EXHIBIT B

State Question No. 349 **Initiative Petition No. 249**

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

INITIATIVE PETITION

TO THE HONORABLE ROY J. TURNER,
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed amendments to existing law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular election held throughout the State or at a special election ordered for that express purpose, and each for himself says:

I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from November, 21, 1949.

TITLE

AN ACT RELATING TO SOCIAL SECURITY, LEVYING AND APPORTIONING REVENUE DERIVED FROM THE EXCISE. CONSUMERS AND SALES TAX THROUGH THE AMENDMENT OF SECTION 180, TITLE 56, CHAPTER 7, O. S. A. 1941, FIXING AND LIMITING THE DUTIES AND POWERS AND THE TOTAL AMOUNT OF CLAIMS PAYABLE FROM THE STATE ASSISTANCE FUND, AND THE AMENDMENT OF SECTION 1251b TITLE 68, CHAPTER 27, O. S. A. 1941, APPORTIONING THE REVENUES FROM SAID TAX, AND THE AMENDMENT OF SECTION 1251c TITLE 68, CHAPTER 27, O. S. A. 1941, SO AS TO FIX SAID EXCISE TAX AT 3% (THREE PER CENT) UPON THE GROSS PROCEEDS DERIVED FROM SALES.

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

Sec. 1. That Section 180, Title 56, Chapter 7, O. S. A. 1941, is amended to read as follows:

LIMITATIONS ON POWERS OF BOARD TO APPROVE EXPENDITURES.—

(a) It shall be the duty of the Director to ascertain from the Oklahoma Tax Commission and other State officials estimates of the amount of moneys which may reasonably be expected to be available in the State Assistance Fund or in any Old Age Pension Fund or any other special fund which may be created by law for the payment of assistance under the provisions of this Act and to submit such estimates to the Commission whenever required. In the consideration and approval of applications for assistance, the Commission shall take into consideration the amount of moneys which are or may be expected to be available in the State Assistance Fund or other special funds for the payment of assistance. It shall be unlawful for the Commission to submit claims to the State Auditor or for said Auditor to issue warrants in excess of the amount of moneys available in the State Assistance Fund or other special funds for the payment of any specific assistance authorized in this Act.

(b) The total amount of claims drawn upon or paid from the State Assistance Fund for salaries, wages, and all other necessary costs incurred in the administration of this Act (exclusive of surgical, medical, hospital, and nursing expenses authorized by this Act) shall be limited to three and one-half percentum (3½%) of the total amount of moneys paid in assistance grants under the provisions of this Act.

Sec. 2. That Section 1251b, Title 68, Chapter 27, O. S. A. 1941, is amended to read as follows:

PURPOSE OF ACT—APPORTIONMENT OF REVENUES.—It is hereby declared to be the purpose of this Act to provide funds for financing the program provided by the Oklahoma Social Security Act of this State and to provide revenues for the support of the functions of the State Government of Oklahoma; and for this purpose and to this end it is hereby expressly provided that the revenues derived hereunder are hereby apportioned as follows:

(a) Ninety-eight per cent (98%) of the revenues derived hereunder from the collection of the principal of the tax levied by this Act and ninety-eight per cent (98%) of the revenues derived hereunder from the collection of penalties and interest under the provisions of this Act shall be paid to the State Treasurer and placed to the credit of the State Assistance Fund for the purpose of assistance grants for the needy aged persons, needy dependent children, crippled children, needy blind persons, for providing services to homeless and neglected children, and for the payment of the cost of the administration of such assistance grants and services. All such funds available for distribution to the State Assistance Fund shall be paid monthly into the State Assistance Fund.

(b) The remaining two per cent (2%) of such money collected under the provisions of this Act shall be paid to the State Treasurer and placed to the credit of the Oklahoma Tax Commission Fund, to be paid out of said Fund pursuant to appropriations made by the State Legislature.

Sec. 3. That Section 1251c, Title 68, Chapter 27, O. S. A. 1941, is amended to read as follows:

TAX RATE—SALES SUBJECT TO TAX—CERTAIN SALES DECLARED SALES TO CONSUMERS OR USERS.—There is hereby levied an excise tax of three per cent (3%) upon the gross proceeds or gross receipts derived from all sales subsequent to the approval of this Act to any person of the following:

(a) Tangible personal property.

(b) Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.

(c) Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire.

(d) Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having connection with transmission of any message.

(e) Printing or printed matter of all types, kinds and characters and the service of printing or overprinting.

(f) Service of furnishing rooms by hotels, apartment hotels, public rooming houses and public lodging houses and tourist camps.

(g) Service of furnishing storage or parking privileges by auto hotels and parking lots.

(h) Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere.

(i) Advertising of all kinds, types and characters, including any and all devices used for advertising purposes and the servicing of any advertising devices.

(j) Dues or fees to clubs, and the sale of tickets or admissions to places of amusement, to athletic, entertainment, recreational facilities, including free or complimentary passes and tickets, admissions, dues or fees. Such free or complimentary passes, tickets, dues, or fees are hereby declared to have a value equivalent to the sale price of tickets, passes, adminissions, fees or dues oflike kind or character.

(k) For the purpose of this Act, sales of services and tangible personal property made for the purpose of developing and improving real estate even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users. Sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use same in the performance of any contract, are hereby declared to be sales to consumers or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users and, therefore, taxable.

FILED
IN SUPREME COURT
OF OKLAHOMA
OCT 30 1950
ANDY PAYNE
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In the Matter of State Question No. 349
Initiative Petition No. 249

J.M. Ashton,

Plaintiff and Appellant

vs

No. 34,901

Mac Q. Williamson, Attorney General,

Defendant and Appellee.

S Y L L A B U S

Where Attorney General disapproves the ballot title submitted by proponent of an initiated measure, and prepares and files a title with the Secretary of State, any person may appeal to this court from the title so prepared and submitted; this court, on appeal, may approve said title, or may approve a substitute title offered by appellant, or may prepare one.

Appeal from a proposed ballot title prepared by the Attorney General for the submission of State Question No. 349, Initiative Petition 249. Ballot title as stated in the opinion approved.

Harry T. Hudson, Jr.
Perrine Building
Oklahoma City, Oklahoma, For Plaintiff and Appellant

Mac Q. Williamson
Attorney General
A.J. Moore
Local Building
Oklahoma City, Oklahoma, For Defendant and Appellee

Corn, J.

This is an appeal by plaintiff upon the question of the sufficiency of the proposed ballot title submitted by the Attorney General upon State Question No. 349.

Where the Attorney General disapproves the ballot title submitted by proponent of an initiated measure, and prepares and files a title with the Secretary of State, any person may appeal to this court from the title so prepared and submitted; this court, on appeal, may approve said title, or may approve a substitute title offered by appellant, or may prepare one.

All parties agree that the following title is wholly sufficient under the requirements of 34 O.S. 1941, Section 9.

"State Question No. 349 Initiative Petition No. 249

The Gist Of The Proposition Is As Follows

Shall an Act

> amending 68 O.S. 1941, Section 1251 c, to increase the tax rate from two percent to three percent upon the gross proceeds of sales to consumers or users; amending 56 O.S. 1941, Section 180, by reducing maximum payable from State Assistance Fund for administering Oklahoma Social Security Act from five to three and one-half percent of total assistance grants; amending 68 O.S. 1941, Section 1251 b, by increasing revenues payable to State Assistance Fund under Sales Tax Act from ninety seven to ninety eight percent and decreasing balance payable to Tax Commission Fund,

be approved by the people?

Yes .....
. .
.....

Shall the proposed Act be approved?

No. .....
. .
....."

We agree, and the same is approved.