests its adoption. The effect of the adoption of this amendment would be to permit fraternal beneficiary societies in Oklahoma to write more than one kind of certificate also to write juvenile insurance for the children. The adoption of this amendment will also serve to strengthen the existance of every fraternal beneficiary society in Oklahoma. This is the most important question for the benefit of fraternal societies ever submitted to the voters of the State and every member of a fraternal beneficiary society should vote YES on this amendment and also invite the attention of other voters to vote YES.

McKIRCHER REFINING
JAN 27 1917