

WARNING

"It is a felony for anyone to sign an initiative or referendum petition with any other than his own name, 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)

 Batterthwaite Ptg. Co.

TO THE HONORABLE E. W. MARLAND,
Governor of the State of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed Act or law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the "next election held throughout the State" or at a "special election for the express purpose of making such reference," as provided in Section 3 of Article V of the Constitution of the State of Oklahoma, or, if denied such Constitutional right, at some future election held throughout the State at which same may be submitted, and each for himself says: I have personally signed this petition and I am a legal voter of the State of Oklahoma; my residence and post office address are correctly written after my name.

The time for filing this petition expires the 12th day of May, 1938.

The question we herewith submit to our fellow voters is: Shall the following proposed Act or Law be adopted?

The title, and proposed ballot title, and the full text of the Act or Law proposed is as follows:
Shall the following bill be adopted?

AN ACT PROVIDING FOR THE ALLOCATION, APPORTIONMENT, DISTRIBUTION AND USE OF THE TAX MONEY COLLECTED BY THE STATE OF OKLAHOMA FOR MOTOR VEHICLE MILEAGE TAX; VEHICLE LICENSE AND REGISTRATION TAX; AND TAXES ON SALE AND CONSUMPTION OF GASOLINE, TO THE VARIOUS COUNTIES OF THE STATE, THE CITIES AND INCORPORATED TOWNS, AND THE STATE HIGHWAY COMMISSION; FIXING THE PERCENTAGE OF SUCH TAXES THAT EACH SHALL RECEIVE; AUTHORIZING AND REGULATING THE EXPENDITURE AND USE OF SUCH TAX FUNDS SO APPORTIONED AND ALLOCATED; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

SECTION 1.—That all monies, funds, revenues, fees and penalties arising, collected or received by the State of Oklahoma, through the levy and collection of motor vehicle mileage taxes, and vehicle license and registration taxes, shall be allocated, apportioned, distributed and used as follows:

Five per cent (5%) thereof shall be retained by the Oklahoma Tax Commission to be placed in an expense account, to pay the expenses of said Commission in the collection, enforcement and administration of this act; and the remaining ninety-five per cent (95%) thereof shall be paid to the State Treasurer to be allocated, apportioned and used as follows:

(1) 55% of the 95% to the counties in the State in that percentage which the total county road mileage in each county bears to the total county road mileage in the State, as certified by the State Highway Commission; that said fund, after being allocated and apportioned, shall be sent immediately to the county treasurer of each county, to be deposited in the county highway fund, to be used by the county commissioners for the construction and maintenance of county highways and permanent bridges therein: PROVIDED, that the fund herein created, after apportionment to the respective counties as herein provided, shall not be diverted to any other county in the State, but shall only be expended in the county to which the same was apportioned, under the direction and control of the board of county commissioners;

(2) 20% of said 95% shall be allocated, apportioned and distributed to the county treasurers in each county in the percentage which the total population of the cities and incorporated towns of each county bears to the total population of the cities and incorporated towns of the State, and shall be, by the county treasurer, allocated, apportioned and distributed to the cities and incorporated towns of each such county in that proportion which the population of the cities and incorporated towns bears to the total city and town population of said county; said funds so allocated, apportioned and distributed to cities and incorporated towns, shall be used for construction, maintenance, repair and lighting of streets and alleys, and for regulation and control of traffic over and upon the streets and alleys of such cities and incorporated towns.

(3) 25% of said 95% shall be deposited in the state treasury and credited to the state highway construction and maintenance fund, to be expended by the State Highway Commission upon the state road system.

SECTION 2. That all monies, funds, revenues, fees and penalties arising, collected or received by the State of Oklahoma, through the levy and collection of excise taxes on sale and consumption of gasoline in the State of Oklahoma, shall be allocated, apportioned, distributed and used as follows:

Three per cent (3%) thereof shall be retained by the Oklahoma Tax Commission, to be placed in an expense account to pay the expense of said commission in the collection, enforcement and administration of this Act; and the remaining ninety-seven per cent (97%) thereof shall be paid to the State Treasurer to be allocated, apportioned and used as follows:

(1) 50% of the 97% remaining shall be allocated, apportioned and distributed to the counties of the State by the State Treasurer in that percentage which the population and area of each county bears to the population and area of the entire State; that said funds, after being allocated and apportioned, shall be distributed immediately to the county treasurer of each county, to be deposited by him in the county highway fund, to be used by the county commissioners for the construction and maintenance of county highways and permanent bridges therein; PROVIDED that the fund herein created, when apportioned to the respective counties as herein provided, shall not be diverted to any other county in the State, but shall only be expended in the county to which the same is apportioned, under the direction and control of the board of county commissioners:

(2) 10% of said 97% shall be allocated and distributed by the State Treasurer to the various county treasurers of the state for allocation to the cities and incorporated towns; said 10% to be apportioned by the State Treasurer in the percentage which the total population of the cities and incorporated towns of each county bears to the total population of the cities and incorporated towns of the entire state, and shall be allocated, apportioned and distributed by the county treasurer to the cities and incorporated towns of each such county in the proportion which the population of the city or town bears to the total city and town population of the county; said funds so allocated and apportioned to the cities and incorporated towns shall be used only for the purchase of rights of way for streets and alleys; construction, repair and maintenance of streets and alleys; and for the construction of bridges, viaducts and other street structures of such cities or incorporated towns.

(3) 40% of said 97% shall be deposited in the state treasury, and credited to the state highway construction and maintenance fund, to be expended by the State Highway Commission upon the state road system.

SECTION 3 The motor vehicle mileage tax, the vehicle license and registration tax, shall be collected by the Oklahoma Tax Commission as now provided by law; said Oklahoma Tax Commission shall retain five per cent (5%) of all of the taxes so collected for the use and purposes of this Act: The tax on sale and consumption of gasoline shall be collected by the Oklahoma Tax Commission, as now provided by law; said Oklahoma Tax Commission shall retain three per cent (3%) of all the taxes so collected for the use and purposes of this Act and pay the remaining taxes collected from motor vehicle mileage tax, the vehicle license and registration tax, and the tax on the sale and consumption of gasoline to the State Treasurer, who shall deposit said funds in a special account, to be termed the "Highway Construction and Maintenance Fund" and he shall allocate, apportion and distribute said fund in the proportion and manner provided for in this Act.

SECTION 4. Wherever the word 'population' appears in this act it shall be construed to mean population as determined from the last preceding Federal Decennial Census.

SECTION 5. That Section 3, Article 7, Chapter 50, Session Laws of 1937; Section 3, Chapter 126, Session Laws of 1933; and all laws, or parts of laws, in conflict herewith, are hereby expressly repealed.

MAC O. WILLIAMSON
ATTORNEY GENERAL



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

June 6, 1940

Honorable C. C. Childers
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 1, Article 1, Chapter 30, Oklahoma Session Laws 1939, he has examined the proposed Ballot Title of State Question No. 253, Initiative Petition No. 176, which, together with a copy of said Petition was delivered to him on June 5, 1940, by Mr. Joe Mattox, Attorney of the proponents of said Petition, and from said examination the Attorney General finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section the Attorney General has prepared and is submitting herewith, same to be filed in your office, a Ballot Title for said petition which in his opinion does conform to the law. Said Ballot Title is as follows:

"BALLOT TITLE

"State Question No. 253 Initiative Petition No. 176

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

"Shall an act

providing for allocation, apportionment, distribution and use of moneys received by State of Oklahoma through levy and collection of Motor Vehicle Mileage Taxes, Vehicle License and Registration Taxes and Excise Taxes on sale and consumption of gasoline; providing for apportionment of greater percentages of such moneys to counties, cities and incorporated towns, and for apportionment of smaller percentages of such moneys to State Highway Construction and Maintenance Fund, than is now provided by law; fixing the purposes for

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which such moneys shall be used and regulating
expenditure thereof; and repealing conflicting
laws

be approved by the people?

"Shall it be approved?
YES

NO"

Very truly yours,

FOR THE ATTORNEY GENERAL

Fred Hansen
 Fred Hansen
 Assistant Attorney General

FH:BM

APPROVED IN CONFERENCE
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