

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 371

By: Weedn

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending Section 21, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, 3001, 3002, 3003, 3004, 3007, 3008, 3010, 3017 and 3020 (69 O.S. Supp. 1998, Section 1705), which relate to toll expressways; amending location of toll turnpike authorization; allowing individual creation of specialized public trust by certain entity; deleting provision requiring certain action before institution of action for condemnation; deleting provision requiring payment to contractors with bonds issued by trust; deleting language requiring payment and performance bond; modifying trustee selection powers; deleting provisions relating to reimbursement to the trust; changing term from "construction contract" to "trust"; allowing trust to approve reimbursement cost; stating conditions for deposit of revenue; deleting contractor and governing body input into certain decision; deleting provision allowing coverage of trust or municipality by the Small Claims Procedures Act; allowing trust to exercise powers of eminent domain and condemnation of certain lands; deleting provision allowing interest acquired by eminent domain and condemnation to be leased to trustee; construing certain provision to mean entities with which the trust has contracted for specified purpose; increasing apportionment of certain monies to trust and deleting apportionment of certain monies to General Revenue Fund; deleting provision limiting apportionment of funds to certain toll expressway project; deleting provision referring to municipalities; deleting certain statutory reference; repealing 69 O.S. 1991, Sections 3005, 3006, 3013, 3015 and 3016; which relate to toll expressways; and providing an effective date.

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

SECTION 1. AMENDATORY Section 21, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (69 O.S. Supp. 1998, Section 1705), is amended to read as follows:

Section 1705. The Authority is hereby authorized and empowered:

(a) To adopt bylaws for the regulation of its affairs and conduct of its business.

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

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

(d) To sue and be sued in 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 shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority 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) 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 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.

(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 Highway 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 Highway 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.

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

(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.

(21) All or any part of an Oklahoma City Outer Loop expressway system beginning in the vicinity of ~~I-35~~ Interstate Highway 35 and the Turner Turnpike and extending west into Canadian County and then south to ~~I-40~~ Interstate Highway 40 and then south and east to ~~I-35~~ Interstate Highway 35 in the vicinity of Moore ~~and~~, Norman or Purcell; and then extending east and north to ~~I-40~~ Interstate Highway 40 east of Tinker ~~Field~~ Air Force Base; 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. Highway 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~~ 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. Highway 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~~ U.S. Highway No. 77 and the Kansas State Line.

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

(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.

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

(f) To issue turnpike revenue bonds of the Authority, 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 (e) 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) 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) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties.

(i) To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by 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) 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 to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, 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, 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) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

(m) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the 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) 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 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. 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 Oklahoma. However, contracts for bridges may include earthwork and structures for the approaches thereto.

(o) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or

indirectly, any business for profit of such member, officer, or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

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

Violation of this provision shall constitute a Schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes. If the offense occurs before the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years. The fine for a violation of this provision shall be not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00).

(p) In the event of a national emergency, the Authority, 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) All meetings of the Authority shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 3001, is amended to read as follows:

Section 3001. Any county or combination of cities, counties or towns, by resolution of their governing boards, may jointly or individually create a public trust for the purpose of planning, financing, constructing, maintaining and operating a toll expressway upon the locations now or hereafter authorized by Section 1705 of ~~Title 69, Oklahoma Statutes~~ this title, and the state, or any county, municipality, political or governmental subdivision or governmental agency of the state or any combination thereof may be the beneficiary of such trust; provided that no funds of said beneficiary derived from sources other than the trust property, or the operation thereof, shall be charged with or expended for the execution of said trust, except by express action of the legislative authority of the beneficiary first had. The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal or both, of the beneficiary of such trust, or of such a proposed trust, which property shall be needful for the execution of the trust purposes, hereby are authorized and empowered to lease such property for said purposes, after the acceptance of the beneficial interest therein by the beneficiary as hereafter provided, or conditioned upon such acceptance.

SECTION 3. AMENDATORY 69 O.S. 1991, Section 3002, is amended to read as follows:

Section 3002. A public trust created under the terms of this act shall have the power to condemn property in like manner as railroad companies for purposes consistent with the intent of this act. ~~Provided that before any action for condemnation shall be instituted by such public trust, there shall have been a contract entered into for the construction of the toll expressway and a performance bond shall have been posted with the trustees in an amount equal to the estimated cost of labor and materials, and the trustees shall investigate and be assured on reasonable evidence~~

~~that the contractor or such other party who is to participate in all or a portion of the cost of acquiring rights-of-way is financially able and has committed in writing to the payment for a portion or all of the estimated cost of acquisition of necessary rights-of-way.~~

SECTION 4. 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 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. 2. 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: pursuant to the instrument creating the trust;~~

- ~~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. 3.~~ The construction contract trust shall make provisions contract 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~~ all revenues in excess of the principal of, and interest on, the bonds 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; and

~~7. 4.~~ The construction contract trust 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 5. AMENDATORY 69 O.S. 1991, Section 3004, is amended to read as follows:

Section 3004. If, in the opinion of the board of trustees of such public trust, ~~and of the contractor,~~ that it would be

economically wise to improve or construct connecting or feeder streets or roads to the toll expressway, even though such connecting streets or roads would be free roads, then in such event, the trust shall have the authority to let contracts for the construction of such connecting or feeder roads or streets under the following conditions:

1. ~~The consent of the governing body, having jurisdiction over such street or road is first obtained.~~

~~2.~~ Such portion of the contract price or the work to be performed as the trust agrees to pay or to perform shall be paid ~~in~~ from revenue bonds, if such construction is part of the original construction of the toll expressway, or, from surplus revenues in excess of the maintenance fund requirements, or in such manner as may be lawful and proper~~;~~

~~3.~~ 2. The trust shall be empowered to enter into contracts with any county or municipality in whose jurisdiction such connecting or feeder roads or streets are located, for the sharing of the work or costs in the improvement or construction of such roads or streets. The trust may do such things as are necessary and practical to qualify the construction and the project for any available federal matching fund programs~~;~~

~~4.~~ 3. In any project for the construction or improvement of connecting or feeder roads or streets and for which federal matching funds have been applied for or approved, the ~~contractor~~ trust shall have the right to agree with the governing body for the performance of a portion of the work if such governing body is properly qualified and equipped, and to compensate such governing body for the work performed, but failure of the governing body to properly perform shall not relieve the ~~contractor~~ trust from its obligation to build in accordance with the ~~terms of the contract and the plans~~ and specifications, even though it may be entitled to compensation for such failure of performance from such governing body~~;~~ and

~~5.~~ 4. For such portions of the work to be assumed by any governing body in the construction of improvement of any connecting or feeder roads, the governing body shall be subject to the laws applicable to it when contracting for like work on its roads or streets.

SECTION 6. AMENDATORY 69 O.S. 1991, Section 3007, is amended to read as follows:

Section 3007. Neither this trust nor any county, beneficiary or municipality within the boundaries of which such expressway may be located shall be liable for personal injury or property damage resulting from the operations of such expressway, or the failure to properly maintain or repair such expressway; ~~provided that the trust or municipality may comply with and be covered by Sections 1751 through 1766 of Title 11, Oklahoma Statutes.~~

SECTION 7. AMENDATORY 69 O.S. 1991, Section 3008, is amended to read as follows:

Section 3008. The trustees of any public trust constructing a toll expressway shall have authority to make any necessary connections with, or crossings, at grade level or otherwise, with any existing state or county highway or street and to temporarily occupy or close public rights-of-way as may be necessary for the public safety during construction of any such toll expressway. Necessary easements and rights-of-way over, under and across public or private property may be acquired by ~~any participating municipality or beneficiary of such~~ the trust by ~~the exercise of exercising~~ its power of eminent domain in the manner now or hereafter provided by law for condemnation of lands ~~by a county or city, as the case may be, for highway or street purposes, and any interest so acquired may be leased to the trustees.~~

SECTION 8. 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" wherever they appear in said Sections 11-1401 through 11-1405, inclusive, of Title 47 of the Oklahoma Statutes, for the purpose of this act only, shall be construed to mean the trustees of the public trust operating any such toll expressway or to any entity to which the trust has contracted for such purposes; 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 9. AMENDATORY 69 O.S. 1991, Section 3017, is amended to read as follows:

Section 3017. Until all bonds and the interest thereon are paid in full upon any toll expressway project undertaken by any trust under the provisions of this act, 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 on such toll expressway, during the calendar month in which the tax being apportioned accrued, and apportion ~~a sum equal to such amount from all gasoline tax collections as follows: Ninety-seven percent (97%)~~ one hundred percent (100%) of such amount to such trust ~~and three percent (3%) to the General Revenue Fund of the State Treasury. Provided;~~ provided, however, that the apportionments herein remitted shall apply only to such trust that issues bonds in connection with the construction of a toll expressway project ~~beginning in or near the City of Tulsa and the Port of Catoosa and extending in a northwesterly direction to a point in or near Ponca City, or at a~~

~~point on the Kansas-Oklahoma state boundary line, which said toll expressway shall be called "Northwest Passage", or to a turnpike or any parts thereof beginning in 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 pursuant to the provisions of Section 1705 of this title.~~

SECTION 10. AMENDATORY 69 O.S. 1991, Section 3020, is amended to read as follows:

Section 3020. The powers, duties and restraints granted to or placed on ~~municipalities by this act or~~ the trustees of any trust created under the terms of this act are exclusive of and unaffected by the provisions of Section 1733, of Title 69 of the Oklahoma Statutes; and Sections 1 through 52, of Title 61 of the Oklahoma Statutes; ~~and Sections 176 through 180.3, Title 60 of the Oklahoma Statutes;~~ and in addition thereto all other acts or parts of acts in conflict with this act are hereby repealed only to the extent of such conflict and for the purpose of the applicability of this act.

SECTION 11. REPEALER 69 O.S. 1991, Sections 3005, 3006, 3013, 3015 and 3016, are hereby repealed.

SECTION 12. This act shall become effective November 1, 1999.

47-1-382 RH 6/12/2015 1:48:09 AM