SHORT TITLE: Turnpikes; abolishing the Oklahoma Turnpike Authority; transferring all powers, duties and responsibilities to Transportation Commission; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 773 By: Wright

AS INTRODUCED

An Act relating to the Oklahoma Turnpike Authority; amending 69 O.S. 1991, Sections 1701, 1702, 1704, 1705, as last amended by Section 3, Chapter 303, O.S.L. 1993, 1705.2, Section 1, Chapter 372, O.S.L. 1992, 1706, 1707, 1708, 1709, 1710, 1711, 1713, 1714, 1716, 1717, 1718, 1719, 1720, 1722, 1727, as amended by Section 1, Chapter 191, O.S.L. 1992, 1728, 1729, 1730, as amended by Section 2, Chapter 191, O.S.L. 1992, 1731, 1732, 1734, 3003, 3010, 3012 and 3013 (69 O.S. Supp. 1995, Sections 1705, 1705.6, 1727 and 1730), which relate to the Oklahoma Turnpike Authority, 40 O.S. 1991, Section 196.12, which relates to exemptions, 47 O.S. 1991, Section 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993, 11-1402, 11-1403 and 11-1404 (47 O.S. Supp. 1995, Section 11-1401), which relate to law enforcement on turnpikes, 62 O.S. 1991, Section 695.3, which relates to the Oklahoma Bond Oversight and Reform Act and 74 O.S. 1991, Sections 606 and 5062.18, which relate to official bonds and the Oklahoma Development Finance Authority Act; abolishing the Oklahoma Turnpike Authority; transferring records, employees, property, funds and pending business to the Transportation Commission; changing statutory references to the Oklahoma Turnpike Authority; modifying certain powers; repealing 69 O.S. 1991, Sections 1703,

1705.5 and 4010, which relate to the Oklahoma Turnpike Authority; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1700 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Turnpike Authority is hereby abolished. The powers, duties, and responsibilities exercised by the Oklahoma Turnpike Authority pursuant to law are hereby transferred to the Transportation Commission. Any statutory references to the Oklahoma Turnpike Authority shall mean the Transportation Commission.

B. All records, employees, property, matters pending, and funds of the Oklahoma Turnpike Authority are hereby transferred to the Transportation Commission. Any change of agency names on signs, equipment, vehicles, or other property shall be accomplished as the signs, equipment, vehicles, or other property are replaced in inventory or as required through normal wear and tear. An accurate and current inventory of all such properties shall be maintained by the Department of Transportation.

C. Any revenue bonds issued by the Oklahoma Turnpike Authority prior to the effective date of this act shall continue to be payable solely from the funds previously provided from revenues of the applicable projects, and the Transportation Commission through its actions shall maintain the integrity of the existing bonded indebtedness.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 1701, is amended to read as follows:

Section 1701. In order to facilitate vehicular traffic throughout the state and remove the present handicaps and hazards on the congested highways in the state, and to provide for the construction of modern express highways embodying reasonable safety devices including ample shoulder widths, long sight distances, the bypassing of cities and towns, and grade separations at intersecting highways and railroads, the ~~Oklahoma Turnpike Authority (hereinafter created)~~ Transportation Commission is hereby authorized and empowered to construct, maintain, repair, and operate turnpike projects ~~(as hereinafter defined)~~, as defined in Section 1704 of this title, at such locations as shall be approved by the Commission, and to issue turnpike revenue bonds of the ~~Authority~~ Commission payable solely from revenues to pay the cost of such projects.

SECTION 3. AMENDATORY 69 O.S. 1991, Section 1702, is amended to read as follows:

Section 1702. Turnpike revenue bonds issued under the provisions ~~on~~ of this article shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from revenues. Such turnpike revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the ~~Authority~~ Transportation Commission shall be obligated to pay the same or the interest thereon except from the revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds.

SECTION 4. AMENDATORY 69 O.S. 1991, Section 1704, is amended to read as follows:

Section 1704. As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word ~~"Authority"~~ "Commission" shall mean the ~~Oklahoma Turnpike Authority, created by the preceding section~~ Transportation Commission, or, if ~~such Authority~~ the Commission shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this article to the ~~Authority~~ Commission shall be given by law.

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

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the ~~Authority~~ Commission for such construction, the cost

of all machinery and equipment, financing charges, provision for working capital, interest prior to, during, and after construction and a reserve for interest in such amounts as the ~~Authority~~ Commission shall determine, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost, and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation. Any obligation or expense incurred by the Commission ~~with the approval of the Authority~~ for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the financing and construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the state out of the proceeds of the turnpike revenue bonds hereafter authorized; provided, the Commission shall not incur obligations or expenses totaling more than One Thousand Five Hundred Dollars ($1,500.00) per turnpike mile. Provided further, however, that an additional sum not to exceed One Thousand Dollars ($1,000.00) per turnpike mile may be expended for updating reports prior to financing.

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

SECTION 5. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 3, Chapter 303, O.S.L. 1993 (69 O.S. Supp. 1995, Section 1705), is amended to read as follows:

Section 1705. The ~~Authority~~ Transportation Commission is hereby authorized and empowered:

(a) To ~~adopt bylaws for the regulation of its affairs and conduct of its business~~ promulgate rules to implement the provisions of Section 1 of this act and Sections 1701 through 1734 of this title.

(b) ~~To adopt an official seal and alter the same at pleasure.~~

~~(c) To maintain an office at such place or places within the state as it may designate.~~

~~(d)~~ To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the ~~Authority~~ Commission shall be brought in the county in which the principal office of the ~~Authority~~ Commission shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the ~~Authority~~ Commission and duties enjoined upon the ~~Authority~~ Commission by the provisions of Sections 1701 through 1734 of this title may be enforced in a court of competent jurisdiction in an action in mandamus.

~~(e)~~ (c) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided, that until specifically authorized by the Legislature, the ~~Authority~~ Commission shall be authorized to construct and operate toll turnpikes only at the following locations:

(1) The Turner Turnpike between Oklahoma City and Tulsa.

(2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas.

(3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

(4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas, including all or any part thereof between McAlester and the Red River south of Hugo.

(5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater.

(6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls.

(7) All or any part of an extension of the Muskogee Turnpike, beginning at a point on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike, and extending in a southeasterly direction on an alignment near Stigler, Poteau and Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs, Texarkana, Shreveport and New Orleans.

(8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to the ~~Turnpike Authority~~ Commission.

(9) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State Highway 28 and a southbound on-ramp from State Highway 28.

(10) A turnpike or any part or parts thereof beginning in the vicinity of Duncan extending east to the vicinity of the City of Davis, and extending in a northeasterly direction, by way of the vicinity of the City of Ada, to a connection in the vicinity of Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40; and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to the vicinity of Woodward.

(11) A turnpike or any part or parts thereof beginning at a point in the vicinity of Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the Arkansas River and west of

the point where Oklahoma State Highway No. 18 intersects said state boundary line, and extending in a southeasterly direction to a connection with the Tulsa Urban Expressway System in the general area of the Port of Catoosa.

(12) All or any part of an Oklahoma City toll expressway system connecting the residential, industrial and State Capitol Complex in the north part of Oklahoma City with the residential, industrial and Will Rogers World Airport Complex in the south and southwest parts of Oklahoma City.

(13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at a point on the Oklahoma-Kansas state boundary line between the point where U.S. Highway 66 intersects said boundary line and the northeast corner of Oklahoma and ending by means of a connection or connections with Shreveport, Louisiana, and Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles west of the Missouri or Arkansas border.

(14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or County Line to a point intersecting with Interstate 35 in the area south of Davis.

(15) A turnpike or any part or parts thereof beginning in the vicinity of Watonga and extending south and/or east to the vicinity of north and/or west Oklahoma City.

(16) A new turnpike or parts thereof from the Kansas State Line south to McAlester, in the vicinity of U.S. Highway 69.

(17) A tollgate on the Will Rogers Turnpike near the intersection of State Highway 137 and the Will Rogers Turnpike, located south of Quapaw.

(18) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey

Turnpike at Elgin, Oklahoma, from any monies available to the ~~Turnpike Authority~~ Commission.

(19) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from any monies available to the ~~Turnpike Authority~~ Commission.

(20) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the ~~Turnpike Authority~~ Commission.

(21) All or any part of an Oklahoma City Outer Loop expressway system beginning in the vicinity of I-35 and the Turner Turnpike and extending west into Canadian County and then south to I-40; and then south and east to I-35 in the vicinity of Moore and Norman; and then extending east and north to I-40 east of Tinker Field; and then extending north to the Turner Turnpike to complete the Outer Loop.

(22) All or any part of the Tulsa south bypass expressway system beginning in the vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in the vicinity of 96th Street to 121st Street; and then east across the Arkansas River to a connection with the Mingo Valley Expressway; and then south and/or east to a point on the Tulsa-Wagoner County Line near 131st street south in the city of Broken Arrow.

(23) A new turnpike or any part thereof from near the west gate of the Will Rogers Turnpike south to the west end of south Tulsa Turnpike at the Tulsa-Wagoner County Line.

(24) A new turnpike or any parts thereof from the vicinity of the connection between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.

(25) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

(26) A new turnpike or any part or parts thereof beginning at a point in the vicinity of northwest Tulsa, and extending in a

northwesterly direction, by means of a connection or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the vicinity of US Highway No. 77 and the Kansas State Line.

(27) A full access interchange on the Indian Nation Turnpike south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park, from any monies available to the ~~Turnpike Authority~~ Commission.

(28) A new turnpike beginning at a point directly west of the Arkansas line and four-laning Highway 70 from that point to the farthest western reach of Highway 70 creating a southern route through Oklahoma.

(29) A new turnpike and bridge or any parts thereof from a point in the vicinity of the city of Mustang southerly across the South Canadian River to the H.E. Bailey Turnpike in the vicinity of the city of Tuttle; and then easterly across the South Canadian River to a point in the vicinity of the city of Norman.

(30) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Altus and extending in a northwesterly direction to a point in the vicinity of the city of Sayre.

(31) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Enid and extending in a westerly direction to a point in the vicinity of the city of Woodward.

All access roads, interchanges, or lead roads connecting such turnpikes with existing highways must be built by funds furnished by the ~~Authority~~ Commission.

The minimum and maximum wages for the construction of the roads, highways and projects provided for in Sections 1701 through 1734 of this title shall be in accordance with the schedules of wages used or adopted by the Commission in construction of state highways.

The ~~Authority~~ Commission is hereby authorized to enter into contracts or agreements with agencies and instrumentalities of other

states or the national government for construction, maintenance and operation of interstate turnpikes or highways.

The ~~Authority~~ Commission is hereby required to construct and install automatic tollgates on the Will Rogers Turnpike at State Highway No. 28 near Adair.

~~(f)~~ (d) To issue turnpike revenue bonds of the ~~Authority~~ Commission, payable solely from revenues, including the revenues accruing to the trust fund created by Sections 1701 through 1734 of this title, for the purpose of paying all or any part of the cost of any one or more turnpike projects. Provided that any bonds issued for the construction of the proposed turnpike referred to in subparagraphs (10), (20), (21) and (22) of paragraph ~~(c)~~ (c) of this section shall be issued as one issue for all four of the proposed turnpikes and shall be financed, constructed and operated under one bond indenture.

~~(g)~~ (e) To fix and revise from time to time tolls for the use of any turnpike projects.

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

~~(h)~~ (f) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties.

~~(i)~~ (g) To acquire in the name of the ~~Authority~~ Commission by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or

parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of Sections 1701 through 1734 of this title; provided, that all public property damaged in carrying out the powers granted by Sections 1701 through 1734 of this title shall be restored or repaired and placed in its original condition as nearly as practicable.

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

~~(k)~~ (i) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701 through 1734 of this title or from revenues; provided, further, no attorney employed by the ~~Authority~~ Commission, nor any member of any law firm of which he may be connected, shall ever be paid any fee or compensation for any special or extraordinary services.

~~(l)~~ (j) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive

and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

~~(m)~~ (k) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic Development Regional Commission, as defined in Sections 1151 through 1153, inclusive, of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction of highways.

~~(n)~~ (l) To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this title. On all turnpike projects alternate bids for paving work shall be taken on asphalt concrete and portland cement concrete and the design standards for such paving shall comply with the design standards of the American Association of State Highway and Transportation Officials as modified by the Oklahoma Department of Transportation. All contracts for construction work on turnpike projects shall be let to the lowest responsible bidder, or bidders, after notice by publication in a newspaper published in the county where the work is to be done in two consecutive weekly issues of the newspaper. In all cases where more than eight (8) miles of construction is let at the same time, such advertisement shall provide for bids on sections of the turnpike not to exceed eight (8) miles. Subject to the following restrictions and limitations: The ~~Authority~~ Commission shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving or miscellaneous projects, according to the type of work to be done and each project shall be let under a separate contract or contracts and no contract

or project shall include more than one of such types of construction work. Each contract for construction work shall contain a provision that ninety percent (90%) of all labor employed on the project shall be residents of the State of Oklahoma. Provided, however, that no tie bids shall be accepted, and provided, further, that contracts for bridges may include earthwork and structures for the approaches thereto, and provided, further, that any one bridge or tunnel and the approaches thereto may be included in one contract.

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

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

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

~~(p)~~ (n) In the event of a national emergency, the ~~Authority~~ Commission, subject to any vested rights or claims, may enter into contracts with the federal government or any authorized agency thereof to allow the federal government or agency thereof to use such turnpikes partly or exclusively during the existence of such emergency, provided, that the federal government agrees in such contract to pay, during the term of such contract, an amount sufficient, when added to any tolls collected, to meet all operating and maintenance expenses, interest payments, and the minimum sinking

fund and reserve requirements of the trust agreement for the turnpike covered by the contract.

~~(q)~~ (o) All meetings of the ~~Authority~~ Commission shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.

SECTION 6. AMENDATORY 69 O.S. 1991, Section 1705.2, is amended to read as follows:

Section 1705.2 The ~~Oklahoma Turnpike Authority and~~ Transportation Commission ~~are~~ is hereby directed to cause a reasonable number of public restroom facilities and dump stations for recreational motor vehicles to be installed along both sides of the turnpikes and interstate highways in this state which will be accessible to motorists utilizing such turnpikes and highways at reasonable periodic intervals.

SECTION 7. AMENDATORY Section 1, Chapter 372, O.S.L. 1992 (69 O.S. Supp. 1995, Section 1705.6), is amended to read as follows:

Section 1705.6 The ~~Oklahoma Turnpike Authority~~ Transportation Commission shall be authorized to construct and it is the intent of the Legislature that they do construct, by December 31, 1994, an interchange with a tollgate and full entry and exit ramps in the vicinity of Luther on the turnpike in Oklahoma County, provided that all right-of-way, grading, base preparation, drainage and structures other than tollgates and paving, are constructed without cost to the ~~Authority~~ Commission and ownership thereof transferred to the ~~Authority~~ Commission upon completion thereof. Such construction shall be in accordance with the most recent edition of the geometric design standards of the American Association of State Highway and Transportation Officials (AASHTO). The ~~Authority~~ Commission shall issue a progress report on the Luther interchange by December 31, 1992, to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 8. AMENDATORY 69 O.S. 1991, Section 1706, is amended to read as follows:

Section 1706. (a) The ~~Authority~~ Transportation Commission may and it shall be its duty to construct grade separations at intersections of any turnpike project with state and federal highways, and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The ~~Authority~~ Commission may construct grade separations at intersections of turnpike projects with county highways and city streets and it shall construct grade separations at intersections of any turnpike project with county highways used as mail or school bus routes, or section lines which are well used and are necessary for convenience of people living in these areas. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the ~~Authority~~ Commission as a part of the cost of such turnpike project.

(b) If the ~~Authority~~ Commission shall find it necessary to change the location of any portion of any state or county highway or street of a municipality, it shall cause the same to be reconstructed in substantially the same type and in as good condition as the original highway. Provided, however, that all changes and adjustments of the lines and grades of state highways shall be subject to the approval of the Commission. The cost of such reconstruction and any damage incurred in changing the location of any such highway or street shall be ascertained and paid by the ~~Authority~~ Commission as a part of the cost of such turnpike project.

(c) In addition to the foregoing powers, the ~~Authority~~ Commission and its authorized agents and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations as it may deem necessary or convenient for the purposes of this article and

such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The ~~Authority~~ Commission shall make reimbursement for any actual damages resulting to such lands, waters, and premises as a result of such activities. If any landowner, lessee or tenant shall refuse the ~~Authority~~ Commission permission to make such surveys, the ~~Authority~~ Commission may acquire a right of entry for such surveys by the condemnation procedure herein prescribed.

(d) The State of Oklahoma hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the ~~Authority~~ Commission to be necessary for the construction or operation of any turnpike project; and the State of Oklahoma shall be paid reasonable compensation for the land or property used, such compensation to be determined in the manner now provided by law for condemnation proceedings.

SECTION 9. AMENDATORY 69 O.S. 1991, Section 1707, is amended to read as follows:

Section 1707. The ~~Authority~~ Transportation Commission is hereby authorized and empowered to acquire by purchase, or condemnation, land or such interest therein as in its discretion may be necessary for the purpose of establishing, constructing, maintaining and operating turnpike projects or relocation thereof, and facilities necessary and incident thereto, or necessary in the restoration of public or private property damaged or destroyed, including borrow areas, detours, channel changes, concession areas, public or private access roads, and deposits of rock, gravel, sand and other road building material for use in turnpike construction and maintenance, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the ~~Authority~~ Commission and the owner thereof, and to take title thereto in the name of the ~~Authority~~ Commission, provided, that such right and title shall be

limited to the surface rights only and shall not include oil or other mineral rights.

SECTION 10. AMENDATORY 69 O.S. 1991, Section 1708, is amended to read as follows:

Section 1708. (a) Except in instances where there are nonresident owners, unknown heirs, imperfect titles, and owners whose whereabouts cannot be ascertained with reasonable diligence, the ~~Authority~~ Transportation Commission shall give the owner an opportunity to sell the necessary land or interests therein to the ~~Authority~~ Commission before resort to condemnation may be had.

(b) The ~~Authority~~ Commission may condemn such lands or interests therein in the following manner:

(1) The district judge of the county in which the real property may be situated, upon petition of either party, and after ten (10) days' notice to the opposite party, either by personal service or by leaving a copy thereof at ~~his~~ the usual place of residence with some member of ~~his~~ the family over fifteen (15) years of age, or, in the case of nonresidents, unknown heirs, or other persons whose whereabouts cannot be ascertained, by publication in two issues of a weekly newspaper in general circulation in the county (the ten-day period to begin with the first publication), shall direct the sheriff of the county to summons three disinterested freeholders, to be selected by the judge as commissioners, and who shall not be interested in a like question. The commissioners shall be sworn to perform their duties impartially and justly; and they shall inspect the real property and consider the just compensation to which the owner is entitled, and they shall forthwith make report in writing to the clerk of the court, setting forth the quantity, boundaries and just compensation for the property taken, and amount of injury done to the property, either directly or indirectly, which they assess to the owner; which report must be filed and recorded by the clerk, and a certified copy thereof may be transmitted to the county

clerk of the county where the land lies, to be ~~by him~~ filed and recorded ~~(~~by the county clerk, without further acknowledgment of proof~~)~~, in the same manner and with like force and effect as is provided for the recording of deeds. Procedure for service by publication as authorized herein shall be the same as provided by law for service by publication in civil actions, except summons need not be issued and served, and except as otherwise provided herein. Within ten (10) days after the report of commissioners is filed, the court clerk shall forward to the attorney of record for the condemnor, the attorney of record for each condemnee, and to all unrepresented condemnees a copy of the commissioners' report and a notice stating the time limits for filing an exception or demand for jury trial. This notice shall be on a form prepared by the court administrator, which shall be approved by the Supreme Court, and shall be distributed to all clerks of the district court by said court administrator. If a party has been served by publication, the clerk shall forward a copy of the report of commissioners and notice of time limits for filing an exception or demand for jury trial to the last-known mailing address, if any, and shall cause a copy of the notice of time limits to be published in one issue of a newspaper qualified to publish legal notices, as defined in Section 106 of Title 25 of the Oklahoma Statutes. After issuing the notices provided herein, the court clerk shall endorse on the notice form filed in the case the date and that a copy of the report together with the notice was mailed to each party or ~~his~~ the attorney of record of each party, or the date the notice was published in compliance with the provisions hereof.

(2) Immediately upon payment to the clerk of the court for the use of the owner the sum so assessed and reported to him as aforesaid, the ~~Authority~~ Commission shall thereby be authorized to enter upon the condemned premises, and remove and dispose of any obstructions thereon, by sale or otherwise. If the landowner shall

refuse to deliver up possession to the ~~Authority~~ Commission, the court shall issue an order to the sheriff of the county to place the ~~Authority~~ Commission in possession thereof.

(3) The report of commissioners may be reviewed by the district court, on written exceptions filed by either party in the clerk's office within thirty (30) days after the filing of such report, and the court, after hearing had, shall make such order therein as right and justice may require, either by confirmation, rejection or by ordering a new appraisement on good cause shown. Provided, that in the event a new appraisement is ordered, the ~~Authority~~ Commission shall have the continuing right of possession obtained under the first appraisal, unless and until its right to condemn has finally been determined otherwise; or either party may within sixty (60) days after the filing of such report file with the clerk a written demand for a trial by jury, in which case the amount of damages shall be assessed by a jury, and the trial shall be conducted and judgment entered in the same manner as civil actions in the district court. No owner upon whom proper service by publication has been had as provided in this article shall be let in to defend after expiration of time for appeal or review of the report of commissioners, as above provided, has elapsed. Provided, that if, after the filing of exceptions to the report of commissioners as herein provided, the ~~Authority~~ Commission shall fail to establish its right to condemn the premises, or any part thereof, the landowner shall be restored to possession of the premises, or part thereof, and the ~~Authority~~ Commission shall pay ~~him~~ the landowner for any damages sustained through the occupation by the ~~Authority~~ Commission, and if the damages cannot be determined by amicable settlement they shall be determined by jury trial in the same proceedings. The time limits for filing an exception and demand for jury trial shall be calculated from the date the report of commissioners is filed in the case. On failure of the court clerk

to give notice within the time prescribed in paragraph (b) of this section, the court, on application of any party, may extend the time for filing an exception to the report, or a demand for trial by jury for a period not to exceed twenty (20) days from the date the application is heard.

(4) Either party aggrieved may appeal to the Supreme Court from the decision of the district court on exception to the report of commissioners, or jury trial; but such review or appeal shall not delay the prosecution of the work on such turnpike project over the premises in question if the award of commissioners, or jury, as the case may be, has been deposited with the clerk for the owner. The ~~Authority~~ Commission shall in all cases pay the cost and expenses of the first assessment. And in case of review or appeal, a certified copy of the final order or judgment shall be transmitted by the clerk of the court, duly certified, to the proper county clerk, to be ~~by him~~ filed and recorded by the county clerk as hereinabove provided for the recording of the report, and with like effect.

(c) Where an estate is being probated, or a minor or incompetent person has a legal guardian, the administrator or executor of such estate, or the guardian of such minor or incompetent person, shall have authority to execute all instruments of conveyance provided for in this article on behalf of the estate, minor or incompetent person without other proceedings than approval by the judge of the district court endorsed on the instrument of conveyance.

(d) "Just compensation", as used in this section, shall mean the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. If only a part of a tract is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole tract

immediately before the taking and the fair market value of that portion left remaining immediately after the taking.

SECTION 11. AMENDATORY 69 O.S. 1991, Section 1709, is amended to read as follows:

Section 1709. A. The ~~Authority~~ Transportation Commission may provide by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the ~~Authority~~ Commission for the purpose of paying all or any part of the cost of any one or more turnpike projects. The ~~Authority~~ Commission, when it finds that it would be economical and beneficial to do so, may combine two or more, or any part thereof, or all of its proposed projects into one unit and consider the same as one project to the same extent and with like effect as if the same were a single project. The principal of and the interest on the bonds shall be payable solely from the funds provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the limitations pertaining to public trust indebtedness from time to time expressed in subsection ~~(e)~~ (f) of Section 176 of Title 60 of the Oklahoma Statutes, shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the ~~Authority~~ Commission, and may be made redeemable before maturity at the option of the ~~Authority~~ Commission at such price or prices and pursuant to such terms and conditions as may be fixed by the ~~Authority~~ Commission prior to the issuance of the bonds. The ~~Authority~~ Commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. If any officer whose signature or facsimile of whose signature appears on any bonds or coupons shall cease to be said officer before the delivery of the bonds, the

signature or the facsimile shall nevertheless be valid and sufficient for all purposes the same as if the person had remained in office until such delivery. All bonds issued pursuant to the provisions of this article shall have all the qualities and incidents of negotiable instruments subject to the negotiable instruments law of this state. The bonds may be issued in coupon or in registered form, or both, as the ~~Authority~~ Commission may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The ~~Authority~~ Commission may sell the bonds in such amounts and in such manner, either at public or private sale, and for such price, as it may determine to be in the best interest of this state, but in no event at a discount in excess of that from time to time expressed in said subsection ~~(e)~~ (f) of Section 176 of Title 60 of the Oklahoma Statutes.

B. The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project for which such bonds have been issued, and shall be disbursed in such manner and pursuant to such restrictions, if any, as the ~~Authority~~ Commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for

such bonds, or shall be used by the ~~Authority~~ Commission in implementing any other power expressly granted to the ~~Authority~~ Commission in this article.

C. Prior to the preparation of definitive bonds, the ~~Authority~~ Commission, subject to like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The ~~Authority~~ Commission may also provide for the replacement of any bonds which have become mutilated or were destroyed or lost. Bonds may be issued pursuant to the provisions of this article without obtaining the consent of any department, division, commission, board, bureau, or agency of this state, and without any other proceedings or the occurrence of any other conditions or things than those proceedings, conditions, or things that are specifically required by this article.

D. The ~~Authority~~ Commission is hereby authorized to provide that the bonds:

(1) Be made payable from time to time on demand or tender for purchase by the owner provided a credit facility supports such bonds, unless the ~~Authority~~ Commission specifically determines that a credit facility is not required.

(2) Be additionally supported by a credit facility.

(3) Be made subject to redemption prior to maturity, with or without premium, on such notice and at such time or times and with such redemption provisions as may be determined by the ~~Authority~~ Commission or with such variations as may be permitted in connection with a par formula.

(4) Bear interest at a rate or rates that may vary as permitted pursuant to a par formula and for such period or periods of time, all as may be determined by the ~~Authority~~ Commission.

(5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket the bonds to new purchasers prior to

their presentment for payment to the provider of the credit facility or to the ~~Authority~~ Commission.

No credit facility, repayment agreement, par formula or remarketing agreement shall become effective without the approval of the ~~Authority~~ Commission.

E. As used in this section, the following terms shall have the following meanings:

(1) "Credit facility" means an agreement entered into by the ~~Authority~~ Commission with any bank, savings and loan association or other banking institution; an insurance company, reinsurance company, surety company, or other insurance institution; a corporation, investment banker or other investment institution; or any other financial institution providing for prompt payment of all or any part of the principal, whether at maturity, presentment for purchase, redemption or acceleration, redemption premium, if any, and interest on any bonds payable on demand or tender by the owner issued in accordance with this section, in consideration of the ~~Authority's~~ Commission's agreeing to repay the provider of such credit facility in accordance with the terms and provisions of such repayment agreement, provided, that any such repayment agreement shall provide that the obligation of the ~~Authority~~ Commission thereunder shall have only such sources of payment as are permitted for the payment of the bonds issued under this article; and

(2) "Par formula" means any provision or formula adopted by the ~~Authority~~ Commission to provide for the adjustment, from time to time, of the interest rate or rates borne by any such bonds so that the purchase price of such bonds in the open market would be as close to par as possible.

F. Nothing in any law heretofore enacted or enacted at the present session of the Legislature shall be deemed to limit or restrict the right of the ~~Authority~~ Commission to issue bonds or

other obligations the interest income, in whole or in part, on which is subject, directly or indirectly, to federal income taxation.

SECTION 12. AMENDATORY 69 O.S. 1991, Section 1710, is amended to read as follows:

Section 1710. In the discretion of the ~~Authority~~ Transportation Commission any bonds issued under the provisions of this article may be secured by a trust agreement by and between the ~~Authority~~ Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement may pledge or assign the tolls and other revenues to be received from the project constructed by the use of the proceeds of the bonds, but shall not convey or mortgage any turnpike project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including convenants setting forth the duties of the ~~Authority~~ Commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all monies, and provisions for the employment of consulting engineers in connection with the construction or operation of such turnpike project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the ~~Authority~~ Commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations.

In addition to the foregoing any such trust agreement may contain such other provisions as the ~~Authority~~ Commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the turnpike project or projects.

SECTION 13. AMENDATORY 69 O.S. 1991, Section 1711, is amended to read as follows:

Section 1711. The ~~Authority~~ Transportation Commission, subject to the provisions hereof, is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, except for use by law enforcement officers responsible for enforcing the traffic laws and the general laws of the state and federal governments on turnpikes, who shall be entitled to free use of every such project in the performance of official duties connected with such turnpike project, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls, subject to the other restrictions hereof, shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing, and operating such turnpike project or projects, and (b) the principal of and the interest of such bonds as the same shall become due and payable, and to create reserves for such purposes. The tolls and all other revenues derived from the turnpike project

or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of (a) the interest upon such bonds as such interest shall fall due, (b) the principal of such bonds as the same shall fall due, (c) the necessary charges of paying agents for paying principal and interest, and (d) the redemption price or the purchase price of bonds retired by call or purchase as therein provided, which are a charge against such fund. The use and disposition of monies to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. The monies in the sinking fund, less such reserve as may be provided in such resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable. Any person who leases, rents, or acquires control of any gas station, garage, store, hotel, or restaurant must have been a resident of, or been doing business in, the State of Oklahoma for the past five (5) years. Notwithstanding anything else herein contained to the contrary, the Corporation Commission of the State of Oklahoma shall exercise the jurisdiction now or hereafter vested in it to regulate and control the operation of motor carriers of passengers and freight, using or desiring to use any turnpike project, in the manner and to the extent that it

regulates or controls such carriers using the highways of the state. The ~~Authority~~ Commission shall not discriminate against any group or class or individual member thereof in fixing the amount of toll, rents, or charge for the use of the turnpike project.

SECTION 14. AMENDATORY 69 O.S. 1991, Section 1713, is amended to read as follows:

Section 1713. Any holder of bonds issued under the provisions of this article or any of the coupons appertaining thereto, and the trustee under the trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this article or by such trust agreement or resolution to be performed by the ~~Authority~~ Transportation Commission or by any officer thereof, including the fixing, charging and collecting of tolls.

SECTION 15. AMENDATORY 69 O.S. 1991, Section 1714, is amended to read as follows:

Section 1714. The exercise of the powers granted by this article will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of turnpike projects by the ~~Authority~~ Transportation Commission will constitute the performance of essential governmental functions, the ~~Authority~~ Commission shall not be required to pay any taxes or assessments upon any turnpike project or any property acquired or used by the ~~Authority~~ Commission under the provisions of this article or upon the income therefrom, and the bonds issued under the provisions of this article, their transfer and the income therefrom (including any profit made on the

sale thereof) shall at all times be free from taxation within the state. The ~~Authority~~ Commission is hereby limited in its power to acquire property to the acquisition of property which is necessary to the construction and operation of the turnpike. And all property, both real and personal, belonging to the ~~Authority~~ Commission that is leased for concessions, such as filling stations and restaurants, shall be subject to taxation, the same as other privately owned property.

SECTION 16. AMENDATORY 69 O.S. 1991, Section 1716, is amended to read as follows:

Section 1716. (a) Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the ~~Authority~~ Transportation Commission. Each such turnpike project shall also be policed and operated by such force of police, toll-takers and other operating employees as the ~~Authority~~ Commission may in its discretion employ. All private property damaged or destroyed in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this article.

(b) All counties, municipalities and other political subdivisions and all public agencies and commissions of the State of Oklahoma, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the ~~Authority~~ Commission at its request upon such terms and conditions as the proper authorities of such counties, municipalities, other political subdivisions or public agencies and commissions of the state may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the ~~Authority~~ Commission,

including public roads and other real property already devoted to public use.

SECTION 17. AMENDATORY 69 O.S. 1991, Section 1717, is amended to read as follows:

Section 1717. When all bonds issued under the provisions of this article and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such projects, if then in good condition and repair to the satisfaction of the Transportation Commission, shall become part of the state highway system and shall thereafter be maintained by the Commission free of tolls. Provided, that when all bonds for any turnpike project and the interest thereon shall have been paid or such provision for payment made, prior to payment of the bonds and interest on any other project or projects, such project shall continue to be operated as a toll facility at toll rates not less than the lowest rate being charged on any project, until all bonds issued by the ~~Authority~~ Commission and the interest thereon shall have been paid or such provisions for payment made. The revenues of such paid-out projects shall be used and applied by the ~~Authority~~ Commission in paying the obligations or depositing in the sinking fund of such other turnpike projects in the following order: (a) To any project or projects in default on interest; (b) to any project or projects in default on principal; (c) to any project or projects having insufficient reserves or sinking fund under its trust agreement. If all such other projects have sufficient reserves then the revenues from such paid-out project shall be prorated between such other projects on the basis of the outstanding bonds of each project. If two or more projects fall within any of the above categories, then the revenues shall be prorated between them on the basis of the outstanding bonds of each project.

SECTION 18. AMENDATORY 69 O.S. 1991, Section 1718, is amended to read as follows:

Section 1718. The ~~Authority~~ Transportation Commission is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the Court and to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the state that on a day named the ~~Authority~~ Commission will ask the Court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this article and that when issued, they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the ~~Authority~~ Commission, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.

SECTION 19. AMENDATORY 69 O.S. 1991, Section 1719, is amended to read as follows:

Section 1719. (a) The ~~Authority~~ Transportation Commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the ~~Authority~~ Commission for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if the ~~Authority~~ Commission shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The ~~Authority~~ Commission is further authorized to provide for the issuance of its turnpike revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued, or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional turnpike project or projects as authorized by this article. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the ~~Authority~~ Commission in respect of the same, shall be governed by the provisions of this article insofar as the same may be applicable.

(b) Bonds may be issued by the ~~Authority~~ Commission under the provisions of this section at any time prior to the maturity or maturities or the date selected for the redemption of the bonds being refunded thereby. Pending the application of the proceeds of such refunding bonds, with any other available funds, to the payment of the principal, accrued interest, and any redemption premium of the bonds being refunded, and if so provided or permitted in the resolution authorizing the issuance of such refunding bonds or in the trust agreement securing the same, to the payment of any

interest on such refunding bonds, and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended, or, in lieu of such investments, all or any part of such proceeds may be placed in interest bearing time deposits or other similar arrangements may be made with regard thereto which will assure that such proceeds, together with the interest accruing thereon, will be available when required for the purposes intended.

SECTION 20. AMENDATORY 69 O.S. 1991, Section 1720, is amended to read as follows:

Section 1720. The ~~Authority~~ Transportation Commission shall make and submit to the Governor, within ninety (90) days of the close of the ~~Authority's~~ fiscal year of the Commission, a full report showing anticipated projects, projects under construction and projects in operation, and the financial condition of the ~~Authority~~ Commission and the sinking fund of each separate project, and such other information as the Governor shall require.

SECTION 21. AMENDATORY 69 O.S. 1991, Section 1722, is amended to read as follows:

Section 1722. (a) Nothing herein shall authorize the ~~Authority~~ Transportation Commission to take or disturb property of facilities belonging to any public utility or to a common carrier, which property or facilities are required for the proper and convenient operation of such public utility or common carrier, unless provision is made for the restoration, relocation or duplication of such property or facilities elsewhere at the sole cost of the ~~Authority~~ Commission.

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

SECTION 22. AMENDATORY 69 O.S. 1991, Section 1727, as amended by Section 1, Chapter 191, O.S.L. 1992 (69 O.S. Supp. 1995, Section 1727), is amended to read as follows:

Section 1727. (a) Until all bonds of the ~~Authority~~ Transportation Commission and the interest thereon are paid in full, the Oklahoma Tax Commission shall each month determine an amount equal to the motor fuel excise taxes computed on ninety-seven and one-half percent (97 1/2%) of the total gallonage of all fuels consumed, during the calendar month in which the tax being apportioned accrued, on all Oklahoma turnpike projects and apportion a sum equal to such amount from all gasoline tax collections as follows: Ninety-seven percent (97%) of such amount to the ~~Authority~~ Commission and three percent (3%) to the General Revenue Fund of the State Treasury, after which apportionment all other apportionments of motor fuel excise taxes shall be made as provided for by law. Such apportionments shall be deducted exclusively from those funds which would otherwise be apportioned to the Department or Commission for expenditure on state highways, without affecting the amounts presently apportioned to the various municipalities, counties, or for county roads.

(b) If at the time of any monthly apportionment required herein:

(1) there shall be a balance in the trust fund created by Section 1730 of this Code, equal to one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year, beginning July 1, and ending on June 30, thereafter, on account of all turnpike revenue and turnpike revenue refunding bonds of the ~~Authority~~ Commission issued pursuant to the provisions of this article prior to May 1, 1992, and then outstanding, or

(2) if no such bonds are outstanding,

the Oklahoma Tax Commission shall apportion to the trust fund the amount referred to in subsection (a) of this section so long as any

turnpike revenue and turnpike revenue refunding bonds issued after May 1, 1992, continue to be outstanding. Thereafter, the Oklahoma Tax Commission shall apportion the amount referred to in subsection (a) of this section as provided for by law.

(c) In addition to those sums collected and disbursed in subsections (a) and (b) of this section, the Oklahoma Tax Commission shall in each fiscal year determine an amount equal to the motor fuel excise taxes computed on ninety-seven and one-half percent (97 1/2%) of the total gallonage of all fuels consumed, during the fiscal year in which the tax being apportioned accrued on the Industrial Parkway, and, after making the apportionments set out in subsections (a) and (b) of this section, apportion a sum equal to said amount from all gasoline tax collections as follows: Ninety-seven percent (97%) to the ~~Oklahoma Turnpike Authority~~ Transportation Commission, and three percent (3%) to the General Revenue Fund of the State Treasury, after which apportionment all other apportionments of motor fuel excise taxes shall be made according to existing or subsequently enacted apportionment laws, provided that in no event shall the total of the apportionments made pursuant to subsections (a), (b) and (c) of this section exceed the motor fuel tax earned on all of the Oklahoma turnpikes.

SECTION 23. AMENDATORY 69 O.S. 1991, Section 1728, is amended to read as follows:

Section 1728. It is hereby declared to be the intent of the Legislature, and the ~~Authority~~ Transportation Commission is therefor directed, to hold payments for engineering and legal services to the barest minimum, and it is further the intent of the Legislature that in regard to bonds hereafter issued, so far as possible, the service of the chief engineer of the ~~Authority~~ Commission to be utilized as the consulting engineer and the service of the Attorney General be utilized as legal counsel for the ~~Authority~~ Commission. The ~~Authority~~ Commission is hereby directed to submit to the Governor

and the Legislature a complete detailed and itemized annual report of all sums, expended for engineering and legal services, showing the amounts of and to whom paid. Such report shall be submitted within thirty (30) days after the convening of the Legislature for general sessions.

SECTION 24. AMENDATORY 69 O.S. 1991, Section 1729, is amended to read as follows:

Section 1729. In determining the amount of motor fuel consumed on the Oklahoma turnpike projects each month, the Oklahoma Tax Commission shall divide the total miles traveled on the turnpikes by passenger automobiles, single unit trucks, and combination trucks and buses as certified each month by the ~~Authority~~ Transportation Commission, by the average number of miles per gallon of motor fuel consumed by each of those classes of motor vehicles. For the purpose of this section and the following section, the Oklahoma Tax Commission shall use the following rates for motor fuel consumed on the Oklahoma Turnpikes:

Passenger Automobiles ..... 15 miles per gallon

Single Unit Trucks ..... 10 miles per gallon

Combination Trucks and Buses ..... 5 miles per gallon

SECTION 25. AMENDATORY 69 O.S. 1991, Section 1730, as amended by Section 2, Chapter 191, O.S.L. 1992 (69 O.S. Supp. 1995, Section 1730), is amended to read as follows:

Section 1730. (a) Motor fuel taxes on fuels consumed on Oklahoma Turnpikes and apportioned to the ~~Authority~~ Transportation Commission are declared to be revenues of the Oklahoma Turnpikes, since they are derived directly from the operation of such turnpikes, and are subject to pledge by the ~~Authority~~ Commission in the same manner as tolls and other revenues of the turnpikes may be pledged, as security for turnpike revenue bonds hereafter issued. The ~~Authority~~ Commission shall segregate and hold such motor fuel excise taxes apportioned to it and all funds heretofore or hereafter

accumulated in the trust fund in trust for the uses and purposes herein provided.

(b) The deposits in such trust fund may be expended or pledged by the ~~Authority~~ Commission, as it may deem proper, either in whole or in part, for making up any deficiency in the monies available to meet interest and principal requirements on all turnpike revenue bonds and turnpike revenue refunding bonds of the ~~Authority~~ Commission issued pursuant to the provisions of this article and then outstanding, and for such purpose it may vest in the holders of any such bonds a contract right to the continuance of those apportionments to the ~~Authority~~ Commission provided in Section 1727 of this ~~Code~~ title but subject to the limitations therein (provided, that no such pledge or vesting of such contract right shall be deemed to restrict in any way the state's power to change the rate of the motor fuel tax levy or to repeal such levy) and for the payment of necessary expenses in the financing of additional turnpikes. Any such expenditure or pledge shall be subject to any prior pledge of any portion of the funds in, or to be deposited to, the trust fund. Provided, that any funds expended as permitted herein shall, upon payment of all interest and principal of all bonds issued hereunder, and before delivery of any turnpike to the Department, be replaced in the trust fund by the ~~Authority~~ Commission, and upon completion of such reimbursement, the trust fund shall terminate and the balance in the trust fund shall be delivered to the Department.

(c) The motor fuel tax revenues derived under the provisions of subsection (c) of Section 1727 of this ~~Code~~ title shall be pledged and used exclusively to meet and retire interest and principal requirements on turnpike bonds issued for the construction of any turnpike or turnpikes authorized by this article.

(d) (1) Beginning July 1, 1984, and on July 1 of each year thereafter, any funds in the trust fund not expended or pledged or

to be expended or pledged by the ~~Authority~~ Commission on account of all turnpike revenue and turnpike revenue refunding bonds of the ~~Authority~~ Commission issued pursuant to the provisions of this article prior to May 1, 1992, and then outstanding also may be expended or pledged to any turnpike revenue bonds or turnpike revenue refunding bonds of the ~~Authority~~ Commission issued after May 1, 1992. If before July 1, 1988, the ~~Authority~~ Commission issues any turnpike revenue refunding bonds and funds are transferred to the Department as a result of the issuance of such refunding bonds, then the Department shall within ninety (90) days transfer an amount equal to the proceeds of such refunding bonds, up to a maximum of Twenty Million Dollars ($20,000,000.00), to the Pension Systems Reserve Fund for the then current fiscal year.

(2) Beginning the later of July 1, 1992, or upon the issuance of turnpike revenue refunding bonds by the ~~Authority~~ Commission, and in each fiscal year thereafter, on the first day of each calendar month, from the amounts apportioned and to be apportioned to the trust fund pursuant to Section 1727 of this ~~Code~~ title, so long as bonds issued prior to May 1, 1992, are outstanding, the first Three Million Dollars ($3,000,000.00) of such amounts apportioned will be used, if necessary, to maintain a balance of one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year for bonds issued prior to May 1, 1992. All motor fuel excise taxes apportioned to the trust fund not used to maintain the balance of one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year, if any, for bonds issued prior to May 1, 1992, shall be available to pay principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year on bonds of the ~~Authority~~ Commission issued after May 1, 1992, to the extent monies are not otherwise available to the

~~Authority~~ Commission for such purpose. If such motor fuel excise taxes apportioned to the trust fund are not necessary in such month to meet the pro rata monthly requirements for payment of principal, including any sinking fund or amortization requirements, and interest for that month for bonds issued after May 1, 1992, such motor fuel excise taxes shall be paid over to the Department. The monies in such fund may be expended or pledged by the ~~Authority~~ Commission, as it may deem proper, either in whole or in part, for making up any deficiency in the monies available to meet interest and principal requirements on all turnpike revenue bonds and turnpike revenue refunding bonds of the ~~Authority~~ Commission issued pursuant to the provisions of this article after May 1, 1992, and then outstanding, and for such purpose it may vest in the holders of any such bonds a contract right to the continuance of those apportionments to the ~~Authority~~ Commission provided in Section 1727 of this ~~Code~~ title but subject to the limitations therein (provided, that no such pledge or vesting of such contract right shall be deemed to restrict in any way the state's power to change the rate of the motor fuel tax levy or to repeal such levy). Any such expenditure or pledge shall be subject to any prior pledge of any portion of the funds in, or to be deposited to, the trust fund. Provided, that any funds expended as permitted herein shall, upon payment of all interest and principal of all bonds issued hereunder, and before delivery of any turnpike to the Department, be replaced in the trust fund by the ~~Authority~~ Commission, and upon completion of such reimbursement, the trust fund shall terminate and the balance in the trust fund shall be delivered to the Department. The indenture, trust agreement or supplemental trust agreement pursuant to which any turnpike revenue bonds or turnpike revenue refunding bonds are issued after May 1, 1992, shall provide that the ~~Authority~~ Commission utilize all available revenues, operating reserves, Turnpike trust fund balances, and provide revenues from all other

sources available to the ~~Authority~~ Commission for the payment of principal, including any sinking fund or amortization requirements and interest on such bonds, as provided in any supplemental trust agreement executed prior to December 1, 1992, before using motor fuel excise taxes apportioned to the trust fund under this subsection.

(e) The ~~Authority~~ Commission is hereby authorized to invest all or part of such trust fund in:

(1) Any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any of the federal agencies set forth in paragraph 2 of this subsection to the extent unconditionally guaranteed by the United States of America; and

(2) Bonds, debentures, or other evidences of indebtedness issued or guaranteed by any agency or corporation which has been or may hereafter be created pursuant to an Act of Congress as an agency or instrumentality of the United States of America.

SECTION 26. AMENDATORY 69 O.S. 1991, Section 1731, is amended to read as follows:

Section 1731. All contracts for the construction of turnpikes shall be let by the ~~Authority~~ Transportation Commission to the lowest responsible bidder, or bidders, after notice by publication in the same manner as provided in Section 1101 of this ~~Code~~ title, provided, the ~~Authority~~ Commission may reject all bids and readvertise the same. Furthermore, the ~~Authority~~ Commission shall retain five percent (5%) of the total amount of money due under contract with the ~~Authority~~ Commission for payment of taxes and providing of workers' compensation insurance as provided in Section 1103 of this ~~Code~~ title.

SECTION 27. AMENDATORY 69 O.S. 1991, Section 1732, is amended to read as follows:

Section 1732. The Legislature, notwithstanding any agreement or contract entered into by the ~~Authority~~ Transportation Commission, may repeal, alter, or amend the authorization for the construction, or description of the route or location of any turnpike or turnpikes, or portion or portions thereof, for which bonds have not been sold at the time of such legislative action.

SECTION 28. AMENDATORY 69 O.S. 1991, Section 1734, is amended to read as follows:

Section 1734. No officer, consultant, agent, or employee of the ~~Authority~~ Transportation Commission and no person acting or purporting to act on behalf thereof shall, with respect to any contract, require the contractor or any subcontractor to make application to or to obtain or procure any of the surety bonds and any other type of insurance specified in connection with such contract, or specified by any law, from a particular insurance or surety company, agent, or broker. This section shall not, however, prevent the exercise, by such officer or employee, on behalf of the ~~Authority~~ Commission, of the right to approve the form, sufficiency, or manner of execution of the surety bonds or other type of insurance contracts furnished by the insurance or surety company selected by the contractor or subcontractor to underwrite the bonds, or other types of insurance contracts. Any provisions in any invitation for bids, or in any of the contract documents, in conflict herewith are hereby declared to be contrary to the public policy of this state. A violation of this section shall constitute a misdemeanor.

SECTION 29. AMENDATORY 69 O.S. 1991, Section 3003, is amended to read as follows:

Section 3003. No road shall be financed or constructed under the terms of this act, except such access roads or connecting roads which are incidental to some authorized facility, unless the trust indenture, the financing provisions, the selection of the trustees

and the construction contract shall conform with the following provisions:

1. The contractor shall be paid in bonds issued by the trust, which shall constitute complete compensation for the performance of the contract with the trust in accordance with the terms and conditions thereof.

2. The plans and specifications for the project must be at least equal to minimum standards of the State Highway Department for the State of Oklahoma or the ~~Oklahoma Turnpike Authority~~ Transportation Commission for like facilities and subject to reasonable approval of engineer to be designated by the trust.

3. Before any right-of-way is acquired, excluding any interest acquired in a right-of-way by option, or any condemnation action is commenced for the purpose of acquiring right-of-way, the contractor shall first have filed a payment and performance bond with the trust, in an amount as provided in the construction contract, but not less than the total estimated cost of actual construction.

4. The trustees of any trust which has the power, under the terms of this act and of its trust indenture, to contract for the construction and financing of any toll expressway shall be selected as follows:

a. The governing body of each participating municipality shall designate one person and shall submit such person's name in writing to the principal district judge presiding over the territory of such participating municipality. If such person is approved by such judge or if the judge takes no action within thirty (30) days from the date such name was submitted to him, such person, upon taking the oath, shall become a trustee.

b. When the appointment of a member of the board of trustees by each participating municipality has been

completed, such members shall meet and elect a temporary chairman, and shall notify the Governor of the State of Oklahoma by registered mail of:

(1) Existence of the trust;

(2) The names of the participating municipalities; and

(3) The name of the member of the board appointed by each participating municipality, and shall request that the Governor appoint within thirty (30) days a like number of trustees, less one. If the Governor fails to make any or all of such appointments, the trustees shall fill such vacancies by a nomination by any member of the board of trustees and the approving vote of a majority of the trustees.

c. When all vacancies have been filled, the trustees shall elect a permanent chairman who shall serve for the longest term provided for in the trust indenture. All other members shall draw lots for staggered terms.

d. Subsequent vacancies shall be filled by action of the surviving trustees for the unexpired term thereof.

e. Subsequent appointments shall be made in the manner provided above.

5. The construction contract shall provide for reimbursement to the trust for an amount equal to the cost of engineering, including inspection, subject to such reasonable limits as the parties may agree to, or, the trust must have a prior commitment that the cost of such inspection or any portion thereof shall be borne by one or more of the participating municipalities, or the state, as established by a written agreement between the trust and such municipalities or the state.

6. The construction contract shall make provisions for the providing of maintenance when the facility is completed and open to the public. Such maintenance cost may be borne or shared in any lawful manner that the trust, contractor and participating municipality may agree upon. Until the trust bonds are retired, any surplus revenues shall be deposited in a special fund for the purpose of providing maintenance for the facility until the fund is of sufficient size that such surplus revenues may be prudently diverted to other lawful purposes within the discretion of the board of trustees.

7. The construction contract shall set a maximum and a minimum for the toll to be collected from the traveling public on such toll expressway for each separate class of vehicles and shall set forth the formula by which the actual toll shall be set, which shall be effective until all the bonds issued for the payment of the project shall have been retired, unless changed by an agreement of such trust and a majority of the registered bondholders.

SECTION 30. AMENDATORY 69 O.S. 1991, Section 3010, is amended to read as follows:

Section 3010. The provisions of Sections 11-1401 through 11-1405 inclusive of Title 47 of the Oklahoma Statutes are hereby made applicable to and enforceable on any toll expressway as provided for in this act and the words ~~"Oklahoma Turnpike Authority"~~ "Transportation Commission" wherever they appear in said Sections 11-1401 through 11-1405 of Title 47 of the Oklahoma Statutes, inclusive, for the purpose of this act only, shall be construed to mean the ~~trustees of the public trust~~ state entity operating any such toll expressway; provided, that where a toll expressway is located wholly within the corporate limits of a city, the said trustees may contract with the governing body of such city for the policing of such expressway and if such contract is entered into,

the traffic ordinances and regulations of such city shall be applicable to and enforceable on such expressway.

SECTION 31. AMENDATORY 69 O.S. 1991, Section 3012, is amended to read as follows:

Section 3012. The provisions of Section 1718 of ~~Title 69 of the Oklahoma Statutes~~ this title are hereby made applicable to this act and the trustees of any public trust proposing to lay out, construct, operate or maintain any such toll expressway shall be entitled to have a judicial determination of the validity of the bonds and any other legal questions relating to the proceedings, the purpose of which is to cause the construction of a toll expressway in the same manner as provided in such act for the ~~Oklahoma Turnpike Authority~~ Transportation Commission.

SECTION 32. AMENDATORY 69 O.S. 1991, Section 3013, is amended to read as follows:

Section 3013. The trustees of any trust created under this act shall make complete public disclosure of all transactions concerning expenditures for engineering fees, legal fees, financing fees and discounts in an annual report filed with the ~~Oklahoma Turnpike Authority~~ Transportation Commission.

SECTION 33. AMENDATORY 40 O.S. 1991, Section 196.12, is amended to read as follows:

Section 196.12 The provisions of this act shall not apply to the Transportation Commission or the Department of Transportation of this state. ~~The provisions of this act shall not apply to the Oklahoma Turnpike Authority in the construction of roads.~~

SECTION 34. AMENDATORY 47 O.S. 1991, Section 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993 (47 O.S. Supp. 1995, Section 11-1401), is amended to read as follows:

Section 11-1401. (a) It shall be unlawful for any person to enter that part of a turnpike enclosed by fence except in a vehicle at authorized entrances.

(b) It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the ~~Turnpike Authority~~ Transportation Commission.

(c) It shall be unlawful for any person to cross a turnpike except at grade separations provided for cross traffic or through drainage structures under the turnpike.

(d) It shall be unlawful for any person to travel a turnpike on foot except to leave or service a disabled vehicle, or for any person to hitchhike on a turnpike.

(e) It shall be unlawful for any person to tear down, damage or remove any turnpike fence.

(f) Subsections (a) through (e) of this section shall not apply to officers, employees, agents or contractors of the ~~Turnpike Authority~~ Transportation Commission in performance of their duties, or to agents, servants, employees or contractors of public utilities while actually engaged in work in furtherance of construction, maintenance or repair of such public utilities located on, above or below a turnpike.

(g) It shall be unlawful to drive, operate or ride any bicycle or other man-powered vehicle or means of transportation on a turnpike, and the ~~Authority~~ Commission may prohibit any light mechanically-powered vehicle from entering the turnpike, or any other vehicle which it determines would be injurious to the turnpike surfacing or a traffic hazard.

(h) Any person driving a vehicle on a turnpike shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the turnpike and any other conditions then existing, and no person shall drive any vehicle upon a turnpike at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

(i) The ~~Turnpike Authority~~ Transportation Commission is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective only after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the ~~Turnpike Authority~~ Transportation Commission. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of speed than such prescribed minimum speed. However, all vehicles shall at all times conform to the requirements of subsection (h) of this section. Copies of such regulations, certified as in effect on any particular date by the ~~Secretary of the Turnpike Authority~~ Transportation Commission, shall be accepted in evidence in any court in this state.

(j) It shall be unlawful for any vehicle, except police cars, ambulances, vehicles owned by the ~~Turnpike Authority~~ Transportation Commission, its agents or contractors, and vehicles owned by public utilities, their agents, servants, employees or contractors, while actually engaged in construction, maintenance or repair of such public utilities, to cross the center dividing strip of a turnpike, or to travel on any lane of a turnpike in a direction contrary to the direction of traffic on such lane.

(k) All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

(l) No vehicle shall move from one lane to another unless the way is clear to do so and upon proper signaling.

(m) Any person guilty of violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars ($10.00) and not more

than Two Hundred Dollars ($200.00) or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or by both such fine and imprisonment.

SECTION 35. AMENDATORY 47 O.S. 1991, Section 11-1402, is amended to read as follows:

Section 11-1402. Enforcement of both traffic laws and the general laws of the State of Oklahoma on the turnpikes shall be the exclusive responsibility of the Department of Public Safety, and the cost thereof shall be borne by the ~~Turnpike Authority~~ Transportation Commission. Provided that the ~~Authority~~ Commission shall be liable only for such costs as may be agreed to by it under contract or agreement with the Commissioner of Public Safety.

SECTION 36. AMENDATORY 47 O.S. 1991, Section 11-1403, is amended to read as follows:

Section 11-1403. The Commissioner of Public Safety and the ~~Turnpike Authority~~ Transportation Commission are hereby authorized to enter into contracts and agreements for law enforcement on turnpikes. The Department of Public Safety is authorized to use any of its automotive and other equipment in policing turnpikes, and to charge the ~~Authority~~ Commission for the use thereon on a rental basis to be agreed to by the Department and the ~~Authority~~ Commission, and to perform such services in connection with policing turnpikes with its general personnel and equipment at such rates, salaries, expenses, and miscellaneous costs as may be agreed to by the Department and the ~~Authority~~ Commission. It is the intent of this section that rental rates and other costs of policing turnpikes shall be determined on an average actual cost basis, and in accordance with salaries and expenses paid by the Department of Public Safety in its regular operations. Payments shall be made by the ~~Authority~~ Commission monthly and shall be remitted to the State Treasurer to be credited to the Department of Public Safety Revolving Fund in the State Treasury. Such monies shall be expended

for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.

SECTION 37. AMENDATORY 47 O.S. 1991, Section 11-1404, is amended to read as follows:

Section 11-1404. Notwithstanding any other provisions of law, vehicles or equipment owned by the ~~Turnpike Authority~~ Department of Transportation, its agents or contractors, and public utilities, and engaged in maintenance or emergency operations, may be equipped with such flashing and signal lights, either to the forward or the rear, as may be approved by the Commissioner of Public Safety.

SECTION 38. AMENDATORY 62 O.S. 1991, Section 695.3, is amended to read as follows:

Section 695.3 As used in the Oklahoma Bond Oversight and Reform Act:

1. "Executive Commission" means the Executive Bond Oversight Commission;

2. "Legislative Commission" means the Legislative Bond Oversight Commission;

3. "Commissions" means the Executive Bond Oversight Commission and the Legislative Bond Oversight Commission;

4. "State Governmental Entity" means the State of Oklahoma or any agency, board, commission, authority, department, public trust of which the state is the beneficiary or other instrumentality of state government, other than a public trust with the state as beneficiary whose jurisdiction is limited to one county, including, but not limited to, the following:

a. Oklahoma Municipal Power Authority,

b. Oklahoma Development Authority,

c. Oklahoma Industrial Finance Authority,

d. Grand River Dam Authority,

e. Oklahoma Water Resources Board,

f. Northeast Oklahoma Public Facilities Authority,

g. ~~Oklahoma Turnpike Authority~~ Transportation Commission,

h. Oklahoma Housing Finance Authority, and

i. Oklahoma Public, Industrial and Cultural Facilities Authority;

5. "Local Governmental Entity" means counties, cities and towns, school districts, public trusts of which a county, city or town or school district is the beneficiary or other political subdivision of the state; and

6. "Purpose" means the issuer's principal intended use of the funds derived from the issuance of bonds or other obligations.

SECTION 39. AMENDATORY 74 O.S. 1991, Section 606, is amended to read as follows:

Section 606. The provisions of this act shall not apply to notaries public, and shall not apply to officers or employees of the following agencies or institutions: the Grand River Dam Authority~~; the Oklahoma Turnpike Authority; or~~ and The Oklahoma State System of Higher Education.

SECTION 40. AMENDATORY 74 O.S. 1991, Section 5062.18, is amended to read as follows:

Section 5062.18 Notwithstanding any provision herein to the contrary, the Oklahoma Development Finance Authority shall not participate in financing programs nor issue bonds which compete with or are similar in nature to those obligations authorized for issuance by the ~~Oklahoma Turnpike Authority~~ Transportation Commission, the Oklahoma Housing Finance Agency, the Oklahoma Water Resources Board, the Grand River Dam Authority, the Oklahoma Student Loan Authority and the Oklahoma Municipal Power Authority, without the prior consent of ~~said~~ the authorities.

SECTION 41. REPEALER 69 O.S. 1991, Sections 1703, 1705.5 and 4010, are hereby repealed.

SECTION 42. This act shall become effective July 1, 1996.

SECTION 43. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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