

# “WARNING”

“It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter.”

Twenty names only allowed on a petition of this nature

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## REFERENDUM PETITION

To the Honorable E. W. Marland,  
Governor of Oklahoma:

We, the undersigned, citizens and legal voters of the State of Oklahoma, respectfully order:  
That House Bill No. 410, entitled:

“An Act amending section 2193, Oklahoma statutes, 1931, defining automatic vending machines and pin or marble machines; providing a permit system for the operation of such machine or machines; prescribing the fees for such permits and specifically stating the purpose for which such fees are to be used; providing for the allocation and distribution of such fees; providing a penalty for the violation of this Act; repealing Section 2194, Oklahoma Statutes, 1931, and all other Acts or parts of Acts in conflict herewith”

passed by the Fifteenth Legislature of the State of Oklahoma at the regular session of said legislature, be referred to the people of the State of Oklahoma for their approval or rejection at the regular or special election to be held on the 3rd day of November, 1936; and each for himself says:

I have personally signed this petition. I am a legal voter of the State of Oklahoma; and my residence and post office are correctly written after my name.

The question we herewith submit to our fellow voters is: Shall the following bill, passed by the Fifteenth Legislature of the State of Oklahoma, be vetoed?

### “HOUSE BILL NO. 410

AN ACT amending Section 2193, Oklahoma Statutes, 1931, defining automatic vending machines and pin or marble machines; providing a permit system for the operation of such machine or machines; prescribing the fees for such permits and specifically stating the purpose for which such fees are to be used; providing for the allocation and distribution of such fees; providing a penalty for the violation of this Act; repealing Section 2194, Oklahoma Statutes, 1931, and all other Acts or parts of Acts in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

#### Section 1. ~~Slot Machines.~~

Section 2193, Oklahoma Statutes, 1931, is hereby amended to read as follows:

**Sec. 2193.** Any person who sets up, operates or conducts, or who permits to be set up, operated or conducted in or about his place of business, whether as owner, employee or agent, any slot machine for the purpose of having or allowing the same to be played by other ~~(one)~~ for money shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$100.00; or by imprisonment in the county jail for a period of not more than thirty days, or by both such fine and imprisonment.

#### Section 2. ~~Vending Machines—Marble Machines.~~

Section 2193 is further amended by the addition of a new section to be known as Section 2193-A, to read as follows:

Section 2193-A. For the purpose of this Act a vending machine is defined to be an automatic coin operated machine with premium features, which vends for each coin deposited a standard article of merchandise of a recognized retail value equal to the coin deposited, and at intervals vends checks, tokens or orders which may be exchanged for additional merchandise, but which may not be exchanged for cash.

Provided, that each vending machine as defined as an automatic coin operating machine shall have written upon it in a conspicuous place the per centum upon which said machine operates, i. e., it must be specifically marked whether it pays at the rate of 90-80-70-60 or lower, or any division of the figures indicated above.

(a) A pin or marble machine is defined as follows: An automatic coin operated machine having

no automatic vending feature, but which at ~~( )~~ intervals indicates that the player is entitled to receive premiums.

### Section 3. ~~License Fee.~~

(a) Any person, firm, corporation or association that operates, sets up or leases any number of coin ~~( )~~ operated vending machines shall be termed an "operator." Such operator shall be required to pay a permit or occupation license tax in the sum of \$250.00 for each calendar year for each county in which he operates machines; provided that no operator shall be permitted to operate more than twenty-five machines per permit in any one county. Operators operating in excess of twenty-five machines per county shall be required to procure an additional permit for each twenty-five machines or fraction thereof. Such tax shall be payable to the Oklahoma Tax Commission for each calendar year in advance. In addition to the permit or occupation license tax hereinbefore prescribed, such operator shall pay an annual tax of \$20.00 per year on each machine, payable quarterly in advance.

(b) Any ~~( )~~ person, firm, corporation or association that operates, sets up or leases any number of coin operated machines, known as pin or marble machines, as hereinbefore defined, shall be termed an "operator." Such operator shall be required to pay as a permit or ~~( )~~ occupation license tax the sum of \$250.00 for each calendar year for each county in which he operates machines; provided that no operator shall be permitted to operate more than twenty-five machines per permit in any one county. Operators operating in excess of twenty-five machines per county shall be required to procure an additional permit for each twenty-five machines or fraction thereof. In addition to the permit or occupation license tax hereinbefore prescribed, such operator shall pay an annual tax of \$12.00 per year for each machine, payable quarterly in advance.

### Section 4. ~~Combination Permits.~~

Any operator, as herein defined, who desires to operate not to exceed twenty-five machines in any one county may obtain from the Oklahoma Tax Commission a combination permit for the operation of either or both automatic vending machines and/or automatic pin or marble machines for the sum of \$250.00, payable annually in advance and the payment of the annual license fee per machine, as hereinbefore provided. The Oklahoma Tax Commission shall have the authority to make any necessary rules and regulations for the computation and collection of the tax levied.

### Section 5. ~~Apportionment of Fees.~~

Ninety-five (95%) per cent of the moneys collected under the provisions of this Act shall be deposited in the State Treasury to meet the expenses of state government. Five (5%) per cent of the moneys collected hereunder shall be placed in the Oklahoma Tax Commission fund, to be used by said Commission to defray expenses of the tax herein levied and for the enforcement of the provisions hereof.

### Section 6. ~~Restriction.~~

No machine shall be licensed or operated under the provisions of this Act which is subject to or capable of being operated by any coin of greater value than five (5c) cents, true and lawful money of the United States.

### Section 7. ~~Operation Without Permit Prohibited.~~

It shall be unlawful for any person, firm or corporation to display, operate, or to allow to be displayed or operated in or upon any premises owned or controlled by such person, firm or corporation any coin, slot, vending or marble machine to which is not attached a valid license required ~~( )~~ under the provisions of this Act.

### Section 8. ~~Municipal Licenses.~~

No municipal corporation shall enact or pass any Act or ordinance contrary to the provisions of this Act; provided that any municipality, town or village may charge an annual tax not to exceed \$60.00 for each and every machine licensed to be operated and being operated within the corporate limits of such municipality, ~~( )~~ town or village.

### Section 9. ~~Tax in Lieu of Other Taxes.~~

The permit and license taxes herein levied shall be in lieu of all other taxes.

### Section 10. ~~Penalty.~~

Any person, firm, corporation or association violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$100.00; provided that the machine or machines used incident to the violation of this Act shall be confiscated and disposed of as now provided by law.

### Section 11. ~~Minors May Not Play.~~

Any person who owns, or who is in charge of a slot machine, as defined in this Act, who knowingly permits any person under twenty-one (21) years of age to play such machine, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars.

### Section 12. ~~Construction of Act.~~

The provisions of this Act are severable, and if any provision should be declared unconstitutional, the same shall not affect the remaining provisions of this Act.

### Section 13. ~~Repeal.~~

Section 2194, Oklahoma Statutes, 1931, and all other Acts and parts of Acts in conflict herewith are hereby repealed."

THE END

MAC Q. WILLIAMSON  
ATTORNEY GENERAL



STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

March 15, 1937

Honorable Frank C. Carter  
Secretary of State  
B u i l d i n g

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by Section 5875, Oklahoma Statutes 1931, he has examined the proposed ballot title for State Question No. 216, Referendum Petition No. 71, which together with a copy of said State Question and Petition was delivered to him on March 12, 1937, by the Hon. Harry A. Tallman and Campbell Russell, proponents of said State Question and Petition, and from said examination finds that said ballot title is not in legal form or in harmony with law.

Therefore, pursuant to the provisions of said Section 5875, the Attorney General has prepared and herewith submits to you as Secretary of State, for filing in your office, a ballot title for said measure which, in the opinion of the Attorney General, does conform with the law; same being as follows:

"STATE QUESTION NO. 216                      REFERENDUM PETITION NO. 71.

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

"Shall House Bill No. 410 of the Fifteenth Legislature, which bill

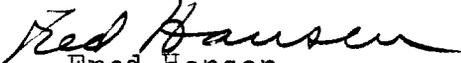
- (a) amends Section 2193, and repeals Section 2194, Oklahoma Statutes 1931 (thereby repealing statutory provisions which made unlawful the operation, etc. of slot machines for property, checks, credits, or any representative of value), and

(b) defines automatic vending machines and pin or marble machines and legalizes the operation etc. thereof on a State license fee basis, be adopted by the people?

	YES	: : : : : : : :	
Shall it be adopted?	NO	: : : : : : : :	"

Yours very truly,

FOR THE ATTORNEY GENERAL

  
Fred Hansen  
Assistant Attorney General

FH:A

Copy sent to Harry A. Tallman and Campbell Russell,  
in care of Farmers' Educational and Co-operative  
Union of America, Oklahoma Division,  
18 North Klein,  
Oklahoma City, Oklahoma.