

"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.)

INITIATIVE PETITION

TO THE HONORABLE J. HOWARD EDMONDSON,
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and 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 regular general election to be held on the 1st day of November, A.D., 1960, or at a special election which might be called for said purpose, and each for himself says:

"I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from the 16th day of November, 1959. The question we herewith submit to our fellow voters is: "Shall the following proposed bill be approved and adopted?"

TITLE

AN ACT PROVIDING: EACH COUNTY DETERMINE WHETHER IT SHALL TRANSFER THE CONSTRUCTION AND MAINTENANCE OF COUNTY ROADS TO STATE HIGHWAY COMMISSION OR CONTINUE BY COUNTY COMMISSIONERS; SUBSEQUENT ELECTIONS UPON PETITION; DEFINITIONS; PROCEDURE FOR CONTINUAL IMPROVEMENT AND NEW CONSTRUCTION, ANNUAL PLANS, CONTROLS BY COUNTY COMMISSIONERS, RESIDENT ROAD SUPERVISOR, LOCAL PURCHASES, TRANSFER OF PROPERTY WITH ADDITIONAL ROADS THEREFOR AND OTHER PROVISIONS IN ADOPTING COUNTIES; AMENDING OR REPEALING SECTIONS APPORTIONING CERTAIN TAXES TO CAUSE DISTRIBUTION IN CONFORMITY WITH PEOPLE'S WILL IN EACH COUNTY; OTHER RELATED PROVISIONS; AND DECLARING PROVISIONS SEVERABLE.

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

SECTION 1. This Act may be cited as the State System of County Roads Act. It is the intent of this Act among other things to:

(a) Allow the voters of each county to determine whether their county roads shall be constructed and maintained by the State Highway Commission or the Board of County Commissioners;

(b) Continue unchanged the amount of State money used on the roads in any county whether the county votes to accept the benefits and other provisions of this Act or not, with the provision that up to one-third of any adopting county's money may be used to match Federal funds on any road or roads within the same county;

(c) Reduce the possibility of new State taxes or the loss of Federal funds for failure of the State to match such funds.

SECTION 2. (a) In order that the voters of each county may determine whether or not such county shall come under the operation of this Act it shall be the duty of the State Election Board to conduct a special election in each county within ninety days after the approval of this Act submitting to the voters of each county the proposition whether or not such county shall come under the operation of this Act.

(b) The form of the proposition to be submitted shall be stated:

"Shall.....county (the name of such county to be inserted) come under the operation of the State System of County Roads Act of the State of Oklahoma?"

YES

NO

(c) The cost of said election shall be borne by the State and allowed and paid in the same manner as costs and expenses of special elections.

SECTION 3. When used in this Act, unless the context otherwise clearly indicates:

(a) "Commission" means the State Highway Commission of the State of Oklahoma.

(b) "Board" means the Board of County Commissioners of any Oklahoma county.

(c) "Governing Body" means the governing body of any incorporated city or town within the State of Oklahoma.

(d) "County Roads" means and includes all public roads in this State except Federal and State Highways, streets and alleys within the corporate limits of any city or town and those public roads under the control and jurisdiction of the Federal Government.

(e) "Date of Adoption" as applied to a county means the date that county votes to come under the provisions of this Act.

(f) "Effective Date" as applied to a county means the beginning of the first day of the second month next following the date of adoption.

(g) "Adopting County" means a county which has voted to come under the provisions of this Act.

(h) "Non-adopting County" is any county that is not an adopting county.

SECTION 4. From and after the effective date, the exclusive control and jurisdiction over, management of and responsibility for all county roads in an adopting county shall be vested in the Commission except as hereinafter provided.

SECTION 5. Following the date of adoption the Commission shall publish a map of each adopting county showing the county road system as it then exists, with each county road identified by a particular number or symbol. The Commission shall mail to the board of each adopting county and to each of the governing bodies in said county two copies of such map of their county. It shall be the duty of each such board

and each such governing body to post one copy of such map in a conspicuous place at its regular meeting place for public inspection. If no objection is filed in writing with the Commission by the board or governing body within such county within thirty days after mailing of such map, the roads shown on such map shall constitute the county road system for such county. If objection be filed as provided herein the matter shall be heard and determined by the Commission. Notice of the hearing shall be given in writing by mailing to the protesting board or governing body; provided, that the time fixed for such hearing shall be not less than ten days after the date of mailing such notice.

SECTION 6. (a) When in its judgment the public interest requires that any section, part or portion of such county road system, as herein or hereafter established, be changed, altered or added to, the Commission is authorized to change, alter or add to any section, part or portion of the county road system in the manner and subject to the restrictions provided for in subsection (b) of this section; provided, no county road shall be changed or altered so as to entirely disconnect county seat towns or incorporated cities and towns without the written approval of the governing body of the affected city or town.

(b) Before the Commission shall change, alter or add to any section, part or portion of such county road system it shall notify the board of the adopting county in which such change, alteration or addition is proposed by mailing to said board ten copies of a detailed statement of the nature, character and extent of the same and ten copies of a map showing the affected road or roads in the vicinity and the location of the proposed change, alteration or addition. It shall be the duty of the board of such county to post one copy of such map and statement in a conspicuous place at its regular meeting place for public inspection, and to mail or otherwise deliver a copy of such map and statement to the governing body of each city or town which in its judgment will be materially affected. Unless a written protest of such proposed change, alteration or addition is filed with the Commission as provided herein the county road system shall be considered changed or altered to conform to such statement and map. If the board of such affected county or the governing body of any city or town within such county files a written protest with the Commission within thirty days from the mailing of the statement and map by the Commission such proposed change, alteration or addition shall be held in abeyance and the Chairman of the Commission shall appoint a committee of three representatives of the Commission to hold a public hearing on such protest within said county. The Commission shall give notice of time and place of such hearing by mailing a written notice to the board and to any protesting governing body not less than ten days prior to such hearing. After a full and complete public hearing the three member committee shall publicly announce its decision, which decision shall be final unless the protesting board or governing body shall file a written appeal from such decision with the Commission within ten days. If an appeal is filed as provided herein, the matter shall be heard and determined by the Commission. Notice of the time and place of the appeal hearing shall be given in writing by mailing to the protesting board or governing body not less than ten days before the hearing. The decision of the Commission shall be determined by roll call vote duly recorded in the minutes of the Commission, and the county road system of the affected county shall be considered to be so changed or altered to conform to such decision.

(c) No county road shall be removed from the system without the written consent of the board of the affected county.

SECTION 7. The Commission shall continually improve the county roads of this

State in all adopting counties and shall maintain the same in a good and serviceable condition.

SECTION 8. (a) The Commission shall be responsible for establishing standards and criteria for additions to the county road system, and for the improvement and construction of county roads in adopting counties. It is the intent of this Act that the right-of-way requirements and specifications for county roads shall be such as will, in the judgment of the Commission, meet public safety and traffic demands. These standards and criteria shall be based on the service rendered to the public on an annual point rating system which shall be as follows:

Rating Sheet for Improvement and Construction of County Roads

County.....Road Number.....Length.....Miles.

LAND USE CHARACTERISTICS:

- 1. Occupied dwellings — 1 point/dwelling: - - - - -
- 2. Institutions
 - (a) School — 10 points/school - - - - -
 - (b) Church — 8 points/church - - - - -
 - (c) Community center — 5 points/center - - - - -
 - (d) Other (Itemized) — 5 points/facility - - - - -
- 3. Commercial establishments
 - (a) Retail, Wholesale, or Industrial — 10 points/establishment - - - - -
- TOTAL - - - - -
- Total Divided by Length in Miles
- SUBTOTAL (1) - - - - -

PUBLIC SERVICE CHARACTERISTICS:

- 1. Routes
 - (a) School bus — 10 points/round trip - - - - -
 - (b) Mail — 5 points - - - - -
 - (c) Commercial — 5 points - - - - -
- 2. Adjacent Public Lands
 - Cemeteries, Parks, etc. — 5 points - - - - -
- 3. Recreational Facilities
 - (a) Annual Operation — 5 points/facility - - - - -
 - (b) Seasonal Operation — 2 points/facility - - - - -
- 4. Uses as a:
 - (a) Connecting route between two paved arterial routes — 5 points - - - - -
 - (b) Arterial route — 10 points - - - - -
- SUBTOTAL (2) - - - - -

TRAFFIC CHARACTERISTICS:

- Average annual 24-hour traffic count - - - - -
- SUBTOTAL (3) - - - - -
- TOTAL POINTS (Subtotals 1, 2 & 3) - - - - -

(b) Not later than the first day of May of each year, the Commission shall prepare and deliver to each of the county road supervisors in the adopting counties as

hereinafter provided, preliminary plans for the maintenance, improvement and new construction during the following fiscal year on the county road system within their respective adopting counties. The county road supervisor of each adopting county shall present such preliminary plans to the board and the governing bodies, and advise and counsel with such public officials in connection with such preliminary plans. The boards and governing bodies may make written recommendations to the Commission concerning the county road system within their respective counties, and such recommendations shall be adopted and included in the permanent annual plan insofar as they are not in conflict with each other or existing law and are compatible with the standards and criteria established by the Commission and as available funds will permit.

(c) Not later than the first day of July of each year the Commission shall prepare and deliver to each board and to each governing body in every adopting county a copy of the annual plan for the maintenance, improvement and new construction on the county road system within their respective counties. Each such annual plan shall show in detail the anticipated revenues from all sources and the expenditures planned for all purposes. The Commission is authorized to revise such plans whenever necessary; provided, however, the Commission shall notify the board and governing bodies in writing whenever any substantial revision is made to the annual plan. At the close of each fiscal year, detailed reports on expenditures made on the county road system shall be made by the Commission to the several boards of the adopting counties.

SECTION 9. Any board or governing body in an adopting county may on their own motion or on the request of a group of citizens, petition the Commission to change, alter or add to any section, part or portion of the county road system within their county. Upon receipt of such petition the Commission shall inquire into the matter contained in such petition, and within a reasonable time thereafter shall act definitely thereon and notify such petitioning board or governing body in writing of the action taken; provided, whenever the Commission shall approve any such petition the Commission may proceed to change, alter or add to that section, part or portion of the county road system in accordance with such petition without further notice.

SECTION 10. (a) Upon request of the board made within sixty days after the effective date, all right, title and interest of the adopting county in any real property used in the construction or maintenance of county roads shall be transferred and conveyed to the Commission, and declared to be the property of the State of Oklahoma.

(b) All right, title and interest of the adopting counties of the State in and to any personal property used in the construction or maintenance of county roads, including but not limited to tools, machinery, supplies, apparatus, parts, materials, vehicles or other items, or contracts or leases in regard thereto, is transferred and conveyed to the Commission on the effective date and declared to be the property of the State of Oklahoma, except insofar as the Commission and the board agree to the contrary.

(c) For all such transferred interests and property, except rights-of-way, used in connection with the county road system the Commission shall establish a credit account in favor of each adopting county in an amount of the fair cash value of the interests and property so transferred, less the balance due on any outstanding mortgage, conditional sales contract or other obligation charged against such property, which credit account shall be liquidated by the Commission, by constructing or improving roads in said counties which would not otherwise have been constructed or improved at that time and through an expenditure over and above monies allocated each such county under sections 21 through 25 of this Act. In the event the Commission and the board cannot agree on the fair cash value of the interests and property so transferred, each shall appoint an appraiser and the two appraisers thus appointed shall

appoint a third. The determination of the appraisers or any two of them as to the fair cash value of the interests and property so transferred shall be final.

(d) Any interest acquired, purchased or obtained by any board in any real or personal property or contracts or leases in regard thereto from and after the date of adoption, shall not be subject to the provisions of this section without the approval of the Commission.

(e) From and after the date of adoption funds on hand in the various road construction and maintenance accounts of the board of an adopting county shall not be expended other than for payment of valid obligations existing on said date and for the payment of normal salary and material obligations necessary to operate the county road program of such county until the effective date of this Act. Within thirty days after the effective date the balance on hand in each of said accounts over and above valid outstanding obligations payable from said accounts shall be transferred by the respective adopting counties to the State Treasurer and deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall credit each of said counties account with the sum received from said county and shall use the same to maintain and improve the county roads of said county within two years following the date of such transfer.

(f) From and after the date of adoption, it shall be unlawful for any board to sell, transfer, surrender, release or otherwise dispose of any tools, machinery, supplies, apparatus, parts, materials, vehicles or other items, or interests therein, used on the county road system without the prior written approval of the Commission. The Commission shall honor all valid lease-purchase or rental contracts outstanding on the date of adoption covering any machinery, vehicles or equipment transferred to it by the terms hereof in which it may determine there is any equity, and the Commission is authorized and directed hereby to pay the outstanding balances either according to the terms of such contracts or by lump sum settlement, and in the event the Commission determines there is no equity or that the contract is invalid the said equipment shall remain in the possession of the board.

SECTION 11. (a) The Commission shall establish in each adopting county in this State a resident road supervisor, who shall be called the "county road supervisor."

(b) When additional State Highway Department personnel are required in any adopting county to carry out the duties prescribed by this Act, the Commission shall in all cases give preference to qualified applicants for employment who are residents of the said county, and shall give first preference to qualified resident road employees of the said county employed upon the date of adoption.

SECTION 12. All supplies, materials, parts and equipment shall be purchased in compliance with the Oklahoma Central Purchasing Act from suppliers within the adopting county in which the same are to be used whenever the quality and delivered price is as good or better than that available elsewhere.

SECTION 13. The powers and duties presently governing the Commission and the limitation on said powers and duties of the Commission, unless changed by this Act, shall remain in full force and effect, and nothing in this Act shall, unless otherwise specified, be construed to alter the same.

SECTION 14. (a) Any adopting county which has heretofore voted a county bond issue for the acquisition of highway rights-of-way may continue to apply any part of the State road monies designated hereunder for use in that county to the payment of said bonds, and an appropriate resolution shall be passed by the board annually declaring the amount of funds required for said bond payments for said year and the

balance of said rights-of-way bond issue. Said resolution shall be delivered to the Commission, which shall proceed to set aside and pay the designated funds from the funds allocated for use in said county to the appropriate county treasurer and said treasurer shall apply the same to said bonds.

(b) From and after the effective date of this Act any adopting county may, by appropriate resolution, transfer any bond issue or local tax money theretofore or thereafter raised to the Commission, designating the use to which said funds shall be applied by the Commission, and the Commission, as soon as possible after the receipt of said resolution and said funds, shall proceed to apply said funds to the designated road project or projects to the extent the funds may cover the requested projects and in the order of priority designated, if any be designated, in said resolution.

SECTION 15. Upon application by written petition filed with the county judge of any county in this State, signed by a number of legal voters in such county equal to fifteen percent of the total number of votes cast for the State office receiving the highest number of votes at the last general election in such county, it shall be the duty of said county judge to make an order within twenty days of said filing as to the sufficiency of the petition, and if sufficient to further order an election to be held in said county on a day not less than forty nor more than seventy days after the making of such order, for the purpose of submitting to the legal voters of said county the proposition whether the county shall come under or remove itself from the State System of County Roads Act, as the case may be.

SECTION 16. The form of petitions shall be as prescribed by law for initiative petitions. The election shall not be held within twenty days next preceding or twenty days next following any primary, special or general election. No petition shall be circulated or election held hereunder in any county within one year subsequent to the last previous election held on the proposition of whether the county shall come under or remove itself from the State System of County Roads Act.

SECTION 17. (a) When an order has been made for the holding of an election, it shall be the duty of the county clerk to mail a copy by registered mail to the Commission, and to cause a copy of said order to be published once a week for three consecutive weeks in some weekly or daily newspaper published and of general circulation in said county, the first of said publications being not less than twenty days prior to the date of such election. If there be no such newspaper published in the county, or the proprietors of all newspapers refuse to publish said advertisement, notice shall be given by posting a copy of such order in not less than three conspicuous places in each precinct of the county at least twenty days prior to the date of said election. Proof of said publication or posting shall be filed with the county clerk.

(b) The form of the proposition shall be stated:

Shall.....County (insert name of county) come under (or withdraw from, as the case may be) the State System of County Roads Act?

YES

NO

(c) The cost of such election shall be borne by the county and allowed and paid in the same manner as costs and expenses of general elections.

SECTION 18. (a) Any election held in accordance with this Act, including the canvass and counting of the ballots, shall be held in accordance with the provisions of the general election laws of the State, and the duties of all officers pertaining thereto shall devolve upon and shall be performed by each of them in relation to said

election the same as in the general elections, except as same may be modified by or be inconsistent with the terms of this Act.

(b) Any act or deed denounced as an offense by the general laws of the State concerning general elections shall also be an offense in elections held under the provisions of this Act and shall be punished in the same manner as is provided for punishment of similar offenses by the general laws.

SECTION 19. (a) If the result of any election provided for herein be in favor of the county coming under the State System of County Roads Act, such county shall after the effective date, be under the State System of County Roads Act. All provisions of this Act shall thereupon apply to and be enforced as to such county to the same extent as if said county had previously elected to come under the State System of County Roads Act.

(b) If the result of any election provided for herein be in favor of withdrawing the county from under the State System of County Roads Act, such county shall be removed from under said State System of County Roads Act on the first day of the fiscal year next succeeding said order, insofar as funds accruing thereafter and the rights and responsibilities over the county road system are concerned as fully as though the county had never been under the said Act, and the Commission shall transfer all funds to the credit of said county over and above outstanding obligations accruing prior to said date to the county treasurer for credit to the proper funds of the board. Any property acquired from a county and still held by the Commission may be returned as part of the credit with its then value to be ascertained in the same manner as provided at time of the original transfer thereof.

SECTION 20. The secretary of the county election board shall certify the results of any election held hereunder immediately to the Oklahoma Tax Commission and to the Commission in addition to other required certifications.

SECTION 21. (a) The revenue from the tax levied by Section 1, Chapter 18a, Title 68, page 338, Oklahoma Session Laws 1953, as amended by Section 1, Chapter 18c, Title 68, page 387, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, Sec. 669.1), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: One-third ($1/3$) on area, one-third ($1/3$) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the 1940 Federal Decennial Census adjusted by one-half ($1/2$) of the increase or decrease that would result through using the 1950 Federal Decennial Census); one-third ($1/3$) on county road mileage, as last certified by the State Highway Department, as each county bears to the entire area, rural population and road mileage of the State.

(b) The revenue from the tax levied by Section 5, Chapter 18, Title 68, page 331, Oklahoma Session Laws 1953, as amended by §1, Chapter 18e, Title 68, page 388, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, §727.5), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: One-third ($1/3$) on area, one-third ($1/3$) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the 1950 Federal Decennial Census); one-third ($1/3$) on county road mileage, as last certified by the State Highway Department, as each county bears to the entire area, rural population and road mileage of the State.

(c) The revenue referred to in subsection (a) and subsection (b) of this section which is allocated for expenditure in adopting counties after the effective date shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be de-

posited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate for expenditure on county roads in said counties the revenue derived under subsection (a) on the basis of the formula provided in said subsection and the revenue derived under subsection (b) on the basis of the formula provided in said subsection, provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads within said county.

(d) In non-adopting counties the revenue from the tax referred to in subsection (a) of this Section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a), and the revenue from the tax referred to in subsection (b) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (b), and all such revenue shall be transmitted to the various county treasurers of the respective non-adopting counties and by them deposited in a Special Fund separate and apart from the County Highway Construction Fund of the several counties as hereinafter provided, to be used exclusively by the boards of said counties, for the purpose of constructing permanent bridges and culverts, located on school bus routes and mail routes and for surfacing and resurfacing of rural roads consisting of school bus and mail routes in the several counties, as hereinafter provided. Provided further, that the portion of such funds used for surfacing and resurfacing of such roads shall be used only for gravel and graveling, or some other forms of surfacing materials to be approved by the Commission. None of these funds may be used for the lease, rental, or purchase of machinery or equipment, except as hereinafter provided. One (1) gravel loader may be purchased by each county, if said county does not possess a gravel loader; provided further that the counties may hire trucks for hauling gravel. When Federal funds are available for assistance in constructing county roads, the funds herein provided, when distributed and deposited in the Special County Highway Funds, are authorized to be used by the boards, by majority action thereof, in matching such Federal funds on any county highway notwithstanding any other limitation of this Act as to the type or class of roads on which funds shall be used, and for the purpose of securing such Federal assistance the boards by majority action thereof, are authorized to enter into agreements with the Federal Government through the Commission and deposit, from the proceeds of the tax referred to and allocated in subsections (a) and (b) of this section, cash with the Commission necessary to fulfill said agreement, for the extension of the present Federal Aid Farm-to-market System, or for the creation of new Federal Systems, and to enter into such other contracts and agreements as may be necessary to secure Federal assistance in the construction or improvement of any county road.

SECTION 22. (a) Twenty-two per cent (22%) of the revenue from the tax levied by 68 O.S. 1951, §659a; and twenty-two per cent (22%) of the revenue from four cents (4¢) per gallon and all revenue from one-half cent (1/2¢) per gallon, of the five and fifty-eight one hundredths cent (5.58¢) per gallon tax levied by 68 O.S. 1951, §733; and the revenue derived from one-half cent (1/2¢) per gallon of the five and one-half cent (5 1/2¢) per gallon of the tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.3); and the revenue after the exemptions provided in 68 O.S. 1951, §§659f, 659g, and 659h, as amended, have been deducted, accruing from one-half cent (1/2¢) per gallon of the one and one-half cent (1 1/2¢) per gallon gasoline excise tax levied by 68 O.S. 1951, §660; shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: forty per cent (40%) of such sum shall be distributed for expenditure in the various counties in that proportion which the county road mileage of each county bears to the entire State road mileage, as last certified by the

State Highway Department, and the remaining sixty per cent (60%) of such sum shall be distributed for expenditure in the various counties on the basis which the population and area of each county bears to the total population and area of the State.

(b) Twenty-four and one-fourth per cent ($24\frac{1}{4}\%$) of the revenue from four cents (4ϕ) per gallon of the five and one-half cents ($5\frac{1}{2}\phi$) per gallon tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.3), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: in the percentage which the population and area of each county bears to the population and area of the entire State.

(c) The revenue from the tax referred to in subsection (a) and subsection (b) of this section which is allocated for expenditure in adopting counties after the effective date shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate for expenditure on county roads in said counties the revenue derived under said subsection (a) on the basis of the formula provided in said subsection and the revenue derived under subsection (b) on the basis of the formula provided in said subsection (b), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads within said county.

(d) In non-adopting counties the revenue allocated in subsection (a) of this section which is derived from the twenty-two per cent (22%) of the tax levied by 68 O.S. 1951, Section 659a and from the twenty-two per cent (22%) of the revenue from four cents (4ϕ) per gallon tax of the five and fifty-eight one hundredths cents (5.58ϕ) per gallon tax levied by 68 O.S. 1951, Section 733, shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a), and the revenue from the tax referred to and allocated in subsection (b) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (b), and all such revenue shall be transmitted to the various County Treasurers of the non-adopting counties, and by them deposited in the County Highway Fund of their respective counties, to be used by the board for the purpose of constructing and maintaining county highways and permanent bridges in such counties. No part of such fund shall be used for any purpose other than the construction and maintenance of county highways and permanent bridges in the county receiving the fund. The said funds received by any county shall not thereafter be diverted to any other county of the State, but such funds shall be expended only under the direction and control of the board in the county to which said funds are apportioned. If any part of said funds is diverted for any purpose other than as provided herein, the county commissioners shall be liable on their bond for double the amount of money so diverted. Provided that where any state or county highway has been laid out over a road already constructed in any county by the use of money raised from county or township bond issues for the purpose either alone or by the use of Federal or State Aid, or both, the board may set aside out of the funds apportioned to that county, as provided herein, an amount of money equal to the value of any part thereof, of the interest of such county or township, or both, in and to such highway or highways, bridge or bridges, so constituting a part of the State Highway System, which amount of money shall be considered by the excise board, in reducing the levy for the purpose of retiring the bonded indebtedness and interest thereon of the county or township, and shall be used for investment or deposit in the same manner as provided by law for the disposition of other sinking fund money.

Provided, however, that in respect to the revenue allocated in subsection (a) of this section which is levied by 68 O.S. 1951, Section 659a, each county shall use not less than fifty per cent (50%) of the money apportioned to it for the construction, improvement or repair of highways under the provisions of this section, for the purpose of participating in or sponsoring Federal Projects for the building or maintaining of roads, bridges or culverts; and it shall be the mandatory duty of the county excise board to appropriate such funds for such purpose; provided this provision shall not apply to counties having less than four hundred (400) eligible for employment relief according to the Federal Relief Rolls; and provided, further, that should such Federal Projects be discontinued at any time thereafter, then and in that event such funds shall be apportioned and spent as other county funds accruing hereunder. The sum remaining shall be used for the construction, improvement or repair of highways.

(e) In non-adopting counties the revenue after the exemptions provided in 68 O.S. 1951, §§659f, 659g and 659h, as amended, have been deducted, allocated in subsection (a) of this section which is derived from one-half cent ($\frac{1}{2}\phi$) per gallon of the one and one-half cent ($1\frac{1}{2}\phi$) per gallon tax levied by 68 O.S. 1951, Section 660 and from one-half cent ($\frac{1}{2}\phi$) per gallon of the five and fifty-eight one hundredths cents (5.58ϕ) per gallon tax levied by 68 O.S. 1951, §733 and from one-half cent ($\frac{1}{2}\phi$) per gallon of the five and one-half cents ($5\frac{1}{2}\phi$) per gallon tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, Sec. 727.3) shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a) and transmitted to the various county treasurers of the respective non-adopting counties and by them deposited in the County Highway Fund of the county, to be used by the board exclusively and directly for the construction and maintenance of county highways and permanent bridges on United States rural free delivery and contract mail routes, and school district bus routes, which have been officially designated and mapped by the respective school districts of the respective counties. Provided, however, that the board of any county of this State shall not expend any of the funds received under the provisions of this section on any school district bus route in any district of the State receiving State Aid, until such bus route has been approved by the State Board of Education unless said bus route be the same as a United States Mail route. Provided, further, that the board of any county of this State, shall not expend any of such funds except the revenue derived from the last above cited levying section for the purpose of purchasing or renting road machinery or equipment and provided further that in all counties where the county excise board of any county may find it necessary, because of insufficient revenue to maintain city and county government of such county out of the general fund, after a levy of ten (10) mills has been made for any fiscal year, the county excise board may appropriate out of any funds apportioned to such county under this section, an amount sufficient to pay the salaries of the county commissioners of such county for such fiscal year.

It shall be unlawful for the board to use such funds for any other purpose and any county commissioner violating any of the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars (\$500.00) and imprisonment in the county jail not to exceed six months, and said commissioner shall be liable on his official bond for any of said funds expended in violation of the provisions of this subsection.

SECTION 23. 68 O.S. 1951, §734, as amended by Section 1, Chapter 18c, Title 68, Page 342, Oklahoma Session Laws 1953, and Section 1, Chapter 18f, Title 68, Page 388, Oklahoma Session Laws 1955, (68 O.S. Supp. 1957, §734) and by Section 1, Senate Bill 80, Twenty-Seventh Oklahoma Legislature is hereby amended to read as follows:

§734 (a) In addition to the tax levied by 68 O.S. 1951, Section 733 and in consideration of the use of the highways of this State, an additional tax is hereby levied upon all persons subject to and liable for the tax levied by 68 O.S. 1951, Section 733, to be paid at the rate of one cent (1¢) per gallon on gasoline imported into and actually used on the highways of this State which tax shall be computed and paid on the same basis, at the same time and in the same manner as the tax levied by 68 O.S. 1951, Section 733. The revenue accruing from the tax levied by this section, including interest and penalties thereon, shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: one-third (1/3) on area, one-third (1/3) on county road mileage as last certified by the State Highway Department, and one-third (1/3) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000), according to the 1940 Federal Decennial Census, adjusted by one-half (1/2) of the increase or decrease that would result through using the 1950 Federal Decennial Census), as each county bears to the entire area, rural population and road mileage of the State.

(b) In adopting counties after the effective date the revenue from the tax referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate such revenue for expenditure on county roads in the several adopting counties on the basis of the formula provided in said subsection (a), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads in said county.

(c) In non-adopting counties the revenue from the tax referred to in subsection (a) of this section shall be apportioned monthly by the Oklahoma Tax Commission and paid to the various county treasurers of non-adopting counties and by them deposited in the County Highway Construction Funds of the several counties, as hereinafter provided, to be used by the board of said counties for the purpose of constructing and maintaining school bus routes and mail routes in the several counties.

SECTION 24. (a) Ten per cent (10%) of the revenue from the tax levied by Section 3, Chapter 20a, Title 68, Page 392, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, §849) and ten per cent (10%) of the revenue from the tax levied by 68 O.S. 1951, §821, derived from each county wherein the oil, natural gas and other minerals were produced shall, from and after the effective date of this Act, be allocated for expenditure in such county for the construction and maintenance of county roads (Except that this Act shall not affect the distribution of such tax on the royalty interests of Osage Indians as required by the Act of Congress of April 25, 1940, cited as 54 Stat. 168).

(b) In the adopting counties involved after the effective date the revenue from the tax referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate such revenue for expenditure for the construction and maintenance of county roads in the adopting counties involved on the basis provided in subsection (a) of this section, provided, however, the Commission may expend up to one-third to match Federal funds on any road or roads in said county.

(c) In the non-adopting counties involved the revenue from the tax referred to in subsection (a) of this section shall be apportioned monthly by the Oklahoma

Tax Commission on the basis prescribed in said subsection (a) and transmitted to the various county treasurers of the non-adopting counties involved and by them credited to a fund of such county known as the County Highway Construction and Maintenance Fund, and shall be used for the construction and maintenance of county highways.

SECTION 25. (a) After excluding, (1) five per cent (5%) of all monies, funds, license fees and penalties collected or received by the Oklahoma Tax Commission pursuant to the Motor Vehicle License and Registration Act, (2) registration fees retained by Motor License Agents for their services, and (3) ninety-five per cent (95%) of all license fees and penalties collected and received by the Oklahoma Tax Commission from the registration of automobiles and farm trucks, fifty-five per cent (55%) of the remaining revenue from the taxes levied by 47 O.S. 1951, §22.5, as amended by Section 1, Chapter 1, Title 47, page 426, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §22.5); Section 1, Chapter 1c, Title 47, Page 260 Oklahoma Session Laws 1955 (47 O.S. Supp. 1957, §22.5c); Section 1, Chapter 1a, Title 47, Page 258, Oklahoma Session Laws 1955 (47 O.S. Supp. 1957, §22.5d); Section 1, Chapter 1a, Title 47, Page 430, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §22.5g); 47 O.S. 1951, §22.7 as amended by Section 1, Chapter 1b, Title 47, Page 186, Oklahoma Session Laws 1953 (47 O.S. Supp. 1957, §22.7); and Section 2, Chapter 1d, Title 47, Page 433, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §40.2); shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: Forty per cent (40%) of such sum shall be distributed for expenditure in the various counties in that proportion which the county road mileage of each county bears to the entire State road mileage as last certified by the State Highway Department, and the remaining sixty per cent (60%) of such sum shall be distributed for expenditure in the various counties on the basis which the population and area of each county bears to the total population and area of the State.

(b) In adopting counties from and after the effective date the revenue from the taxes referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the State Highway Commission shall allocate such revenue for expenditure on county roads in the several adopting counties on the basis of the formula provided in said subsection (a), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads in said county.

(c) In non-adopting counties the revenue from the taxes referred to in the subsection (a) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in subsection (a) of this section and transmitted to the various county treasurers of the non-adopting counties, and shall be used for the construction, improvement or repair of highways, except that the county treasurer shall deposit so much of said money on the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county bonds for road purposes, but not to exceed forty per cent (40%) of such monies shall be so used. Monies allocated to counties under this section may be set up and estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety per cent (90%) of the previous year's income from such source, provided not more than fifteen per cent (15%) can be encumbered during any one month. It is the purpose of this subsection to provide for the distribution to such non-adopting counties the revenue referred to in subsection (a) of this section which revenue was heretofore apportioned under the

provisions of subsection (d) of Section 22.2, Title 47 O.S. 1951, as amended, which subsection (d) is herein repealed.

SECTION 26. In adopting counties from and after the effective date that portion of the Federal Aid Secondary Road Funds heretofore available for apportionment to the various counties when matched by them shall be apportioned by the Commission for expenditure on county roads in such counties, on the same basis and formula by which such funds have heretofore been or are hereafter apportioned in non-adopting counties.

SECTION 27. 68 O.S. 1951, §660c; Section 2, Chapter 18a, Title 68, Page 339, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §669.2); Section 6, Chapter 18, Title 68, Page 331, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.6), as amended by Section 1, Senate Bill 81, Twenty-Seventh Oklahoma Legislature; Paragraph (c) of subsection (1) and all of subsection (3), Section 4, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §§727.4 (1) (c) and (3)); 68 O.S. 1951, §659b, subsection (d); 68 O.S. 1951, §732, paragraph (d) of subsection (1), and all of subsection (3); 68 O.S. 1951, §827, subsection (c) as amended by Section 1, Chapter 20, Title 68, Oklahoma Session Laws 1957; 68 O.S. 1951, §827.1, subsection (b); 47 O.S. 1951, §22.2, subsection (d) as amended by Section 8, Senate Bill No. 105, Twenty-Sixth Oklahoma Legislature (47 O.S. Supp. 1957, §22.2, subsection (d)) and all laws and parts of laws in conflict herewith are hereby repealed.

SECTION 28. The provisions of this Act are severable, and if any part or provision hereof shall be void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act. The provisions hereof shall be liberally construed to effect the express and implied intent of the Act.

NAME	RESIDENCE (Rural Route or Street Address, if any)	POST OFFICE	
		City or Town	State
1			Oklahoma
2			Oklahoma
3			Oklahoma
4			Oklahoma
5			Oklahoma
6			Oklahoma
7			Oklahoma
8			Oklahoma
9			Oklahoma
10			Oklahoma
11			Oklahoma
12			Oklahoma
13			Oklahoma
14			Oklahoma
15			Oklahoma
16			Oklahoma
17			Oklahoma
18			Oklahoma
19			Oklahoma
20			Oklahoma

STATE OF OKLAHOMA

COUNTY OF.....

} SS.

AFFIDAVIT

I,, of lawful age, being first duly sworn, say:
(Here shall be legibly written, or typewritten, the names of the signers on the foregoing sheet)

- 1. 11.
- 2. 12.
- 3. 13.
- 4. 14.
- 5. 15.
- 6. 16.
- 7. 17.
- 8. 18.
- 9. 19.
- 10. 20.

signed the foregoing sheet of the foregoing Petition, and each of them signed his name in my presence; I believe that each has stated his name, postoffice address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and county of his residence.

.....
Petition Circulator's Signature

Circulator's Post Office Address:

.....
Rural Route or Street Address

.....
City or Town

SUBSCRIBED and sworn to before me this.....day of....., 19.....,

.....
Notary Public

Notary's Post Office Address:

My Commission Expires:

.....

.....

during the period of twenty days in which said pamphlets have been in the custody and possession of the Secretary of State;

Now therefore it is ordered, considered, and held by the Secretary of State that the application for continuance is not made in good faith and continuance therefore is denied.

Whereupon the Secretary of State calls upon the attorney for protestants to present argument and evidence, or either of them, in support of the protest, and there being none such presented;

It is therefore ordered, considered and held by the Secretary of State that the protestants have wholly failed to sustain the burden of proof required of protestants by law, and that said petition is sufficient both as to form and as to number of signatures.

SECRETARY OF STATE

"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.)

INITIATIVE PETITION

TO THE HONORABLE J. HOWARD EDMONDSON,
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and 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 regular general election to be held on the 1st day of November, A.D., 1960, or at a special election which might be called for said purpose, and each for himself says:

"I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from the 16th day of November, 1959. The question we herewith submit to our fellow voters is: "Shall the following proposed bill be approved and adopted?"

TITLE

AN ACT PROVIDING: EACH COUNTY DETERMINE WHETHER IT SHALL TRANSFER THE CONSTRUCTION AND MAINTENANCE OF COUNTY ROADS TO STATE HIGHWAY COMMISSION OR CONTINUE BY COUNTY COMMISSIONERS; SUBSEQUENT ELECTIONS UPON PETITION; DEFINITIONS; PROCEDURE FOR CONTINUAL IMPROVEMENT AND NEW CONSTRUCTION, ANNUAL PLANS, CONTROLS BY COUNTY COMMISSIONERS, RESIDENT ROAD SUPERVISOR, LOCAL PURCHASES, TRANSFER OF PROPERTY WITH ADDITIONAL ROADS THEREFOR AND OTHER PROVISIONS IN ADOPTING COUNTIES; AMENDING OR REPEALING SECTIONS APPORTIONING CERTAIN TAXES TO CAUSE DISTRIBUTION IN CONFORMITY WITH PEOPLE'S WILL IN EACH COUNTY; OTHER RELATED PROVISIONS; AND DECLARING PROVISIONS SEVERABLE.

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

SECTION 1. This Act may be cited as the State System of County Roads Act. It is the intent of this Act among other things to:

— 1 —

EXHIBIT "A"

(a) Allow the voters of each county to determine whether their county roads shall be constructed and maintained by the State Highway Commission or the Board of County Commissioners;

(b) Continue unchanged the amount of State money used on the roads in any county whether the county votes to accept the benefits and other provisions of this Act or not, with the provision that up to one-third of any adopting county's money may be used to match Federal funds on any road or roads within the same county;

(c) Reduce the possibility of new State taxes or the loss of Federal funds for failure of the State to match such funds.

SECTION 2. (a) In order that the voters of each county may determine whether or not such county shall come under the operation of this Act it shall be the duty of the State Election Board to conduct a special election in each county within ninety days after the approval of this Act submitting to the voters of each county the proposition whether or not such county shall come under the operation of this Act.

(b) The form of the proposition to be submitted shall be stated:

"Shall.....county (the name of such county to be inserted) come under the operation of the State System of County Roads Act of the State of Oklahoma?"

YES

NO

(c) The cost of said election shall be borne by the State and allowed and paid in the same manner as costs and expenses of special elections.

SECTION 3. When used in this Act, unless the context otherwise clearly indicates:

(a) "Commission" means the State Highway Commission of the State of Oklahoma.

(b) "Board" means the Board of County Commissioners of any Oklahoma county.

(c) "Governing Body" means the governing body of any incorporated city or town within the State of Oklahoma.

(d) "County Roads" means and includes all public roads in this State except Federal and State Highways, streets and alleys within the corporate limits of any city or town and those public roads under the control and jurisdiction of the Federal Government.

(e) "Date of Adoption" as applied to a county means the date that county votes to come under the provisions of this Act.

(f) "Effective Date" as applied to a county means the beginning of the first day of the second month next following the date of adoption.

(g) "Adopting County" means a county which has voted to come under the provisions of this Act.

(h) "Non-adopting County" is any county that is not an adopting county.

SECTION 4. From and after the effective date, the exclusive control and jurisdiction over, management of and responsibility for all county roads in an adopting county shall be vested in the Commission except as hereinafter provided.

SECTION 5. Following the date of adoption the Commission shall publish a map of each adopting county showing the county road system as it then exists, with each county road identified by a particular number or symbol. The Commission shall mail to the board of each adopting county and to each of the governing bodies in said county two copies of such map of their county. It shall be the duty of each such board

and each such governing body to post one copy of such map in a conspicuous place at its regular meeting place for public inspection. If no objection is filed in writing with the Commission by the board or governing body within such county within thirty days after mailing of such map, the roads shown on such map shall constitute the county road system for such county. If objection be filed as provided herein the matter shall be heard and determined by the Commission. Notice of the hearing shall be given in writing by mailing to the protesting board or governing body; provided, that the time fixed for such hearing shall be not less than ten days after the date of mailing such notice.

SECTION 6. (a) When in its judgment the public interest requires that any section, part or portion of such county road system, as herein or hereafter established, be changed, altered or added to, the Commission is authorized to change, alter or add to any section, part or portion of the county road system in the manner and subject to the restrictions provided for in subsection (b) of this section; provided, no county road shall be changed or altered so as to entirely disconnect county seat towns or incorporated cities and towns without the written approval of the governing body of the affected city or town.

(b) Before the Commission shall change, alter or add to any section, part or portion of such county road system it shall notify the board of the adopting county in which such change, alteration or addition is proposed by mailing to said board ten copies of a detailed statement of the nature, character and extent of the same and ten copies of a map showing the affected road or roads in the vicinity and the location of the proposed change, alteration or addition. It shall be the duty of the board of such county to post one copy of such map and statement in a conspicuous place at its regular meeting place for public inspection, and to mail or otherwise deliver a copy of such map and statement to the governing body of each city or town which in its judgment will be materially affected. Unless a written protest of such proposed change, alteration or addition is filed with the Commission as provided herein the county road system shall be considered changed or altered to conform to such statement and map. If the board of such affected county or the governing body of any city or town within such county files a written protest with the Commission within thirty days from the mailing of the statement and map by the Commission such proposed change, alteration or addition shall be held in abeyance and the Chairman of the Commission shall appoint a committee of three representatives of the Commission to hold a public hearing on such protest within said county. The Commission shall give notice of time and place of such hearing by mailing a written notice to the board and to any protesting governing body not less than ten days prior to such hearing. After a full and complete public hearing the three member committee shall publicly announce its decision, which decision shall be final unless the protesting board or governing body shall file a written appeal from such decision with the Commission within ten days. If an appeal is filed as provided herein, the matter shall be heard and determined by the Commission. Notice of the time and place of the appeal hearing shall be given in writing by mailing to the protesting board or governing body not less than ten days before the hearing. The decision of the Commission shall be determined by roll call vote duly recorded in the minutes of the Commission, and the county road system of the affected county shall be considered to be so changed or altered to conform to such decision.

(c) No county road shall be removed from the system without the written consent of the board of the affected county.

SECTION 7. The Commission shall continually improve the county roads of this

State in all adopting counties and shall maintain the same in a good and serviceable condition.

SECTION 8. (a) The Commission shall be responsible for establishing standards and criteria for additions to the county road system, and for the improvement and construction of county roads in adopting counties. It is the intent of this Act that the right-of-way requirements and specifications for county roads shall be such as will, in the judgment of the Commission, meet public safety and traffic demands. These standards and criteria shall be based on the service rendered to the public on an annual point rating system which shall be as follows:

Rating Sheet for Improvement and Construction of County Roads

County.....Road Number.....Length.....Miles.

LAND USE CHARACTERISTICS:

- 1. Occupied dwellings — 1 point/dwelling: - - - - -
- 2. Institutions
 - (a) School — 10 points/school - - - - -
 - (b) Church — 8 points/church - - - - -
 - (c) Community center — 5 points/center - - - - -
 - (d) Other (Itemized) — 5 points/facility - - - - -
- 3. Commercial establishments
 - (a) Retail, Wholesale, or Industrial — 10 points/establishment - - - - -

TOTAL - - - - -

Total Divided by Length in Miles

SUBTOTAL (1) - - - - -

PUBLIC SERVICE CHARACTERISTICS:

- 1. Routes
 - (a) School bus — 10 points/round trip - - - - -
 - (b) Mail — 5 points - - - - -
 - (c) Commercial — 5 points - - - - -
- 2. Adjacent Public Lands
 - Cemeteries, Parks, etc. — 5 points - - - - -
- 3. Recreational Facilities
 - (a) Annual Operation — 5 points/facility - - - - -
 - (b) Seasonal Operation — 2 points/facility - - - - -
- 4. Uses as a:
 - (a) Connecting route between two paved arterial routes — 5 points - - - - -
 - (b) Arterial route — 10 points - - - - -

SUBTOTAL (2) - - - - -

TRAFFIC CHARACTERISTICS:

Average annual 24-hour traffic count - - - - -

SUBTOTAL (3) - - - - -

TOTAL POINTS (Subtotals 1, 2 & 3) - - - - -

(b) Not later than the first day of May of each year, the Commission shall prepare and deliver to each of the county road supervisors in the adopting counties as

hereinafter provided, preliminary plans for the maintenance, improvement and new construction during the following fiscal year on the county road system within their respective adopting counties. The county road supervisor of each adopting county shall present such preliminary plans to the board and the governing bodies, and advise and counsel with such public officials in connection with such preliminary plans. The boards and governing bodies may make written recommendations to the Commission concerning the county road system within their respective counties, and such recommendations shall be adopted and included in the permanent annual plan insofar as they are not in conflict with each other or existing law and are compatible with the standards and criteria established by the Commission and as available funds will permit.

(c) Not later than the first day of July of each year the Commission shall prepare and deliver to each board and to each governing body in every adopting county a copy of the annual plan for the maintenance, improvement and new construction on the county road system within their respective counties. Each such annual plan shall show in detail the anticipated revenues from all sources and the expenditures planned for all purposes. The Commission is authorized to revise such plans whenever necessary; provided, however, the Commission shall notify the board and governing bodies in writing whenever any substantial revision is made to the annual plan. At the close of each fiscal year, detailed reports on expenditures made on the county road system shall be made by the Commission to the several boards of the adopting counties.

SECTION 9. Any board or governing body in an adopting county may on their own motion or on the request of a group of citizens, petition the Commission to change, alter or add to any section, part or portion of the county road system within their county. Upon receipt of such petition the Commission shall inquire into the matter contained in such petition, and within a reasonable time thereafter shall act definitely thereon and notify such petitioning board or governing body in writing of the action taken; provided, whenever the Commission shall approve any such petition the Commission may proceed to change, alter or add to that section, part or portion of the county road system in accordance with such petition without further notice.

SECTION 10. (a) Upon request of the board made within sixty days after the effective date, all right, title and interest of the adopting county in any real property used in the construction or maintenance of county roads shall be transferred and conveyed to the Commission, and declared to be the property of the State of Oklahoma.

(b) All right, title and interest of the adopting counties of the State in and to any personal property used in the construction or maintenance of county roads, including but not limited to tools, machinery, supplies, apparatus, parts, materials, vehicles or other items, or contracts or leases in regard thereto, is transferred and conveyed to the Commission on the effective date and declared to be the property of the State of Oklahoma, except insofar as the Commission and the board agree to the contrary.

(c) For all such transferred interests and property, except rights-of-way, used in connection with the county road system the Commission shall establish a credit account in favor of each adopting county in an amount of the fair cash value of the interests and property so transferred, less the balance due on any outstanding mortgage, conditional sales contract or other obligation charged against such property, which credit account shall be liquidated by the Commission, by constructing or improving roads in said counties which would not otherwise have been constructed or improved at that time and through an expenditure over and above monies allocated each such county under sections 21 through 25 of this Act. In the event the Commission and the board cannot agree on the fair cash value of the interests and property so transferred, each shall appoint an appraiser and the two appraisers thus appointed shall

appoint a third. The determination of the appraisers or any two of them as to the fair cash value of the interests and property so transferred shall be final.

(d) Any interest acquired, purchased or obtained by any board in any real or personal property or contracts or leases in regard thereto from and after the date of adoption, shall not be subject to the provisions of this section without the approval of the Commission.

(e) From and after the date of adoption funds on hand in the various road construction and maintenance accounts of the board of an adopting county shall not be expended other than for payment of valid obligations existing on said date and for the payment of normal salary and material obligations necessary to operate the county road program of such county until the effective date of this Act. Within thirty days after the effective date the balance on hand in each of said accounts over and above valid outstanding obligations payable from said accounts shall be transferred by the respective adopting counties to the State Treasurer and deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall credit each of said counties account with the sum received from said county and shall use the same to maintain and improve the county roads of said county within two years following the date of such transfer.

(f) From and after the date of adoption, it shall be unlawful for any board to sell, transfer, surrender, release or otherwise dispose of any tools, machinery, supplies, apparatus, parts, materials, vehicles or other items, or interests therein, used on the county road system without the prior written approval of the Commission. The Commission shall honor all valid lease-purchase or rental contracts outstanding on the date of adoption covering any machinery, vehicles or equipment transferred to it by the terms hereof in which it may determine there is any equity, and the Commission is authorized and directed hereby to pay the outstanding balances either according to the terms of such contracts or by lump sum settlement, and in the event the Commission determines there is no equity or that the contract is invalid the said equipment shall remain in the possession of the board.

SECTION 11. (a) The Commission shall establish in each adopting county in this State a resident road supervisor, who shall be called the "county road supervisor."

(b) When additional State Highway Department personnel are required in any adopting county to carry out the duties prescribed by this Act, the Commission shall in all cases give preference to qualified applicants for employment who are residents of the said county, and shall give first preference to qualified resident road employees of the said county employed upon the date of adoption.

SECTION 12. All supplies, materials, parts and equipment shall be purchased in compliance with the Oklahoma Central Purchasing Act from suppliers within the adopting county in which the same are to be used whenever the quality and delivered price is as good or better than that available elsewhere.

SECTION 13. The powers and duties presently governing the Commission and the limitation on said powers and duties of the Commission, unless changed by this Act, shall remain in full force and effect, and nothing in this Act shall, unless otherwise specified, be construed to alter the same.

SECTION 14. (a) Any adopting county which has heretofore voted a county bond issue for the acquisition of highway rights-of-way may continue to apply any part of the State road monies designated hereunder for use in that county to the payment of said bonds, and an appropriate resolution shall be passed by the board annually declaring the amount of funds required for said bond payments for said year and the

balance of said rights-of-way bond issue. Said resolution shall be delivered to the Commission, which shall proceed to set aside and pay the designated funds from the funds allocated for use in said county to the appropriate county treasurer and said treasurer shall apply the same to said bonds.

(b) From and after the effective date of this Act any adopting county may, by appropriate resolution, transfer any bond issue or local tax money theretofore or thereafter raised to the Commission, designating the use to which said funds shall be applied by the Commission, and the Commission, as soon as possible after the receipt of said resolution and said funds, shall proceed to apply said funds to the designated road project or projects to the extent the funds may cover the requested projects and in the order of priority designated, if any be designated, in said resolution.

SECTION 15. Upon application by written petition filed with the county judge of any county in this State, signed by a number of legal voters in such county equal to fifteen percent of the total number of votes cast for the State office receiving the highest number of votes at the last general election in such county, it shall be the duty of said county judge to make an order within twenty days of said filing as to the sufficiency of the petition, and if sufficient to further order an election to be held in said county on a day not less than forty nor more than seventy days after the making of such order, for the purpose of submitting to the legal voters of said county the proposition whether the county shall come under or remove itself from the State System of County Roads Act, as the case may be.

SECTION 16. The form of petitions shall be as prescribed by law for initiative petitions. The election shall not be held within twenty days next preceding or twenty days next following any primary, special or general election. No petition shall be circulated or election held hereunder in any county within one year subsequent to the last previous election held on the proposition of whether the county shall come under or remove itself from the State System of County Roads Act.

SECTION 17. (a) When an order has been made for the holding of an election, it shall be the duty of the county clerk to mail a copy by registered mail to the Commission, and to cause a copy of said order to be published once a week for three consecutive weeks in some weekly or daily newspaper published and of general circulation in said county, the first of said publications being not less than twenty days prior to the date of such election. If there be no such newspaper published in the county, or the proprietors of all newspapers refuse to publish said advertisement, notice shall be given by posting a copy of such order in not less than three conspicuous places in each precinct of the county at least twenty days prior to the date of said election. Proof of said publication or posting shall be filed with the county clerk.

(b) The form of the proposition shall be stated:

Shall.....County (insert name of county) come under (or withdraw from, as the case may be) the State System of County Roads Act?

YES

NO

(c) The cost of such election shall be borne by the county and allowed and paid in the same manner as costs and expenses of general elections.

SECTION 18. (a) Any election held in accordance with this Act, including the canvass and counting of the ballots, shall be held in accordance with the provisions of the general election laws of the State, and the duties of all officers pertaining thereto shall devolve upon and shall be performed by each of them in relation to said

election the same as in the general elections, except as same may be modified by or be inconsistent with the terms of this Act.

(b) Any act or deed denounced as an offense by the general laws of the State concerning general elections shall also be an offense in elections held under the provisions of this Act and shall be punished in the same manner as is provided for punishment of similar offenses by the general laws.

SECTION 19. (a) If the result of any election provided for herein be in favor of the county coming under the State System of County Roads Act, such county shall after the effective date, be under the State System of County Roads Act. All provisions of this Act shall thereupon apply to and be enforced as to such county to the same extent as if said county had previously elected to come under the State System of County Roads Act.

(b) If the result of any election provided for herein be in favor of withdrawing the county from under the State System of County Roads Act, such county shall be removed from under said State System of County Roads Act on the first day of the fiscal year next succeeding said order, insofar as funds accruing thereafter and the rights and responsibilities over the county road system are concerned as fully as though the county had never been under the said Act, and the Commission shall transfer all funds to the credit of said county over and above outstanding obligations accruing prior to said date to the county treasurer for credit to the proper funds of the board. Any property acquired from a county and still held by the Commission may be returned as part of the credit with its then value to be ascertained in the same manner as provided at time of the original transfer thereof.

SECTION 20. The secretary of the county election board shall certify the results of any election held hereunder immediately to the Oklahoma Tax Commission and to the Commission in addition to other required certifications.

SECTION 21. (a) The revenue from the tax levied by Section 1, Chapter 18a, Title 68, page 338, Oklahoma Session Laws 1953, as amended by Section 1, Chapter 18c, Title 68, page 387, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, Sec. 669.1), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: One-third ($1/3$) on area, one-third ($1/3$) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the 1940 Federal Decennial Census adjusted by one-half ($1/2$) of the increase or decrease that would result through using the 1950 Federal Decennial Census); one-third ($1/3$) on county road mileage, as last certified by the State Highway Department, as each county bears to the entire area, rural population and road mileage of the State.

(b) The revenue from the tax levied by Section 5, Chapter 18, Title 68, page 331, Oklahoma Session Laws 1953, as amended by §1, Chapter 18e, Title 68, page 388, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, §727.5), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: One-third ($1/3$) on area, one-third ($1/3$) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the 1950 Federal Decennial Census); one-third ($1/3$) on county road mileage, as last certified by the State Highway Department, as each county bears to the entire area, rural population and road mileage of the State.

(c) The revenue referred to in subsection (a) and subsection (b) of this section which is allocated for expenditure in adopting counties after the effective date shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be de-

posited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate for expenditure on county roads in said counties the revenue derived under subsection (a) on the basis of the formula provided in said subsection and the revenue derived under subsection (b) on the basis of the formula provided in said subsection, provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads within said county.

(d) In non-adopting counties the revenue from the tax referred to in subsection (a) of this Section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a), and the revenue from the tax referred to in subsection (b) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (b), and all such revenue shall be transmitted to the various county treasurers of the respective non-adopting counties and by them deposited in a Special Fund separate and apart from the County Highway Construction Fund of the several counties as hereinafter provided, to be used exclusively by the boards of said counties, for the purpose of constructing permanent bridges and culverts, located on school bus routes and mail routes and for surfacing and resurfacing of rural roads consisting of school bus and mail routes in the several counties, as hereinafter provided. Provided further, that the portion of such funds used for surfacing and resurfacing of such roads shall be used only for gravel and graveling, or some other forms of surfacing materials to be approved by the Commission. None of these funds may be used for the lease, rental, or purchase of machinery or equipment, except as hereinafter provided. One (1) gravel loader may be purchased by each county, if said county does not possess a gravel loader; provided further that the counties may hire trucks for hauling gravel. When Federal funds are available for assistance in constructing county roads, the funds herein provided, when distributed and deposited in the Special County Highway Funds, are authorized to be used by the boards, by majority action thereof, in matching such Federal funds on any county highway notwithstanding any other limitation of this Act as to the type or class of roads on which funds shall be used, and for the purpose of securing such Federal assistance the boards by majority action thereof, are authorized to enter into agreements with the Federal Government through the Commission and deposit, from the proceeds of the tax referred to and allocated in subsections (a) and (b) of this section, cash with the Commission necessary to fulfill said agreement, for the extension of the present Federal Aid Farm-to-market System, or for the creation of new Federal Systems, and to enter into such other contracts and agreements as may be necessary to secure Federal assistance in the construction or improvement of any county road.

SECTION 22. (a) Twenty-two per cent (22%) of the revenue from the tax levied by 68 O.S. 1951, §659a; and twenty-two per cent (22%) of the revenue from four cents (4¢) per gallon and all revenue from one-half cent (1/2¢) per gallon, of the five and fifty-eight one hundredths cent (5.58¢) per gallon tax levied by 68 O.S. 1951, §733; and the revenue derived from one-half cent (1/2¢) per gallon of the five and one-half cent (5 1/2¢) per gallon of the tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.3); and the revenue after the exemptions provided in 68 O.S. 1951, §§659f, 659g, and 659h, as amended, have been deducted, accruing from one-half cent (1/2¢) per gallon of the one and one-half cent (1 1/2¢) per gallon gasoline excise tax levied by 68 O.S. 1951, §660; shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: forty per cent (40%) of such sum shall be distributed for expenditure in the various counties in that proportion which the county road mileage of each county bears to the entire State road mileage, as last certified by the

State Highway Department, and the remaining sixty per cent (60%) of such sum shall be distributed for expenditure in the various counties on the basis which the population and area of each county bears to the total population and area of the State.

(b) Twenty-four and one-fourth per cent (24¼%) of the revenue from four cents (4¢) per gallon of the five and one-half cents (5½¢) per gallon tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.3), shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: in the percentage which the population and area of each county bears to the population and area of the entire State.

(c) The revenue from the tax referred to in subsection (a) and subsection (b) of this section which is allocated for expenditure in adopting counties after the effective date shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate for expenditure on county roads in said counties the revenue derived under said subsection (a) on the basis of the formula provided in said subsection and the revenue derived under subsection (b) on the basis of the formula provided in said subsection (b), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads within said county.

(d) In non-adopting counties the revenue allocated in subsection (a) of this section which is derived from the twenty-two per cent (22%) of the tax levied by 68 O.S. 1951, Section 659a and from the twenty-two per cent (22%) of the revenue from four cents (4¢) per gallon tax of the five and fifty-eight one hundredths cents (5.58¢) per gallon tax levied by 68 O.S. 1951, Section 733, shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a), and the revenue from the tax referred to and allocated in subsection (b) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (b), and all such revenue shall be transmitted to the various County Treasurers of the non-adopting counties, and by them deposited in the County Highway Fund of their respective counties, to be used by the board for the purpose of constructing and maintaining county highways and permanent bridges in such counties. No part of such fund shall be used for any purpose other than the construction and maintenance of county highways and permanent bridges in the county receiving the fund. The said funds received by any county shall not thereafter be diverted to any other county of the State, but such funds shall be expended only under the direction and control of the board in the county to which said funds are apportioned. If any part of said funds is diverted for any purpose other than as provided herein, the county commissioners shall be liable on their bond for double the amount of money so diverted. Provided that where any state or county highway has been laid out over a road already constructed in any county by the use of money raised from county or township bond issues for the purpose either alone or by the use of Federal or State Aid, or both, the board may set aside out of the funds apportioned to that county, as provided herein, an amount of money equal to the value of any part thereof, of the interest of such county or township, or both, in and to such highway or highways, bridge or bridges, so constituting a part of the State Highway System, which amount of money shall be considered by the excise board, in reducing the levy for the purpose of retiring the bonded indebtedness and interest thereon of the county or township, and shall be used for investment or deposit in the same manner as provided by law for the disposition of other sinking fund money.

Provided, however, that in respect to the revenue allocated in subsection (a) of this section which is levied by 68 O.S. 1951, Section 659a, each county shall use not less than fifty per cent (50%) of the money apportioned to it for the construction, improvement or repair of highways under the provisions of this section, for the purpose of participating in or sponsoring Federal Projects for the building or maintaining of roads, bridges or culverts; and it shall be the mandatory duty of the county excise board to appropriate such funds for such purpose; provided this provision shall not apply to counties having less than four hundred (400) eligible for employment relief according to the Federal Relief Rolls; and provided, further, that should such Federal Projects be discontinued at any time thereafter, then and in that event such funds shall be apportioned and spent as other county funds accruing hereunder. The sum remaining shall be used for the construction, improvement or repair of highways.

(e) In non-adopting counties the revenue after the exemptions provided in 68 O.S. 1951, §§659f, 659g and 659h, as amended, have been deducted, allocated in subsection (a) of this section which is derived from one-half cent ($\frac{1}{2}\phi$) per gallon of the one and one-half cent ($1\frac{1}{2}\phi$) per gallon tax levied by 68 O.S. 1951, Section 660 and from one-half cent ($\frac{1}{2}\phi$) per gallon of the five and fifty-eight one hundredths cents (5.58ϕ) per gallon tax levied by 68 O.S. 1951, §733 and from one-half cent ($\frac{1}{2}\phi$) per gallon of the five and one-half cents ($5\frac{1}{2}\phi$) per gallon tax levied by Section 3, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, Sec. 727.3) shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in said subsection (a) and transmitted to the various county treasurers of the respective non-adopting counties and by them deposited in the County Highway Fund of the county, to be used by the board exclusively and directly for the construction and maintenance of county highways and permanent bridges on United States rural free delivery and contract mail routes, and school district bus routes, which have been officially designated and mapped by the respective school districts of the respective counties. Provided, however, that the board of any county of this State shall not expend any of the funds received under the provisions of this section on any school district bus route in any district of the State receiving State Aid, until such bus route has been approved by the State Board of Education unless said bus route be the same as a United States Mail route. Provided, further, that the board of any county of this State, shall not expend any of such funds except the revenue derived from the last above cited levying section for the purpose of purchasing or renting road machinery or equipment and provided further that in all counties where the county excise board of any county may find it necessary, because of insufficient revenue to maintain city and county government of such county out of the general fund, after a levy of ten (10) mills has been made for any fiscal year, the county excise board may appropriate out of any funds apportioned to such county under this section, an amount sufficient to pay the salaries of the county commissioners of such county for such fiscal year.

It shall be unlawful for the board to use such funds for any other purpose and any county commissioner violating any of the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars (\$500.00) and imprisonment in the county jail not to exceed six months, and said commissioner shall be liable on his official bond for any of said funds expended in violation of the provisions of this subsection.

SECTION 23. 68 O.S. 1951, §734, as amended by Section 1, Chapter 18c, Title 68, Page 342, Oklahoma Session Laws 1953, and Section 1, Chapter 18f, Title 68, Page 388, Oklahoma Session Laws 1955, (68 O.S. Supp. 1957, §734) and by Section 1, Senate Bill 80, Twenty-Seventh Oklahoma Legislature is hereby amended to read as follows:

§734 (a) In addition to the tax levied by 68 O.S. 1951, Section 733 and in consideration of the use of the highways of this State, an additional tax is hereby levied upon all persons subject to and liable for the tax levied by 68 O.S. 1951, Section 733, to be paid at the rate of one cent (1¢) per gallon on gasoline imported into and actually used on the highways of this State which tax shall be computed and paid on the same basis, at the same time and in the same manner as the tax levied by 68 O.S. 1951, Section 733. The revenue accruing from the tax levied by this section, including interest and penalties thereon, shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: one-third (1/3) on area, one-third (1/3) on county road mileage as last certified by the State Highway Department, and one-third (1/3) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000), according to the 1940 Federal Decennial Census, adjusted by one-half (1/2) of the increase or decrease that would result through using the 1950 Federal Decennial Census), as each county bears to the entire area, rural population and road mileage of the State.

(b) In adopting counties after the effective date the revenue from the tax referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate such revenue for expenditure on county roads in the several adopting counties on the basis of the formula provided in said subsection (a), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads in said county.

(c) In non-adopting counties the revenue from the tax referred to in subsection (a) of this section shall be apportioned monthly by the Oklahoma Tax Commission and paid to the various county treasurers of non-adopting counties and by them deposited in the County Highway Construction Funds of the several counties, as hereinafter provided, to be used by the board of said counties for the purpose of constructing and maintaining school bus routes and mail routes in the several counties.

SECTION 24. (a) Ten per cent (10%) of the revenue from the tax levied by Section 3, Chapter 20a, Title 68, Page 392, Oklahoma Session Laws 1955 (68 O.S. Supp. 1957, §849) and ten per cent (10%) of the revenue from the tax levied by 68 O.S. 1951, §821, derived from each county wherein the oil, natural gas and other minerals were produced shall, from and after the effective date of this Act, be allocated for expenditure in such county for the construction and maintenance of county roads (Except that this Act shall not affect the distribution of such tax on the royalty interests of Osage Indians as required by the Act of Congress of April 25, 1940, cited as 54 Stat. 168).

(b) In the adopting counties involved after the effective date the revenue from the tax referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the Commission shall allocate such revenue for expenditure for the construction and maintenance of county roads in the adopting counties involved on the basis provided in subsection (a) of this section, provided, however, the Commission may expend up to one-third to match Federal funds on any road or roads in said county.

(c) In the non-adopting counties involved the revenue from the tax referred to in subsection (a) of this section shall be apportioned monthly by the Oklahoma

Tax Commission on the basis prescribed in said subsection (a) and transmitted to the various county treasurers of the non-adopting counties involved and by them credited to a fund of such county known as the County Highway Construction and Maintenance Fund, and shall be used for the construction and maintenance of county highways.

SECTION 25. (a) After excluding, (1) five per cent (5%) of all monies, funds, license fees and penalties collected or received by the Oklahoma Tax Commission pursuant to the Motor Vehicle License and Registration Act, (2) registration fees retained by Motor License Agents for their services, and (3) ninety-five per cent (95%) of all license fees and penalties collected and received by the Oklahoma Tax Commission from the registration of automobiles and farm trucks, fifty-five per cent (55%) of the remaining revenue from the taxes levied by 47 O.S. 1951, §22.5, as amended by Section 1, Chapter 1, Title 47, page 426, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §22.5); Section 1, Chapter 1c, Title 47, Page 260 Oklahoma Session Laws 1955 (47 O.S. Supp. 1957, §22.5c); Section 1, Chapter 1a, Title 47, Page 258, Oklahoma Session Laws 1955 (47 O.S. Supp. 1957, §22.5d); Section 1, Chapter 1a, Title 47, Page 430, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §22.5g); 47 O.S. 1951, §22.7 as amended by Section 1, Chapter 1b, Title 47, Page 186, Oklahoma Session Laws 1953 (47 O.S. Supp. 1957, §22.7); and Section 2, Chapter 1d, Title 47, Page 433, Oklahoma Session Laws 1957 (47 O.S. Supp. 1957, §40.2); shall be allocated for expenditure on county roads in the several counties on the basis of the following formula: Forty per cent (40%) of such sum shall be distributed for expenditure in the various counties in that proportion which the county road mileage of each county bears to the entire State road mileage as last certified by the State Highway Department, and the remaining sixty per cent (60%) of such sum shall be distributed for expenditure in the various counties on the basis which the population and area of each county bears to the total population and area of the State.

(b) In adopting counties from and after the effective date the revenue from the taxes referred to in subsection (a) of this section shall be transmitted by the Oklahoma Tax Commission to the State Treasurer to be deposited to the credit of the State Highway Construction and Maintenance Fund, and the State Highway Commission shall allocate such revenue for expenditure on county roads in the several adopting counties on the basis of the formula provided in said subsection (a), provided, however, the Commission may expend up to one-third of said funds to match Federal funds on any road or roads in said county.

(c) In non-adopting counties the revenue from the taxes referred to in the subsection (a) of this section shall be apportioned monthly by the Oklahoma Tax Commission on the basis of the formula prescribed in subsection (a) of this section and transmitted to the various county treasurers of the non-adopting counties, and shall be used for the construction, improvement or repair of highways, except that the county treasurer shall deposit so much of said money on the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county bonds for road purposes, but not to exceed forty per cent (40%) of such monies shall be so used. Monies allocated to counties under this section may be set up and estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety per cent (90%) of the previous year's income from such source, provided not more than fifteen per cent (15%) can be encumbered during any one month. It is the purpose of this subsection to provide for the distribution to such non-adopting counties the revenue referred to in subsection (a) of this section which revenue was heretofore apportioned under the

provisions of subsection (d) of Section 22.2, Title 47 O.S. 1951, as amended, which subsection (d) is herein repealed.

SECTION 26. In adopting counties from and after the effective date that portion of the Federal Aid Secondary Road Funds heretofore available for apportionment to the various counties when matched by them shall be apportioned by the Commission for expenditure on county roads in such counties, on the same basis and formula by which such funds have heretofore been or are hereafter apportioned in non-adopting counties.

SECTION 27. 68 O.S. 1951, §660c; Section 2, Chapter 18a, Title 68, Page 339, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §669.2); Section 6, Chapter 18, Title 68, Page 331, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §727.6), as amended by Section 1, Senate Bill 81, Twenty-Seventh Oklahoma Legislature; Paragraph (c) of subsection (1) and all of subsection (3), Section 4, Chapter 18, Title 68, Page 329, Oklahoma Session Laws 1953 (68 O.S. Supp. 1957, §§727.4 (1) (c) and (3)); 68 O.S. 1951, §659b, subsection (d); 68 O.S. 1951, §732, paragraph (d) of subsection (1), and all of subsection (3); 68 O.S. 1951, §827, subsection (c) as amended by Section 1, Chapter 20, Title 68, Oklahoma Session Laws 1957; 68 O.S. 1951, §827.1, subsection (b); 47 O.S. 1951, §22.2, subsection (d) as amended by Section 8, Senate Bill No. 105, Twenty-Sixth Oklahoma Legislature (47 O.S. Supp. 1957, §22.2, subsection (d)) and all laws and parts of laws in conflict herewith are hereby repealed.

SECTION 28. The provisions of this Act are severable, and if any part or provision hereof shall be void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act. The provisions hereof shall be liberally construed to effect the express and implied intent of the Act.

NAME	RESIDENCE (Rural Route or Street Address, if any)	POST OFFICE	
		City or Town	State
1			Oklahoma
2			Oklahoma
3			Oklahoma
4			Oklahoma
5			Oklahoma
6			Oklahoma
7			Oklahoma
8			Oklahoma
9			Oklahoma
10			Oklahoma
11			Oklahoma
12			Oklahoma
13			Oklahoma
14			Oklahoma
15			Oklahoma
16			Oklahoma
17			Oklahoma
18			Oklahoma
19			Oklahoma
20			Oklahoma

STATE OF OKLAHOMA

COUNTY OF.....

} SS.

AFFIDAVIT

I,, of lawful age, being first duly sworn, say:
(Here shall be legibly written, or typewritten, the names of the signers on the foregoing sheet)

- 1. 11.
- 2. 12.
- 3. 13.
- 4. 14.
- 5. 15.
- 6. 16.
- 7. 17.
- 8. 18.
- 9. 19.
- 10. 20.

signed the foregoing sheet of the foregoing Petition, and each of them signed his name in my presence; I believe that each has stated his name, postoffice address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and county of his residence.

.....
Petition Circulator's Signature

Circulator's Post Office Address:

.....
Rural Route or Street Address

.....
City or Town

... SUBSCRIBED and sworn to before me this.....day of....., 19.....,

.....
Notary Public

Notary's Post Office Address:

My Commission Expires:

.....

Oklahoma City, Oklahoma
January 28, 1960

The Honorable W. N. Christian,
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma.

Dear Mr. Christian:

We, the undersigned, qualified voters of Oklahoma, hereby protest the form, the substance, and the sufficiency of the signatures contained on the Big Red "E" Initiative Petition filed with you and designated as State Question 398, Initiative Petition No.267.

Please advise us when the hearing will be held as to the sufficiency of the petition and the signatures thereon. We should like to have sufficient time withing which to catalogue, categorize and alphabetize all of the circulators and the signatories in as much as we are advised by our counsel that the burden of proof of the insufficiency of the petition and signatures is upon the protestants.

We hope to be able, after, cataloguing, categorizing and alphabetizing, to check the signatures against the voters' registration books in the counties involved in order to weed out the forged and incompetent signatures; and also in order to check on reports of threats and coercion of state employees in the circulation of this Big Red "E" Petition.

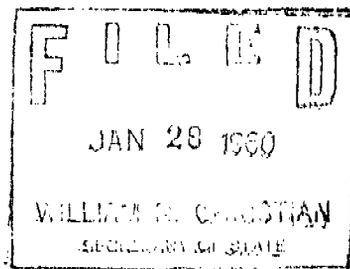
Very truly yours,

Z. H. Lawter
Z. H. Lawter
1321 N.W. First

E. T. Cornelius
E. T. Cornelius
207 N.W. 30th

James D. Antonio
James D. Antonio

405 N.W. 5th

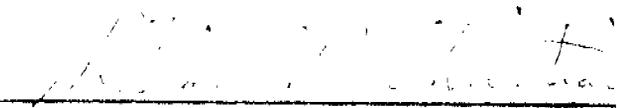


during the period of twenty days in which said pamphlets have been in the custody and possession of the Secretary of State;

Now therefore it is ordered, considered, and held by the Secretary of State that the application for continuance is not made in good faith and continuance therefore is denied.

Whereupon the Secretary of State calls upon the attorney for protestants to present argument and evidence, or either of them, in support of the protest, and there being none such presented;

It is therefore ordered, considered and held by the Secretary of State that the protestants have wholly failed to sustain the burden of proof required of protestants by law, and that said petition is sufficient both as to form and as to number of signatures.



SECRETARY OF STATE

No. 39038

IN THE SUPREME COURT
OF THE STATE OF OKLAHOMA

IN RE: INITIATIVE PETITION NO. 267

STATE QUESTION NO. 398

XXXXX
XXXXXXXXXXXX

XXXXXXXXXXXX

PETITION OF PROTESTANTS TO REVIEW AND
APPEAL FROM THE ORDER OF THE SECRETARY
OF STATE DECLARING THE ABOVE INITIATIVE
PETITION TO BE SUFFICIENT

MISKOVSKY & MISKOVSKY
ATTORNEYS
HIGHTOWER BUILDING
OKLAHOMA CITY 2, OKLAHOMA

IN THE SUPREME COURT
OF THE STATE OF OKLAHOMA

FILED
IN SUPREME COURT
OF OKLAHOMA
FEB 19 1960
ANDY PAYNE
CLERK

IN RE: INITIATIVE PETITION NO. 267)
STATE QUESTION NO. 398)

No. 39038

PETITION OF PROTESTANTS TO REVIEW AND APPEAL
FROM THE ORDER OF THE SECRETARY OF STATE
DECLARING THE ABOVE INITIATIVE PETITION TO
BE SUFFICIENT

Come now the petitioners, Z. H. LAWTER, JAMES D. ANTONIO, and E. T. CORNELIUS, and respectfully represent and show to the Court, as follows:

I.

The petitioners are citizens residing in Oklahoma County and are qualified legal voters and taxpayers of the State of Oklahoma.

II.

This Court has jurisdiction of the subject matter herein under and by virtue of the authority vested in said Court by Section 2, Article 7 of the Constitution of the State of Oklahoma, and by virtue of the laws of the State of Oklahoma, enacted under and pursuant thereto, to-wit: Section 8, Title 34, O. S. A. 1951.

III.

On the 16th day of November, 1959, there was filed in the Office of the Secretary of State of the State of Oklahoma a certain Initiative Petition having for its purpose to submit to a vote of the people, for their approval or rejection, the proposal herein set forth. A copy of said Initiative Petition is hereto attached, marked "Exhibit A" and made a part hereof by this reference, being Initiative Petition No. 267, State Question No. 398.

IV.

Within the time fixed by law, petitioners herein filed a protest against the sufficiency of said Initiative Petition, challenging the sufficiency of said Petition. A copy of said Protest is hereto attached, marked

LAW OFFICES

MISKOVSKY
&
MISKOVSKY

HIGHTOWER BLDG
OKLAHOMA CITY

"Exhibit B" and made a part hereof by this reference.

V.

On the 9th day of February, 1960, petitioners' protest came on for hearing before the Secretary of State, which date was only one day following the expiration date within which protest against said Petition could be filed. Upon said date petitioners asked the Secretary of State to permit a record of the proceedings be made, which request was summarily denied, and the proceedings held without a record thereof being made. Thereupon, petitioners respectfully prayed for sufficient time within which to check the sufficiency of the signatures against the permanent registration records in the various counties in the State of Oklahoma, to present in an orderly fashion their evidence in opposition to said Petition. This request of petitioners was likewise summarily overruled and the Secretary of State, acting in a quasi-judicial capacity, abused his discretion in summarily denying petitioners time within which to prepare and present their evidence in ruling said Initiative Petition to be sufficient. A copy of said Order is hereto attached, marked "Exhibit C" and made a part hereof by this reference.

VI.

Petitioners aver that the Order denying the petitioners time within which to prepare and present their evidence and declaring the Initiative Petition sufficient to submit to a vote of the people, is erroneous and illegal and an abuse of said official's sound judgment and discretion, and in support thereof, petitioners allege:

- (a) The Initiative Petition is insufficient in that it is not in the form required by law, and does not contain the language required by the applicable statutes of the State of Oklahoma; and
- (b) That the Petition is insufficient in that it does not contain a sufficient number of registered voters as required by law.

WHEREFORE, premises considered, petitioners pray for a complete hearing

LAW OFFICES

MISKOVSKY
&
MISKOVSKY

HIGHTOWER BLDG
OKLAHOMA CITY

and trial de novo of all the issues herein involved before this honorable Court;
and

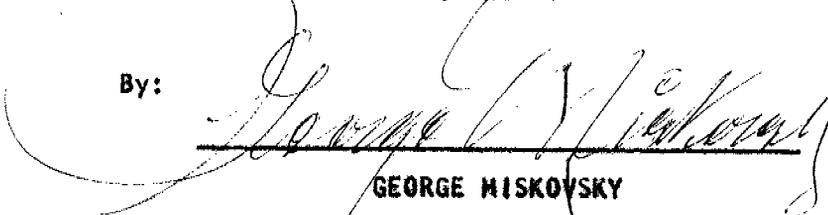
For all other relief proper in the premises.

Z. H. LAWTER;
JAMES D. ANTONIO; and
E. T. CORNELIUS,

Petitioners

By: CHAS. I. ALLEN, and
MISKOVSKY and MISKOVSKY

By:

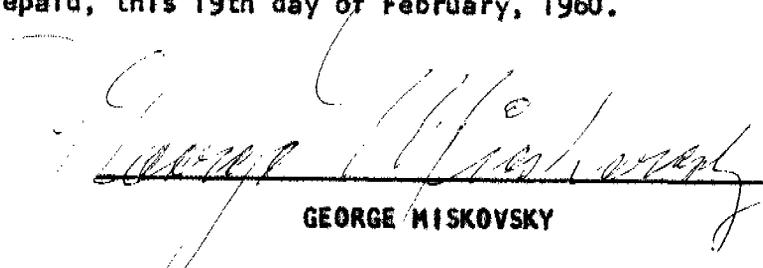


GEORGE MISKOVSKY

Attorneys for Petitioners
Suite 830 Hightower Building
Oklahoma City 2, Oklahoma.

CERTIFICATE OF MAILING

I hereby certify that full, true, and correct copies of the foregoing PETITION, addressed to the Secretary of State of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma, and to the Attorney General of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma, and to Norman E. Reynolds, Jr., Attorney at Law, Republic Building, Oklahoma City, Oklahoma, were each deposited by me in the United States Mail at Oklahoma City, Oklahoma, with postage thereon fully prepaid, this 19th day of February, 1960.



GEORGE MISKOVSKY

LAW OFFICES

MISKOVSKY
&
MISKOVSKY

HIGHTOWER BLDG
OKLAHOMA CITY

January 21, 1960 - 4:00 P. M.

OFFICE OF SECRETARY OF STATE
STATE OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA

TABULATION OF INITIATIVE PETITION

STATE QUESTION NO. 398

INITIATIVE PETITION NO. 267

VOLUME	PAGES	TOTAL PAGES	SIGNATURES
VOLUME 1	1 to 200	200	2,141
VOLUME 2	1 to 200	200	4,000
VOLUME 3	1 to 200	200	4,000
VOLUME 4	1 to 200	200	2,827
VOLUME 5	1 to 200	200	2,870
VOLUME 6	1 to 200	200	4,000
VOLUME 7	1 to 200	200	3,212
VOLUME 8	1 to 200	200	3,509
VOLUME 9	1 to 200	200	3,291
VOLUME 10	1 to 200	200	3,996
VOLUME 11	1 to 200	200	3,567
VOLUME 12	1 to 200	200	3,236
VOLUME 13	1 to 200	200	3,783
VOLUME 14	1 to 200	200	3,725
VOLUME 15	1 to 200	200	2,173
VOLUME 16	1 to 200	200	2,899
VOLUME 17	1 to 200	200	3,636
VOLUME 18	1 to 200	200	3,771
VOLUME 19	1 to 200	200	3,622
VOLUME 20	1 to 200	200	3,999
VOLUME 21	1 to 200	200	3,232
VOLUME 22	1 to 200	200	3,993
VOLUME 23	1 to 200	200	3,598
VOLUME 24	1 to 93	93	1,860
VOLUME 25	1 to 72	72	1,068
TOTAL		4,765	82,008
LESS one (1) Signature, per letter			-1
GRAND TOTAL		4,765	82,007

File #1

File #2

File #3

Sent Registered mail--return receipt requested.

March 3, 1960

Senator George Miskovsky,
Hightower Building,
Oklahoma City, Oklahoma.

IN RE: State Question No. 396
Initiative Petition No. 265
State Question No. 398
Initiative Petition No. 267

Dear Senator:

In accordance with my letter to you yesterday, I am sending to you by Registered Mail microfilmed copies of both of the above numbered petitions.

As to State Question No. 396, Initiative Petition No. 265 (Constitutional Highway) the microfilmed copies are in four film rolls, labeled and numbered accordingly. The attached tabulation sheet is marked to show the volumes in each film roll.

As to State Question No. 398, Initiative Petition No. 267 (Better County Roads Plan), the microfilmed copies of this petition are in three rolls, labeled and numbered accordingly. The attached tabulation sheet shows the volumes contained in each film roll.

Cordially,

WILLIAM N. CHRISTIAN
Secretary of State

WNC:B

CC-- Mr. Norman Reynolds
Republic Building
Oklahoma City, Oklahoma.

OKLAHOMA STATE DEPARTMENT

WILLIAM N. CHRISTIAN

SECRETARY OF STATE



SCOTT BURSON
ASSISTANT SECRETARY

OKLAHOMA CITY

March 16, 1960

In re: Records of Secretary of State
State Question No. 398
Initiative Petition No. 267

Now on this 16th day of March, 1960, the undersigned has delivered to William N. Christian as Secretary of State of the State of Oklahoma two (2) rolls of microfilm separately described as follows:

Item 1: Microfilm Roll "Secretary of State 2, State Question No. 398, Initiative Petition No. 267, Vol. 10-18, DUPLICATE, County Road Funds"; and,

Item 2: Microfilm Roll "Secretary of State 3, State Question No. 398, Initiative Petition No. 267, Vol. 19-25, DUPLICATE, County Road Funds"

(and said Secretary of State hereby acknowledges receipt of same) and in exchange for the above described rolls, the undersigned has received from the Secretary of State in lieu of the above, two (2) rolls of microfilm separately described as follows:

Item 1: Microfilm Roll "Secretary of State 2, State Question No. 398, Initiative Petition No. 267, Vol. 10-18, ORIGINAL, County Road Funds"; and

Item 2: Microfilm Roll "Secretary of State 3, State Question No. 398, Initiative Petition No. 267, Vol. 19-25, ORIGINAL, County Road Funds";

and the undersigned agrees to return the last above described microfilms to the Secretary of State, upon completion of examination of the same, and having prints made therefrom.

A handwritten signature in cursive script, reading "Glen R. Beiderwell".

Glen R. Beiderwell, for
THE SERVICE BUREAU CORPORATION,
212 N. W. Fifth Street,
Oklahoma City 3, Oklahoma,
Telephone: Regent 6-5582

OKLAHOMA STATE DEPARTMENT

WILLIAM N. CHRISTIAN

SECRETARY OF STATE



SCOTT BURSON
ASSISTANT SECRETARY

OKLAHOMA CITY

March 17, 1960

In re: Records of Secretary of State
State Question No. 398
Initiative Petition No. 267

Now on this 17th day of March, 1960, the undersigned has delivered to William N. Christian as Secretary of State of the State of Oklahoma one (1) roll of microfilm described as follows:

Item 1: Microfilm Roll "Secretary of State 1, State Question No. 398, Initiative Petition No. 267, Vol. 1-9, DUPLICATE, County Road Funds"

(and said Secretary of State hereby acknowledges receipt of same) and in exchange for the above described roll, the undersigned has received from the Secretary of State in lieu of the above, one (1) roll of microfilm described as follows:

Item 1: Microfilm Roll "Secretary of State 1, State Question No. 398, Initiative Petition No. 267, Vol. 1-9, ORIGINAL, County Road Funds";

and the undersigned agrees to return the last above described microfilm to the Secretary of State, upon completion of examination of the same, and having prints made therefrom.

A handwritten signature in cursive script, reading "Glen R. Beiderwell".

Glen R. Beiderwell, for
THE SERVICE BUREAU CORPORATION,
212 N. W. Fifth Street,
Oklahoma City 3, Oklahoma,
Telephone: Regent 6-5582

March 18, 1960

Mr. George D. Hoffman,
Recordak Corporation,
121 N. W. Sixth Street,
Oklahoma City 2, Oklahoma.

IN RE: State Question No. 396 Initiative Petition No. 265
State Question No. 397 Initiative Petition No. 266
State Question No. 398 Initiative Petition No. 267

Dear Sir:

You are hereby advised that at the request of The Honorable George Miskovsky, attorney for the protestant on each of the above petitions, I have made available to Mr. Glen R. Beiderwell as local manager of The Service Bureau Corporation original microfilm copies of the above petitions. It is my understanding that Mr. Beiderwell desires to have your firm make electrostatic copies of the above petitions from the microfilm belonging to this office. You have my consent to make such copies.

Cordially,

WILLIAM N. CHRISTIAN
Secretary of State

CC: Mr. Glen R. Beiderwell

March 18, 1960

Mr. George D. Hoffman,
Reconick Corporation,
131 N. W. Sixth Street,
Oklahoma City 2, Oklahoma.

RE: State Question No. 386 Initiative Petition No. 265
State Question No. 397 Initiative Petition No. 266
State Question No. 398 Initiative Petition No. 267

Dear Sir:

You are hereby advised that at the request of
The Honorable George Mickovsky, attorney for the protestant on
each of the above petitions, I have made available to
Mr. Glen R. Belderswell as local manager of The Service Bureau Corporation
original microfilm copies of the above petitions. It is my understanding
that Mr. Belderswell desires to have your firm make electrostatic copies
of the above petitions from the microfilm belonging to this office.
You have my consent to make such copies.

Cordially,

WILLIAM N. CHRISTIAN
Secretary of State

CC: Mr. Glen R. Belderswell

REYNOLDS & RIDINGS

ATTORNEYS AT LAW

1101-1109 REPUBLIC BUILDING

OKLAHOMA CITY 2, OKLAHOMA

NORMAN E. REYNOLDS
1898-1953
W. OTIS RIDINGS
NORMAN E. REYNOLDS, JR.
KEITH McMILLIN
PETER BOATRIGHT

May 20, 1960

PHONES: CE 2-8131
CE 2-8132

Hon. Mac Q. Williamson,
Attorney General of State of Oklahoma,
State Capitol,
Oklahoma City, Oklahoma.

Hon. William M. Christian,
Secretary of State,
State Capitol,
Oklahoma City, Oklahoma.

*Filed
May 23 1960
J.H.*

Gentlemen: In re: State Question No. 398, Initiative Petition
No. 267

In conformity with 34 O. S. 1951, Section 9, I hereby submit to you ballot title and copy of initiative petition. The proposed ballot title is as follows:

The gist of the proposition is:

SHALL AN ACT PROVIDING: EACH COUNTY DETERMINE WHETHER IT SHALL TRANSFER THE CONSTRUCTION AND MAINTENANCE OF COUNTY ROADS TO STATE HIGHWAY COMMISSION OR CONTINUE BY COUNTY COMMISSIONERS; SUBSEQUENT ELECTIONS UPON PETITION; DEFINITIONS; PROCEDURE FOR CONTINUAL IMPROVEMENT AND NEW CONSTRUCTION, ANNUAL PLANS, CONTROLS BY COUNTY COMMISSIONERS, RESIDENT ROAD SUPERVISOR, LOCAL PURCHASES, TRANSFER OF PROPERTY WITH ADDITIONAL ROADS THEREFOR AND OTHER PROVISIONS IN ADOPTING COUNTIES; AMENDING OR REPEALING SECTIONS APPORTIONING CERTAIN TAXES TO CAUSE DISTRIBUTION IN CONFORMITY WITH PEOPLE'S WILL IN EACH COUNTY; OTHER RELATED PROVISIONS; AND DECLARING PROVISIONS SEVERABLE

BE APPROVED AND ADOPTED?

Respectfully submitted,

Norman Reynolds
NORMAN REYNOLDS.

STATE OF OKLAHOMA
SUPREME COURT

} SS.

FILED
MAY 20 1960
WILLIAM N. CHRISTIAN
SECRETARY OF STATE

MANDATE

In re: Initiative Petition No. 267
State Question No. 398

Plaintiff in Error,

vs.

Defendant in Error.

No. 39038

FILED
MAY 20 1960
WILLIAM N. CHRISTIAN
SECRETARY OF STATE

THE SUPREME COURT OF OKLAHOMA:

To the Honorable Judge of the Secretary of State of State of Okla. ~~County~~
in said State of Oklahoma.

Whereas, the Supreme Court of the State of Oklahoma, did on the 20 day of
May, 1960 Memorandum Decision by order
render an ~~opinion~~ in the above entitled cause,
appealed from the Secretary of ~~Court of~~ State of State of Oklahoma ~~County~~

Petition is hereby approved, and cause
remanded to the Secretary of State with directions
to proceed in accordance with the opinion promulgated.

Now, Therefore, you are hereby commanded to cause such Petition approved with
directions

to show of record in your court and to issue such process and take such other and
further action as may be in accord with right and justice and said opinion.

Witness, the Honorable Denver N. Davison, Chief Justice of the Supreme
Court of the State of Oklahoma, at the City of Oklahoma City, this 20 day of May, 1960

By *Ethel C. Hammett*
ANDY PAYNE, Clerk
Ethel C. Hammett Deputy.

Rec. State

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
MAY 20 1960
ANDY PAYNE
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re: INITIATIVE PETITION NO. 267)
STATE QUESTION NO. 398)

No. 39,038

MEMORANDUM DECISION BY ORDER

* * * * *

Now on this 20th day of May, 1960, this cause coming on for consideration, and the court having examined the record and the report of the Referee and being advised in the premises:

1. The court finds that the matter before the court and the cause should be disposed of in this memorandum decision by order. (12 O.S. 1959, Supp., Section 976)

2. The court finds that on the 16th day of November, 1959, there was filed with the Secretary of State an Initiative Petition, No. 267, State Question No. 398; that within the time provided by law, Z.H. Lawter, James D. Antonio and E. T. Cornelius filed a protest; that the Secretary of State found the petition sufficient whereupon protestants appealed to this court. The matter was then assigned to the Referee under date of February 25, 1960, and was set for trial and continued until the 18th day of May, 1960, at which time petitioner appeared by Norman Reynolds, Jr., as counsel, and protestants appeared by counsel, Miskovsky and Miskovsky, by George Miskovsky, whereupon counsel for protestants stated that the initiative petition was correct as to form and contained a sufficient number of genuine signatures and thereupon submitted the cause to the Referee for findings of fact and conclusions of law. On the 19th day of May, 1960, the Referee made his report approving the petition.

The court further finds that the report of the Referee approving the petition and finding it sufficient should be sustained; that the statements and agreement of protestants support the findings of the Referee and the court approves the petition and declares it valid.

It is stipulated and agreed by both parties that the opinion of this court shall not await the filing of a petition for rehearing

FILED
MAY 20 1960
WILLIAM N. CHRISTIAN
SECRETARY OF STATE

but that the mandate may be issued forthwith.

The Initiative Petition is hereby approved, the cause re-
manded to the Secretary of State with directions to proceed in
accordance with the opinion promulgated.

DONE BY DIRECTION AND ORDER OF THE COURT IN CONFERENCE this
20th day of May, 1960.

James A. Harrison

Chief Justice

I, Andy Payne, Clerk of the Supreme Court of the State of
Oklahoma do hereby certify that the above and foregoing is a full, true
and complete copy of the opinion of said Court in the above entitled
cause, as the same remains on file in my office.

In Witness Whereof I hereunto set my hand and affix the Seal
of said Court, at Oklahoma City, this the 20 day of May
1960-----

ANDY PAYNE, Clerk

By *Ethel C. Hammett*
DEPUTY

RECEIPT FOR MANDATE

In re: Initiative Petition No. 267
State Question No. 398
VS.

No. 39038

Received of ANDY PAYNE, Clerk, the Mandate in the above cause.

Dated this day of , 19

TO
COURT CLERK
AFFIX YOUR SEAL
OVER THIS SPACE

COURT CLERK,

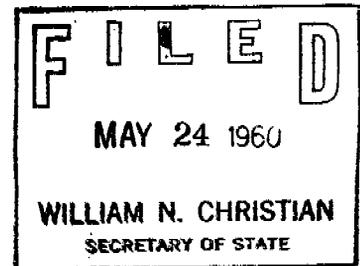
County, Oklahoma



MAC Q. WILLIAMSON
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

May 24, 1960



Honorable William Christian
Secretary of State
State Capitol
Oklahoma City, Oklahoma

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 to State Question No. 398, Initiative Petition No. 267, which, together with a copy of said petition, was delivered to him on May 23, 1960, by Mr. Norman Reynolds, attorney for the proponents of said petition, and from said examination the Attorney General finds that said ballot title is in legal form and in harmony with the law. Said proposed ballot title is as follows:

BALLOT TITLE

INITIATIVE PETITION NO. 267

STATE QUESTION NO. 398

THE GIST OF THE PROPOSITION IS:

Shall an act providing:

Each county determine whether it shall transfer the construction and maintenance of county roads to State Highway Commission or continue by county commissioners; subsequent elections upon petition; definitions; procedure for continual improvement and new construction, annual plans, controls by county commissioners, resident road supervisor, local purchases, transfer of property with additional roads therefor and other provisions in adopting counties; amending or repealing sections apportioning certain taxes to cause distribution in conformity with people's will in each county; other related provisions; and declaring provisions severable

be approved and adopted?

Hon. William Christian

5-24-60

2

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

SHALL THE PROPOSED AMENDMENT BE APPROVED?

.....
: : NO.
.....

Yours very truly

FOR THE ATTORNEY GENERAL

APPROVED BY ATTORNEY GENERAL 5-24-1960

GH

Fred Hansen
Fred Hansen
First Assistant Attorney General

FH:LW

June 6, 1960

Honorable J. Howard Edmondson
Governor of the State of Oklahoma
B U I L D I N G

Sir:

You will find enclosed approved ballot title covering

STATE QUESTION NO. 398
INITIATIVE PETITION NO. 267

together with a copy of the Initiative Petition, for
your disposition; *said copies being duly attested.*

Yours truly

William N. Christian

William N. Christian
Secretary of State

WNC
jdd

Received this the
6th day of June 1960

Sam H. Crossland
Governor's Office

June 6, 1960

Mr. Leo Winters,
Secretary, State Election Board
B U I L D I N G

Sir:

You will find enclosed copy of the approved ballot title covering

STATE QUESTION NO. 398
INITIATIVE PETITION NO. 267

together with a copy of the Initiative Petition, for your disposition; *said copies being duly attested.*

Yours truly

William N. Christian

William N. Christian
Secretary of State

WNC
jdd

Received this the
6th day of June, 1960

Dennis

Election Board

OKLAHOMA STATE DEPARTMENT

WILLIAM N. CHRISTIAN
SECRETARY OF STATE



SCOTT BURSON
ASSISTANT SECRETARY

OKLAHOMA CITY

August 22, 1960

Dear Sir:

Enclosed herewith are the three Ballot Titles which are to be submitted to the people for their approval or rejection at the Special Election, Tuesday, September 20, 1960.

The Ballot Titles followed by an explanation of how to vote thereon, must be published in two newspapers in each county at least five days prior to said election (34 O.S. 1951 X 17). Said Ballot Titles are to be published one time only at the legal rate of 3¢ per word for the one insertion. This publication should be on Thursday, September 8, 1960; if your paper does not have a Thursday Edition it should be published in that issue nearest the end of the same week. (25 O.S. 1951 X 101).

28 O.S. 1959 Supp. X 121 plainly states that 3¢ per word is all that can be paid for the one insertion. The total bill must not exceed \$10.53, and immediately after you run this in your paper please send this office an invoice not to exceed \$10.53, made out in triplicate and itemized as the sample I am enclosing, and a proof of the publication of each of the three questions attached hereto.

Cordially,

A handwritten signature in cursive script that reads "William N. Christian".

William N. Christian
Secretary of State

WNC:aj

PLEASE ITEMIZE YOUR INVOICE IN TRIPPLICATE SIMILAR TO THE
SAMPLE BELOW

- - - - -

Legal Publication of Ballot Titles as follows:

Initiative Petition No. 265, State Question No. 396	\$ 3.42
Initiative Petition No. 266, State Question No. 397	3.57
Initiative Petition No. 267, State Question No. 398	<u>3.54</u>
Total	\$10.53

BALLOT TITLE

INITIATIVE PETITION NO. 267

STATE QUESTION NO. 398

THE GIST OF THE PROPOSITION IS:

Shall an act providing:

Each county determine whether it shall transfer the construction and maintenance of county roads to State Highway Commission or continue by county commissioners; subsequent elections upon petition; definitions; procedure for continual improvement and new construction, annual plans, controls by county commissioners, resident road supervisor, local purchases, transfer of property with additional roads therefor and other provisions in adopting counties; amending or repealing sections apportioning certain taxes to cause distribution in conformity with people's will in each county; other related provisions; and declaring provisions severable

be approved and adopted?

.....
. . . YES
.....

SHALL THE PROPOSED AMENDMENT BE APPROVED?

.....
. . . NO.
.....

OKLAHOMA STATE DEPARTMENT

WILLIAM N. CHRISTIAN
SECRETARY OF STATE



SCOTT BURSON
ASSISTANT SECRETARY

OKLAHOMA CITY

August 22, 1960

Dear Sir:

Enclosed herewith are the three Ballot Titles which are to be submitted to the people for their approval or rejection at the Special Election, Tuesday, September 20, 1960.

The Ballot Titles followed by an explanation of how to vote thereon, must be published in two newspapers in each county at least five days prior to said election (34 O.S. 1951 X 17). Said Ballot Titles are to be published one time only at the legal rate of 3¢ per word for the one insertion. This publication should be on Thursday, September 8, 1960; if your paper does not have a Thursday Edition it should be published in that issue nearest the end of the same week. (25 O.S. 1951 X 101).

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Cordially,

A handwritten signature in cursive script that reads "William N. Christian".

William N. Christian
Secretary of State

WNC:aj

BALLOT TITLE

INITIATIVE PETITION NO. 267

STATE QUESTION NO. 398

THE GIST OF THE PROPOSITION IS:

Shall an act providing:

Each county determine whether it shall transfer the construction and maintenance of county roads to State Highway Commission or continue by county commissioners; subsequent elections upon petition; definitions; procedure for continual improvement and new construction, annual plans, controls by county commissioners, resident road supervisor, local purchases, transfer of property with additional roads therefor and other provisions in adopting counties; amending or repealing sections apportioning certain taxes to cause distribution in conformity with people's will in each county; other related provisions; and declaring provisions severable

be approved and adopted?

.....
. . . YES
.....

SHALL THE PROPOSED AMENDMENT BE APPROVED?

.....
. . . NO.
.....

July 22, 1960

Honorable Leo Ginters
Secretary State Election Board
B U I L D I N G

Sir:

You will find enclosed a certified copy of a Proclamation filed in this office July 21, 1960, at 4-30 P. M. covering the following State questions:

- State Question No. 396, Initiative Petition No. 265
- State Question No. 397, Initiative Petition No. 266
- State Question No. 398, Initiative Petition No. 267

For your information.

Cordially

William H. Christian
Secretary of State

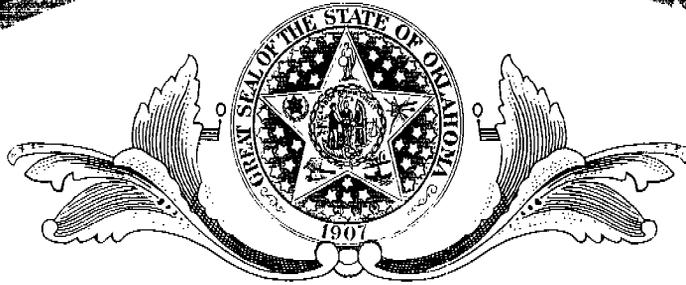
JNC
jdd

Received this the 22nd day
July, 1960

Election Board

By M. J. Mass

STATE OF OKLAHOMA



EXECUTIVE DEPARTMENT

Proclamation

WHEREAS, the Honorable William N. Christian, Secretary of State of Oklahoma, has notified me the, undersigned Governor of the State of Oklahoma, in writing; that State Question 398, Initiative Petition 267 has been accepted and its title decided upon, same being a petition ordering that a proposed law for the State of Oklahoma be submitted to the people for their approval or rejection "at the regular general election to be held on the First day of November A.D., 1960, or at a special election which might be called for said purpose".

WHEREAS, it is now my duty, as Governor of the State of Oklahoma, to submit said proposed law to the people of Oklahoma for their approval or rejection by and through the issuance of a proclamation setting forth the substance of said petition and the date of the referendum vote thereon.

NOW, THEREFORE, I, J. Howard Edmondson, Governor of the State of Oklahoma, by virtue of the power and authority vested in me by law, do hereby proclaim that the substance of said State Question 398, Initiative Petition 267 is

Shall an act providing:

Each county determine whether it shall transfer the construction and maintenance of county roads to State Highway Commission or continue by county commissioners; subsequent elections upon petition; definitions; procedure for continual improvement and new construction, annual plans, controls by county commissioners, resident road supervisor, local purchases, transfer of property with additional roads therefor and other provisions in adopting counties; amending or repealing sections apportioning certain taxes to cause distribution in conformity with people's will in each county; other related provisions; and declaring provisions severable

be approved and adopted?

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed.

Done at the Capitol, in the City of Oklahoma City, this day of , in the Year of Our Lord one thousand nine hundred and , and of the State of Oklahoma the

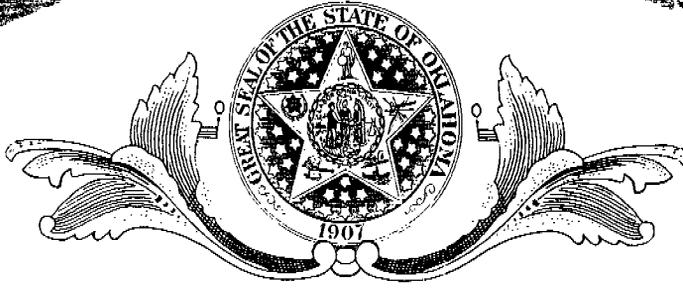
ATTEST:

7-21-60

SECRETARY OF STATE

GOVERNOR

STATE OF OKLAHOMA

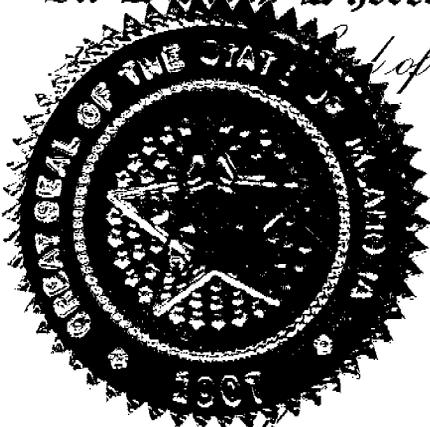


EXECUTIVE DEPARTMENT

Proclamation

I do further proclaim that the said proposed law for the State of Oklahoma shall be submitted to the qualified electors of the State of Oklahoma for their approval or rejection at a special election to be held throughout the State on Tuesday, September 20, 1960. The regular election officials are hereby authorized and directed to hold and conduct a special election on the proposed law here on said date.

In Witness Whereof, I have hereunto set my hand and caused
of the State of Oklahoma to be affixed.



Done at the Capitol, in the City of Oklahoma
City, this 21st day of July, in the
Year of Our Lord one thousand nine hundred
and Sixty, and of the State of
Oklahoma the Fifty-Third Year

ATTEST:

William R. Christian
SECRETARY OF STATE

Howard Edmundson
GOVERNOR

PROCLAMATION

WHEREAS, it having been certified to me by the State Election Board of the State of Oklahoma that at the Special Election held throughout the State of Oklahoma on September 20, 1960, on State Question No. 398, Initiative Petition No. 267, proposing a new law, the returns of the several county election boards of the State show that

183,173 votes

were cast to approve said measure; that

353,446 votes

were cast to disapprove said measure, and that

539,438

was the total number of votes cast at said election.

NOW, THEREFORE, I, J. Howard Edmondson, Governor of the State of Oklahoma, by authority vested in me by law do hereby proclaim that at the Special Election held throughout the State of Oklahoma on September 20, 1960, on State Question No. 398, Initiative Petition No. 267,

183,173 votes

were cast to approve said measure; that

353,446 votes

were cast to disapprove said measure, that

539,438

was the total number of votes cast at said election, and that the proposition is hereby declared to have failed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed this 14th day of December, 1960.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA



ATTEST:



Secretary of State