

State Question No. 799,

Referendum No. 25

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 THE PETITION WHEN HE IS NOT A LEGAL VOTER.

FILED

REFERENDUM

MAY 01 2018

To the Honorable Mary Fallin, Governor of Oklahoma:

**OKLAHOMA SECRETARY
OF STATE**

We, the undersigned legal voters of the State of Oklahoma, respectfully order that House Bill No. 1010xx, entitled:

“An Act relating to revenue and taxation; stating purpose pursuant to the authority provided in Section 57 of Article V of the Oklahoma Constitution; imposing additional tax levy upon cigarettes; specifying amount of additional levy; providing for apportionment of revenues; exempting levy from inclusion in determination of certain amounts; requiring certain collections and administration of levy; amending 68 O.S. 2011, Sections 402, 402-1 and 402-3, which relate to tax levies on tobacco products; providing that little cigars be taxed in the same rate and manner as cigarettes; clarifying language; imposing tax on gasoline and diesel fuel; establishing amount of tax on a per-gallon basis; requiring deposit of certain revenue, penalties and interest in certain fund; amending 68 O.S. 2011, Sections 1001, as last amended by Section 1, Chapter 5, 1st Extraordinary Session, O.S.L. 2017 and 1004, as last amended by Section 2, Chapter 355, O.S.L. 2017 (68 O.S. Supp. 2017, Section 1004), which relate to gross production tax; modifying rate imposed upon oil, gas or oil and gas; modifying exemptions and procedures related thereto; modifying apportionment of certain gross production tax revenues corresponding to gross production tax rate modification; enacting the Oklahoma Occupancy Tax Act; stating purpose of tax; defining terms; providing for rate of tax; imposing duty for remittance of tax and prescribing procedures related thereto; requiring Oklahoma Tax Commission to ENR. H. B. NO. 1010 (2ND EX. SESS.) Page 2 promulgate rules and to provide forms; providing for applicability of Oklahoma Sales Tax Code provisions and provisions of the Uniform Tax Procedure Code for administration of tax; requiring separate statement of tax amount; requiring payment by customers in same method as sales tax; providing for exemptions; providing for apportionment of revenues; repealing 68 O.S. 2011, Section 402-2, which relates to additional tax on tobacco products; providing for codification; and providing for noncodification.”,

passed by the 56th Legislature of the State of Oklahoma, at the second special session of said legislature, shall be referred to the people of the State of Oklahoma for their approval or rejection at the regular election to be held on the 6th day of November, 2018, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name.

Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded.

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature be approved? **(Exhibit A, attached)**

Name and Address of Proponents:

Dr. Tom Coburn
6608 N Western Ave #347
Oklahoma City, OK 73116

Brooke McGowan
6608 N Western Ave #347
Oklahoma City, OK 73116

Ronda Vuillemont-Smith
6608 N Western Ave #347
Oklahoma City, OK 73116

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An Act

(2ND EXTRAORDINARY SESSION)
ENROLLED HOUSE
BILL NO. 1010XX

By: Wallace and Casey of
the House

and

David and Fields of the
Senate

An Act relating to revenue and taxation; stating purpose pursuant to the authority provided in Section 57 of Article V of the Oklahoma Constitution; imposing additional tax levy upon cigarettes; specifying amount of additional levy; providing for apportionment of revenues; exempting levy from inclusion in determination of certain amounts; requiring certain collections and administration of levy; amending 68 O.S. 2011, Sections 402, 402-1 and 402-3, which relate to tax levies on tobacco products; providing that little cigars be taxed in the same rate and manner as cigarettes; clarifying language; imposing tax on gasoline and diesel fuel; establishing amount of tax on a per-gallon basis; requiring deposit of certain revenue, penalties and interest in certain fund; amending 68 O.S. 2011, Sections 1001, as last amended by Section 1, Chapter 5, 1st Extraordinary Session, O.S.L. 2017 and 1004, as last amended by Section 2, Chapter 355, O.S.L. 2017 (68 O.S. Supp. 2017, Section 1004), which relate to gross production tax; modifying rate imposed upon oil, gas or oil and gas; modifying exemptions and procedures related thereto; modifying apportionment of certain gross production tax revenues corresponding to gross production tax rate modification; enacting the Oklahoma Occupancy Tax Act; stating purpose of tax; defining terms; providing for rate of tax; imposing duty for remittance of tax and prescribing procedures related thereto; requiring Oklahoma Tax Commission to promulgate rules and to provide forms; providing for applicability of Oklahoma Sales Tax Code provisions and provisions of the Uniform Tax Procedure Code for administration of tax; requiring separate statement of tax amount; requiring payment by customers in same method as sales tax; providing for exemptions; providing for apportionment of revenues; repealing 68 O.S. 2011, Section 402-2, which relates to additional tax on tobacco products; providing for codification; and providing for noncodification.

SUBJECT: Revenue and taxation

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

SECTION . NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The provisions of this measure are enacted pursuant to the authority provided in Section 57 of Article V of the Oklahoma Constitution for a general revenue bill.

SECTION . NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 302-7 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of providing revenue for the support of the functions of state government, in addition to the tax levied in Sections 302, 302-1, 302-2, 302-3, 302-4 and 302-5 of Title 68 of the Oklahoma Statutes, there is hereby levied upon the sale, use, gift, possession or consumption of cigarettes, as defined in Sections 301 through 325 of Title 68 of the Oklahoma Statutes, within this state, a tax at the rate of fifty (50) mills per cigarette.

B. 1. Except as provided in paragraph 2 of this subsection, the revenue resulting from the additional tax levied in subsection A of this section shall be apportioned as provided in paragraph 3 of this subsection.

2. The net amount of any revenue resulting from a payment in lieu of excise taxes on cigarettes levied by this section, which net amount shall be calculated after deductions for rebates owed pursuant to a compact with a federally recognized Indian tribe or nation, shall be apportioned as provided in paragraph 3 of this subsection.

3. a. Prior to July 1, 2019, the resulting revenues as described by paragraphs 1 and 2 of this subsection shall be apportioned by the Oklahoma Tax Commission and transmitted to the State Treasurer who shall deposit such revenue in the General Revenue Fund.

b. Beginning July 1, 2019, the resulting revenues as described by paragraphs 1 and 2 of this subsection shall be apportioned by the Oklahoma Tax Commission and transmitted to the State Treasurer, who shall deposit such revenue to the credit of the State Health Care Enhancement Fund, created in Enrolled House Bill No. 1016 of the 2nd Extraordinary Session of the 56th Oklahoma Legislature.

C. No part of the revenues resulting from the additional taxes levied in this section shall be used in determining the amount of cigarette tax collections to be paid into:

