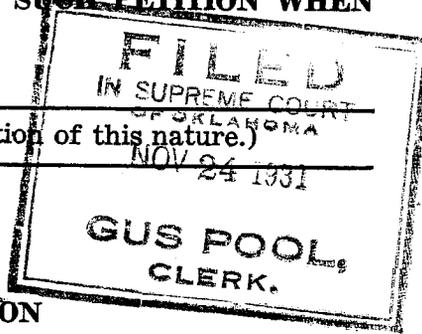


WARNING

"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 WILLIAM H. MURRAY, Governor of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed measure, or law, shall be submitted to the legal voters of the State for their approval or rejection at the next election to be held throughout the State, and each for himself says:

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

The time for filing this petition expires NINETY DAYS FROM the 13th day of October, 1931.

The question we herewith submit to our fellow voters is:

"SHALL THE FOLLOWING PROPOSED MEASURE OR LAW BE ADOPTED?"

A BILL TO BE ENTITLED:

AN ACT IN RELATION TO TEXT BOOKS FOR OKLAHOMA SCHOOLS, PROVIDING FOR A UNIFORM SYSTEM OF TEXT BOOKS IN ALL STATE PUBLIC SCHOOLS; PROVIDING FOR FREE TEXT BOOKS FOR ALL CHILDREN IN THE GRADES FROM ONE TO EIGHT, INCLUSIVE, IN ANY AND ALL PUBLIC AND OTHER SCHOOLS IN THE STATE, AND MAKING AN APPROPRIATION THEREFOR; PROVIDING FOR THE SALE OF BOOKS TO ALL HIGH SCHOOL PUPILS AND HIGH SCHOOLS; CREATING A BOARD OF EDUCATION IN ORDER

TO COORDINATE THE SAID BOARD WITH THE TEXT BOOK ADOPTION, THE SAID BOARD OF EDUCATION TO PERFORM THE DUTIES OF SAID BOARD UNDER THE LAW, AND TO BECOME THE TEXT BOOK BOARD, FOR THE SELECTION OF TEXT BOOKS; FIXING THEIR QUALIFICATIONS, THEIR DUTIES, POWERS AND COMPENSATION; CREATING A TEXT BOOK COMMITTEE OF EDUCATORS TO REVIEW AND REPORT ON TEXT BOOKS SUBMITTED FOR ADOPTION, AND FIXING THEIR QUALIFICATIONS AND COMPENSATION; DEFINING THE FUNCTIONS AND POWERS OF THE STATE SUPERINTENDENT AND THE GOVERNOR IN SELECTING TEXT BOOKS; AUTHORIZING THE GOVERNOR TO PROVIDE FOR THE PRINTING OF ANY BOOK OR BOOKS UNDER CERTAIN CONDITIONS; PRESCRIBING THE METHOD OF BIDS FOR BOOK ADOPTION AND FIXING PENALTIES FOR NOT CONFORMING TO SUCH REQUIREMENTS; PROVIDING FOR DEPOSITORIES AND TRANSPORTATION OF BOOKS; FOR REBINDING, DISINFECTING, AND REHABILITATING USED BOOKS, AND PROVIDING EXPENSES OF SUCH ADMINISTRATION; FIXING PENALTIES FOR VIOLATION OF THIS ACT OR OF NEGLECT TO DO THE THINGS REQUIRED OF TEACHERS AND SCHOOL OFFICERS; REPEALING ALL LAWS GOVERNING FREE OR UNIFORM TEXT BOOKS, AND PROVIDING HEREBY A COMPLETE LAW GOVERNING THE SAME; FOR OTHER PURPOSES BY ENACTMENT OF THE PEOPLE THROUGH THE POWERS OF THE INITIATIVE AND REFERENDUM, RESERVED BY THE PEOPLE IN SECTION 2 OF ARTICLE 5 OF THE CONSTITUTION.

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

SECTION 1.

That for the purpose of co-ordinating the educational system with the selection of books, there is hereby created the State Board of Education. Said Board shall consist of nine members, to be appointed by the Governor, with confirmation by the Senate. Of the first Board to be appointed, the terms of three members shall expire July 1, 1933; the term of the next three members shall expire on July 1, 1935; and the terms of the remaining three members shall expire on July 1, 1937. After the first Board, the term of each member shall be for six years from the date of the respective appointments, and the appointments shall be made and the terms arranged in such manner that three of said members shall retire on the first day of July biennially, and the Governor shall, biennially, on the first day of July, fill such vacancies by the appointment of three members. Each member of said Board shall be a citizen at least thirty years of age and otherwise qualified to vote, and no member shall at the time of his appointment, or during the term of his service, be engaged as a professional educator; and wherever herein the word "Text Book Board" or "Board of Education" or "Board" is used, they shall mean the same, and shall exercise all the power provided for in this law.

SECTION 2.

No person who has acted as an agent for any author or text book publishing house, or as the attorney of any author or text book publishing house, or who has been an author or associate author of any text book published by any publishing house, or who owns stock in any text book depository or any publishing house, or who has been directly or indirectly concerned in the authorship of any text book or connected with any text book publishing house, shall be eligible to appointment on the State Board of Education; and each member of the said State Board of Education shall, in addition to taking the official oath prescribed herein, file with the secretary of the said Board an affidavit that he has not been so connected directly or indirectly with the authorship of any text book or with any text book publishing company as prescribed above, and that he or she will not become so connected or interested while serving as a member of the said Board.

SECTION 3.

The State Board of Education shall meet once in every three months at the Capitol in Oklahoma City, and at such other times as may be designated by the president,

or it may meet upon the call of any three members of the Board. Questions necessary for the decision of the Board shall be determined by a majority vote of its members of the Board, and for the transaction of all business six shall constitute a quorum. Said Board of Education shall adopt rules necessary for the government of its proceedings, not inconsistent with the law; and, in all other things touching the duties of the Board of Education, it shall follow the present law, or any change thereof made by the Legislature, but, in the matter of selecting text books, it shall be governed wholly and solely by this Act or amendments thereto that may hereafter be adopted.

SECTION 4.

It is made the duty of the State Board of Education, created by this Act, immediately to take over and discharge all duties imposed by present laws upon the Board of Education in existence at the time this Act takes effect. In addition thereto, it shall perform such other duties as may from time to time be prescribed by the Legislature. In addition to the duties now required by law of the Board of Education, existing prior to the taking effect of this Act, the State Board of Education hereby created shall perform the following duties:

(a) The State Text Book Commission shall no longer meet or function after the taking effect of this Act, and the duties heretofore devolving by law upon the State Text Book Commission shall be performed by the State Board of Education, created in this Act, and the State Board of Education hereby created shall, for the purpose of disposing of text book matters, meet at times and places as required by this Act.

(b) Said Board of Education shall appoint a Text Book Committee to be composed of seven members, each of whom shall be an experienced and active educator, engaged in teaching in the public grade schools and high schools, junior colleges and colleges, so as to represent fairly all these fields of education, but two at least must be of the grade schools of Oklahoma, and it shall be the duty of said Text Book Committee to examine the books submitted for adoption and make their recommendations in writing to the State Board of Education relative only to the teachable value of the books submitted respectively. The Text Book Committee, provided for herein, shall hold their meetings where and when the said State Board of Education shall determine and shall receive the same compensation as the members of the State Board of Education, as provided for in Section 6 of this Act. The qualifications, as prescribed for members of State Board of Education in Section 2 of this Act, shall apply to the Text Book Committee provided for herein. Upon the consideration and adoption of uniform text books, and the purchase of the same, the Governor shall have the right and privilege to sit in and discuss with the Commission all questions relating to the adoption of uniform text books, and purchase of books.

SECTION 5.

The members of the State Board of Education created by this Act shall be paid Ten Dollars per day when in actual attendance upon Board meetings, and shall be entitled to actual traveling and other necessary expenses incurred in the discharge of their duties. Each member shall take the constitutional oath of office, and as prescribed in this Act.

SECTION 6.

Chairman, Secretary; Annual Meetings—The Superintendent of Public Instruction shall be its secretary, who shall keep a complete record of all proceedings of the Board. The Board shall meet annually on the second Monday in July, and at such other times and places as may be designated by the chairman for the purpose of considering and extending contracts, the making of new adoptions, and the keeping and operation of a complete system of uniform text books for the public free schools of this state in accordance with the provisions of this Act. The Board shall keep a minute book for its proceedings and on every action of the Board an "aye" and "no" vote of the members thereof shall be required, and such minute book shall be kept in the office of the Superintendent of Public Instruction, and shall be open to public inspection, and no adopted text shall be superseded or substituted or new text adopted except by the affirmative vote of two-thirds of the members of the Text Book Board.

SECTION 7.

Continuing or Discontinuing Text Books—It shall be the duty of the Board to meet annually on the second Monday in July, and at such other times as it may be called together by the Chairman, for the purpose of considering the advisability of continuing or discontinuing, at the expiration of each current contract, any or all of the State adopted text books in use in the public schools of Oklahoma, and of making such adoptions as are provided for in this Act. Before making any change in the adopted series, however, the Board shall, upon thorough investigation, satisfy itself that a change is necessary for the best interests of the school children and that such change is consistent with financial economy. Provided, that unless new text books suited to the requirements of the schools and at a price and quality satisfactory to the Board are offered to supplant existing texts, then the Board shall renew the existing contracts for such a period as may provide for free text books in all schools of the state having grade pupils in any grade from one to eight, inclusive. When so adopted, all books of mathematics shall be adopted for not less than fifteen years; readers and spellers, and copy and drawing books for ten years; and all other books for at least six years. Provided, that wherever the contractor supplying any book agrees to renew the contract on the same terms for a period of not less than two years or more than six, the members of the Board shall give preference to the offer of the company holding the contract if they shall thereby secure as good or better books at a lower price than by making a different contract; and it shall always be lawful for them to renew a contract on such terms as in their judgment may be for the best interests of the State. Provided further, that before the Board shall determine to displace any book upon which the contract is expiring, it shall, before making a new contract for a new text, ascertain through the office of the State Superintendent of Public Instruction the number of usable books of the kind on which the contract has, or is about to, expire, there are on hand, and also the estimated number of such books that would be required to supply the needs of the schools of the State using said books for the first, second and third years, immediately succeeding the expiration of the contract on such books. The Board shall then secure from the publisher of such book a bid or offer for the furnishing of such text books to meet the actual necessities of the schools of the State during the said first, second and/or third year period, allowing the State, however, a margin of twenty-five per cent over, or twenty-five per cent under, the estimated number to be required. If, upon consideration of the cost of the books required to supply such needs for such a period, it appears to the Board that it will be economical to do so, it may make a contract with such publishers to furnish such books during said first, second, and/or third year period with a view to using up the entire supply of such books on hand instead of wasting the same at the expiration of the original contract. At the expiration of said period, the Board shall then make a contract for a text book on the subject. No contract shall ever be made, binding the State to buy a specific number or a specific quantity of text books, but all contracts shall be of such books as the State may need and the purpose of furnishing an estimated number of the books needed, as above provided, shall have as its purpose to give the text book publishers only an approximation as to the possible quantity of books which the State may need. The contracts for the total number of different texts adopted shall be so arranged, in adoptions taking place after the passage of this Act, that contracts on not more than one-sixth of the total number of different basal subjects shall expire in any one year, or shall be changed in any one year. The series of copy books and series of drawing books shall each be considered as one book. If no text or texts on any prescribed subject or subjects are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the Board, then it shall be the duty of the Chairman of the Board to instruct the Secretary of the Board to investigate the book markets for the purpose of securing bids with a view of providing at most reasonable price or prices possible, the best available texts on any and all subjects that are to be adopted by the Board for the schools of Oklahoma. At the time the superintendent of Public Instruction undertakes to secure a statement of the number of usable books on hand, as provided above, he shall also secure from the superintendents of independent school districts and county superintendents an expression as to whether or not they believe the existing text should be re-adopted or a new text adopted, and such information shall be for the use of the Text Book Board, but the Text Book Board shall not be bound to re-adopt the old text or to adopt a new text by reason of such expression of preference by such superintendents.

SECTION 8.

Uniform System—The Text Book Board authorized by this Act shall have authority to select and adopt a uniform system of text books to be used in all the public free schools of Oklahoma, and the books so selected and adopted shall be printed in the English language, and shall include text books on the following subjects: spelling, reading, English language and grammar, geography, arithmetic, physiology-hygiene, civil government, history of the United States, containing the Constitution of the United States, and history of Oklahoma, containing the State Constitution; agriculture, a system of writing books, a system of drawing books; music and domestic arts and science; and may also, if deemed necessary, adopt a geography of Oklahoma and a civil government of Oklahoma, and a study of the Constitution of the United States and Oklahoma; provided that none of said text books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Italian, Flemish, Latin, Greek, or Hebrew, in any of the public schools.

Said Text Book Board shall also adopt a list of books for use in the high schools of this State, for text books on the following subjects: algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one-year general history, ancient history, modern history, American history, Latin, Spanish, physical geography, English composition, history of American literature, history or English literature, physiology, agriculture, and civil government, and for each high school branch of study any one text book of said list adopted for that subject, such book shall be continued in that high school for the entire years of the adoption period. For use in all high schools, a uniform system of text books on each subject mentioned above shall be selected by the Board.

The Board shall prescribe uniform books for all colleges and junior colleges in this State: Provided that for all college work more than one basal text may be adopted, not to exceed three: such basal texts and when selection shall have been made by any college of such adoption, it shall remain the text for not less than six years: Provided basal texts in mathematics shall not be changed in any public school, or institution, of this State oftener than fifteen years.

SECTION 9.

Supplementary Readers—The Text Book Board shall have authority to adopt supplementary readers for the eight first grades and such other supplementary books for use in said elementary grades as it may deem advisable; provided, that said other supplementary books may be arranged in a series by said Board, one book in each series for each elementary grade, and that contracts for not more than two series of supplementary books and readers, inclusive, as provided for in this section, may be in force at the same time; provided further, that such series of these supplementary books shall only be used to supplement the basal book on reading, and in no case shall supplemental books be adopted for other subjects. Each bidder presenting such book or books shall state at what price it and/or they are offered; provided, however, that no supplementary books shall be purchased and used to the exclusion of the books prescribed under the provisions of this Act, but full use must be made in good faith of the books selected by said Board before any of the supplementary books provided for in this section shall be purchased and used.

SECTION 10.

Notice of Meeting To Be Given—When texts are to be selected and adopted under the provision of this law, or where a contract for a text then in use is about to expire, the Chairman of the Board shall, two months in advance of the meeting of the Board at which time the adoption may be made, give public notice by having printed in the public press a notice to the effect that such meeting will be held and that adoptions will be made, and by sending written notices to all persons, firms and/or corporations in whose behalf such notices shall have been requested. Such notices shall state the time and place of the meeting of the Board, the subjects on which text books may be adopted, and the last date on which sample copies of books offered, prepared as provided in the succeeding paragraph of this article, shall be deposited; the amount of the cash deposit required, the time allowed for signing contract and filing bond after award is made; and that formal proposals will be received on the date of the meeting.

SECTION 11.

Deposits of Samples—At least thirty days prior to the date of the meeting of the

said Board every person, firm or corporation desiring to submit bids shall file with the State Superintendent of Public Instruction fifteen (15) copies of each book on which a bid will be submitted, in each of which copies there shall be printed and/or stamped a statement of the price at which such book and special editions thereof are sold in other places under State adoptions, and the minimum quantities in which it will be sold at such prices, and there shall also be printed and/or stamped in such books a statement of the publisher's catalogue price of the same and special editions thereof, together with trade discounts, and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery. There shall also be printed and/or stamped in each book the price at which it is offered to Oklahoma f. o. b. the publisher's Oklahoma depository, with and without exchange. There shall also be printed and/or stamped in each book the minimum wholesale price at which such book, and special editions thereof, are sold f. o. b. the shipping point of the publisher and the name of the shipping point shall also be stated.

SECTION 12.

Appearing Before Board—No person not the author or publisher or the bona fide permanent and regular employe of such publisher shall appear before such Text Book Board, in behalf of any book submitted to the Board for adoption, or seek to influence the members thereof.

SECTION 13.

Bids and Cash Deposits—Bids, when filed by the publishers, shall state specifically at what price each book will be furnished, and such bid shall be accompanied by specimen copies of each book offered, and it shall be required that each bidder deposit with the Treasurer of the State of Oklahoma such sum of money as the Board may require, to be not less than five hundred (\$500.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, according to the value of the books each bidder may propose to supply; and each bidder shall file with the Secretary of the Board, on the day that the Board meets, or within the five days just preceding the date on which such Board meets, an affidavit executed by the individual bidder or a member of the firm, or the president and secretary of the corporation bidding, which shall set forth all of the facts with reference to the eligibility of the bidder to make a proposal. Such deposit shall be forfeited to the State absolutely if such bidder so depositing shall fail or refuse to make and execute the contract and the bond required within such time as the Board may require, which time shall be specified in the notice advertised. Such deposits shall be returned to the unsuccessful bidders on certificate of the State Superintendent that no contract has been awarded on the bid for which the sum was deposited.

SECTION 14.

Filing of Bids—All bids submitted to the Text Book Board for the furnishing of text books shall be deposited, sealed, with the Chairman of the Board, to be delivered by him to the Board in session for the purpose of considering the same. Such bids shall state the price at which the books will be furnished to the State of Oklahoma f. o. b. the bidder's Oklahoma depository, which price must be in accord with that printed and/or stamped in the sample copies of the books previously deposited, and shall also state the terms and conditions upon which said books shall be furnished, which terms and conditions shall not be in conflict with the other provisions of this Act.

Each bidder shall file with the Secretary of the Board on the day that the Board meets an affidavit, executed by the individual bidder, and/or a member of the firm, or the president and secretary of the corporation bidding, which shall state that all the taxes levied against the bidder under and by virtue of the laws of this State have been paid, and shall be accompanied by official certificates in support of such statement, where such certificate can be secured; such affidavit shall also state the name or names of all the people employed to act for such bidder, directly or indirectly, in any way whatsoever, in securing the contract and/or in the preparation of its bids, and supporting documents, with the addresses of such individuals and the capacity in which they serve; said affidavit shall further state the names of any and all other persons who may have at any time during the preceding year received, either directly and/or indirectly, any money or other thing of value from said company by way of emolument for services rendered in this State, either directly or indirectly, in securing, or attempting to secure, contracts for the sale of books of said publisher, and/or in promoting the sale of such books of said publisher, and/or in promoting the sale of

such books to the State of Oklahoma; and that no member of the Board or State Superintendent is in any way interested, directly or indirectly, in such individual, firm and/or corporation bidding; and in the event any publisher, after filing said affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the Board, he shall disclose such employment to the Board by filing a supplementary affidavit before any contract in which he is interested shall be awarded.

No publisher who cannot and does not comply with these provisions shall be eligible to bid.

No bid shall be considered from, and no contracts shall be made with, any publisher not eligible to bid under the provisions of this law, and any contracts made with an ineligible bidder shall be void. The statements made in all affidavits filed by the publishers with the bid shall be considered warranties, and if found to be untrue shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it be shown that such misstatement or non-disclosure of fact was unintentional or an oversight on the part of said publisher.

SECTION 15.

Publishers Statement—No bid shall be considered from, and no contracts shall be made with, any publisher not eligible to bid under the provisions of this law, and any contracts made with an ineligible bidder shall be void. The statements made in all affidavits filed by the publishers with the bid shall be considered warranties, and if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it be shown that such misstatement or non-disclosure of fact was unintentional or an oversight on the part of said publisher.

SECTION 16.

Bids Opened—It shall be the duty of the Oklahoma Text Book Board to meet at the time and place mentioned in the notice and advertisement, and it shall then and there open and examine the sealed proposals received; and it shall be the duty of the Board to make a full and complete investigation of all the books and bids accompanying the same. The text books shall be selected and adopted after a careful examination and consideration of all books presented, and the books selected and adopted shall be those which in the opinion of the Board are most acceptable for use in the schools—quality, mechanical construction, paper, print, price, authorship, literary merit and other relevant matters being given such weight in making its decision as the Board may deem advisable. The Board shall proceed without delay to adopt for use in the public schools of this State text books on all branches hereinbefore mentioned; provided, that if the bids submitted to said Board should not be satisfactory to said Board, they may postpone the selection of such books or a part thereof to such time as they may select, and after the same is readvertised, new bids may be received and acted on by such Board, or the Governor may provide for the printing of such books, after the form and text have been approved by the Text Book Board, as provided for in this Act; provided, that no text book shall be adopted until it has been read carefully and examined by at least a majority of the Board. And any of the funds appropriated to purchase books may be used for the printing of such book or books, by authority of the Governor, approved by the Board of Education, by any method or plan for such publication as the Governor may adopt.

SECTION 17.

Bids in Two Forms—All publishers submitting bids under the provisions of this law shall submit their bids in two forms, one in which is stated the allowance made for the books then in use, and the property of the State, when offered in exchange for the new books adopted under this law; the other without stating the allowance for said books, which books would remain the property of the State; provided, that said allowance and condition for exchange, if agreed to and accepted by the State, shall be enforced only during the two scholastic years following a change in books; both prices under these two forms of bids shall be printed and/or stamped upon the sample copies deposited under the provisions hereof.

SECTION 18.

Changes May Be Ordered—Every contract entered into with a publisher for the adoption of any book or books shall contain a provision that the Text Book Board herein provided for may, during the life of the contract, upon giving one year's previous

notice to the publishers of such book or books, order such changes, amendments and additions to the book or books so selected and adopted as in the discretion of said Board shall keep them up-to-date and abreast of the times; provided, that such revision shall not be made oftener than once in two years.

SECTION 19.

Contractor's Bond—The bidder to whom any contract may have been awarded shall execute a good and sufficient bond, payable to the State of Oklahoma, in the sum of not less than ten thousand (\$10,000.00) dollars for each basal book adopted under the provisions of this Act; and a good and sufficient bond, payable to the State of Oklahoma, in the sum of not less than three thousand (\$3,000.00) dollars for each supplementary text book adopted under the provisions of this Act; provided further, that the Board is hereby given authority to require bond in such further and additional sums as it may deem advisable, said bond to be approved by the Board; such bond to be conditioned that the contractor shall faithfully perform all the conditions of the contract; the contract and bond shall be prepared by the Attorney General, and be payable in Oklahoma County, Oklahoma, and shall be deposited in the office of the Secretary of State. For the purpose of securing satisfactory bond, a series of pamphlet writing books shall be considered as one basal book, and a series of pamphlet drawing books shall be considered as one basal book. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the Oklahoma State Text Book Board may, at any time, on twenty days' notice, require a new bond to be given, and in the event the contractor shall fail to furnish such new bond, the contract of such contractor may, at the option of the Oklahoma State Text Book Board, be forfeited.

SECTION 20.

Books To Be Bought at Minimum Prices—The maximum price at which the Oklahoma State Text Book Board shall contract to pay f. o. b. the Oklahoma depository of the publisher, for any books to be used in the public schools of this State, shall not exceed the minimum price at which the publisher sells such books in wholesale quantities, f. o. b. the publisher's publishing house, after all discounts have been deducted. Any contract made for the purchase of books for the use in the public schools of this State at a higher price than the maximum price fixed by the preceding sentence of this article shall be void.

SECTION 21.

Anti-Trust Provision—No book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust; and in the event it be established that this provision has been violated, such violation shall be held to be fraud and collusion as contemplated under the provisions of this Act, and the Attorney General shall bring suit upon the bond of such person, firm or corporation, and upon proof of such violation shall recover the liquidated damages as provided for in said provision hereof, as defined by the laws of this State, and a sworn affidavit that said person or corporation is not connected, either directly or indirectly, with a trust shall be required, and said affidavit shall be filed with said Board. Before proceeding to adopt books as provided under the provisions of this Act, the Board shall require all persons, firms and corporations bidding for a contract to file with the Board a sworn statement on or before the date selected by the Board for receiving sealed bids, stating whether said person, firm or any member thereof, and/or any individual stockholder of such corporation, is interested or acting as a director, trustee or stockholder of such corporation, either directly or indirectly, or through a third party, or in any manner whatsoever, in any other text book publishing house, and this statement shall be sworn to by such person, a member of such firm, or the president, secretary, and each of the directors of said corporation. All firms or persons bidding for a contract or supplying books shall present a sworn statement, signed by all its members, showing the names of all members of said firm, and whether any other person, firm, or corporation has any financial interest in said firm, and also whether any individual member or members of said firm have any financial interest in any other text book publishing firm or corporation or text book publishers; provided, further, that the Board shall require all corporations, or persons, or firms, to file with the Governor attested copies of all written agreements entered into and existing between them and others engaged in the text book publishing busi-

ness, and if in the opinion of the Board such written agreements or other facts adduced are violations of the anti-trust law of the State of Oklahoma, or opposed to public policy, the bids of such houses shall not be considered by the Board.

SECTION 22.

Contract Approved—Each contract shall be duly signed by the publishing house or its authorized officers and agents; and if it is found to be in accordance with the award and all the provisions of this Act, and if the bond herein required is presented and duly approved, the Board shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity. All contracts shall be made in duplicate, one copy to remain in the custody of the Secretary of State and be copied in full in the minutes of the meeting of the Board in a well-bound book, and the other copy to be delivered to the company or its agent.

SECTION 23.

Deposit To Be Returned—When any person has been awarded a contract, and he has filed his bond and contract with the Board, and the same has been approved, the Board shall make an order on the Treasurer of the State reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder to him; but if any successful bidder shall fail to make and execute the contract and bond as herein-before provided, the Treasurer shall place the deposit of such bidder in the State Treasury to the credit of the available school fund, and the Board shall readvertise for other bids to supply such books which said bidder may have failed to supply. All unsuccessful bidders shall have their deposit returned to them by the State Treasurer so soon as the Board has decided not to accept their bids.

SECTION 24.

Board to Issue Proclamation—As soon as the State shall have entered into the contract for the furnishing of books for all public schools of this State under the provision of this Act, it shall be the duty of the Board to issue its proclamation of such facts to the people of the State; and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the Board of Education; and such copies of such books shall be securely kept and the standard of quality and mechanical excellence of the book or books so furnished under this Act shall be maintained in said books so furnished under contract authorized by this Act during the continuance of the contract.

SECTION 25.

Lists To Be Furnished—As soon as practical after the adoption of the text books provided for in this Act, the Superintendent of Public Instruction shall address a circular letter to the county superintendent and to the president of the school boards in independent school districts, which circular letter shall contain a list of all the books, with their respective prices, together with such other information as he may deem advisable.

SECTION 26.

Superintendent Manager—The purchase and distribution of free text books for the State shall be under the management of the State Superintendent of Public Instruction, subject to the approval of the State Board of Education.

SECTION 27.

Depository—All parties with whom the contracts have been made shall establish and maintain, in some city of the State, a depository where a stock of their goods to supply all immediate demands shall be kept; and contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point. Any person, dealer or school board in any county in the State may order from the central depository; provided, that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish the books as provided in the contract and in this Act, the County Superintendent in the county wherein such books have not been furnished shall report the fact to the Governor who shall direct the Attorney General to bring suit on account of such failure in the name of the State of Oklahoma, in the District Court of Oklahoma County, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish

the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the available common school fund of the State.

SECTION 28.

Price To Be Printed—The contract price of each book shall be plainly printed on the inside of the back of each book, together with the following notice: "The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction;" provided, this notice may be waived by the State Board of Education the last year of the contract.

SECTION 29.

Text Books Exclusive—The books adopted by the Board under the provisions of this law shall be introduced and used as text books to the exclusion of all others in public free schools of this State for such period of years as may be determined by the Text Book Board, in making the adoption; provided, the right to the exclusive use of new books during the three first years of the term of any contract shall be waived by the contracting publishers to provide for the gradual introduction of new books; and provided further, that nothing in this Act shall be construed to prevent or prohibit the trustees of school districts from purchasing text books with the local maintenance funds and furnishing free text books to the students in the event that no contracts are made by the State.

SECTION 30.

Cancellation for Fraud—The State may, in a suit to be instituted by the Attorney General, cancel any contract entered into by virtue of the provisions of this Act for fraud, or collusion, or material breach of contract upon the part of either party of the contract, or any member of the Board, or any person, firm or corporation, or their agents, making said bond or contract; and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court of Oklahoma County, and in case of the cancellation of any contract, as provided for, the damages are fixed at not less than the amount of said bond to be recovered as liquidated damages in the same suit cancelling said contract; and on account of the difficulty of determining the damages that might accrue by reason of such fraud, collusion or material breach, and cancellation of such contract, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract that shall contain a clause to this effect.

SECTION 31.

Agent Designated—Any person, firm or corporation with whom a contract has been entered into under the provisions of this Act shall designate the Secretary of State of Oklahoma as its or their agent, upon whom citations and all other writs and processes may be served in the event any suit shall be brought against such person, firm and/or corporation.

SECTION 32.

Compensation of Teachers—The teachers selected upon said Text Book Commission, under the provisions of this Act, shall receive as compensation for their services the sum of ten dollars per day each while on active duty and actual traveling expense in going to and from the place of meeting, and in attending to the business of the Board, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Chairman of the Board; provided, that the Superintendent of Public Instruction be, and is hereby, fully authorized to employ one stenographer to assist in the clerical work of the State Text Book Board, the pay to said stenographer to be paid out of the appropriations made for expenses of the Text Book Board on account approved by the State Superintendent of Public Instruction.

SECTION 33.

Without Cost to Pupils—The State Board of Education is hereby authorized and empowered, and it is made its duty, to purchase books from contractors of text books used in public free schools of the State, and distribute the same without other cost to pupils attending such schools, or any school where there are grade pupils ranging from the first to the eighth grades, inclusive, within this State, in the manner and upon the conditions in this Act set out, and for such purpose of furnishing free text books, there is hereby appropriated two million (\$2,000,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the Treasury not otherwise appro-

riated, and the same shall be made available beginning with the fiscal year of July 1, 1932, for the purpose as herein provided for free text books for all children attending public or other school in this state in the grades from one to eight, inclusive.

SECTION 34.

Text Book Fund—The State Text Book Fund of this State shall consist of the appropriation herein made, and the fund set aside by the State Board of Education, as herein provided for in this Act, together with all funds accruing from the sale of used books, and all moneys derived from the purchase of books from the Board of School Trustees by private individuals by schools of whatsoever character or kind making such purchase, or from any other source, which shall constitute a Revolving Fund for such purpose exclusively.

SECTION 35.

Superintendent's Report—The State Board of Education shall require from the State Superintendent on July first of each year a report as to the funds necessary for the purchase and distribution and other necessary expenses of school books for the regular school session of the following year, and said Board of Education shall have the power to set apart from the available school fund the estimated amount, with twenty-five per cent additional, this additional sum to be used to meet emergencies or necessities caused by unusual increase in scholastic attendance or by unusual and unforeseen expenses and school conditions. Funds transferred in the Text Book Fund shall remain permanently in this fund until expended, and shall not lapse to the State at the close of the fiscal year; provided, that the State Superintendent of Public Instruction shall be required to include in the aforementioned report to the State Board of Education a statement as to the amount of this fund which is unexpended, and said amount shall be considered by the Board of Education in determining the necessary expenditures for text books for the following year.

SECTION 36.

Books May Be Purchased—Books may be bought from the local boards of trustees by pupils or parents of pupils attending the public schools of the State, said board to furnish the books at the retail contract price. Any book may be purchased from the State depository designated by the contractor holding the contract for said book, by State institutions, or by private schools, or church schools, such purchase to be made on the same terms as those given to the State for the same book. All money accruing from sales of books by district boards of school trustees shall be forwarded to the State Text Book Fund not later than one month after the sale. All foregoing under rules of the Board of Education and subject to its approval.

SECTION 37.

Delivery and Sale of Books—Books purchased in accordance with the terms of this Act shall be delivered to the school districts f. o. b. the Oklahoma depository of the publisher and shall be shipped by freight, parcel post or express, as may be set out in the requisition therefor. In case it is necessary for the publisher or the depository to prepay any shipping charges, same shall be repaid by the State, in addition to the bill for books, and in the same manner that the books are paid for; provided, that the State Department of Education shall be given authority to direct the route by which said books shall be shipped.

Any person, school, or school board not controlled by the State, or dealer in any county in the State, may order books from the said State agency, or depository, and the books so ordered shall be furnished at the same rate and discount as are granted to the State; provided, that in such case the State depository or agency may require that price of the books so ordered shall be paid in advance; provided, that all pupils in such schools from the first to eighth grades, inclusive, shall be provided with free text books. Upon failure of any contractor to furnish the books, as provided in the contract and in this Act, the County Superintendent in the county wherein such books have not been furnished shall report the fact to the Governor, who shall direct the Attorney General to, and he shall, bring suit on account of such failure in the name of the State of Oklahoma in the District Court of Oklahoma County, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amount so recovered shall be placed to the credit of the State Text Book Fund.

SECTION 38.

Custodians—The school trustees of each district shall be designated as the legal custodian of the books and shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical; provided, that no district shall have the power to make any regulations in regard to text books which is at variance with the provisions of this Act, or with the regulation of the State made by the State Superintendent of Public Instruction and approved by the State Board of Education.

SECTION 39.

Property of State—Books shall remain the property of the State, and after purchase through requisition according to the provisions of this Act, shall remain in the charge of the district school trustees as the legal custodian of the books. The district school trustees shall have the power to delegate to their employes such power as to requisitions and distributions of books and the management of books as in their judgment may be best; provided, that such plans shall not be at variance with the provisions of this law, or with the State Rules for Free Text Books formulated by the State Superintendent of Public Instruction as approved by the State Board of Education.

SECTION 40.

Trustee's Bond—One or more members or employes of each district board of trustees shall enter into bond in the sum of fifty per cent in excess of the value of the books consigned to them by the State, payable in Oklahoma County, Oklahoma, to the Governor of the State of Oklahoma, or his successors in office, said bond to be approved by the county judge of the county in which the school is situated, and by the State Superintendent of Public Instruction, and deposited with the State Superintendent, conditioned on the faithful discharge of his duties under his employment and under this Act, and that he or they will faithfully account for all books coming into his or their possession and for all moneys received from the sales thereof; provided, that all moneys accruing from the forfeiture of the bonds shall be deposited by the Governor to the credit of the State Text Book Fund.

SECTION 41.

Requisitions—Requisitions for books shall be made in the following manner: On the first day of April each teacher shall make report to the principal of the maximum attendance of his or her grade, or school, if not a graded school. If the school has only one teacher, said report as to the maximum attendance of pupils of each grade of work shall be made by the teacher to the board of school trustees and to the county superintendent. Reports as to the maximum attendance for the school shall be made not more than one week subsequent to the first school day of April by the principal to the city or town superintendent or by the principal to the county superintendent, if the school is not situated in a city or town. The city or town superintendent of schools shall compile reports of principals and make reports to the State Superintendent of Public Instruction. The county superintendent shall compile reports of the rural schools in his county and make reports to the State Superintendent of Public Instruction. Books needed by the rural schools shall be requisitioned and distributed entirely through the office of the county superintendent. The duties of the county superintendent with reference to the care and distribution of text books shall be subject to the approval of the county board of trustees and the State Superintendent. Reports as to the maximum attendance of each school under their direction shall be made to the State Superintendent of Public Instruction by the aforesaid superintendent of cities, towns and counties not later than April 25th; provided, that should the school close before this date, it shall be the duty of the teacher to file with the county superintendent and with the board of school trustees reports complying with the provisions of this Act. Blank forms for reports and for requisitions of text books shall be furnished to all boards of school trustees by the State Department of Education. Requisitions for books for a subsequent session shall be based on said reports as to the maximum number of scholastics in attendance the preceding school session, plus an additional ten per cent, and such requisition shall be made through the State Superintendent of Public Instruction and by him furnished to the State depository designated by contractors of books not later than June 1st of each year; provided, that in cases of unforeseen emergency the State depository shall fill small orders for books on requisitions approved by the State Department of Education.

One copy of each text book used in the work taught by the teacher shall be issued by the school trustees, or their representatives, to each teacher as a desk copy, such books to be returned to the trustees, or their representatives to each teacher as a desk copy, such books to be returned to the trustees or their representatives at the close of the session.

SECTION 42.

Warrants—Bills for text books purchased by the State on requisitions, as provided for in this Act, shall be paid by warrants on the State Treasury made by the State Auditor on receipt of bills approved by the State Superintendent of Public Instruction. Such payment shall be made within ninety days from date of delivery, and if payment be delayed thereafter, six per cent per annum shall be added until date of payment.

SECTION 43.

Teachers to Report—Teachers and school officers must make such reports as to the use, care and conditions of free text books as may be required by the local trustees or by the State Department of Education. The salary for any month of any teacher or employe who neglects to make such report at the proper time may be withheld until each report be received in a condition satisfactory in form and content. Text books shall be subject to inspection by any inspector or agent authorized by those having charge of the local text book service, or authorized by the State Superintendent of Public Instruction, subject to the approval of the State Board of Education; provided, that inspectors authorized by the State Department of Education shall be those in regular employment as high school inspectors, rural school inspectors, or inspectors of vocational education.

SECTION 44.

Rules by Superintendent—Specific rules as to the requisition, distribution, care, use and disposal of books may be made by the State Superintendent of Public Instruction, subject to the approval of the State Board of Education; provided, that such rules shall not conflict with the provisions of this Act, or with the uniform text book law under the terms of which contracts for supplies, books are made with the publishers or with the terms of said contract. No teacher or employe of the school engaged in the distribution of text books under this law as the agent or employe of the State, or of any county or district in the State, shall, in connection with this distribution, sell or distribute, or in any way handle, any kind of school furniture or supplies, such as desks, stoves, blackboards, crayon, erasers, pins, pens, ink, pencils, tablets, etc.

SECTION 45.

Printed Labels—All books shall have printed labels on both inside covers. Each school shall number all books, placing the number on these labels. All teachers shall keep a record of the number of all books issued to each pupil. All books must be covered by the pupil under the direction of the teacher. Books must be returned to the teacher at the close of the session, or when the pupil withdraws from school. Each pupil, or its parent or guardian, shall be responsible to the teacher for all books not returned by the pupil, and said pupil not returning all books delivered to him or her shall not be entitled to the benefits of this Act until said books are paid for by said parent or guardian.

Local boards of trustees shall make provision for the fumigation of books before the reissue of the books. Covers of all books shall be removed before reissue, and the pupil to whom the books are issued shall replace cover under the direction of the teacher.

SECTION 46.

Disposition of Text Books—The State Superintendent of Public Instruction, with the approval of the State Board of Education, may provide for the disposition of such text books as are no longer in a fit condition to be used for purposes of instruction, or for discarded books remaining the property of the State. In case of the disuse of books in fair condition, inspectors of the State Department of Education may require the continuance of the use of said books.

SECTION 47.

Complaints—Complaints in regard to text book service shall be made both to the State Superintendent and to the State depository designated by contractor of the books. In case such complaint does not receive reasonable prompt attention,

complaint shall be taken to the county judge, who shall proceed in accordance with the provisions of this Act.

SECTION 48.

Requisition for Readers—Requisitions for supplementary readers and books may be made at convenient times during the session, but must be made within one month in advance of the time the books will be needed, and shall be issued according to the rules prescribed by the State Board of Education.

SECTION 49.

Expenses—Provisions as to payment of expenses of operation. All necessary expenses incurred by the operation of this Act incident to the enforcement of this law shall be paid from the State Text Book Fund herein provided for upon bills approved by the State Superintendent of Public Instruction, and shall be paid upon warrants drawn by the State Auditor upon the Treasury of the State.

SECTION 50.

Complete Plan—The provisions of this Act are intended to furnish a complete plan for the adoption of a uniform set of text books, and for the purchase, distribution, and use of free text books to be supplied to the grades in all schools of the State, in lieu of all other Acts on the same. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 51.

Penalty for Violating Text Book Law—A wilful violation of any provision of this Act by any person shall be a misdemeanor punishable by fine of not less than \$5.00 nor more than \$100.00.

SECTION 52.

Constitutionality—If any part of this Act should be held to be invalid, or, if any sentence, section, or sub-section shall be held to be invalid, it is expressly declared by the people that the remaining parts, sections, or sub-sections, shall not in any manner be affected thereby, but the remaining portion of said Act and each sentence, section, or sub-section, shall be held to remain in full force and effect; and it is now declared by the people through the power of the initiative that notwithstanding the invalidity of any part of this Act, or any section or sub-section, they would have enacted the remaining portion, regardless of the invalidity of any sentence, section, or sub-section, or any other portion thereof.

SECTION 53.

The legal name and style of this Act shall be the "Oklahoma Text Book Law."

THE END.



J. BERRY KING
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

November 23, 1931.

Honorable R. A. Sneed,
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 6632, C.O.S. 1921, he has examined the proposed ballot title of State Question No. 172, Initiative Petition No. 117, which, together with a copy of said petition, was delivered to him at 4:30 o'clock P.M., Friday, November 20, 1931, by the Honorable Baxter Taylor, and from said examination the Attorney General finds that said ballot title is not in legal form or in harmony with the law.

Therefore, pursuant to the provisions of Section 6632, supra, the Attorney General has prepared and herewith submits to you as Secretary of State, for filing in your office, a ballot title for said Initiative Petition, which, in the opinion of the Attorney General, does conform to the law, same being as follows:

"BALLOT TITLE
PROPOSED STATUTORY ENACTMENT
STATE QUESTION NO. 172 INITIATIVE PETITION NO. 117

THE GIST OF THE PROPOSITION IS:

'An Act creating a State Board of Education of nine members, each appointed by Governor and confirmed by Senate and to receive for services Ten Dollars per day and expenses; making State Superintendent of Public Instruction Secretary but not member of Board; creating a Text Book Committee of seven members to receive similar compensation; providing for uniform free text books in first eight grades for children attending either public or other schools in Oklahoma, appropriating Two Million Dollars therefor; limiting time when text books may be changed and authorizing sale of same to high school pupils.'

SHALL IT BE ADOPTED:

.....
: : YES
: :
.....

.....
: : NO "
: :
.....

No. 2. Hon. R. A. Sneed, 11-23-31.

In connection with the above matter your attention is called to an opinion of this office addressed to you under date of May 20, 1931, wherein it was held that a proposed ballot title of an Initiative Petition should not be delivered to the Attorney General for his approval or revision until after the original petition had been "finally approved by you" and until it was certain that the petition would be voted upon by the people.

Since then we have orally advised proponents of other Initiative Petitions that your approval does not become final until the statutory ten days' period for appeal from your decision to the Supreme Court has expired without an appeal being taken, and if so taken, until after said appeal is finally decided by said Court. However, as the Courts have not passed on this question and in order that the Attorney General may not be the means of officially thwarting or delaying the submission of this measure, he has at this time prepared and filed in your office, as above set forth, a ballot title for said Initiative Petition.

Yours very truly,

FOR THE ATTORNEY GENERAL



Fred Hansen
Assistant Attorney General

FH:A
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