

"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 same measure, or to sign such petition when he is not a legal voter."

(ONLY TWENTY SIGNATURES ALLOWED ON THE LAST SHEET OF THIS PAMPHLET)



PETITION FOR REFERENDUM

To the HONORABLE JOHNSTON MURRAY, Governor of the State of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that Senate Bill No. 454, entitled:

"AN ACT AMENDING SECTION 11, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION, RELATING TO PROCEDURE FOR ACQUIRING PROPERTY FROM PUBLIC UTILITIES FOR TURNPIKES; AMENDING 69 O. S. 1951, SECTION 655 AS AMENDED BY SECTION 4, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION RELATING TO THE AUTHORITY AND POWERS OF THE OKLAHOMA TURNPIKE AUTHORITY IN THE CONSTRUCTION, LOCATION, MAINTENANCE AND OPERATION OF TURNPIKE PROJECTS; AMENDING 69 O. S. 1951, SECTION 654 AS AMENDED BY SECTION 3, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION, RELATING TO DEFINITIONS, GRADE SEPARATIONS AND SURVEYS FOR TURNPIKE PROJECTS."

passed by the Twenty-fourth Legislature of the State of Oklahoma, at the regular session of said Legislature, shall be referred to the people of the State for their approval or rejection at the next regular general election to be held throughout the State of Oklahoma, 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."

(NOTE: The time for filing this Petition expires September 4, 1953)

The question we herewith submit to our fellow voters is:

"SHALL THE FOLLOWING ACT OF THE LEGISLATURE BE APPROVED?"

SENATE BILL 454

"AN ACT AMENDING SECTION 11, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION, RELATING TO PROCEDURE FOR ACQUIRING PROPERTY FROM PUBLIC UTILITIES FOR TURNPIKES; AMENDING 69 O. S. 1951, SECTION 655 AS AMENDED BY SECTION 4, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION RELATING TO THE AUTHORITY AND POWERS OF THE OKLAHOMA TURNPIKE AUTHORITY IN THE CONSTRUCTION, LOCATION, MAINTENANCE AND OPERATION OF TURNPIKE PROJECTS; AMENDING 69 O. S. 1951, SECTION 654 AS AMENDED BY SECTION 3, HOUSE BILL 933, TWENTY-FOURTH REGULAR LEGISLATIVE SESSION, RELATING TO DEFINITIONS, GRADE SEPARATIONS AND SURVEYS FOR TURNPIKE PROJECTS."

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

SECTION 1. 69 O. S. 1951, Section 11, House Bill 933, Twenty-fourth Regular Legislative Session is amended to read as follows:

Section 11. Nothing herein shall authorize the Authority to take or disturb property or facilities belonging to any public utility or to a common carrier, which property or facilities are required for the proper and convenient operation of such public utility or common carrier, unless provision is made for the restoration, relocation or duplication of such property or facilities elsewhere at the sole cost of the Authority.

With respect to any railroad property or right of way, any powers of condemnation may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right of way, plans and specifications of the proposed project showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications for such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examinations and approval. If the railroad fails or refuses within thirty (30) days to approve the plans and specifications so submitted, the matter shall be submitted to the Oklahoma Corporation Commission whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the grade. Such overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracts so approved by the railroad or the Oklahoma Corporation Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Oklahoma Corporation Commission shall be filed as an exhibit with the petition for condemnation.

SECTION 2. 69 O. S. 1951, Section 655, as amended by Section 4, House Bill 933, Twenty-fourth Regular Legislative Session is hereby amended to read as follows:

Section 655. The Authority is hereby authorized and empowered:

- (a) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (b) To adopt an official seal and alter the same at pleasure;
- (c) To maintain an office at such place or places within the State as it may designate;
- (d) To sue and be sued in its own name, plead and be impleaded; provided, however, that any and all actions at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located; or in the county of the residence of the plaintiff, or in the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority by the provisions of this Act may be enforced in a court of competent jurisdiction in an action in mandamus.
- (e) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided the Authority shall be authorized to construct and operate toll turnpikes only at the following locations:
 - (1) The Turner Turnpike between Oklahoma City and Tulsa.
 - (2) That part in Oklahoma of the turnpike between a connection with the Turner Turnpike near the Oklahoma City Terminus and Wichita Falls, Texas, or any part of such turnpike; provided the turnpike shall run within one (1) mile of the city limits of Chickasha.
 - (3) The part in Oklahoma of a turnpike between Tulsa and Joplin, Missouri, or any part of such turnpike, provided said turnpike shall extend along such a route as will not be greater distance than approximately three-quarters (¾) mile from the city limits of the following cities and towns: Claremore, Vinita and Miami, and it shall be the duty of such Authority to construct interchanges with suitable access roads in the vicinity of said cities and towns.
 - (4) That part in Oklahoma of a turnpike between a connection with the Turner Turnpike near the Oklahoma City Terminus and Wichita, Kansas, or any part of such turnpike, provided that interchanges shall be constructed on said turnpike at the points at which said turnpike intersects the following highways: State Highway

No. 33, State Highway No. 51, U. S. Highway No. 64, U. S. Highway No. 60, State Highway No. 11 and provided that the Perry interchange shall be built within two (2) miles of the city limits of Perry.

(5) All access roads connecting such turnpikes with existing highways must be built by funds furnished by the Turnpike Authority.

The minimum and maximum wages for the construction of the roads, highways and projects provided for in this Act shall be in accordance with the schedules of wages used or adopted by the Oklahoma State Highway Commission in construction of State Highways. Said Authority is hereby authorized to enter into contracts or agreement with turnpike officials of other states for construction, maintenance and operation of interstate turnpikes.

(f) To issue turnpike revenue bonds of the Authority, payable solely from revenues, for the purpose of paying all or any part of the cost of any one or more turnpike projects;

(g) To fix and revise from time to time tolls for the use of any turnpike projects; provided that the tolls when so fixed, plus revenues derived from other sources, shall, when applied to the estimated amount of traffic, produce sufficient revenue (a) to pay for the annual cost of the operation, maintenance, and repair of such project, (b) to pay as and when due the principal and interest on the bonds issued to pay for such project, and (c) to accumulate and maintain such reserves as are provided for in the resolution or trust indenture under which such bonds are issued or secured.

Any common carrier having authority at the time of opening any turnpike project to operate upon a highway approximately paralleling said turnpike project shall be granted without further showing authority to operate over said turnpike project to all towns or cities which such carrier is serving at the time said turnpike project is opened to traffic. But nothing herein shall be construed as granting any new operation rights to any common carriers.

(h) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;

(i) To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights of way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this Act, and that all public property damages in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable;

(j) To designate, except as is provided for herein, the locations, and establish, limit and control such points of ingress to and egress from each Turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of Turnpike revenue bonds issued under the provisions of this Act or from revenues;

(l) To receive and accept from any Federal agency grants for or in aid of the construction of any Turnpike project, provided, the acceptance of such grants will not reduce the amount of Federal Aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this State; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made;

(m) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the United States Bureau of Public Roads or any other Federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction of highways; and

(n) To do all things necessary or convenient to carry out the powers expressly granted in this Act, subject to the following restrictions and limitations: The Authority shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving and/or miscellaneous projects, according to the type of work to be done and each project shall be let under a separate contract or contracts and no contract or project shall include more than one (1) of said types of construction work. No contract for paving work shall exceed approximately One Million Dollars (\$1,000,000.00), and no contract for earthwork and/or for miscellaneous work shall exceed the sum of approximately One Million Dollars (\$1,000,000.00). No contract for bridge construction or underpasses or overpasses shall exceed the sum of approxi-

mately One Million Dollars (\$1,000,000.00). Each contract for construction work shall contain a provision that ninety per cent (90%) of all labor employed on the project shall be residents of Oklahoma. Provided, however, that no tied bids shall be accepted, and provided further that contracts for bridges may include earthwork and structures for the approaches thereto, and provided further that any one (1) bridge or tunnel and the approaches thereto may be included in one (1) contract. On all highway construction projects, the authority shall take bids on both asphaltic concrete surfacing and Portland Cement surfacing;

(o) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer, or employee.

Violation of this provision shall constitute a felony, and shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years or by both such fine and imprisonment.

SECTION 3. 69 O. S. 1951, Section 654 as amended by Section 3, House Bill 933, Twenty-fourth Regular Legislative Session is hereby amended to read as follows:

(a) The word "Authority" shall mean the Oklahoma Turnpike Authority, created by 69 O. S. 1951, Section 653, or, if said Authority shall be abolished, the Board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Authority shall be given by law.

(b) The word "project" or the words "turnpike project" shall mean any express highway, superhighway, or motorway constructed under the provisions of this Act by the Authority, and shall embrace all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, free access roads, bridges, and road construction, toll house service stations, and administration, storage and other buildings which the Authority may deem necessary for the operation of such turnpike, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such turnpike, provided, that in contracting or leasing concessions for gas stations, garages, stores, hotels, restaurants, tourists camps, parking facilities and other merchandise and services for any Turnpike project other than the Turner Turnpike, the Authority shall contract or lease such concessions by concession areas, and shall not lease or contract for any concession covering the entire Turnpike project, unless it shall be unable to obtain bids for development of sufficient individual concession areas to serve the Turnpike project.

(c) The word "cost" as applied to the Turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, rights of way, property rights, easements, and interests acquired by the Authority for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one (1) year after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost, and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation.

Any obligation or expense hereafter incurred by the State Highway Commission with the approval of the Authority for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the State out of the proceeds of Turnpike revenue bonds hereinafter authorized; provided, the State Highway Commission shall not incur obligations or expenses totaling more than One Thousand Five Hundred Dollars (\$1,500.00) per Turnpike mile.

(d) The word "owner" shall include all individuals, co-partnerships, associations or corporations having any title or interest in any property, rights, easements, and interest authorized to be acquired by this Act.

(THE END)



MAC Q. WILLIAMSON
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

December 14, 1953

Honorable John D. Conner
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 34 O. S. 1951 § 9, he has examined the proposed ballot title of State Question No. 359, Referendum Petition No. 105, which, together with a copy of said proposition, was delivered to him on December 12, 1953, by Lyman B. Beard, the party submitting said proposition, and from said examination 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 measure, which, in his opinion, does conform to the law. Said ballot title is as follows:

BALLOT TITLE

State Question No. 359

Referendum Petition No. 105

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall Senate Bill Number 454, Twenty-fourth Oklahoma Legislature

Relating to Toll Turnpikes and the Oklahoma Turnpike Authority; amending Chapter 6, Title 69, Oklahoma Statutes 1951, as amended by House Bill Number 933, Twenty-fourth Oklahoma Legislature; relating to construction, operation and maintenance of Oklahoma portions of toll turnpikes from Tulsa to Joplin, Missouri, Oklahoma City to Wichita, Kansas, and Oklahoma City to Wichita Falls, Texas; correcting typographical errors; relating to turnpike routes, wages

Hon. John D. Conner

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and contracts; requiring repayment to State Highway Commission from turnpike bonds for cost of engineering services furnished not exceeding \$1,500.00 per turnpike mile,

be approved by the people?

YES.

SHALL SENATE BILL NUMBER 454 BE APPROVED?

NO.

Yours very truly

FOR THE ATTORNEY GENERAL

Fred Hansen
Fred Hansen
First Assistant Attorney General

FH:LW

