

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 1845

By: Hilliard

AS INTRODUCED

An Act relating to roads, bridges and ferries;
amending 69 O.S. 1991, Section 302, which relates
to the State Transportation Commission; modifying
appointment of Commission members; providing terms
of service; amending 69 O.S. 1991, Section 1703,
which relates to the Oklahoma Turnpike Authority;
modifying appointment of Authority members;
providing terms of service; and providing an
effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 302, is
amended to read as follows:

Section 302. ~~(a)~~ A. The State Transportation Commission shall
consist of one (1) member from each of eight districts of the state,
such districts to serve as the maintenance districts and to include
the area as follows:

District 1. Wagoner, Cherokee, Adair, Sequoyah, Muskogee,
Okmulgee, McIntosh and Haskell Counties.

District 2. Pittsburg, Latimer, LeFlore, McCurtain, Pushmataha,
Atoka, Choctaw, Bryan and Marshall Counties.

District 3. Lincoln, Cleveland, McClain, Garvin, Pottawatomie,
Okfuskee, Seminole, Hughes, Pontotoc, Coal and Johnston Counties.

District 4. Payne, Logan, Canadian, Kingfisher, Garfield, Grant, Kay, Noble and Oklahoma Counties.

District 5. Roger Mills, Dewey, Custer, Washita, Beckham, Greer, Kiowa, Harmon, Jackson, Blaine, and Tillman Counties.

District 6. Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Ellis, Major and Woodward Counties.

District 7. Carter, Love, Murray, Grady, Comanche, Stephens, Cotton, Caddo and Jefferson Counties.

District 8. Osage, Pawnee, Nowata, Creek, Craig, Ottawa, Rogers, Mayes, Delaware, Washington and Tulsa Counties.

~~(b)~~ The B. Except as provided in subsection C of this section, the members of the Commission shall be appointed by the Governor, by and with the consent of the Senate, such appointment to have full force and effect and to be submitted to the Senate for its confirmation at the first session of the Senate after such appointment is made. No Commissioner shall be entitled to the payment of salary, or to perform any service, until his appointment is confirmed by the Senate, if the Senate then be in session; if the Senate be not in session, then such Commissioner may serve and draw his salary until a special or regular session convenes; and if his appointment is not then confirmed within twenty (20) days, he shall cease to perform such services and cease to draw his salary.

Each of the Commissioners thus appointed shall, at the time of his appointment, be a citizen and resident of the district for which he shall have been appointed for at least three (3) years prior to the date of his appointment. Not more than one Commissioner shall reside in any one district, as defined herein, at any time while serving on the Commission. Each Commissioner thus appointed and confirmed shall, after the first term of office as herein provided, serve for a term of eight (8) years, and unless he is reappointed by the Governor and confirmed by the Senate within twenty (20) legislative days his services are automatically terminated and he

shall cease to draw his salary, or any perquisites or emoluments as a Commissioner; ~~provided, that in.~~ In the event the Governor's appointee is not confirmed by the Senate within ten (10) days from the date his name is submitted, then the Governor shall submit a further appointee for confirmation; ~~and during.~~ During his term of office, a Commissioner may be removed by the Governor at his pleasure. The terms of office shall be as follows: Two Commissioners shall serve until the 15th day of February, 1969; two Commissioners shall serve until the 15th day of February, 1971; two Commissioners shall serve until the 15th day of February, 1973; and two Commissioners shall serve until the 15th day of February, 1975; and the Governor, at the time of making the first appointment, shall, in his order of appointment, designate the term each Commissioner so appointed shall serve. Thereafter the term of each Commissioner appointed and confirmed shall expire the 15th day of February in the eighth year after his appointment; ~~and in.~~ In case of death, resignation, or removal, the ~~place~~ vacancy shall be filled by appointment by the Governor for the remainder of the term. Such appointments by the Governor also shall be confirmed by the Senate. The members of the Commission each shall receive an annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00), payable monthly, and each shall be entitled to receive travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The Governor shall be an ex officio member of the Commission, but shall be entitled to vote only in case of a tie vote.

~~(c) Provided, that persons serving as members of the State Highway Commission created by Section 301 of this title, when this Code becomes effective shall serve as members of the State Transportation Commission created by this Code for the remainder of the terms for which they were appointed, in the positions on the latter Commission having corresponding terms of office, or until~~

~~such positions are filled as herein provided. Future gubernatorial appointments shall be made from districts as directed by this act C.~~
Commencing in 1995, the members of the Commission shall be appointed as follows:

1. Four members shall be appointed by the Governor;

2. Two members shall be appointed by the Speaker of the House of Representatives; and

3. Two members shall be appointed by the President Pro Tempore of the Senate.

The current members of the Commission shall continue to serve as members of the Commission for the remainder of the terms for which they were appointed. Upon expiration of the terms of the current Commission members, the appointments, beginning in 1995, shall be made as follows: two Commissioners, one appointed by the Governor and one appointed by the Speaker of the House of Representatives, shall serve until the 15th day of February, 2003; two Commissioners, one appointed by the Governor and one appointed by the President Pro Tempore of the Senate, shall serve until the 15th day of February, 2005; two Commissioners, one appointed by the Governor and one appointed by the Speaker of the House of Representatives, shall serve until the 15th day of February, 2007; and two Commissioners, one appointed by the Governor and one appointed by the President Pro Tempore of the Senate, shall serve until the 15th day of February, 2009. Thereafter the term of each Commissioner appointed shall expire on the 15th day of February in the eighth year after his appointment. In the case of death, resignation or removal, the vacancy shall be filled by the appropriate appointing authority for the remainder of the term.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 1703, is amended to read as follows:

Section 1703. ~~(a)~~ A. There is hereby created a body corporate and politic to be known as the "Oklahoma Turnpike Authority" and by

that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of the powers conferred by this act in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the state with all the attributes thereof. Provided, however, the Turnpike Authority is authorized to carry and shall carry liability insurance to the same extent and in the same manner as the State Highway Commission, and in addition thereto it shall be subject to the workers' compensation laws of the state the same as a private construction project.

~~(b)~~ B. 1. The Oklahoma Turnpike Authority shall consist of the Governor, who shall be a member ex officio, and six (6) members to be appointed, except as provided in paragraph 2 of this subsection, by the Governor, by and with the consent of the Senate.

The appointive members shall be residents of the state, and shall have been qualified electors therein for a period of at least one (1) year next preceding their appointment. One appointive member shall be appointed from each of six (6) districts of the state, such districts to include the area as follows:

District 1. Oklahoma, Canadian, Cleveland, McClain and Garvin Counties.

District 2. Washington, Nowata, Craig, Ottawa, Rogers, Mayes, Delaware, Wagoner, Cherokee, Adair, Okmulgee, Osage, Muskogee, Sequoyah, McIntosh and Haskell Counties.

District 3. Coal, Logan, Payne, Lincoln, Creek, Okfuskee, Pottawatomie, Seminole, Hughes and Pontotoc Counties.

District 4. Kay, Pawnee, Garfield, Noble, Tulsa, Woods, Woodward, Major, Alfalfa and Grant Counties.

District 5. Cimarron, Grady, Texas, Beaver, Harper, Ellis, Roger Mills, Dewey, Custer, Caddo, Washita, Beckham, Harmon,

Stephens, Jefferson, Greer, Kiowa, Jackson, Tillman, Comanche, Cotton, Kingfisher and Blaine Counties.

District 6. Carter, Love, Murray, Johnston, Marshall, Atoka, Bryan, Pittsburg, Latimer, LeFlore, Pushmataha, Choctaw and McCurtain Counties.

The members of the Authority appointed shall continue in office for terms expiring as follows: District 1, July 1, 1968; District 2, July 1, 1971; District 3, July 1, 1972; District 4, July 1, 1973; District 5, July 1, 1974; District 6, July 1, 1975. ~~Provided, that appointive members serving on the Oklahoma Turnpike Authority created by 69 O.S. 1961, Section 653, when this act becomes effective shall continue to serve as members of the Oklahoma Turnpike Authority created by this section, for the terms for which they were appointed, unless sooner removed by the Governor.~~ The successor of each appointive member shall be appointed for a term of eight (8) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the Authority shall be eligible for reappointment. Each appointed member of the Authority before entering upon his duties shall take an oath as provided by Section 1 of Article XV of the Constitution of the State of Oklahoma. Any appointive member of the Authority may be removed by the Governor at any time with or without cause.

2. Commencing in 1995, the members of the Authority shall be appointed as follows:

- a. two members shall be appointed by the Governor,
- b. two members shall be appointed by the Speaker of the House of Representatives, and
- c. two members shall be appointed by the President Pro Tempore of the Senate.

The current members of the Authority shall continue to serve as members of the Authority for the remainder of the terms for which

they were appointed. Upon expiration of the terms of the current Authority members, the appointments, beginning in 1995, shall be made as follows: the District 2 member shall be appointed by the Governor and shall serve until July 1, 2003; the District 3 member shall be appointed by the Speaker of the House of Representatives and shall serve until July 1, 2004; the District 4 member shall be appointed by the President Pro Tempore of the Senate and shall serve until July 1, 2005; the District 5 member shall be appointed by the Governor and shall serve until July 1, 2006; the District 6 member shall be appointed by the Speaker of the House of Representatives and shall serve until July 1, 2007; and the District 1 member shall be appointed by the President Pro Tempore of the Senate and shall serve until July 1, 2008. The successor of each appointive member shall be appointed for a term of eight (8) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. A member shall be eligible for reappointment.

~~(e)~~ C. The Authority shall elect one of the appointed members as chairman and another as vice chairman, and shall also elect a secretary and treasurer. A majority of the members of the Authority shall constitute a quorum and the vote of a majority of the members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

~~(d)~~ D. Before the issuance of any turnpike revenue bonds under the provisions of this act, each appointed member of the Authority shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) and the secretary and treasurer shall execute a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by

a surety company authorized to transact business in the State of Oklahoma as surety and to be approved by the Governor and filed in the office of the Secretary of State.

~~(e)~~ E. The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

~~(f)~~ F. The Authority created by this act shall be the legal successor to the Oklahoma Turnpike Authority created by 69 O.S. 1961, Section 653, and shall assume all powers, duties, obligations and responsibilities of said Authority, and is empowered to take charge immediately.

SECTION 3. This act shall become effective September 1, 1994.

44-2-7495

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