

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

NOV 20 2023

JOHN D. HADDEN
CLERK

(1) STATE CHAMBER OF OKLAHOMA,
(2) OKLAHOMA FARM BUREAU LEGAL
FOUNDATION,
(3) CHAD WARMINGTON, and
(4) TOMMY SALISBURY,
Protestants/Petitioners,

v.

(1) KELSEY COBBS and
(2) DUSTIN PHELAN,
Proponents/Respondents,

121777

Case No: _____

APPENDIX TO APPLICATION TO ASSUME ORIGINAL
JURISDICTION AND PROTEST OF INITIATIVE PETITION 446

Mithun Mansinghani, OBA #32453
LEHOTSKY KELLER COHN LLP
629 W. Main Street
Oklahoma City, OK 73102
(512) 693-8350
mithun@lkcfirm.com

Counsel for Protestants/Petitioners

INDEX

1. Tab 1: Initiative Petition No. 446 (State Question 832) (filed Oct. 27, 2023)

- **Relevance:** This is the Initiative Petition protested in this action, as well as associated documents and filings with the Oklahoma Secretary of State.
- **Synopsis:** These documents include the cover letter filed with the Secretary of State, the proposed gist, the proposed ballot title, the petition language itself that proposes to annual raise Oklahoma' state minimum wage and remove certain exemptions, and the Secretary of State's letter acknowledging receipt as well as demonstrating publication in multiple newspapers on November 3, 2023.

2. Tab 2: Warmington Declaration

- **Relevance:** Declaration from Protestant/Petitioner Chad Warmington declaring he is a citizen of Oklahoma and President and CEO of Protestant/Petitioner State Chamber of Oklahoma, and describing the State Chamber's membership, mission, and purpose.
- **Synopsis:** Mr. Warmington describes his personal background and his role at the State Chamber of Oklahoma, the organization's mission and purpose, and how Initiative Petition 446 would, if enacted, undermine that mission and purpose and the well-being of its members.

3. Tab 3: Salisbury Declaration, November 17, 2023

- **Relevance:** Declaration from Protestant/Petitioner Tommy Salisbury declaring he is a citizen of Oklahoma.

- Synopsis: Mr. Salisbury describes his background, farming and other agricultural businesses, and the negative impact of Initiative Petition 446 on him, his businesses, his employees, and his community if enacted.

4. Tab 4: Tucker Declaration, November 17, 2023

- Relevance: Declaration of vice president of Protestant/Petitioner Oklahoma Farm Bureau Legal Foundation explaining the nature and purpose of the organization.
- Synopsis: Mr. Tucker describes his background, his role in the organization, the organization's mission and purpose, and how Initiative Petition 446 would, if enacted, undermine that mission and purpose and the well-being of its members.

Respectfully submitted,



Mithun Mansinghani, OBA No. 32453
LEHOTSKY KELLER COHN LLP
629 W. Main Street
Oklahoma City, OK 73102
(512) 693-8350
mithun@lkcfirm.com

CERTIFICATE OF SERVICE

This is to certify that on the 20th day of November, 2023, a true and correct copy of the above Application and Petition was transmitted via commercial carrier, postage prepaid to the following:

Melanie Wilson Rughani
CROWE & DUNLEVY
Braniff Building
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102

Kelsey Cobbs
601 S. Macomb Ave.
El Reno, OK 73036

Dustin Phelan
808 E. 483rd
Salina, OK 74365

Oklahoma Secretary of State's Office
Executive Legislative Division
2300 N. Lincoln Blvd., Room 122
Oklahoma City, OK 73105

Oklahoma Attorney General's Office
313 NE 21st St.
Oklahoma City, OK 73105



Mithun Mansinghani



Melanie Wilson Rughani
Direct Tel: (405) 235-7714
Direct Fax: (405) 272-5245

melanie.rughani@crowedunlevy.com

October 27, 2023

The Honorable Josh Cockroft
Oklahoma Secretary of State
Attn: Executive Legislative Division
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, Oklahoma 73105

Re: Initiative Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of an initiative petition regarding the minimum wage, as well as a proposed ballot title and gist on the forms provided by your office.

Very truly yours,

RECEIVED
OCT 27 2023
OKLAHOMA SECRETARY
OF STATE

Melanie Wilson Rughani
CROWE & DUNLEVY
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

Counsel for Proponents

cc: Oklahoma Attorney General

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.239.6651
TULSA • 500 Kennedy Building • 321 S. Boston Ave. • Tulsa, OK 74103 • T: 918.592.9800 • F: 918.592.9801
DALLAS • 2525 McKinnon St., Ste. 425 • Dallas, TX 75201 • T: 214.420.2163 • F: 214.736.1762
crowedunlevy.com

STATE QUESTION 832 INITIATIVE PETITION 446

PROPONENT'S GIST OF THE PROPOSITION

This gist statement will be affixed at the top of the signature sheet for circulation of signature

The gist of the proposition is:

This measure would amend the Oklahoma Minimum Wage Act ("OMWA") to increase the state minimum wage. Employers would be required to pay employees at least \$9 per hour beginning in 2025, \$10.50 per hour beginning in 2026, \$12 per hour beginning in 2027, \$13.50 per hour beginning in 2028, and \$15 per hour beginning in 2029. Beginning in 2030, the minimum wage would increase yearly based on the increase in the cost of living, if any, as measured by the U.S. Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers. This measure would eliminate a number of exemptions in the current OMWA, including the exemptions for employers subject to the federal Fair Labor Standards Act, part-time employees, certain students and individuals under the age of 18, certain farm and agricultural workers, domestic service workers, newspaper vendors or carriers, and feedstore employees.

Under this measure, federal and state employees would not be covered under the OMWA. Some employers with ten or fewer employees, as well as certain other types of employees and volunteers, would remain exempt. The measure provides for liberal construction, non-retroactivity, severability, and an effective date of the January 1 following approval by the People.

FILED

OCT 27 2023

OKLAHOMA SECRETARY
OF STATE

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Suggested Ballot Title' form.

(OKSOS-SWIP-Fm02-1021)

002

STATE QUESTION 832 INITIATIVE PETITION 446

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

This measure would amend the Oklahoma Minimum Wage Act ("OMWA") to increase the state minimum wage. Employers would be required to pay employees at least \$9 per hour beginning in 2025, \$10.50 per hour beginning in 2026, \$12 per hour beginning in 2027, \$13.50 per hour beginning in 2028, and \$15 per hour beginning in 2029. Beginning in 2030, the minimum wage would increase yearly based on the increase in the cost of living, if any, as measured by the U.S. Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers. This measure would eliminate a number of the exemptions in the current OMWA, including the exemptions for employers subject to the federal Fair Labor Standards Act, part-time employees, certain students and individuals under the age of 18, farm and agricultural workers, domestic service workers, newspaper vendors or carriers, and feedstore employees.

Under this measure, federal and state employees would not be covered under the OMWA. Some employers with ten or fewer employees, as well as certain other types of employees and volunteers, would remain exempt. The measure provides for liberal construction, non-retroactivity, severability, and an effective date of the January 1 following approval.

Shall the proposal be approved?

For the proposal - YES

Against the proposal - NO

A "YES" vote is a vote in favor of this measure. A "NO" vote is a vote against this measure.

FILED

OCT 27 2023

OKLAHOMA SECRETARY
OF STATE

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form. (OKSOS-SWIP-Fm01-1021)

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

INITIATIVE PETITION

OCT 27 2023

To the Honorable J. Kevin Stitt, Governor of Oklahoma: OKLAHOMA SECRETARY OF STATE

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be called by the Governor), and each for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; and my first name, last name, zip code, house number, and month and day of my birth are correctly written on this form. The time for filing this petition expires ninety (90) days from _____. The question we herewith submit to our fellow voters is: Shall the following law be approved?

An Act relating to the minimum wage; amending 40 O.S. 2021, Sections 197.2 and 197.4, and repealing 40 O.S. 2021, Section 197.5, all provisions of the Oklahoma Minimum Wage Act; setting minimum wages for certain years; providing for a yearly increase in the minimum wage thereafter based on the cost of living; providing for liberal construction, non-retroactivity, and severability; eliminating certain exemptions; exempting employees of the State; providing an effective date.

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

Section 1. AMENDATORY. 40 O.S. 2021, Section 197.2, is amended to read as follows:

A. It shall be unlawful to employ workers in any industry or occupation within the State of Oklahoma under conditions of labor detrimental to their health or morals and it shall be unlawful to employ workers in any industry within the State of Oklahoma at wages which are not adequate for their maintenance.

B. Except as otherwise provided in the Oklahoma Minimum Wage Act, no employer within the State of Oklahoma shall pay any employee a wage of less than: ~~the current federal minimum wage for all hours worked.~~

- (1) beginning January 1, 2025, \$9 per hour for all hours worked;
(2) beginning January 1, 2026, \$10.50 per hour for all hours worked;
(3) beginning January 1, 2027, \$12 per hour for all hours worked;
(4) beginning January 1, 2028, \$13.50 per hour for all hours worked; and
(5) beginning January 1, 2029, \$15 per hour for all hours worked.

C. Beginning January 1, 2030, and on January 1 of successive years, the minimum wage for all hours worked shall be increased by the increase in the cost of living, if any. The increase in the cost of living shall be measured by the annual percentage increase, as of August of the preceding year, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-

W) or its successor index, as published by the U.S. Department of Labor or its successor agency, with the amount of minimum wage increase rounded to the nearest cent.

D. This Act shall be liberally construed in favor of its purposes and shall not limit any law, policy, standard, or regulation that requires payment of higher or supplemental wages or benefits to any employees or other working individuals. This Act shall not be construed to apply retroactively.

E. The provisions of this Act are severable and, if any part or provision hereof is void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions hereof, and the remaining provisions hereof shall continue in full force and effect.

Section 2. AMENDATORY. 40 O.S. 2021, Section 197.4, is amended to read as follows:

As used in this act:

- (a) "Commissioner" means the Commissioner of Labor;
- (b) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by law;
- (c) "Employ" includes to suffer or to permit to work;
- (d) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons, hiring more than ten full-time employees or equivalent at any one location or place of business; provided, however, if an employer has less than ten full-time employees or equivalent at any one location or place of business but does a gross business of more than One Hundred Thousand Dollars (\$100,000.00) annually, said employer shall not be exempt under the provisions of this act.

~~This act shall not apply to employers subject to the Fair Labor Standards Act of 1938, as amended, and who are paying the minimum wage under the provisions of said act, nor to employers whose employees are exempt under paragraph (e) of this section.~~

(e) "Employee" includes any individual employed by an employer but shall not include:

~~(1) An individual employed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment;~~

~~(2) Any individual employed in domestic service in or about a private home;~~

~~(3) (1) Any individual employed by the United States government;~~

~~(2) Any individual employed by the State of Oklahoma;~~

~~(4)(3)~~ Any individual working as a volunteer in a charitable, religious or other nonprofit organization;

~~(5)~~ Any newspaper vendor or carrier;

~~(6)(4)~~ Any employee of any carrier subject to regulation by Part I of the Interstate Commerce Act;

~~(7)~~ Any employee of any employer who is subject to the provisions of any Federal Fair Labor Standards Act or to any Federal Wage and Hour Law now in effect or enacted hereafter; and who is paying the minimum wage under the provisions of this act;

~~(8)(5)~~ Any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman;

~~(9)~~ Any person employed as part-time employee not on permanent status. A part-time employee is defined as an employee who is employed less than twenty-five (25) hours a week;

~~(10)~~ Any person who is less than eighteen (18) years of age and is not a high school graduate or a graduate of a vocational training program, and any person who is less than twenty-two (22) years of age and who is a student regularly enrolled in a high school, college, university or vocational training program;

~~(11)~~ Any individual employed in a feedstore operated primarily for the benefit and use of farmers and ranchers; or

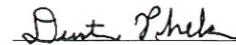
~~(12)(6)~~ Any individual working as a reserve force deputy sheriff.

Section 3. REPEALER. 40 O.S. 2021, Section 197.5, is hereby repealed.

Section 4. This Act shall become effective on the January 1 following its approval by the People of Oklahoma.

Name and Address of Proponents


Kelsey Cobbs
601 S. Macomb Ave.
El Reno, OK 73036


Dustin Phelan
808 E. 483rd
Salina, OK 74365

Josh Cockroft
Secretary of State



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

October 27, 2023

Kelsey Cobbs
610 S. Macomb Ave.
El Reno, Oklahoma 73036

Dustin Phelan
808 E. 483rd
Salina, Oklahoma 74365

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 832, Initiative Petition Number 446** and filed accordingly this 27th day of October 2023.

Now that the petition has officially been filed for the record, per Title 34 O.S. Section 8, it is the duty of the Secretary of State to cause to be published, a notice of such filing and the apparent sufficiency or insufficiency of the petition, and shall also include notice that any citizen or citizens of the state may file a protest as to the *constitutionality* of the petition, by a written notice to the Oklahoma Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after the publication of the notice.

As soon as the ten (10) business day appeal/protest period has concluded our office will be in contact regarding the next steps in the process.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact our office or me directly.

Thank you,

Amy Canton
Director, Executive Legislative Services
405.522.4565 / executivelegislative@sos.ok.gov

Cc: Crowe & Dunlevy

Josh Cockroft
Secretary of State



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

October 31, 2023

Ms. Cindy Shea
Oklahoma Press Service
3601 N. Lincoln
Oklahoma City, Oklahoma 73105

Dear Ms. Shea:

Please find enclosed the following notice: for publication.

- Notice of Filing for State Question 832, Initiative Petition 446

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State Office

NOTICE OF THE FILING OF STATE QUESTION 832, INITIATIVE PETITION 446 AND THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on October 27, 2023, State Question 832, Initiative Petition 446 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 832, Initiative Petition 446 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. The official record is available for public view via the Oklahoma Secretary of State website at <https://www.sos.ok.gov/documents/Questions/832.pdf>.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 832, Initiative Petition 446:

Kelsey Cobbs
610 S. Macomb Ave.
El Reno, Oklahoma 73036

Dustin Phelan
808 E. 483rd
Salina, Oklahoma 74365

Josh Cockroft
Secretary of State
State of Oklahoma

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105
Voice: (405) 499-0020 Fax: (405) 499-0048

Tuesday, November 7, 2023 09:05 AM Page 1 of 1

Proof of Publication Order Number 23-11-31

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 11/3/2023

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$40.55

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
7 day of November 2023.

Cindy Shea
(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 832, INITIATIVE PETITION 446 AND THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

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Proponents of record for State Question 832, Initiative Petition 446:

Kelsey Cobbs	Dustin Phelan
610 S. Macomb Ave.	808 E. 483rd
El Reno, Oklahoma 73036	Salina, Oklahoma 74365

Josh Cockroft
Secretary of State
State of Oklahoma

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105
Voice: (405) 499-0020 Fax: (405) 499-0048

Tuesday, November 7, 2023 09:05 AM

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That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$40.55

Landon Cobb

(Editor, Publisher or Authorized Agent)

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Cindy Shea
(Notary Public)



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Kelsey Cobbs	Dustin Phelan
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Josh Cockroft
Secretary of State
State of Oklahoma

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3601 North Lincoln Blvd.
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Voice: (405) 499-0020 Fax: (405) 499-0048

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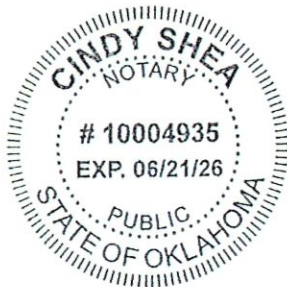
PUBLICATION FEE \$40.55

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
7 day of November 2023.

Cindy Shea
(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 832, INITIATIVE PETITION 446 AND THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

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Proponents of record for State Question 832, Initiative Petition 446:

Kelsey Cobbs	Dustin Phelan
610 S. Macomb Ave.	808 E. 483rd
El Reno, Oklahoma 73036	Salina, Oklahoma 74365

Josh Cockroft
Secretary of State
State of Oklahoma

DECLARATION OF CHAD WARMINGTON

I, Chad Warmington, hereby declare and state that the following is true and correct to the best of my knowledge, based on my personal knowledge:

1. My name is Chad Warmington, and I am President and CEO of The State Chamber of Oklahoma. I am over the age of eighteen, have personal knowledge of the subject matter, and am competent to testify concerning the matters in this declaration.

2. I am a citizen of Oklahoma. I have lived in Oklahoma since 1996 and am registered to vote in Oklahoma, as I have been throughout the time I have lived here.

3. Established in 1926, The State Chamber is the leading statewide advocate for business and free enterprise in Oklahoma. Alongside our nearly 600 member companies—businesses operated in Oklahoma, owned by Oklahoma citizens, and employing tens of thousands of Oklahoma citizens—our mission is to make Oklahoma the best place to do business in the country. The State Chamber pursues this mission because our members

and their employees are our neighbors and fellow citizens of Oklahoma, and a thriving free enterprise economy enables all of us rise in prosperity for ourselves and our families.

4. State Chamber member companies pay strong, fair wages to their employees that enable Oklahomans to take care of their families and climb the ladder of opportunity. In the overwhelming majority of jobs created by Oklahoma businesses, employees earn wages well above the current minimum wage and even the rates the proposed initiative petition seeks to raise it to in the next several years. State Chamber member companies have no interest in artificially holding down wages, and in today's labor market, could not stay in business if they tried to do so.

5. Oklahoma businesses, however, experience in the real world what has been documented repeatedly in the extensive economic literature concerning extreme minimum wage hikes like those proposed in SQ 832: such hikes result in higher prices for consumers and families, fewer jobs for workers, and greater failure rates for businesses.

6. What's worse, the higher inflation and fewer jobs that inevitably result from government mandates of the type proposed by SQ 832 are borne most acutely by precisely the people such measures are claimed to be aiming to help: lower-income workers who have less margin to absorb higher prices for groceries, fuel, and other necessities and risk unemployment when the job market becomes tighter.

7. The economic destruction SQ 832 threatens for Oklahoma families, workers, and businesses alike becomes only more concerning when the ballot question's open-ended, automatic annual increase is factored in. After more than doubling the government-mandated wage in the near term, SQ 832 then would impose a limitless annual increase based on estimates calculated by federal bureaucrats, where the estimates are based on increased cost of living numbers in densely populated cities like Boston and San Francisco that bear little resemblance to the reality of the cost of living in places like Byng and Sallisaw. The result will be New York-style costs for Oklahoma-based workers, consumers, businesses, and families.

8. To illustrate the spiral SQ 832's Inflation Escalator could impose on Oklahoma families and businesses, the following projections are helpful. Within a decade and a half of taking effect, the Inflation Escalator in SQ 832 would take the government-mandated wage from today's \$7.25 per hour to:

- a. **\$22.16 per hour**, if CPI-W grows at the 10-year average;
- b. **\$27.56 per hour**, if CPI-W grows at the 5-year average; and
- c. **\$35.61 per hour**, if CPI-W grows at the 3-year average.

Such a massive increase in costs would be a disaster for Oklahoma families, workers, consumers, and businesses.

9. For these reasons, those articulated in our Protest, and on behalf of the millions of Oklahomans who will be harmed by SQ 832, The State Chamber of Oklahoma feels compelled to oppose the Initiative Petition, however well-intentioned its proponents.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

This the 20th day of November 2023.

Chad Warmington

Chad Warmington

DECLARATION OF TOMMY SALISBURY

I, Tommy Salisbury, hereby declare and state that the following is true and correct to the best of my knowledge, based on my personal knowledge:

1. My name is Tommy Salisbury, and I am a farmer and businessman from Collinsville, Oklahoma. I am over the age of eighteen, have personal knowledge of the subject matter and am competent to testify concerning the matters in this declaration.

2. I am a citizen of Oklahoma, have lived in Oklahoma my entire life of 31 years, and have been registered to vote in Oklahoma since 2010.

3. I built a farming and ranching operation and also own and operate a feed store.

4. My farming and ranching operation is diversified and integrated. It starts with growing 3,800 acres of corn, milo, soybeans, and wheat, as well as a commercial hay operation. Part of these crops are used to feed the cattle I raise. In total, I have roughly 750 head that eventually find their way to my feedlot, with some going on to a local processing facility, and then land on the grocery store shelf. I

TAB 3

have developed a business where I control production from beginning to end. But with that it also means I bear all the risk.

6. I will be negatively impacted across the board when it comes to the ramifications of proposed Initiative Petition No. 446 (State Question No. 832). Agriculture is a unique industry, a fact acknowledged by both the federal government and Oklahoma lawmakers when the current wage laws were crafted, and exemptions provided for agriculture. Every wage law on which I have based my business model, decisions, and growth are at risk of being taken away by individuals who do not understand how or why these exemptions are needed. This could potentially cost me my life's work and my source of income, as well as the income of my employees.

7. My understanding is that the Initiative Petition aims to increase the minimum wage based on the increase in cost of living, as measured by the annual percentage increase of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). This is based on the expenditure patterns of a sample of urban consumers representing only around 30 percent of the population. However, the CPI-W does not track or address the needs of rural Oklahoma. Not included in the CPI-W are the expenditures of people living in rural nonmetropolitan areas, farm households, people in the Armed Forces, and those in institutions. Under this framework, my understanding is that much of Oklahoma is considered rural, including the cities of Stillwater, Bartlesville, Owasso, Shawnee, Yukon, and they

are left out of the CPI-W equation. A plain reading of the proposed use of the CPI-W appears to be facially neutral, but it will have a disparate impact on rural Oklahomans.

8. My businesses each gross more than \$100,000 per year and I employ in them a total of 39 employees, ranging between the ages of 17 and 58 years of age. I pay above the current state and federal minimum wage to all my employees, but the hourly pay varies from employee to employee based on the job they have been hired to perform.

9. My current pay scale is balanced and fair. But if the minimum that must be paid increases, the value of what I am currently paying my employees decreases, tipping that scale out of balance. In practice, all wages will inevitably increase in order to rebalance that scale - the first domino knocked over in an intricately weaved pattern, bringing one economic hurdle after another to Oklahoma employers and consumers.

10. When wages increase, so does everything else. Higher inputs, materials, and labor costs result in bigger price tags for every single Oklahoma consumer at every point of sale. After that comes inflation, followed by layoffs and ending with lack of resources to invest in the community. The saddest part of it all? The buying power of those making minimum wage at best stays the same while

small, locally owned businesses and the rural communities they support become extinct.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct

This the 17 day of November 2023.

A handwritten signature in black ink, appearing to read "Tommy Salisbury", written over a horizontal line.

Tommy Salisbury

DECLARATION OF MONTE TUCKER

I, Monte Tucker, hereby declare and state that the following is true and correct to the best of my knowledge, based on my personal knowledge:

1. My name is Monte Tucker, and I am vice president of the Oklahoma Farm Bureau Legal Foundation (OFBLF). I am a fifth-generation farmer and rancher in southwest Roger Mills County. My wife Danielle, our two sons and I have a commercial angus cow-calf operation. We sell beef from our ranch directly to the consumer. I am over the age of eighteen, have personal knowledge of the subject matter, and am competent to testify concerning the matters in this declaration.

2. OKFBLF is a nonprofit foundation incorporated in 2001 that supports the rights and freedoms of farmers and ranchers by promoting individual liberties, private property rights, and free enterprise. Increasing and protecting net farm income is important. Because profit margins in production agriculture can be so slim, some in rural Oklahoma seek to supplement farm income with start-up agricultural-related value-added businesses. In getting their businesses started, many experience increased costs due to the plethora of regulations they must follow. Growing an agricultural-related business startup can create local jobs for rural people.

3. The minimum wage set by Initiative Petition No. 446 (State Question No. 832) may limit how many employees new businesses will hire to stay under

TAB 4

the exemption limit. This will lead to fewer employment opportunities and stifle economic growth in Oklahoma's rural communities.

4. Most production agriculture occurs in rural, remote areas of Oklahoma and provides the backbone for the local non-agriculture economy. Farmers and ranchers keep the local grocery store, hardware store, school, feed store, gas station, and other local small businesses in business. Tying the state's minimum wage to the Consumer Price Index for Urban Wage Earners and Clerical Workers does not track or address the needs of rural Oklahoma and will end up reducing the ability of these small and local businesses to stay open. As a result, more individuals will move to urban areas, leaving these communities deserted and negatively impacting the state's economy.

5. The unique nature of the agriculture industry leaves producers with less than 10 employees still subject to the provisions of Initiative Petition No. 446 (State Question No. 832). Commodity prices fluctuate with the market. Some years are better than others, but the input costs of raising crops and livestock only goes up. A producer may easily earn more than \$100,000 in gross income, yet not earn a profit due to the costs of raising a crop or livestock (feed, veterinary bills, land costs, seed, fertilizer, weed and pest control, farm implement costs, transportation, labor, property taxes, etc...) but still be subject to a minimum wage requirement designed for those living in urban areas and not engaged in production agriculture. It is not that farmers and ranchers do not want to pay

above minimum wage to their workers, but it is the impact setting the minimum wage to a CPI that does not represent much of the state will have on the wages paid that are above minimum wage.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

This the 17th day of November 2023.  _____