

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE JOINT
RESOLUTION 6

By: Ford

AS INTRODUCED

A Joint Resolution relating to funding for roads and highways; ordering a legislative referendum; prohibiting imposing or collecting tolls for the use of turnpikes or turnpike projects after certain date except under certain circumstances; providing for deposit of certain revenues and specifying purposes for which such revenues may be used; prohibiting issuance of certain indebtedness; requiring certain notification upon insufficiency of revenues; authorizing imposition of tolls under certain conditions; creating Department of Transportation Toll-Free Roads Revolving Fund; providing for deposits thereto and expenditures therefrom; authorizing issuance of certain indebtedness; abolishing Oklahoma Transportation Authority; transferring indebtedness, powers, duties, functions, records, employees, property, pending matters and funds to Oklahoma Department of Transportation; changing statutory references to reflect transfer; amending 40 O.S. 1991, Section 196.12, which relates to labor; amending 47 O.S. 1991, Sections 1-184, 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993, Section 2, Chapter 278, O.S.L. 1997, 11-1402, 11-1403 and 11-1404 (47 O.S. Supp. 2000, Sections 11-1401 and 11-1401.2), which relate to motor vehicles; modifying definitions; modifying unlawful acts; limiting provisions relating to collection of tolls; amending 51 O.S. 1991, Section 24A.3, as last amended by Section 11, Chapter 368, O.S.L. 1998 (51 O.S. Supp. 2000, Section 24A.3), which relates to the Oklahoma Open Records Act; amending 61 O.S. 1991, Section 2, as last amended by Section 3, Chapter 278, O.S.L. 1997, Section 1, Chapter 341, O.S.L. 1999 and 61 O.S. 1991, Sections 113.1, as last amended by Section 4, Chapter 278, O.S.L. 1997 and 118, as last amended by Section 2, Chapter 66, O.S.L. 2000 (61 O.S. Supp. 2000, Sections 2, 103.5, 113.1 and 118), which relate to public buildings and public works; amending 62 O.S. 1991, Section 695.3 and Section 2, Chapter 330, O.S.L. 1992 (62 O.S. Supp. 2000, Section 901), which relate to public finance; modifying membership of Policy Advisory Committee to the Long-Range Capital Planning Commission; amending Section 4, Chapter 345, O.S.L. 1996, as amended by Section 7, Chapter 314, O.S.L. 2000, Section 6, Chapter 345, O.S.L. 1996, as last amended by Section 1, Chapter 340, O.S.L. 1999 and Section 7, Chapter 345, O.S.L. 1996, as last amended by Section 21, Chapter 5, O.S.L. 1998 (68 O.S. Supp. 2000, Sections 500.4, 500.6 and 500.7), which relate to revenue and

taxation; changing statutory references to reflect transfer; modifying rate of gasoline and diesel fuel taxes; modifying apportionment of certain revenues; amending Section 1, Chapter 393, O.S.L. 1999, as amended by Section 19, Chapter 339, O.S.L. 2000 (68 O.S. Supp. 2000, Section 2357.28), which relates to revenue and taxation; amending Section 1, Chapter 69, O.S.L. 2000, Section 1, Chapter 91, O.S.L. 1997, 69 O.S. 1991, Sections 1701, as last amended by Section 4, Chapter 341, O.S.L. 1999, 1702, 1703, as amended by Section 5, Chapter 341, O.S.L. 1999, 1704, as amended by Section 6, Chapter 341, O.S.L. 1999, 1705, as last amended by Section 1, Chapter 270, O.S.L. 2000, 1705.1, 1706, as amended by Section 2, Chapter 282, O.S.L. 1997, 1707, 1708, 1709, 1710, 1711, 1713, 1714, 1716, 1717, 1718, 1719, 1720, as amended by Section 12, Chapter 290, O.S.L. 1996, 1722, as last amended by Section 2, Chapter 206, O.S.L. 1998, Section 1, Chapter 346, O.S.L. 1998, 1727, as amended by Section 1, Chapter 191, O.S.L. 1992, 1728, 1729, 1731, 1732, 1734, Sections 2 and 3, Chapter 219, O.S.L. 1999, Section 3, Chapter 401, O.S.L. 2000, 69 O.S. 1991, Sections 3003, 3010 and 3013 (69 O.S. Supp. 2000, Sections 113a, 301.1, 1701, 1703, 1704, 1705, 1706, 1720, 1722, 1722.1, 1727, 1952, 1953 and 2004), which relate to roads, bridges and ferries and the Oklahoma Transportation Authority; changing statutory references to reflect transfer of functions of Authority to Department of Transportation; modifying membership of certain boards; limiting authority to collect tolls; reapportioning certain revenues; prohibiting collection of tolls for certain period on certain highway; modifying authority to issue indebtedness; modifying source of revenues from which indebtedness may be repaid; modifying powers and duties of Department; amending 74 O.S. 1991, Sections 85.42, as last amended by Section 21, Chapter 339, O.S.L. 2000, 606, Section 9, Chapter 388, O.S.L. 1998, as amended by Section 10, Chapter 336, O.S.L. 2000 and 5062.18 (74 O.S. Supp. 2000, Sections 85.42 and 840-5.21), which relate to state government; amending 80 O.S. 1991, Section 1, as amended by Section 2, Chapter 99, O.S.L. 1993 (80 O.S. Supp. 2000, Section 1), which relates to the United States; repealing 69 O.S. 1991, Sections 205, 1730, as amended by Section 2, Chapter 191, O.S.L. 1992 and 4010 (69 O.S. Supp. 2000, Section 1730), which relate to definitions and the Oklahoma Turnpike Authority; providing for codification; providing an effective date; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
Constitution, there is hereby ordered the following legislative

referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at a Special Election to be held on the date of the next statewide election.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1711.1 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2003, if the provisions of this act are approved by the voters, the Department of Transportation shall be prohibited from imposing or collecting tolls for the use of turnpikes or turnpike projects in this state, except as otherwise provided in subsection C of this section.

B. The revenues from increased gasoline and diesel fuel taxes, as provided for in paragraph 1 of subsection A of Section 500.6 and paragraph 1 of subsection A of Section 500.7 of Title 68 of the Oklahoma Statutes, shall be deposited to the Department of Transportation Toll-Free Roads Revolving Fund and are hereby deemed to be revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued. Such revenues shall be used:

1. To retire indebtedness of the Oklahoma Transportation Authority incurred prior to January 1, 2003, 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, to be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund as provided in Section 1711 of Title 69 of the Oklahoma Statutes;

2. For maintenance, repair and operation of turnpikes or turnpike projects which are in existence on January 1, 2003;

3. To defray administrative expenses of the Department, as further specified in subsection D of this section; and

4. To complete any turnpike or turnpike project which is under construction on January 1, 2003, or for which indebtedness has been issued prior to January 1, 2003.

Neither the Department of Transportation nor the Transportation Commission shall issue any further indebtedness on or after January 1, 2003, except as specifically authorized by Section 1719 of Title 69 of the Oklahoma Statutes, paragraph 1 of subsection D of this section or any other provision of law, or for the purpose of refinancing indebtedness previously issued if such refinancing provides for better terms related to such indebtedness.

C. If, at any time, the Department determines that such revenues are insufficient to retire indebtedness, the Department shall immediately notify the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives and shall request the Legislature, if the Legislature is in session, or the Contingency Review Board, if the Legislature is not in session, to provide such funding as may be necessary to address the insufficiency. If such funding is not so provided, the Department is hereby authorized to impose tolls for the use of turnpikes or turnpike projects as may be necessary to address the insufficiency. The Department shall, prior to February 1 of each year, provide to the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives an estimate of the revenues projected to accrue to the fund created in subsection D of this section and an estimate of the amounts of expenditures projected to be made from the fund for the purposes specified herein for the current and the next fiscal years.

D. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Department of Transportation Toll-Free Roads Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned or

deposited thereto pursuant to the provisions of paragraph 1 of subsection A of Section 500.6 of Title 68 of the Oklahoma Statutes, paragraph 1 of subsection A of Section 500.7 of Title 68 of the Oklahoma Statutes, Section 1727 of Title 69 of the Oklahoma Statutes or any other provisions of law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department as follows:

1. In each fiscal year, One Hundred Million Dollars (\$100,000,000.00) shall be used for the purpose of retiring indebtedness incurred by the Oklahoma Transportation Authority or the Oklahoma Turnpike Authority prior to January 1, 2003. If such amount is in excess of the amount required pursuant to the terms of such indebtedness, the excess amount shall be applied to reduce the amount necessary to retire such indebtedness in future fiscal years. If such amount is less than the amount required pursuant to the terms of such indebtedness, the Department shall proceed as specified in subsection C of this section. At such time as:

- a. no further indebtedness exists,
- b. the amount necessary to fully retire the indebtedness is less than the amount specified in this paragraph, or
- c. a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof has been set aside in trust for the benefit of the bondholders,

the amount specified in this paragraph, or that portion of such amount not required for retirement of indebtedness, may be used for the purposes specified in paragraph 2 of this subsection or for such other purposes as may be specified by law; provided, at such time as all indebtedness issued by the Oklahoma Transportation Authority prior to January 1, 2003, is retired, the Department is authorized to issue revenue bonds to be repaid from the revenues specified in

this paragraph to construct new highways or maintain existing highways approved by law;

2. In each fiscal year, after the encumbrance of funds as specified in paragraph 1 of this subsection, Forty Million Dollars (\$40,000,000.00) shall be used by the Department for the purpose of maintenance, repair and operation of turnpikes or turnpike projects; and

3. In each fiscal year, after the encumbrance of funds as specified in paragraphs 1 and 2 of this subsection, any further amounts may be used for administrative expenses of the Department.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

E. The Oklahoma Transportation Authority is hereby abolished. All indebtedness, powers, duties, functions, records, employees, property, matters pending, obligations, assets, liabilities and funds of the Oklahoma Transportation Authority, whether in the name "Oklahoma Transportation Authority" or "Oklahoma Turnpike Authority", are hereby transferred to the Department of Transportation. Wherever the terms "Oklahoma Transportation Authority" or "Oklahoma Turnpike Authority" or any derivatives thereof appear in the Oklahoma Statutes, such terms shall be construed to refer to the Department of Transportation. Any change of agency names on signs, equipment, vehicles or other property shall be accomplished as signs, equipment, vehicles or other property are replaced in inventory or as required through normal wear and tear.

SECTION 3. AMENDATORY 40 O.S. 1991, Section 196.12, is amended to read as follows:

Section 196.12 The provisions of Section 196.1 et seq. of this ~~act~~ title shall not apply to 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 4. AMENDATORY 47 O.S. 1991, Section 1-184, is amended to read as follows:

Section 1-184. ~~(a) The words "Turnpike Authority" or "Authority" shall mean the Oklahoma Turnpike Authority, created by Title 69, O.S. 1951, Section 653 as amended, or, if said Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.~~

~~(b) A~~ The word "turnpike" is shall mean a limited access grade separated expressway financed and operated by the ~~Oklahoma Turnpike Authority~~ Department of Transportation which is a part of the Oklahoma turnpike system and upon which a toll is may only be charged for the use thereof as provided in subsection C of Section 2 of this act.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993 (47 O.S. Supp. 2000, Section 11-1401), is amended to read as follows:

Section 11-1401. ~~(a)~~ 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)~~ B. It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the ~~Turnpike Authority~~ Department of Transportation, if required pursuant to the provisions of Section 2 of this act.

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

~~(f)~~ F. Subsections ~~(a)~~ A through ~~(e)~~ E of this section shall not apply to officers, employees, agents or contractors of the ~~Turnpike Authority~~ Department 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)~~ G. It shall be unlawful to drive, operate or ride any bicycle or other ~~man~~ human-powered vehicle or means of transportation on a turnpike, and the ~~Authority~~ Department 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)~~ 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~~ the person to bring it to a stop within the assured clear distance ahead.

~~(i)~~ I. The ~~Turnpike Authority~~ Department 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~~ Department. 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)~~ H of this section. Copies of such regulations, certified as in effect on any particular date by the ~~Secretary of the Turnpike Authority~~ Director of the Department, shall be accepted in evidence in any court in this state.

~~(j)~~ J. It shall be unlawful for any vehicle, except police cars, ambulances, vehicles owned by the ~~Turnpike Authority~~ Department, 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)~~ K. All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

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

~~(m)~~ 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 6. AMENDATORY Section 2, Chapter 278, O.S.L. 1997 (47 O.S. Supp. 2000, Section 11-1401.2), is amended to read as follows:

Section 11-1401.2 A. For purposes of this section:

1. ~~"Authority" means the Oklahoma Turnpike Authority;~~

2. ~~"Commission" or "Tax Commission"~~ "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

2. "Department" means the Department of Transportation;

3. "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge;

4. "Owner" means any person, corporation, partnership, firm, agency, association, or organization who, at the time of the violation and with respect to the vehicle identified in the notice of toll evasion violation:

- a. is the beneficial or equitable owner of the vehicle,
- b. has title to the vehicle,
- c. is the registrant or co-registrant of the vehicle which is registered with the Oklahoma Tax Commission or similar registering agency of any other state, territory, district, province, nation or other jurisdiction,
- d. subject to the liability limitations set forth in paragraph 12 of subsection B of this section, uses the vehicle in its vehicle renting and/or leasing businesses, or
- e. is a person entitled to the use and possession of a vehicle subject to a security interest in another person;

5. "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of toll collection regulations;

6. "Toll collection regulations" means those rules and regulations of the Oklahoma ~~Turnpike Authority~~ Department of Transportation or statutes providing for and requiring the payment of tolls ~~and/or~~ charges prescribed by the ~~Authority~~ Department for the use of turnpikes under its jurisdiction or those rules and regulations of the ~~Authority~~ Department or statutes making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll ~~and/or~~ charge for the use of turnpikes under the jurisdiction of the ~~Authority~~ Department; and

7. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

B. 1. Notwithstanding any other provision of law, there shall be imposed monetary liability on the owner of a vehicle for failure of an operator thereof to comply with the toll collection regulations of the ~~Oklahoma Turnpike Authority~~ Department in accordance with the provisions of this section.

2. The owner of a vehicle shall be liable for a civil penalty imposed pursuant to this section if the vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations, and such violation is evidence by information obtained from a photo-monitoring system. However, no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of the vehicle has been convicted of a violation of toll collection regulations for the same incident.

3. A certificate, sworn to or affirmed by an agent of the ~~Authority~~ Department, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo-monitoring system, shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding charging a violation of toll collection regulations. The photographs, microphotographs, videotape or other recorded images

evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for the violation. Each photo-monitoring system shall be checked bi-monthly for accuracy, and shall be maintained, adjusted or replaced if necessary to ensure the systems are operating properly.

4. An owner found liable for a violation of toll collection regulations pursuant to this section for a first violation shall be liable for a monetary penalty of Twenty-five Dollars (\$25.00); for a second violation within eighteen (18) months of the first violation, shall be liable for a monetary penalty of Fifty Dollars (\$50.00); and for a third or any subsequent violation within eighteen (18) months of the first violation, shall be liable for a monetary penalty of Seventy-five Dollars (\$75.00).

5. An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the motor vehicle operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

6. a. A notice of toll evasion shall be sent by registered mail to each person alleged to be liable as an owner for a violation of toll collection regulations. The notice shall be mailed no later than forty-five (45) days after the alleged violation. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of the notice.

b. A notice of toll evasion violation shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection

regulations pursuant to this section, the registration or the license tag number of the vehicle involved in the violation, the location where the violation took place, the date and time of the violation and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

- c. Notice of toll evasion violation shall be prepared and mailed by the ~~Authority~~ Department or its agents and shall contain information advising the person of the applicable monetary penalty and method of payment thereof and the manner and the time in which the person may contest the liability alleged in the notice. The notice of toll evasion violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit and instructions for returning the affidavit to the ~~Authority~~ Department and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that the penalty shall be imposed and may be collected as authorized by law. Additionally, the notice of toll evasion violation shall contain a notice to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within twenty-one (21) days after receipt of the notice of toll evasion violation or completes and files the affidavit of nonliability, the renewal of the vehicle registration shall be contingent upon compliance with the notice of toll evasion violation.

- d. If the toll evasion penalty is received by the ~~Authority~~ Department and there is no contest as to that toll evasion violation, the proceedings under this section shall terminate.
- e. If the registered owner fails to pay the toll evasion penalty as required in this section, or fails to contest the violation as provided in subparagraph a of paragraph 7 of this subsection, the registered owner shall be deemed liable for the violation by operation of law. The toll evasion penalty and any administrative fees or charges shall be considered a debt due and owing the ~~Authority~~ Department by the registered owner and the ~~Authority~~ Department may proceed to collect such penalty, fees or charges under paragraph 9 of this subsection.
7. a. Within twenty-one (21) days after receipt of the notice of toll evasion a person may contest a notice of toll evasion violation. In that case, the ~~Authority~~ Department shall do the following:
- (1) the ~~Authority~~ Department shall investigate the circumstances of the notice with respect to the contestant's written explanation of reasons for contesting the toll evasion violation. If, based upon the results of the investigation, the ~~Authority~~ Department is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the ~~Authority~~ Department shall maintain an adequate record of the findings of the investigation. Within thirty (30) days of receipt of a notice of contest the ~~Authority~~ Department shall complete such investigation and mail the results of the

investigation to the person who contested the notice of toll evasion violation, and

- (2) if the person contesting a notice of toll evasion violation is not satisfied with the results of the investigation provided for in division (1) of this subparagraph, the person may, within fifteen (15) days of the mailing of the results of the investigation, deposit the amount of the toll evasion penalty and request an administrative review. An administrative review shall be held within ninety (90) calendar days following the receipt of a request for an administrative review, excluding any continuance time. The person requesting the review may request and shall be allowed one continuance, not to exceed twenty-one (21) calendar days.

b. The administrative review procedure shall consist of the following:

- (1) the person requesting an administrative review shall indicate to the ~~Authority~~ Department his or her election for a review by mail or personal conference and may provide materials in support of the contest of the results of the investigation,
- (2) upon ten (10) days' written notice mailed to the contestant, the administrative review shall be conducted before an examiner designated to conduct review by the ~~Authority's governing body~~ Transportation Commission or Director of the ~~Oklahoma Turnpike Authority~~ Department. In addition to any other requirements of employment, an examiner shall demonstrate those

qualifications, training, and objectivity prescribed by the ~~Authority's governing body~~ Transportation Commission or Director as are necessary and which are consistent with the duties and responsibilities set forth in this ~~act~~ section,

- (3) the officer or person authorized to issue a notice of toll evasion violation shall be required to participate in an administrative review. The ~~Authority~~ Department shall not be required to produce any evidence other than the notice of toll evasion violation or copy thereof, a photograph of the rear of the vehicle, information received from the Tax Commission identifying the registered owner of the vehicle, and a notarized statement from the person reporting the violations. The documentation in proper form shall be considered prima facie evidence of the violation, and
- (4) the review shall be conducted in accordance with paragraph 5 of this subsection and in accordance with the written procedure established by the ~~Authority~~ Department which shall ensure fair and impartial review of contested toll evasion violations. The examiner's final decision shall be in writing and shall be delivered personally or by registered mail to the contestant within ten (10) days of the review. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of such decision.

8. a. Within twenty (20) days after receipt of the final decision described in division (4) of subparagraph b of paragraph 7 of this subsection, the contestant may seek review by filing an appeal to the district court having jurisdiction in the county in which the contestant lives, where the same shall be heard on the record. A copy of the notice of appeal shall be served in person or by first-class mail upon the ~~Authority~~ Department by the contestants. For purposes of computing the twenty-day period, the Code of Civil Procedure, Section 2006 of Title 12 of the Oklahoma Statutes, shall be applicable.
- b. The conduct of the hearing on appeal under this section is a subordinate judicial duty which may be performed by referees, masters or other subordinate judicial officials at the direction of the district court.
- c. If no notice of appeal of the ~~Authority's~~ Department's decision is filed within the period set forth in subparagraph a of this paragraph, the examiner's decision shall be deemed final.

9. Except as otherwise provided in paragraphs 10 and 11 of this subsection, the ~~Authority~~ Department shall proceed under one or more of the following options to collect an unpaid toll evasion penalty:

- a. the ~~Authority~~ Department may file an itemization of unpaid toll evasion penalties and administrative and service fees with the Tax Commission for collection at the time of registration of the vehicle pursuant to paragraph 17 of this subsection, or
- b. the ~~Authority~~ Department may contract with a collection agency to collect unpaid toll evasion penalties, fees, and charges.

10. The ~~Authority~~ Department shall not file a civil judgment with the district court relating to a toll evasion violation which has been filed with the Tax Commission unless the ~~Authority~~ Department has determined that the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date and the notice has not been mailed by the Tax Commission pursuant to paragraph 17 of this subsection.

11. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was stolen, but not yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this paragraph that the vehicle was reported as stolen within two (2) hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subsection it shall be sufficient that a certified copy of the police report of the stolen vehicle be sent by first-class mail to the ~~Authority~~ Department and the district court having jurisdiction.

12. An owner of a vehicle to which a notice of toll evasion violation was issued pursuant to paragraph 6 of this subsection shall not be liable for the violation of the toll collection regulations provided that the owner sends to the ~~Authority~~ Department the affidavit of nonliability described in paragraph 6 of this subsection, within twenty-one (21) days after receiving the original notice of toll evasion violation. Failure to send such

information within the time period shall render the owner liable for the penalty prescribed by this section. If the owner complies with the provisions of this subsection, the operator of the vehicle on the date of the violation shall be subject to liability for the violation of toll collection regulations, provided that the Authority Department mails a notice of toll evasion violation to the operator within ten (10) days after receipt of such information.

13. In connection with the preparation and mailing of a notice of toll evasion violation, the Authority Department shall ensure adequate and timely notice to all electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the electronic toll collection system shall not be found liable for a violation of this section unless the Authority Department has first sent a notice of delinquency to the account holder and the account holder was in fact delinquent at the time of the violation.

14. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of toll collection laws or regulations.

15. Notwithstanding any other provision of law, all photographs, microphotographs, videotape or other recorded images prepared pursuant to this section shall be for the exclusive use of the Authority Department in the discharge of its duties under this section and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section. The Authority Department shall not sell, distribute or make available in any way, the names and addresses of electronic toll collection system account holders, without the consent of the account holders, to any entity that will use the information for any commercial purpose.

16. a. Except as provided in subparagraph c of this paragraph, the Tax Commission shall refuse to renew the registration of any vehicle if the registered owner or lessee has been mailed a notice of toll evasion violation, the Authority Department has transmitted to the Tax Commission an itemization of unpaid toll evasion penalties, including administrative fees, pursuant to paragraph 9 of this subsection, and the toll evasion penalty and administrative fee have not been paid pursuant to paragraph 8 of this subsection, unless the full amount of all outstanding toll evasion penalties and administrative fees, as shown by records of the Tax Commission are paid to the Tax Commission at the time of application for renewal.
- b. The Authority Department shall issue a notice of disposition of toll evasion violation to a lessor, if the lessor provides the Authority Department with the name, address, and driver's license number of the lessee at the time of the occurrence of the toll evasion violation.
- c. The Tax Commission shall renew the registration of any vehicle if the applicant provides the Tax Commission with the notice of disposition of toll evasion violation issued pursuant to subparagraph b of this paragraph for clearing all outstanding toll evasion penalties, fees and assessments, as shown by the records of the Tax Commission, and the applicant has met all other requirements for registration.

17. The Tax Commission shall include on each vehicle registration renewal notice issued for use at the time of renewal, or on an accompanying document, an itemization of unpaid toll

evasion penalties, fees and assessments, showing the amount thereof and the date of toll evasion relating thereto, which the registered owner or lessee is required to pay pursuant to paragraph 16 of this subsection.

18. a. Except as provided in subparagraph b of this paragraph, the Tax Commission shall remit all toll evasion penalties, fees and assessments collected, after deducting the administrative fee authorized by paragraph 19 of this subsection, for each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected pursuant to paragraph 16 of this subsection, to the ~~Authority~~ Department. Within forty-five (45) days from the time penalties, fees and assessments are paid to the Tax Commission, the Tax Commission shall inform the ~~Authority~~ Department which of its notices of toll evasion violation have been collected.
- b. For each notice of toll evasion for which toll evasion penalties, fees and assessments have been collected by the Tax Commission pursuant to paragraph 16 of this subsection, the ~~Authority~~ Department is due an amount equal to the sum of the unpaid toll, administrative fees, other costs incurred by the ~~Authority~~ Department that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection. After deducting the Tax Commission's administrative fee authorized by paragraph 19 of this subsection, the Tax Commission shall promptly pay to the ~~Authority~~ Department the amounts due the ~~Authority~~ Department for unpaid tolls, administrative fees, other costs incurred by the ~~Authority~~ Department that are related to toll evasion, process service fees, and

fees and collection costs related to civil debt collection.

19. The Tax Commission shall assess a fee for the recording of the notice of toll evasion violation, which is given to the Tax Commission pursuant to paragraph 9 of this subsection, in an amount, as determined by the Tax Commission, that is sufficient to provide a total amount equal to at least its actual costs of administering paragraphs 16, 17 and 20 of this subsection.

20. Whenever a vehicle is transferred or not renewed for two (2) renewal periods and the former registered owner or lessee of the vehicle owes a toll evasion penalty and administrative fees for a notice of toll evasion violation filed with the Tax Commission pursuant to paragraph 9 of this subsection, the Tax Commission shall notify the ~~Authority~~ Department of that fact and is not required thereafter to attempt collection of the toll evasion penalty and administrative fees.

This legislation shall not be construed to affect in any way the power which the ~~Oklahoma Turnpike Authority~~ Department possesses to establish tolls and other charges in connection with ~~their~~ its turnpike facilities, including the authority to establish a one-way toll collection system for any of its facilities or a toll discount structure for certain classes of patrons using any of its facilities.

C. The provisions of this section shall be in effect only as may be necessary for the imposition of tolls as provided in Section 2 of this act.

SECTION 7. 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~~ this state 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~~ Department of Transportation. Provided ~~that~~ , the ~~Authority~~ Department 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 8. 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~~ Department of Transportation 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~~ Department of Transportation for the use thereon on a rental basis to be agreed to by the Department of Public Safety and the ~~Authority~~ Department of Transportation, 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 of Public Safety and the ~~Authority~~ Department of Transportation. 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~~ Department of Transportation 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 9. 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 in its capacity as custodian of turnpikes and turnpike projects, 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 10. AMENDATORY 51 O.S. 1991, Section 24A.3, as last amended by Section 11, Chapter 368, O.S.L. 1998 (51 O.S. Supp. 2000, Section 24A.3), is amended to read as follows:

Section 24A.3 Definitions. As used in ~~this act~~ the Oklahoma Open Records Act:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, nongovernment personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma ~~Turnpike Authority~~ Department of Transportation obtained in connection with the ~~Authority's~~ Department's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a trust, county, city, village, town, township, district, school

district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the Council on Judicial Complaints, the Legislature, or legislators;

3. "Public office" means the physical location where public bodies conduct business or keep records;

4. "Public official" means any official or employee of any public body as defined herein; and

5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

SECTION 11. AMENDATORY 61 O.S. 1991, Section 2, as last amended by Section 3, Chapter 278, O.S.L. 1997 (61 O.S. Supp. 2000, Section 2), is amended to read as follows:

Section 2. A. Bonds shall be filed in the office of the agency, institution, department, commission, municipality or government instrumentality that is authorized by law and does enter into contracts for the construction of public improvements or buildings, or repairs to the same; and the officer with whom the bond is filed shall furnish a copy thereof to any person claiming any rights thereunder. Any person to whom there is due any sum for labor, material or repair to machinery or equipment, furnished as stated in Section 1 of this title, the heirs or assigns of such person, may bring an action on the bond for the recovery of the

indebtedness, provided that no action shall be brought on the bond after one (1) year from the ~~day~~ date on which the last of the labor was performed or material or parts furnished for which the claim is made.

B. Any person having direct contractual relationship with a subcontractor performing work on the contract, but no contractual relationship express or implied with the contractor furnishing the payment bond, shall have a right of action upon the payment bond only upon giving written notice to the contractor and surety on the payment bond within ninety (90) days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material or parts for which the claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material or parts were furnished or supplied or for whom the labor was done or performed. The notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business, together with a copy thereof to the surety or sureties on the payment bond.

C. 1. The bond or irrevocable letter of credit issued to the ~~Oklahoma~~ Department of Transportation ~~or the Oklahoma Turnpike Authority~~, pursuant to this section, shall also provide that the contractor shall pay all state and local taxes accruing as a result of the contract, any liquidated damages as provided by the contract and any overpayment of progressive estimates resulting in a balance due and owing the ~~Oklahoma~~ Department of Transportation ~~or the Oklahoma Turnpike Authority~~.

2. A claim against the bond or irrevocable letter of credit for delinquent taxes shall be made by the public entity to which the tax was payable. The claim shall be made within six (6) months from the date on which the tax became delinquent. Notice of the delinquent

tax shall be sent by certified mail to the surety, and a copy of the notice shall be sent to the contractor. Nothing in this paragraph shall be construed to release, at any time, the contractor from responsibility for full payment of all taxes.

3. A claim against the bond or irrevocable letter of credit for overpayment on progressive estimates shall be made by the public entity within one (1) year from the date of final acceptance of the project. Notice of the overpayment shall be sent by certified mail to the surety and a copy of the notice shall be sent to the contractor. Nothing in this paragraph shall be construed as to release, at any time, the contractor from the responsibility of refunding any amount overpaid on progressive estimates which are due and owing the ~~Oklahoma~~ Department of Transportation.

SECTION 12. AMENDATORY Section 1, Chapter 341, O.S.L. 1999 (61 O.S. Supp. 2000, Section 103.5), is amended to read as follows:

Section 103.5 For purposes of the provisions of the Public Competitive Bidding Act of 1974, contracts not exceeding Fifty Thousand Dollars (\$50,000.00) entered into solely for right-of-way clearance by the Transportation Commission and the ~~Oklahoma Transportation Authority~~ Department of Transportation, in its capacity as custodian of turnpikes and turnpike projects, for the exclusive purpose of demolition and removal of buildings, foundations, slab floors, stem walls, steps, brush, shrubs, brickbats or stone and all rubbish, scrap iron, fencing, and debris, and the installation of new right-of-way fencing, shall not be considered to be public construction contracts and shall not be required to be open for competitive bidding.

SECTION 13. AMENDATORY 61 O.S. 1991, Section 113.1, as last amended by Section 4, Chapter 278, O.S.L. 1997 (61 O.S. Supp. 2000, Section 113.1), is amended to read as follows:

Section 113.1 A. A public construction contract shall provide for partial payment based upon work completed. The contract shall provide that up to ten percent (10%) of all partial payments made shall be withheld as retainage. At any time the contractor has completed in excess of fifty percent (50%) of the total contract amount, the retainage shall be reduced to five percent (5%) of the amount earned to date if the owner or owner's duly authorized representative has determined that satisfactory progress is being made, and upon approval by the surety.

B. The ~~Oklahoma~~ Department of Transportation ~~or the Oklahoma Turnpike Authority~~ shall not withhold retainage on public construction contracts awarded by the Department ~~or the Authority~~.

C. The ~~Oklahoma~~ Department of Transportation shall not withhold retainage or require any bond on projects awarded to railroads on the railroad's privately owned or operated rail property.

SECTION 14. AMENDATORY 61 O.S. 1991, Section 118, as last amended by Section 2, Chapter 66, O.S.L. 2000 (61 O.S. Supp. 2000, Section 118), is amended to read as follows:

Section 118. A. In order to determine the responsibility of bidders, the awarding public agency may require prospective bidders to prequalify as responsible bidders prior to submitting bids on a public construction contract. Notice of any such prequalification requirement shall be made equally and uniformly known by the awarding public agency to all prospective bidders and the public in the same manner as proposals to award public construction contracts as set forth in Section 104 of this title. Financial information including, but not limited to, audited financial statements required by the awarding public agency as part of prequalification shall remain confidential.

B. The Oklahoma Transportation Commission ~~and the Oklahoma Turnpike Authority~~ may establish a system for prequalifying prospective bidders on construction and maintenance contracts to be

awarded by the Commission ~~or Authority~~. The Commission ~~and the Authority~~ shall be the sole judge of the qualifications of prospective bidders and shall ascertain, to ~~their~~ its exclusive satisfaction, the qualifications of each prequalified bidder. Any contractor or subcontractor prequalified as of ~~the effective date of this act~~ July 1, 1994, performing signing, highway lighting, or traffic signal installation or maintenance for the ~~Oklahoma Department of Transportation or the Oklahoma Turnpike Authority~~ shall be allowed to continue to bid and perform such work without obtaining any additional license from this state or any political subdivision of this state. However, no contractor or subcontractor may transfer, convey or assign this exemption to any other person or entity.

SECTION 15. 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,~~
- ~~h.~~ Oklahoma Housing Finance Authority, and
- ~~i.~~ h. 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 16. AMENDATORY Section 2, Chapter 330, O.S.L. 1992 (62 O.S. Supp. 2000, Section 901), is amended to read as follows:

Section 901. A. 1. There is hereby created a Long-Range Capital Planning Commission to advise and assist the Legislature in providing for capital facilities in this state. The Commission shall consist of twelve (12) members as follows:

- a. four members appointed by and serving at the pleasure of the President Pro Tempore of the Senate ~~to serve at his pleasure~~. Of these appointees two shall be members of the Senate and two shall be from the public at large,
- b. four members appointed by and serving at the pleasure of the Speaker of the House of Representatives ~~to serve at his pleasure~~. Of these appointees two shall be members of the House of Representatives and two shall be from the public at large, and

c. four members ~~shall be~~ appointed by and serving at the pleasure of the Governor ~~to serve at his pleasure.~~

These appointees shall be from the public at large.

2. A ~~chairman~~ chair of the Commission shall be elected from its membership. Seven members of the Commission shall constitute a quorum. Members of the Commission shall serve without compensation, but all public members shall be entitled to reimbursement, pursuant to the State Travel Reimbursement Act, for expenses incurred in the performance of their duties.

~~3. Initial appointments to the Commission shall be made within thirty (30) days of the effective date of this act.~~

B. The Commission shall have the authority to promulgate rules ~~and regulations~~ necessary to implement the provisions of ~~this act~~ Section 900 et seq. of this title.

C. The Oklahoma State Bond Advisor shall provide staffing for the Commission and other such assistance as the Commission may require.

D. 1. The Commission shall prepare each year a state capital plan for addressing state, regional and local public capital facility needs for the next ensuing five (5) years. The Oklahoma State Regents for Higher Education and each state governmental entity as defined in Section 695.3 of ~~Title 62 of the Oklahoma Statutes~~ this title shall cooperate with the Commission in the preparation of the state plan. ~~By October 1, 1992, each state governmental entity shall submit a copy of its complete inventory and a need list. Beginning December 1, 1993, the~~ The plan shall be submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate no later than December 1 of each year.

2. a. The capital plan should supplement and integrate, not replace, existing capital planning processes at the state, regional or local level. The plan shall

consider and incorporate, as appropriate, the local and regional plans that may be developed pursuant to the provisions of Sections ~~3~~ 910 through ~~6~~ 912 of this ~~act~~ title and Section 5003.7 of Title 74 of the Oklahoma Statutes.

b. The plan shall assess long-term needs for capital facilities provided by both state and local governments as determined by the Commission. The plan shall include:

- (1) an inventory of capital facilities held by the state, and when available, by units of local government or special districts. The inventory shall include such information as is reasonably available on the physical and economic condition of these assets,
- (2) a projection of economic and demographic trends likely to influence the needs for new or expanded capital facilities,
- (3) an estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions,
- (4) estimates of life cycle costs for new and substantially expanded or renovated facilities. Life cycle costs shall include the cost of construction, financing, repair and maintenance,
- (5) an analysis of recent trends and projections of revenues available from general obligation and revenue bonds, general and dedicated taxes used for capital facilities finance, user fees, the federal government and other sources,

- (6) an analysis of the capacity of the state and local governments to incur debt or finance public capital facilities,
- (7) a detailed list of all capital projects of the state which the Commission recommends be undertaken or continued for any state agency in the next two (2) fiscal years, together with information as to the effect of such capital projects on future operating expenses of the state, and with recommendations as to the priority of such capital projects and the means of funding them,
- (8) the forecasts of the Commission as to the requirements for capital projects of state agencies for the three (3) fiscal years next following such two (2) fiscal years and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and a schedule for the planning and implementation or construction of such capital projects,
- (9) a schedule for the next fiscal year of recommended projects,
- (10) a review of capital projects which have recently been implemented or completed or are in process of implementation or completion,
- (11) recommendations as to the maintenance of physical properties and equipment of state agencies, and
- (12) such other information as the Commission deems relevant to the foregoing matters.

3. The Governor shall prepare at the same time as the state budget document is prepared, a capital budget. The capital budget

shall be prepared and submitted by the Governor or Governor-elect in accordance with the procedures for preparing the state budget document. The capital budget shall embrace all expenditures of the state government for facilities and equipment and all revenues to be raised for purpose of meeting expenditure commitments during the next ensuing fiscal year and shall include the following:

- a. for each expenditure and class of expenditures, the costs to be incurred during the next ensuing fiscal year, plus where appropriate, the annual operating and maintenance costs of such facilities and a schedule of depreciation calculated in accordance with the principles and standards of capital budgeting authorized by paragraph 4 of this subsection,
- b. the revenues and sources required to meet projected expenditures. Revenue sources to be indicated include, but are not limited to: the General Revenue Fund, the Transportation Fund, any special funds, proceeds of bond sales, federal funds, local government revenue or other sources. Where additional revenues in the form of additional taxes, user fees or new bond issues are proposed to meet expenditure requests, any funds created for such purposes shall be included ~~in this act~~, and
- c. a statement regarding the relationship between the proposals contained in the capital budget and the capital plan. The capital budget shall be based upon the capital plan prepared by the Commission.

4. The Commission, with the assistance of the Office of State Finance, shall prepare and publish rules ~~and regulations~~ that set forth principles and standards for capital planning and budgeting to be used by state agencies. The rules ~~and regulations~~ shall set forth definitions of relevant terms to be used in the capital

planning and budgeting processes, establish accounting standards and standards for costs and benefits of public facility investments.

E. The Oklahoma Department of Commerce shall assist the Long-Range Capital Planning Commission in developing any portion of the state capital plan addressing regional and local public capital facility needs. The Department shall assist in providing the expertise and information required to assess long-term needs for capital facilities at the regional and local level. The Department shall have the authority to contract with other entities to provide the type of information needed to prepare:

1. An inventory of capital facilities held by units of local government, and special districts, including such information as is reasonably available on the physical and economic condition of these assets. Inventories shall be conducted according to the geographical boundaries of the regional councils;

2. A projection of economic and demographic trends likely to influence the needs for new or expanded local capital facilities;

3. An estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions; and

4. Estimates of life cycle costs for new and substantially expanded or renovated facilities. Life cycle costs shall include the cost of construction, financing, repair and maintenance.

F. 1. The Commission and the Oklahoma State Bond Advisor may call to their assistance such personnel or any state agency in order to perform their duties pursuant to the State Capital Improvement Planning Act and such agencies shall respond and provide any such assistance as may be required. The Office of State Finance and other state agencies also shall assist the Commission in the performance of its functions. The Commission may use existing studies, surveys, plans, data and other materials in the possession of any state agency or any municipality or political subdivision of this state. Each such agency, municipality or subdivision may make

the same available to the Commission so that the Commission may have available to it current information with respect to the capital plans and programs of each such agency, municipality or subdivision.

2. The officers and personnel of any state agency, municipality or political subdivision, and any other person may serve at the request of the Commission upon such advisory committees as the Commission may create and such officers and personnel may serve upon such committees without forfeiture of office or employment and with no loss or diminution of the compensation, status, rights and privileges which they otherwise enjoy.

G. 1. There is hereby created the Policy Advisory Committee to the Commission to meet no less than once a year or at the call of the ~~chairman~~ chair of the Commission.

2. The purposes and responsibilities of the Policy Advisory Committee shall be:

- a. to counsel and otherwise assist the Commission in the development of the capital plan, and
- b. to review and comment on the capital plan and make recommendations to the Commission concerning capital planning and debt management issues as deemed appropriate by the Committee.

3. The Policy Advisory Committee shall be composed of the members of the Bond Oversight Commissions and the chief executive officer or fixed designate from each of the following entities; provided, designated members shall be appointed by each chief executive officer for a term certain which shall not be less than one (1) year:

- a. Association of County Commissioners of Oklahoma,
- b. Oklahoma Municipal League,
- c. ~~State~~ Department of Transportation,
- d. ~~Oklahoma Turnpike Authority,~~
- e. Office of Public Affairs,

- ~~f.~~ e. Oklahoma Water Resources Board,
- ~~g.~~ f. Department of Human Services,
- ~~h.~~ g. Department of Corrections,
- ~~i.~~ h. Department of Mental Health,
- ~~j.~~ i. Oklahoma Tourism and Recreation Department,
- ~~k.~~ j. Department of Education,
- ~~l.~~ k. Oklahoma State Regents for Higher Education,
- ~~m.~~ l. State Department of Health,
- ~~n.~~ m. State Department of Agriculture,
- ~~o.~~ n. Department of ~~Vocational and Technical~~ Career and Technology Education,
- ~~p.~~ o. Oklahoma Association of Regional Councils, and
- ~~q.~~ p. Such other members as determined by the Commission.

SECTION 17. AMENDATORY Section 4, Chapter 345, O.S.L. 1996, as amended by Section 7, Chapter 314, O.S.L. 2000 (68 O.S. Supp. 2000, Section 500.4), is amended to read as follows:

Section 500.4 A. A tax is imposed on all gasoline and all diesel fuel used or consumed in this state as follows:

1. Gasoline, ~~sixteen cents (\$0.16)~~ twenty-two cents (\$0.22) per gallon; and
2. Diesel fuel, ~~thirteen cents (\$0.13)~~ twenty-two cents (\$0.22) per gallon.

B. A tax is imposed on all gasoline, diesel fuel and kerosene used or consumed in this state for use as fuel to generate power in aircraft engines or for training, testing or research on aircraft engines in the amount of eight one-hundredths of one cent (\$0.0008) per gallon. All gasoline, diesel fuel and kerosene sold for use under this subsection shall not be subject to the excise tax levied in subsection A of this section.

C. Notwithstanding any exemption provided in Section 500.1 et seq. of this title, all gasoline used or consumed in this state for use as fuel for farm tractors or stationary engines and used

exclusively for agricultural purposes shall be subject to a tax in the amount of two and eight one-hundredths cents (\$.0208) per gallon. All gasoline sold for use pursuant to this subsection shall not be subject to the excise tax levied in subsection A of this section. The term "farm tractor", as used herein, shall include all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles and other motor vehicles required to be registered and licensed each year under the Oklahoma Vehicle License and Registration Act.

D. It is the intent of this section to amend, revise, incorporate and recodify the tax imposed on motor fuel and that the tax shall be conclusively presumed to be a direct tax and shall be a direct tax on the retail or ultimate consumer precollected for the purpose of convenience and facility to the consumer. The levy and assessment on other persons as specified in ~~this act~~ Section 500.1 et seq. of this title shall be as agents of the state for the precollection of the tax. The provisions of this section shall in no way affect the method of collecting the tax as provided in ~~this act~~ Section 500.1 et seq. of this title. The tax imposed by this section shall be collected and paid at those times, in the manner, and by those persons specified in ~~this act~~ Section 500.1 et seq. of this title.

SECTION 18. AMENDATORY Section 6, Chapter 345, O.S.L. 1996, as last amended by Section 1, Chapter 340, O.S.L. 1999 (68 O.S. Supp. 2000, Section 500.6), is amended to read as follows:

Section 500.6 A. The tax of ~~sixteen cents (\$0.16)~~ twenty-two cents (\$0.22) per gallon of gasoline that is levied by paragraph 1 of subsection A of Section 500.4 of this title, and the tax of two and eight one-hundredths cents (\$.0208) per gallon of gasoline that is levied by subsection C of Section 500.4 of this title, and penalties and interest thereon, collected by the Oklahoma Tax

Commission under the levy shall be apportioned and distributed monthly as follows:

1. The first Nine Million Two Hundred Ninety-six Thousand Nine Hundred Eighty Dollars (\$9,296,980.00) of the revenues collected each month shall be deposited in the State Treasury to the credit of the Department of Transportation Toll-Free Roads Revolving Fund created in Section 2 of this act;

2. The ~~first~~ next Two Hundred Fifty Thousand Dollars (\$250,000.00) of the ~~levy~~ revenues collected each month shall be deposited in the State Treasury to the credit of the State Transportation Fund; and

~~2.—One~~ 3. The remainder shall be apportioned and distributed monthly as follows:

a. one and six hundred twenty-five one-thousandths percent (1.625%) of the ~~levy~~ revenues shall be remitted to the State Treasurer to the credit of the General Revenue Fund of the State Treasury~~†,~~

~~3.—Sixty-three~~

b. sixty-three and seventy-five one-hundredths percent (63.75%) of the ~~levy~~ revenues shall be deposited in the State Treasury to the credit of the State Transportation Fund to be apportioned as follows:

~~a.~~

(1) the first Eight Hundred Fifty Thousand Dollars (\$850,000.00) collected each fiscal year shall be deposited into the Public Transit Revolving Fund, created in Section 4031 of Title 69 of the Oklahoma Statutes,

~~b.~~

(2) the second Eight Hundred Fifty Thousand Dollars (\$850,000.00) collected each fiscal year shall be deposited into the Railroad Maintenance Revolving

Fund and shall be used by the Department of Transportation to contract railroad passenger services, including but not limited to a route linking stations in Oklahoma and Tulsa Counties with other primary points in the national railroad passenger system and passenger rail service within the state and to provide necessary facility, signaling, and track improvements for those contracted services,

~~e.~~

(3) forty-one and two-tenths percent (41.2%) of the monies apportioned to the State Transportation Fund shall be used for any purpose provided for in Section 1502 of Title 69 of the Oklahoma Statutes,

~~d.~~

(4) nine and eight-tenths percent (9.8%) of the monies apportioned to the State Transportation Fund shall be used to provide funds for the construction and maintenance of farm-to-market roads on the state highway system, and other rural farm-to-market roads and bridges, and

~~e.~~

(5) any remaining amount of the apportionment shall be deposited into the State Transportation Fund~~+~~l

~~4. Twenty-seven~~

c. twenty-seven percent (27%) of the ~~levy~~ revenues shall be transmitted by the Tax Commission to the various counties of the state, to be apportioned and used as follows:

~~a.~~

(1) sixty-five and three-tenths percent (65.3%) of the monies apportioned under this paragraph shall be used on the following basis:

~~(1)~~

(a) forty percent (40%) of such sum shall be distributed to the various counties in the proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission, and

~~(2)~~

(b) the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Decennial Census or the most recent annual estimate provided by the U.S. Bureau of the Census,

~~b.~~

(2) twenty-three and one-tenth percent (23.1%) of the monies apportioned under this paragraph shall be distributed to the counties in the following manner:

One-third (1/3) on area; one-third (1/3) on rural population, defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the latest Federal Decennial Census; and one-third (1/3) on county road mileage, as last certified by the Department of Transportation, as each

county bears to the entire area, rural population and road mileage of the state, and

~~e.~~

(3) eleven and six-tenths percent (11.6%) of the monies apportioned under this paragraph shall be distributed to the various counties of the state based on a formula developed by the Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be similar to the formula currently used for the distribution of monies in the County Bridge Program funds, but shall also take into consideration the effect of the terrain and traffic volume as related to county road improvement and maintenance costs. Any county may, by resolution of the board of county commissioners, direct the Tax Commission to deposit the funds apportioned pursuant to this subparagraph directly into the County Bridge and Road Improvement Fund to be used for the purposes set forth in the County Bridge and Road Improvement Act~~7,1~~

~~5. Three~~

d. three and one hundred twenty-five one-thousandths percent (3.125%) of the ~~levy~~ revenues shall be distributed to the various counties of the state based on a formula developed by the Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes.

The formula shall be similar to the formula currently used for the distribution of monies in the County Bridge Program funds, but shall also take into consideration the effect of the terrain and traffic volume as related to county road improvement and maintenance costs. Any county may, by resolution approved by a majority of the board of county commissioners and filed with the Tax Commission, direct the Tax Commission to deposit the funds apportioned pursuant to this paragraph directly into the County Bridge and Road Improvement Fund to be used for the purposes set forth in the County Bridge and Road Improvement Act~~7~~1.

~~6.~~ ~~Two~~

e. two and six hundred twenty-five one-thousandths percent (2.625%) of the ~~levy~~ revenues shall be deposited in the County Bridge and Road Improvement Fund of the State Treasury to be used for the purposes set forth in the County Bridge and Road Improvement Act~~7~~1 and

~~7.~~ ~~One~~

f. one and eight hundred seventy-five one-thousandths percent (1.875%) of the ~~levy~~ revenues shall be transmitted by the Tax Commission to the treasurers of the various incorporated cities and towns of the state in the percentage which the population, as shown by the last Federal Decennial Census or the most recent annual estimate provided by the U.S. Bureau of the Census, bears to the total population of all the incorporated cities and towns in this state. The funds shall be expended for the construction, repair

and maintenance of the streets and alleys of the incorporated cities and towns of this state.

B. 1. The funds apportioned or transmitted pursuant to ~~subparagraphs a, b, and~~ subparagraph c of paragraph 4 3 of subsection A of this section, subsection B of Section 500.7 of this title, subsection B of Section 704 of this title, Section 706 of this title, and paragraph 2 of subsection D of Section 707.3 of this title shall be sent to the respective county treasurers and deposited in the county highway fund to be used by the county commissioners for the purpose of constructing and maintaining county highways and bridges.

2. The funds received by any county shall not be diverted to any other county of the state, and shall only be expended under the direction and control of the board of county commissioners in the county to which the funds are appropriated. If any part of the funds is diverted for any other purpose, the county commissioners shall be liable on their bond for double the amount of the money so diverted. This paragraph shall not prohibit counties from entering into cooperative agreements pertaining to the maintenance and construction of roads and bridges.

3. Where any county highway has been laid out over a road already constructed in any county by the use of money raised from county bond issues for that purpose, either alone or by the use of federal or state aid, or both, the county commissioners may set aside out of the funds apportioned to that county, as provided in this section, an amount of money equal to the value of any part thereof, of the interest of such county in such highway or bridge, which amount of money shall be considered by the excise board in reducing the levy for the purpose of retiring the bonded indebtedness and interest thereon of the county, and shall be used for investment or deposit in the same manner as provided by law for the disposition of other sinking fund money.

4. In all counties where the county excise board may find it necessary, because of insufficient revenue, to maintain county government out of the general fund, after a levy of ten (10) mills has been made for any fiscal year, the county excise board may appropriate out of any such funds apportioned to the county an amount sufficient to pay the salaries of the county commissioners of the county for the fiscal year.

5. Counties may use funds deposited in the county highway fund for the purpose of matching federal or state funds, provided such funds are available, as necessary to secure assistance in the construction or improvement of the county road system.

C. With regards to the apportionment of the ~~levy~~ revenues as set forth in subparagraph d of paragraph 5 3 of subsection A of this section, subparagraph d of paragraph 5 3 of subsection A of Section 500.7 of this title, and subsection C of Section 707.2 of this title:

1. If any county has an accrued balance of funds which were appropriated to or otherwise accrued in a restricted road maintenance fund, such funds shall be deposited directly to the county highway fund of the county;

2. If any county has an accrued balance of funds which were appropriated to or otherwise accrued in the County Road Improvement Fund, or the County Bridge Improvement Fund, as such funds existed prior to July 1, 1997, such funds shall, by resolution approved by a majority of the board of county commissioners and filed with the Department of Transportation, be deposited in the county highway fund of the county or shall be deposited to the County Bridge and Road Improvement Fund to be used for the purposes set forth in the County Bridge and Road Improvement Act; and

3. If any county has an advanced funding agreement with the Department of Transportation, the Department of Transportation shall notify the Tax Commission as to the amount the county is obligated

to pay according to the terms of the advanced funding agreement. The obligated amount shall be transferred each month by the Tax Commission to the Department of Transportation to the credit of the County Bridge and Road Improvement Fund from the funds apportioned to the county pursuant to subparagraph d of paragraph 5 3 of subsection A of this section. A county may elect to increase the monthly amount to be repaid pursuant to the advanced funding agreement from the funds apportioned to the county, but a county shall not be permitted to reduce the amount agreed to pursuant to the advanced funding agreement.

D. The tax levied on gasoline pursuant to Section 500.4A of this title, and the penalties and interest thereon, collected by the Tax Commission under the levy shall be apportioned and distributed on a monthly basis to the State Highway Construction and Maintenance Fund for the purposes authorized by Section 1502 of Title 69 of the Oklahoma Statutes.

SECTION 19. AMENDATORY Section 7, Chapter 345, O.S.L. 1996, as last amended by Section 21, Chapter 5, O.S.L. 1998 (68 O.S. Supp. 2000, Section 500.7), is amended to read as follows:

Section 500.7 A. The tax of ~~thirteen cents (\$0.13)~~ twenty-two cents (\$0.22) per gallon of diesel fuel that is levied by Section 500.4 of this title, and all penalties and interest thereon, collected by the Oklahoma Tax Commission under the levy shall be apportioned and distributed monthly as follows:

1. The first Five Million Thirty-two Thousand Seven Hundred Seventy-five Dollars (\$5,032,775.00) of the revenues collected each month shall be deposited in the State Treasury to the credit of the Department of Transportation Toll-Free Roads Revolving Fund created in Section 2 of this act;

2. The first next Eighty-three Thousand Three Hundred Thirty-three Dollars and thirty-three cents (\$83,333.33) of the ~~levy~~

revenues collected each month shall be deposited in the State Treasury to the credit of the State Transportation Fund; and

~~2. One~~ 3. The remainder shall be apportioned and distributed monthly as follows:

a. one and thirty-nine one-hundredths percent (1.39%) of the ~~levy~~ revenues shall be paid by the Tax Commission to the State Treasurer to the credit of the General Revenue Fund of the State Treasury~~†, 1~~

~~3. Sixty-four~~

b. sixty-four and thirty-four one-hundredths percent (64.34%) of the ~~levy~~ revenues shall be deposited in the State Treasury to the credit of the State Transportation Fund~~†, 1~~

~~4. Twenty-six~~

c. twenty-six and fifty-eight one-hundredths percent (26.58%) of the ~~levy~~ revenues shall be transmitted by the Tax Commission to various counties of the state, to be apportioned as follows:

~~a.~~

(1) forty-two and one-tenth percent (42.1%) of the monies apportioned under this paragraph shall be transmitted to the various counties in the percentage which the population and area of each county bears to the population and area of the entire state. The population shall be as shown by the last Federal Decennial Census or the most recent annual estimate provided by the U.S. Bureau of the Census,

~~b.~~

(2) fourteen and five-tenths percent (14.5%) of the monies apportioned under this paragraph shall be distributed as follows:

Forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission, and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Decennial Census or the most recent annual estimate provided by the U.S. Bureau of the Census,

~~e.~~

(3) twenty-eight and nine-tenths percent (28.9%) of the monies apportioned under this paragraph shall be distributed to the several counties in the following manner: one-third (1/3) on area, one-third (1/3) on rural population (defined as including the population of all municipalities with a population of less than five thousand (5,000) according to the latest Federal Decennial Census), and one-third (1/3) on county road mileage, as last certified by the Oklahoma Department of Transportation, as each county bears to the entire area, rural population and road mileage of the state, and

~~d.~~

(4) fourteen and five-tenths percent (14.5%) of the monies apportioned under this paragraph shall be distributed to the various counties of the state based on a formula developed by the Oklahoma

Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be similar to the formula currently used for the distribution of the County Bridge Program funds, but shall also take into consideration the effect of the terrain and traffic volume as related to the county road improvement and maintenance costs. Any county may, by resolution approved by a majority of the board of county commissioners and filed with the ~~Oklahoma~~ Tax Commission, direct the ~~Oklahoma~~ Tax Commission to deposit the funds so apportioned by this subparagraph directly into the County Bridge and Road Improvement Fund to be used for the purposes set forth in the County Bridge and Road Improvement Act~~;~~.

~~5. Three~~

d. three and eighty-five one-hundredths percent (3.85%) of the ~~levy~~ revenues shall be distributed based on a formula developed by the Oklahoma Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be similar to the formula currently used for the distribution of the County Bridge Program funds, but shall also take into consideration the effect of the terrain and traffic volume as related to the county road improvement and maintenance costs. Any county may, by resolution approved by a majority of the board of county commissioners and filed with

the ~~Oklahoma~~ Tax Commission, direct the ~~Oklahoma~~ Tax Commission to deposit the funds so apportioned by this ~~paragraph~~ subparagraph directly into the County Bridge and Road Improvement Fund to be used for the purposes set forth in the County Bridge and Road Improvement Act. The apportionment of the levy as set forth in this ~~paragraph~~ subparagraph shall be subject to the provisions of subsection C of Section 500.6 of this title, and

~~6.~~ Three

e. three and eighty-four one-hundredths percent (3.84%) of the ~~levy~~ revenues shall be deposited in the County Bridge and Road Improvement Fund of the State Treasury to be used for the purposes set forth in the County Bridge and Road Improvement Act.

B. The funds apportioned or transmitted pursuant to the provisions of ~~subparagraphs a, b, and~~ subparagraph c of paragraph ~~4~~ 3 of subsection A of this section shall be used in accordance with and subject to the provisions of subsection B of Section 500.6 of this title.

C. The tax levied on diesel fuel pursuant to Section 500.4A of this title, and all penalties and interest thereon, collected by the Tax Commission under the levy shall be apportioned and distributed on a monthly basis to the State Highway Construction and Maintenance Fund for the purposes authorized by Section 1502 of Title 69 of the Oklahoma Statutes.

SECTION 20. AMENDATORY Section 1, Chapter 393, O.S.L. 1999, as amended by Section 19, Chapter 339, O.S.L. 2000 (68 O.S. Supp. 2000, Section 2357.28), is amended to read as follows:

Section 2357.28 A. For tax years beginning after December 31, 1999, and ending before January 1, 2006, there shall be allowed to an investor making an eligible investment a credit against the tax

imposed by Section 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma Statutes. The credit may be used in the payment of estimated tax payments for the tax imposed by Section 624 or 628 of Title 36 of the Oklahoma Statutes. The credit shall be in the amount as set forth in subsection F of this section.

B. The amount of the credit shall be freely transferable to subsequent transferees.

C. As used in this section:

1. "Capitalization commitment" means a commitment by a local governmental entity or the beneficiary thereof or a private entity, whether by contract, letter agreement, terms sheet, resolution, ordinance or indenture, to provide funds, personal property or real property. "Capitalization commitment" shall also mean, in circumstances limited to local governmental entities or the beneficiaries thereof, a moral obligation to provide future funds, personal property or real property. To provide funds, personal property or real property shall include but not be limited to providing funds, personal property or real property in the form of security or collateral to a financial lending institution in support of a revenue bond, financial obligation or other evidence of indebtedness issued by a local governmental entity;

2. "Consideration" means, but is not limited to, funds, personal property or real property and a capitalization commitment. The source of the funds or other consideration for the investment by one or more investors, whether borrowed or otherwise, is irrelevant to the determination of investment. The fact that the source of funds is from a financial lending institution is also irrelevant;

3. "Eligible investment" means an investment made during a period not earlier than January 1, 1999, and not later than December 31, 2000, in an establishment that:

- a. is headquartered in this state or is ultimately controlled by an entity headquartered in this state, and
- b. has been certified by the Oklahoma Tax Commission as meeting the following minimum qualifications:
 - (1) is included within the definition of "basic industry" as set forth in division (9) of subparagraph a of paragraph 1 of subsection A of Section 3603 of this title and has been preapproved by the Oklahoma Department of Commerce to receive incentive payments pursuant to the Oklahoma Quality Jobs Program Act. The Department shall establish a process for preapproval of applicants for the Oklahoma Quality Jobs Program Act for purposes of this division. The establishment shall agree to submit such information as may be required under this section and the Oklahoma Quality Jobs Program Act to allow the Tax Commission to determine the amount of the tax credit allowed pursuant to the provisions of this section and the amount of incentive payments allowed pursuant to the Oklahoma Quality Jobs Program Act for purposes of subsection J of this section,
 - (2) can demonstrate commitments from not fewer than twenty entities doing business in this state, with such entities having in the aggregate not fewer than two thousand (2,000) employees in this state, to utilize the services of the establishment in providing nonstop air transportation from this state to either the west coast or the east coast of the continental United

States, or both. Such commitments, at a minimum, may be in the form of letters of intent from authorized officers of such entities which demonstrate a best efforts intention to utilize such air transportation, and

- (3) has received, or its parent has received, in calendar year 2000, a capitalization commitment in the amount of Fifteen Million Dollars (\$15,000,000.00) or more from a local governmental entity, including, but not limited to, proceeds from the issuance of revenue bonds, financial obligations or other evidences of indebtedness. For purposes of this section and notwithstanding the provisions of Section 5063.4 of Title 74 of the Oklahoma Statutes or any other laws to the contrary, credit enhancement by the Oklahoma Development Finance Authority through the Oklahoma Credit Enhancement Reserve Fund up to a maximum of Ten Million Dollars (\$10,000,000.00) is hereby authorized, subject to the approval of the Executive and Legislative Bond Oversight Commissions pursuant to Section 695.8 of Title 62 of the Oklahoma Statutes.

The tax credit provided for in this section shall not be allowed or, if already claimed, shall be subject to recapture as to the initial investor or investors, with respect to any amount of an eligible investment made which is subsequently refunded or returned to any such investor. Any such recapture shall only apply as to that part of the tax credit as is associated with the investment refunded or returned.

Nothing in this subsection is intended to preclude an establishment from utilizing a wholly owned operating subsidiary to

perform its flight and related operations to meet the requirements of this subsection;

4. "Financial lending institution" means a bank, credit union, savings and loan association, commercial finance company, governmental agency, including a local governmental entity, or other entity principally engaged in investment, finance or the extension of credit;

5. "Investment" means:

- a. consideration in exchange for "equity and near-equity", which means common stock, preferred stock, warrants or other rights to subscribe to stock or its equivalent, or an interest in a partnership, or debt that is convertible into or entitles the holder to receive upon its exercise, common stock, preferred stock, royalty interest, or an interest in a partnership,
- b. consideration in exchange for "subordinated debt", which means indebtedness that is subordinated to other indebtedness of the issuer that has been issued or is to be issued by a financial lending institution, or
- c. in the event of a capitalization commitment in accordance with the provisions of division (3) of subparagraph b of paragraph 3 of this subsection, where a local governmental entity is issuing revenue bonds, financial obligations or other evidences of indebtedness, the receipt of the proceeds of revenue bonds, financial obligations or other evidences of indebtedness issued by a local governmental entity by a parent and the subsequent transfer of such proceeds to a subsidiary.

Actions of the establishment to use such investment as security for indebtedness, even as security for that of another party, or other uses, in compliance with loan covenants as may be part of the

issuance of revenue bonds, financial obligations or other evidences of indebtedness, shall not affect its determination as investment;

6. "Investor" means one or more persons or entities making an investment and may include one or more persons or entities which wholly or partially own the establishment;

7. "Local governmental entity" includes, but is not limited to, a county, municipality or public authority or trust created pursuant to the provisions of Title 60 of the Oklahoma Statutes of which the state or a county or municipality or combination thereof, is a beneficiary, or a state public authority or trust;

8. "Parent" means an entity owning fifty-one percent (51%) or more of the establishment and providing fifty-one percent (51%) or more of the investment in the establishment; and

9. "Subsequently refunded or returned", when used in reference to an eligible investment, means an actual redemption by the establishment of the securities or other indicia of ownership in the establishment received by the investor from the investor's investment. The failure to allow the tax credits or the recapture of the tax credits shall not affect the validity of the tax credits in the hands of a transferee of the initial investor or subsequent transferees. Provided, an investor to whom an eligible investment, or portion thereof, is subsequently refunded or returned shall reimburse the Tax Commission the amount of any credits claimed by a transferee with respect to any such amount.

D. The ~~Oklahoma~~ Tax Commission shall:

1. Certify, upon request of an authorized agent or representative of an establishment described by paragraph 3 of subsection C of this section, that the establishment for which the certification is sought meets the qualifications prescribed by subparagraphs a and b of paragraph 3 of subsection C of this section. The certification shall be in writing and signed by an authorized representative of the Tax Commission and, for purposes of

determining qualifications of an establishment in which an investment may be eligible for the credit authorized by this section, shall be binding upon the Tax Commission; and

2. Issue a certificate to an investor that provides adequate documentation of qualification for the credit authorized by this section even if the credit may not be claimed until after the date upon which the certificate is requested. Upon issuance, the certificate shall be evidence that an investor or a transferee of the original tax credit claimant submitting the certificate, or a certified copy thereof, with the relevant tax return or other form, has the legal right to exercise the credit in order to reduce the relevant tax liability for the period authorized by this section.

E. The maximum amount of all eligible investments for which tax credits may be claimed under this section shall be Thirty Million Dollars (\$30,000,000.00). If more than one establishment has been certified by the Tax Commission pursuant to the provisions of subsection D of this section, the investors in the first such approved establishment shall be entitled to a credit based on their investment of the lesser of their eligible investment or Thirty Million Dollars (\$30,000,000.00). The investors in the second such approved establishment shall then be entitled to a credit based on their investment of the lesser of their eligible investment or the difference between the total eligible investments in previously approved establishments and Thirty Million Dollars (\$30,000,000.00). This same procedure will apply for all subsequently approved establishments. If the amount of eligible investments exceeds the amount upon which the tax credit may be claimed as provided herein, investors shall be allowed a share of the amount of the available tax credit in order of the dates of receipt of certification therefor by the Tax Commission pursuant to the provisions of paragraph 1 of subsection D of this section.

F. The amount of the tax credit allowed pursuant to the provisions of subsection A of this section shall be deemed fully earned as of the date of the investment and shall be fully redeemable as follows:

Period for Which

Tax Liability Determined

Credit Allowed

Tax year subsequent to year of eligible investment	10.6% of eligible investment
Second tax year subsequent to year of eligible investment	11.236% of eligible investment
Third tax year subsequent to year of eligible investment	11.910% of eligible investment
Fourth tax year subsequent to year of eligible investment	12.624% of eligible investment
Fifth tax year subsequent to year of eligible investment	13.381% of eligible investment

G. The amount of a tax credit allowed pursuant to the provisions of this section not used in payment of taxes due in the year in which such credit is allowed pursuant to subsection F of this section may be used as a credit against subsequent tax liability of the investor or a subsequent transferee for a period not to exceed three (3) years from the year in which such credit is originally allowed.

H. The Tax Commission shall develop and issue appropriate forms and instructions to enable investors to claim the tax credit provided for in this section.

I. An establishment in which an eligible investment qualifies for a credit authorized by this section shall maintain a record of investment made in the establishment for the period beginning January 1, 1999, and ending December 31, 2000. The establishment shall notify the Tax Commission not later than January 31, 2001, of the total investment amount for such period. Any such establishment which refunds or returns any amount of an eligible investment to the investor shall notify the Tax Commission in writing of the amount and recipient of such refunds or returns. The Tax Commission shall compute the maximum amount of credits available pursuant to this section based upon notification of the investment amount transmitted to the Tax Commission by the establishment.

J. An establishment in which eligible investments qualify for the tax credit authorized by this section shall not receive incentive payments pursuant to the Oklahoma Quality Jobs Program Act until the total of such incentive payments the establishment would otherwise receive exceeds the total amount of the credit authorized by this section as computed by the Tax Commission pursuant to subsection I of this section. The amount of incentive payments for any year which would otherwise be paid to the establishment shall be distributed as follows:

1. If the amount of such incentive payments equals or exceeds the amount of the tax credit for the year, the amount of such payments which is equal to the amount of the tax credit shall be apportioned as if collected from the tax imposed by Section 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma Statutes according to which tax the credit was claimed against. The amount of such payments which is in excess of the amount of the tax credit shall be retained by the Tax Commission to be paid as provided for in this paragraph for subsequent years for which the tax credit is allowed to the establishment;

2. If the amount of such incentive payments and any amount retained by the Tax Commission pursuant to the provisions of paragraph 1 of this subsection is less than the amount of the tax credit for the year, notwithstanding the provisions of Section 1727 of Title 69 of the Oklahoma Statutes, the Tax Commission shall withhold a portion of the taxes levied and collected pursuant to the provisions of paragraph 1 of subsection A of Section 500.4 of this title which would otherwise be ~~paid over to~~ retained by the Department of Transportation by the Oklahoma Turnpike Authority, in its capacity as custodian of turnpikes and turnpike projects, pursuant to the provisions of paragraph (2) of subsection (d) of Section 1730 of Title 69 of the Oklahoma Statutes equal to the amount of the deficit. The Tax Commission shall apportion all funds collected pursuant to the provisions of this paragraph as if collected from the tax imposed by Section 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma Statutes according to the tax against which the credit was claimed; and

3. If any amount is withheld by or paid to the Tax Commission pursuant to the provisions of paragraph 2 of this subsection, the amount of incentive payments to be subsequently paid to the establishment shall be apportioned by the Tax Commission to the Department of Transportation until such time as all amounts paid pursuant to the provisions of paragraph 2 of this subsection are repaid.

K. No establishment in which investments qualify for the credit allowed by this section shall be entitled to payment of any incentive payments accrued prior to the date authorized for the initial eligible investments as provided by this subsection.

L. Notwithstanding the provisions of this section, an establishment may, prior to the issuance of a tax credit with respect to the establishment pursuant to the provisions of this section, elect to receive incentive payments pursuant to the

provisions of the Oklahoma Quality Jobs Program Act in lieu of allowing the tax credit provided for herein, in which case it shall so notify the Tax Commission in writing and the provisions of this section shall not be applicable.

M. Except as provided by subsection L of this section, no establishment defined by this section which would otherwise qualify for incentive payments pursuant to the provisions of the Oklahoma Quality Jobs Program Act may receive such incentive payments prior to January 1, 2001.

N. No establishment defined by this section which has made application to the Oklahoma Department of Commerce or which has executed any agreement with the Oklahoma Department of Commerce with respect to the receipt of incentive payments pursuant to the provisions of the Oklahoma Quality Jobs Program Act or which has received any incentive payment pursuant to the Oklahoma Quality Jobs Program Act prior to June 9, 1999, may be certified as an establishment for purposes of determining eligibility for the credit authorized by this section.

SECTION 21. AMENDATORY Section 1, Chapter 69, O.S.L. 2000 (69 O.S. Supp. 2000, Section 113a), is amended to read as follows:

Section 113a. ~~A.~~ A successful bidder awarded a contract by the Department of Transportation shall return to the Department a fully executed written contract within ten (10) working days from the date the contract is awarded. The Department shall, within fourteen (14) working days from the date the contract is received, complete its execution of the contract and return a copy of the executed contract to the successful bidder.

~~B. A successful bidder awarded a contract by the Oklahoma Transportation Authority shall return to the Authority a fully executed written contract within ten (10) working days from the date the contract is awarded. The Authority shall, within fourteen (14)~~

~~working days from the date the contract is received, complete its execution of the contract and return an executed copy to the successful bidder.~~

SECTION 22. AMENDATORY Section 1, Chapter 91, O.S.L. 1997 (69 O.S. Supp. 2000, Section 301.1), is amended to read as follows:

Section 301.1 A. There is hereby created the Oklahoma Trucking Advisory Board. The Board shall consist of the following members:

1. The Director of the Department of Transportation or designee;
 - ~~2. The Chair of the Oklahoma Turnpike Authority or designee;~~
 - ~~3.~~ 3. The Commissioner of the Department of Public Safety or designee;
 - ~~4.~~ 3. The Chair of the Corporation Commission or designee;
 - ~~5.~~ 4. The Director of a statewide trucking association or designee;
 - ~~6.~~ 5. The Chair of the Oklahoma Tax Commission or designee;
 - ~~7.~~ 6. The President Pro Tempore of the Senate or designee;
 - ~~8.~~ 7. The Speaker of the House of Representatives or designee;
- and
- ~~9.~~ 8. Four representatives selected by a statewide trucking association subject to the approval of a majority of the members of the Board.

B. Each member shall hold office for a two-year term or until the successor of the member takes office. The term of office shall begin on July 1 of the succeeding fiscal year. The Board shall select a chair from among the members of the Board each year. It shall be the duty of the Board to act in an advisory capacity to the Director of the Department of Transportation. The Board shall meet no less than on a quarterly basis with the Director of the Department of Transportation and the staff of the Director to discuss areas of mutual concern.

SECTION 23. AMENDATORY 69 O.S. 1991, Section 1701, as last amended by Section 4, Chapter 341, O.S.L. 1999 (69 O.S. Supp. 2000, 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~~ Department of Transportation Authority, ~~as created in Section 1703 of this title~~, is hereby authorized and empowered to construct, maintain, repair, and operate turnpike projects as defined in Section 1704 of this title, at such locations as shall be approved by the Transportation Commission, and, until January 1, 2003, to issue turnpike revenue bonds ~~of the Authority~~ payable ~~solely~~ from revenues in the Transportation Authority Toll-Free Roads Revolving Fund created in Section 2 of this act, and if such revenues are insufficient to repay such bonds, from other revenues available to the Department as provided in Section 2 of this act, to pay the cost of such projects. The ~~Authority~~ Department is further authorized and empowered to construct, maintain, repair, and operate ~~inter-modal~~ intermodal transportation transfer facilities and infrastructure relating thereto, including, without limitation, warehouses and utility facilities and intercity rail transit projects as it shall determine to be feasible and economically sound.

SECTION 24. AMENDATORY 69 O.S. 1991, Section 1702, is amended to read as follows:

Section 1702. Turnpike revenue bonds issued under the provisions ~~on this article~~ of Section 1701 et seq. of this title 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~~ as provided in Section 2 of this act. Such turnpike revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the ~~Authority~~ Department of Transportation 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~~ as provided in Section 2 of this act 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 25. AMENDATORY 69 O.S. 1991, Section 1703, as amended by Section 5, Chapter 341, O.S.L. 1999 (69 O.S. Supp. 2000, Section 1703), is amended to read as follows:

Section 1703. A. ~~There is hereby created a body corporate and politic to be known as the "Oklahoma Transportation Authority" and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the~~ The exercise by the ~~Authority~~ Department of Transportation or the Transportation Commission of the powers conferred by Section 1701 et seq. of this act ~~title~~ in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the state with all the attributes thereof. Provided, however, the ~~Turnpike Authority~~ Department is authorized to carry and shall carry liability insurance to the same extent and in the same manner as the Transportation Commission, and in addition thereto it shall be subject to the workers' compensation laws of the state the same as a private construction project.

B. ~~The Oklahoma Transportation Authority shall consist of the Governor, who shall be a member ex officio, and six (6) members to~~

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

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

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

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

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

~~District 5. Cimarron, Grady, Texas, Beaver, Harper, Ellis, Roger Mills, Dewey, Custer, Caddo, Washita, Beckham, Harmon, Stephens, Jefferson, Greer, Kiowa, Jackson, Tillman, Comanche, Cotton, Kingfisher and Blaine Counties.~~

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

~~The members of the Authority appointed shall continue in office for terms expiring as follows: District 1, July 1, 1968; District 2, July 1, 1971; District 3, July 1, 1972; District 4, July 1, 1973; District 5, July 1, 1974; District 6, July 1, 1975. Provided, that appointive members serving on the Oklahoma Turnpike Authority created by 69 O.S. 1961, Section 653, when this act becomes effective shall continue to serve as members of the Oklahoma Turnpike Authority created by this section, for the terms for which they were appointed, unless sooner removed by the Governor. The successor of each appointive member shall be appointed for a term of~~

~~eight (8) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the Authority shall be eligible for reappointment. Each appointed member of the Authority before entering upon the duties of office shall take an oath as provided by Section 1 of Article XV of the Constitution of the State of Oklahoma. Any appointive member of the Authority may be removed by the Governor at any time with or without cause.~~

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

~~D. Before the issuance of any turnpike revenue bonds under the provisions of Section 1701 et seq. of this act title, as limited by the provisions of Section 2 of this act, each appointed member of the Authority Transportation Commission shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) ~~and the secretary and treasurer shall execute a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00),~~ each such surety bond to be conditioned upon the faithful performance of the duties of the office, to be executed by a surety company authorized to transact business in ~~the State of Oklahoma~~ this state as surety and to be approved by the Governor and filed in the office of the Secretary of State.~~

~~E. The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for actual expenses necessarily incurred in the performance of the duties of such member. All expenses incurred in carrying out the~~

~~provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.~~

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

~~G. C. Whenever the terms "Oklahoma Turnpike Authority", "Turnpike Authority", "Oklahoma Transportation Authority", "Transportation Authority" or "Authority", when used in reference to the Oklahoma Turnpike Authority turnpikes or turnpike projects, appear in the Oklahoma Statutes, such terms shall mean the ~~Oklahoma~~ Department of Transportation Authority.~~

SECTION 26. AMENDATORY 69 O.S. 1991, Section 1704, as amended by Section 6, Chapter 341, O.S.L. 1999 (69 O.S. Supp. 2000, Section 1704), is amended to read as follows:

Section 1704. As used in Section 1701 et seq. of this article title, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. ~~"Authority" means the Oklahoma Transportation Authority, created by Section 1703 of this title, or, if such Authority 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 shall be given by law.~~ "Department" means the Department of Transportation;

2. "Project" or "turnpike project" means any express highways, superhighways, or motorways, wayports, aviation transfer centers or aviation hubs constructed under the provisions of Section 1701 et seq. of this article title by the ~~Authority~~ Department, the Oklahoma

Turnpike Authority or the Oklahoma Transportation Authority, 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~~ Department may deem necessary for the operation of such turnpike, together with all property, rights, easements and interests which may be acquired by the ~~Authority~~ Department for the construction or the operation of such turnpike. However, 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~~ Department 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-;

3. "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~~ Department 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~~ Department 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 Transportation 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. However, the Transportation 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; and

4. "Owner" means and includes all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and interests authorized to be acquired by Section 1701 et seq. of this article title.

SECTION 27. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 1, Chapter 270, O.S.L. 2000 (69 O.S. Supp. 2000, Section 1705), is amended to read as follows:

Section 1705. A. The ~~Oklahoma~~ Department of Transportation Authority is hereby authorized and empowered:

~~(a)~~ 1. To adopt bylaws for the regulation of its affairs and conduct of its business; ;

~~(b)~~ 2. To adopt an official seal and alter the same at pleasure; ;

~~(c)~~ 3. To maintain an office at such place or places within the state as it may designate; ;

~~(d)~~ 4. 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~~ Department shall be brought in the county in which the principal office of the ~~Authority~~ Department 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~~ Department and duties enjoined upon the ~~Authority~~ Department 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)~~ 5. 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~~ Department shall be authorized to construct and operate ~~toll~~ turnpikes only at the following locations:

~~(1)~~ The

a. the Turner Turnpike between Oklahoma City and Tulsa-1

~~(2)~~ The

b. the Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas-1

~~(3)~~ The

c. the Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri-1

~~(4)~~ The

d. 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-1

~~(5)~~ The

e. the Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater-1

~~(6)~~ The

f. the Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls-1

~~(7)~~ All

g. 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~~

h. 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 Authority.

~~(9) Add on the Will Rogers Turnpike~~

i. a northbound automatic tollgate on the Will Rogers Turnpike onto State Highway 28 and a southbound on-ramp from State Highway 28.

~~(10) A~~

j. 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~~

k. 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~~ the 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~~

l. 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~~

m. 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 the 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~~

n. 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~~

o. 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.l

~~(16) A~~

p. a new turnpike or parts thereof from the Kansas State Line south to the Texas State Line, in the vicinity of U.S. Highway 69.l

~~(17) A~~

q. a tollgate on the Will Rogers Turnpike near the intersection of State Highway 137 and the Will Rogers Turnpike, located south of Quapaw.l

~~(18) A~~

r. 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 Authority.~~l

~~(19) A~~

s. a tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, ~~from any monies available to the Authority.~~l

~~(20) A~~

t. 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 Authority.~~l

~~(21) All~~

u. all or any part of an Oklahoma City Outer Loop expressway system beginning in the vicinity of ~~I~~

Interstate 35 and the Turner Turnpike and extending west into Canadian County and then south to ~~±~~ Interstate 40; and then south and east to ~~±~~ Interstate 35 in the vicinity of Moore and Norman; and then extending east and north to ~~±~~ Interstate 40 east of Tinker Field; and then extending north to the Turner Turnpike to complete the Outer Loop. ~~±~~

~~(22)~~ ~~All~~

v. 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~~

w. 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~~

x. 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~~

y. a four-lane extension of the Muskogee Turnpike from Interstate ~~Highway~~ 40 west of Webbers Falls to the Poteau vicinity. ~~±~~

~~(26)~~ ~~A~~

z. 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~~

aa. 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 or an industrial facility which qualifies for the Oklahoma Quality Jobs Program Act, ~~from any monies available to the Authority. ✓~~

~~(28) A~~

bb. 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~~

cc. 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~~

dd. 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~~

ee. 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, and

~~(32) An~~

ff. an on- and off-ramp or any parts thereof at Fletcher, Oklahoma, in the vicinity of the Interstate 44 and State Highway 277 intersection. Any existing on- or off-ramp or any parts thereof in the vicinity of Fletcher, Oklahoma, shall not be removed and shall be maintained pursuant to Section 1701 et seq. of this title.

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

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 Transportation Commission in construction of state highways.

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

~~(f) to~~ 6. Until January 1, 2003, 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 as provided in Section 2 of this act, 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)~~ j, ~~(20)~~ t, ~~(21)~~ u and ~~(22)~~ v of paragraph ~~(e)~~ 5 of this ~~section~~ subsection 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)~~ 7. To fix and revise from time to time tolls for the use of any turnpike projects- only as specifically allowed pursuant to the provisions of Section 2 of this act;

~~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)~~ 8. To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties-;

~~(i)~~ 9. To acquire in the name of the ~~Authority~~ Department 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)~~ 10. 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~~ Department 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)~~ 11. 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 in the Department of Transportation Toll-Free Roads Revolving Fund created in Section 2 of this act; provided, further, no attorney employed by the ~~Authority~~ Department in its capacity as custodian of turnpikes and turnpike projects, nor any member of any law firm of which ~~he~~ such attorney may be connected, shall ever be paid any fee or compensation for any special or extraordinary services-;

~~(l)~~ 12. 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)~~ 13. To adopt such rules, 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-; and

~~(n)~~ 14. To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this title.

B. 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~~ Department 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.

~~(c)~~ C. It shall be unlawful for any member, officer or employee of the ~~Authority~~ Department, in its capacity as custodian of turnpikes and turnpike projects, to transact with the ~~Authority~~ Department, 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 punishable by incarceration in the State Penitentiary for a term not to exceed five (5) years or a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or both such imprisonment and fine.

~~(p)~~ D. In the event of a national emergency, the ~~Authority~~ Department, 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~~ revenue deposited to the Department of Transportation Toll-Free Roads Revolving Fund, 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)~~ E. All ~~meetings of the Authority shall be open public meetings,~~ and all records of the Department shall be public records

as provided in the Oklahoma Open Records Act, except when considering personnel or litigation.

F. 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; provided, nothing herein shall be construed as granting any new operation rights to any common carriers.

SECTION 28. AMENDATORY 69 O.S. 1991, Section 1705.2, is amended to read as follows:

Section 1705.2 ~~The Oklahoma Turnpike Authority~~ Department of Transportation and Transportation Commission are 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 29. AMENDATORY 69 O.S. 1991, Section 1706, as amended by Section 2, Chapter 282, O.S.L. 1997 (69 O.S. Supp. 2000, Section 1706), is amended to read as follows:

Section 1706. ~~(a) A.~~ A. ~~The Oklahoma Turnpike Authority~~ Department of Transportation 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~~ Department 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~~ Department as a part of the cost of such turnpike project.

~~(b)~~ B. If the ~~Authority~~ Department 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 Transportation 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~~ Department as a part of the cost of such turnpike project.

~~(c)~~ C. In addition to the foregoing powers, the ~~Authority~~ Department 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 establishing, locating, relocating, constructing, and maintaining turnpikes or relocations thereof and facilities necessary and incidental thereto. Such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; however, notice shall be given to the owner of or person residing on the premises, personally or by registered mail, at least ten (10) days prior to such entry. The ~~Authority~~ Department shall make reimbursement for any actual damages resulting to such lands, waters, and premises as a result of such activities. In the event of disagreement as to the amount of damage, either the person or the ~~Authority~~ Department may file a

petition with the district court for the appointment of commissioners to appraise the damages and proceed to have the same determined as in condemnation proceedings.

~~(d)~~ 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~~ Department 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 30. AMENDATORY 69 O.S. 1991, Section 1707, is amended to read as follows:

Section 1707. The ~~Authority~~ Department of Transportation 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~~ Department and the owner thereof, and to take title thereto in the name of the ~~Authority~~ Department, provided, that such right and title shall be limited to the surface rights only and shall not include oil or other mineral rights.

SECTION 31. AMENDATORY 69 O.S. 1991, Section 1708, is amended to read as follows:

Section 1708. ~~(a)~~ 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~~ Department of Transportation, in its capacity as custodian of turnpikes and turnpike projects, shall give the owner an opportunity to sell the necessary land or interests therein to the ~~Authority~~ Department before resort to condemnation may be had.

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

~~(1)~~ 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 of the opposite party or with some member of his the person's 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.~~ The 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 ~~(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~~ the 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 party's attorney of record, or the date the notice was published in compliance with the provisions hereof-;

~~(2)~~ 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~~ Department 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~~ Department, the court shall issue an order to the sheriff of the county to place the ~~Authority~~ Department in possession thereof-;

~~(3)~~ 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 appraisalment on good cause shown. Provided, that in the event a new appraisalment is ordered, the ~~Authority~~ Department 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 Section 1701 et seq. of this article title 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~~ Department 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~~ Department shall pay ~~him~~ for any damages sustained through the occupation by the ~~Authority~~ Department, 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~~;~~; and

~~(4)~~ 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~~ Department 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 as hereinabove provided for the recording of the report, and with like effect.

~~(e)~~ 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 Section 1701 et seq. of this article ~~title~~ 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)~~ 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 32. AMENDATORY 69 O.S. 1991, Section 1709, is amended to read as follows:

Section 1709. A. ~~The Authority~~ At such time as all indebtedness issued by the Oklahoma Transportation Authority prior to January 1, 2003, is retired, or as specifically authorized by the Legislature, the Department of Transportation may provide by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the ~~Authority~~ Department for the purpose of paying all or any part of the cost of any one or more turnpike projects. The ~~Authority~~ Department, 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 as specified in Section 2 of this act. 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~~ Department, and may be made redeemable before maturity at the option of the ~~Authority~~ Department at such price or prices and pursuant to such terms and conditions as may be fixed by the ~~Authority~~ Department prior to the issuance of the bonds, or as provided by law. The ~~Authority~~ Department 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~~ an 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 Section 1701 et Seq. of this article title 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~~ Department 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~~ Department 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~~ Department 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 Department in implementing any other power expressly granted to the Authority Department in Section 1701 et seq. of this article title.

C. Prior to the preparation of definitive bonds, the Authority Department, 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 Department 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 Section 1701 et seq. of this article title 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 Section 1701 et seq. of this article title.

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

~~(1)~~ 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 Department specifically determines that a credit facility is not required~~;~~

~~(2)~~ 2. Be additionally supported by a credit facility~~;~~

~~(3)~~ 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 Department or with such variations as may be permitted in connection with a par formula~~;~~

~~(4)~~ 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~~. Department; and

~~(5)~~ 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~~ Department.

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

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

~~(1)~~ 1. "Credit facility" means an agreement entered into by the ~~Authority~~ Department 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~~ Department'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~~ Department thereunder shall have only such sources of payment as are permitted for the payment of the bonds issued under Section 1701 et seq. of this article title; and

~~(2)~~ 2. "Par formula" means any provision or formula adopted by the ~~Authority~~ Department 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~~ Notwithstanding any other provision of state law, the right of the ~~Authority~~ Department 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, shall not be limited or restricted.

SECTION 33. AMENDATORY 69 O.S. 1991, Section 1710, is amended to read as follows:

Section 1710. In the discretion of the ~~Authority~~ Department of Transportation, any bonds issued under the provisions of Section 1701 et seq. of this article title may be secured by a trust agreement by and between the ~~Authority~~ Department 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 as provided in Section 2 of this act,~~ 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 covenants setting forth the duties of the ~~Authority~~ Department 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~~ Department. 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~~ Department 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 34. AMENDATORY 69 O.S. 1991, Section 1711, is amended to read as follows:

Section 1711. A. The ~~Authority~~ Department of Transportation, subject to the provisions hereof, is hereby authorized to fix, and ~~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 shall not be charged or collected except as

specifically authorized pursuant to the provisions of Section 2 of this act. 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:~~

1. The cost of maintaining, repairing, and operating such turnpike project or projects, ~~;~~ and ~~(b) the~~

2. The principal of and the interest of such bonds as the same shall become due and payable, and to create reserves for such purposes.

B. 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:~~

1. The interest upon such bonds as such interest shall fall due, ~~(b) the;~~

2. The principal of such bonds as the same shall fall due, ~~(c) the;~~

3. The necessary charges of paying agents for paying principal and interest, ~~;~~ and ~~(d) the~~

4. 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.

C. 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, Oklahoma for the past five (5) years.

D. 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~~ Department 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 35. AMENDATORY 69 O.S. 1991, Section 1713, is amended to read as follows:

Section 1713. Any holder of bonds issued under the provisions of Section 1701 et seq. of this article title 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 Section 1701 et seq. of this article title or by such trust agreement or resolution to be performed by the Authority Department of Transportation or by any officer thereof, ~~including.~~ The right to enforce and compel the fixing, charging and collecting of tolls shall be limited to the circumstances specifically enumerated in subsection C of Section 2 of this act.

SECTION 36. AMENDATORY 69 O.S. 1991, Section 1714, is amended to read as follows:

Section 1714. The exercise of the powers granted by Section 1701 et seq. of this article title 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 Department of Transportation will constitute the performance of essential governmental functions, the Authority Department shall not be required to pay any taxes or assessments upon any turnpike project or any property acquired or used by the Authority Department under the provisions of Section 1701 et seq. of this article title or upon the income therefrom, and the bonds issued under the provisions of Section 1701 et seq. of this article title, 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 Department, in its capacity as custodian of turnpikes and turnpike projects, 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~~ All property, both real and personal, belonging to the Authority Department that is leased for concessions, such as filling stations and restaurants, shall be subject to taxation, the same as other privately owned property.

SECTION 37. AMENDATORY 69 O.S. 1991, Section 1716, is amended to read as follows:

Section 1716. ~~(a)~~ A. Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the ~~Authority~~ Department of Transportation. Each such turnpike project shall also be policed and operated by such force of police, toll-takers and other operating employees as the ~~Authority~~ Department may in its discretion employ. All private property damaged or destroyed in carrying out the powers granted by Section 1701 et seq. of this article title 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~~ Department of Section 1701 et seq. of this article title.

~~(b)~~ 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~~ Department 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~~ Department in its capacity as custodian of turnpikes and turnpike projects, including public roads and other real property already devoted to public use.

SECTION 38. AMENDATORY 69 O.S. 1991, Section 1717, is amended to read as follows:

Section 1717. When all bonds issued prior to January 1, 2003, under the provisions of Section 1701 et seq. of this article title

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 the possibility 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 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 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 being imposed pursuant to the provisions of subsection C of Section 2 of this act.~~

SECTION 39. AMENDATORY 69 O.S. 1991, Section 1718, is amended to read as follows:

Section 1718. The ~~Authority~~ Department of Transportation 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 Supreme Court to give such applications precedence over the other business of the Supreme 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~~ Department will ask the Supreme 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 Supreme Court. If the Supreme Court shall be satisfied that the bonds have been properly authorized in accordance with Section 1701 et seq. of this article title and that when issued, they will constitute valid obligations in accordance with their terms, the Supreme 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 Supreme Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the ~~Authority~~ Department, 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 40. AMENDATORY 69 O.S. 1991, Section 1719, is amended to read as follows:

Section 1719. ~~(a)~~ A. The ~~Authority~~ Department of Transportation is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the ~~Authority Department~~ Department for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of Section 1701 et seq. of this article title 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 shall so determine after such time as all indebtedness issued by the Oklahoma Transportation Authority or the Oklahoma Turnpike Authority prior to January 1, 2003, is retired or as specifically authorized by the Legislature,~~ 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~~ authorized by the Legislature. The ~~Authority Department~~ Department is further authorized to provide for the issuance of its turnpike revenue bonds for the combined purpose of ~~(a) refunding:~~

1. 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~~

2. After such time as all indebtedness issued by the Oklahoma Transportation Authority prior to January 1, 2003, is retired or as specifically authorized by the Legislature, paying all or any part of the cost of any additional turnpike project or projects as authorized by Section 1701 et seq. of this article title.

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~~ Department in respect of the same, shall be governed by the provisions of Section 1701 et seq. of this article title insofar as the same may be applicable.

~~(b)~~ B. Bonds may be issued by the ~~Authority~~ Department under the provisions of this section as specifically permitted herein 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 41. AMENDATORY 69 O.S. 1991, Section 1720, as amended by Section 12, Chapter 290, O.S.L. 1996 (69 O.S. Supp. 2000, Section 1720), is amended to read as follows:

Section 1720. The ~~authority~~ Department of Transportation shall make and submit to the Governor, within ninety (90) days of the close of the ~~Authority's~~ fiscal year, a full report ~~showing anticipated projects,~~ describing turnpike projects under construction and ~~projects~~ in operation, and the financial condition of the ~~Authority~~ Department and the sinking fund of each separate

project, and such other information as the Governor shall require. The annual financial statements must be audited and filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

SECTION 42. AMENDATORY 69 O.S. 1991, Section 1722, as last amended by Section 2, Chapter 206, O.S.L. 1998 (69 O.S. Supp. 2000, Section 1722), is amended to read as follows:

Section 1722. A. The location and removal of all telephone, telegraph, fiber optic, electric light and power transmission lines, poles, cables, wires and conduits, sewers and all pipelines erected, constructed or in place upon, across or under any turnpike shall be under the control and supervision of the ~~Oklahoma Turnpike Authority~~ Department of Transportation, insofar as same affects the public travel or interferes with the construction and maintenance of such turnpike. Whenever the ~~Authority~~ Department plans a turnpike project or improvement or construction or reconstruction thereof, and before such work is started, it shall serve a written notice upon the person, firm, or corporation owning or maintaining any such facility, which notice shall contain a plan or chart indicating the places on the right-of-way where such facilities may be maintained. The notice shall state the time when the work of constructing or improving such turnpike is proposed to commence, and a reasonable time shall be allowed to the owner of the facility to remove and relocate its property; provided, however, that the effect of any change ordered by the ~~Authority~~ Department shall not be to exclude the facilities from the turnpike right-of-way. The removal and relocation of all such facilities shall be made at the cost and expense of the owners thereof, unless otherwise provided by law or the ~~Authority~~ Department, and in no event shall such relocation result in a taking of the owner's property rights without just compensation as provided in Section 1708 of this title. The removal and relocation of all such facilities shall be made at the cost and

expense of the owners thereof, unless otherwise provided by law or the ~~Authority~~ Department, and in the event of the failure of such owners to remove the same at the time set out in the notice, the facilities may be removed by the ~~Authority~~ Department and the cost thereof collected from such owners, and the ~~Authority~~ Department shall not be liable in any way to any person for the locating or relocating of such facilities at the places prescribed. Any corporation or association, or the officers or agents of such corporation or association, or any other person who shall erect or maintain any such lines, poles, cables, wires and conduits, sewers, pipelines, equipment or other facilities within the right-of-way of any turnpike in a manner not in complete accordance with the requirements of the ~~Authority~~ Department shall be deemed guilty of a misdemeanor.

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 Corporation Commission whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the grade. Such overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Corporation Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Corporation Commission shall be filed as an exhibit with the petition for condemnation.

C. Rural water districts, nonprofit water corporations and municipal public water systems in municipalities with a population of ten thousand (10,000) or less, according to the latest Federal Decennial Census, or their beneficial trusts shall be exempt from the payment of the costs and expenses for the removal and relocation of water and sewer pipelines and all such facilities constructed or in place in the public right-of-way when the removal and relocation of such facilities is necessary for the improvement, construction or reconstruction of any turnpike. Such costs and expenses, including any unpaid on ~~the effective date of this act~~ November 1, 1998, shall be paid by the public authority having jurisdiction over the particular turnpike.

SECTION 43. AMENDATORY Section 1, Chapter 346, O.S.L. 1998 (69 O.S. Supp. 2000, Section 1722.1), is amended to read as follows:

Section 172.1 A. The rights-of-way acquired by the ~~Oklahoma Turnpike Authority~~ Department of Transportation, in its capacity as custodian of turnpikes and turnpike projects, shall be held inviolate for turnpike and ~~Authority~~ Department purposes, and no

physical or functional encroachments or uses shall be permitted within such rights-of-way.

B. It shall be unlawful for any person to construct, maintain or operate any gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, or any thing or structure on or overhanging any right-of-way, or upon or overhanging any turnpike, and the construction or maintaining of any such thing or structure on or overhanging any turnpike shall constitute a public nuisance, which may be summarily abated by the ~~Authority~~ Department or its trustees, officers, agents, servants and employees in the manner provided in subsection D of this section.

C. This section shall not apply to the lawful use of such rights-of-way for the erection and operation of facilities of a public utility as provided in Section 1722 of ~~Title 69 of the Oklahoma Statutes~~ this title nor to the use of such rights-of-way with the express consent of the ~~Authority~~ Department.

D. The ~~Authority~~ Department, its trustees, officers, agents, servants and employees shall have authority to physically remove any such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure. If the owner of any such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon such owner by registered mail or personal service, the ~~Authority~~ Department, its trustees, its officers,

agents, servants and employees may physically tear down and remove such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure.

SECTION 44. AMENDATORY 69 O.S. 1991, Section 1727, as amended by Section 1, Chapter 191, O.S.L. 1992 (69 O.S. Supp. 2000, Section 1727), is amended to read as follows:

Section 1727. ~~(a)~~ A. Until all bonds of the Oklahoma Transportation Authority issued prior to January 1, 2003, 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~~ Department of Transportation Toll-Free Roads Revolving Fund 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 the Transportation 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 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) B.~~ In addition to those sums collected and disbursed in ~~subsections (a) and (b)~~ subsection A 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)~~ subsection A of this section, apportion a sum equal to ~~said~~ that amount from all gasoline tax collections as follows: Ninety-seven percent (97%) to the ~~Oklahoma Turnpike Authority~~ Department of Transportation Toll-Free Roads Revolving Fund, 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 45. 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 Department of Transportation, in its capacity as custodian of turnpikes and turnpike projects, 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 Department, in its capacity as custodian of turnpikes and turnpike projects, to be utilized as the consulting engineer and the service of the Attorney General be utilized as legal counsel for the Authority Department, in its capacity as custodian of turnpikes and turnpike projects. The Authority Department is hereby directed to submit to the Governor and the Legislature a complete detailed and itemized annual report of all sums, expended for such 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~~ regular sessions.

SECTION 46. 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 Department of Transportation, 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 47. 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~~ Department of Transportation 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~~ Department may reject all bids and readvertise the same. Furthermore, the ~~Authority~~ Department shall retain five percent (5%) of the total amount of money due under contract with the ~~Authority~~ Department for payment of taxes and providing of workers' compensation insurance as provided in Section 1103 of this ~~Code~~ title.

SECTION 48. 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~~ Department of Transportation, 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 49. AMENDATORY 69 O.S. 1991, Section 1734, is amended to read as follows:

Section 1734. No officer, consultant, agent, or employee of the ~~Authority~~ Department of Transportation, in its capacity as custodian of turnpikes and turnpike projects, 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~~ Department, 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 50. AMENDATORY Section 2, Chapter 219, O.S.L. 1999 (69 O.S. Supp. 2000, Section 1952), is amended to read as follows:

Section 1952. For the purposes of the Oklahoma Highway Construction Materials Technician Registration Act:

- ~~1.~~ 1. "~~Authority~~" means ~~the Oklahoma Turnpike Authority;~~
- ~~2.~~ 2. "Board" means the Highway Construction Materials Technician Certification Board;
- ~~3.~~ 2. "Construction materials technician" means a person uniquely qualified by education, specialized training and documented field experience and who possesses certification issued by the Board to take samples and conduct tests of materials used in the construction of highways and bridges;
- ~~4.~~ 3. "Department" means the Department of Transportation;
- ~~5.~~ 4. "Program Director" means the person designated by the Director of the Department of Transportation to administer the training and examination activities of the Oklahoma Highway Construction Materials Technician Registration Act; and
- ~~6.~~ 5. "Registration" means a certificate issued pursuant to the Oklahoma Highway Construction Materials Technician Registration Act.

SECTION 51. AMENDATORY Section 3, Chapter 219, O.S.L. 1999 (69 O.S. Supp. 2000, Section 1953), is amended to read as follows:

Section 1953. A. There is hereby created the Highway Construction Materials Technician Certification Board which shall consist of eleven (11) members to be appointed by the Governor and confirmed by the Senate as follows:

1. The chair and ~~three~~ four members may be appointed from a list of ~~nine~~ twelve persons submitted by the Director of the Department of Transportation;

~~2. One member may be appointed from a list of three persons submitted by the Director of the Oklahoma Turnpike Authority;~~

~~3.~~ One member may be appointed from a list of three persons submitted by the Association of County Commissioners of Oklahoma;

~~4.~~ 3. Two members may be appointed from a list of six persons submitted by the Association of Oklahoma General Contractors;

~~5.~~ 4. One member may be appointed from a list of three persons submitted by the Oklahoma Asphalt Pavement Association;

~~6.~~ 5. One member may be appointed from a list of three persons submitted by the Oklahoma Chapter of the American Concrete Pavement Association; and

~~7.~~ 6. One member may be appointed from a list of three persons submitted by the Federal Highway Administration.

B. The chair and all other Board members appointed in subsection A of this section shall serve three-year terms and shall serve at the pleasure of the Governor. Members may be appointed for subsequent three-year terms.

C. The Board shall select from its membership a vice-chair and other officers as needed to serve one-year terms. The chair or vice-chair shall preside at all meetings.

D. A majority of Board members shall constitute a quorum to transact official business.

E. The Board shall meet quarterly. In addition, the Board shall meet when called by the chair or the vice-chair in the absence of the chair.

SECTION 52. AMENDATORY Section 3, Chapter 401, O.S.L. 2000 (69 O.S. Supp. 2000, Section 2004), is amended to read as follows:

Section 2004. A. In order to avoid the expenditure of funds for the currently planned construction of four lanes parallel to the Will Rogers Turnpike near Claremore, the Oklahoma Transportation Commission shall enter into a lease with the Oklahoma Transportation Authority for the Transportation Commission to lease, on an annual basis, that part of the Will Rogers Turnpike also known as Interstate ~~Highway~~ 44, from its beginning near the interchange with U.S. Highway 412 and State Highway 66 at Catoosa and extending northeast to the current interchange with State Highway 20 south of Claremore.

B. The lease between the Transportation Commission and the Transportation Authority shall be an annual lease renewable by agreement of the parties for a period of fifty (50) years. The annual lease payment shall be based on the net revenue which would have accrued ~~to the Transportation Authority~~ from tolls on the leased portion of the turnpike. No funds available for expenditure pursuant to Section 2001 of Title 69 of the Oklahoma Statutes shall be used for this purpose.

C. The lease payments referred to in this section shall come exclusively from the ~~Oklahoma~~ Department of Transportation monies identified in the existing five-year plan for State Highway 20 running parallel to the Will Rogers Turnpike.

D. Notwithstanding the provisions of subsection C of Section 2 of this act, no tolls shall be collected on that part of the Will Rogers Turnpike which is the subject of the lease provided for in this section. The provisions of this subsection shall be applicable for the original term of the lease.

SECTION 53. 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 Section 3001 et seq. of this act title, 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. i

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~~ Department of Transportation for like facilities and subject to reasonable approval of engineer to be designated by the trust. i

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. i

4. The trustees of any trust which has the power, under the terms of Section 3001 et seq. of this act title and of its trust indenture, to contract for the construction and financing of any toll expressway shall be selected as follows:

- a. ~~The~~ 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~~ 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~~ chair, and shall notify the Governor of the State of Oklahoma by registered mail of:

(1) ~~Existence~~ existence of the trust~~;~~.

(2) ~~The~~ the names of the participating municipalities~~;~~ and

(3) ~~The~~ 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~~ when all vacancies have been filled, the trustees shall elect a permanent ~~chairman~~ chair who shall serve for the longest term provided for in the trust indenture. All other members shall draw lots for staggered terms~~;~~.

d. ~~Subsequent~~ subsequent vacancies shall be filled by action of the surviving trustees for the unexpired term thereof~~;~~, and

e. ~~Subsequent~~ 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; and

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 54. 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 Section 3001 et seq. of this act title and the words "Oklahoma Turnpike Authority" or "Department of Transportation", wherever they appear in ~~said~~ Sections 11-1401 through 11-1405, ~~inclusive~~ of Title 47 of the Oklahoma Statutes, for the purpose of

Section 3001 et seq. of this act title only, shall be construed to mean the trustees of the public trust 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 55. AMENDATORY 69 O.S. 1991, Section 3013, is amended to read as follows:

Section 3013. The trustees of any trust created under Section 3001 et seq. of this act title 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~~ Department of Transportation.

SECTION 56. AMENDATORY 74 O.S. 1991, Section 85.42, as last amended by Section 21, Chapter 339, O.S.L. 2000 (74 O.S. Supp. 2000, Section 85.42), is amended to read as follows:

Section 85.42 A. Except as otherwise provided for in this section, any agency, whether or not such agency is subject to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title, is prohibited from entering into a sole source contract or a contract for professional services with or for the services of any person, who has terminated employment with or who has been terminated by that agency for one (1) year after the termination date of the employee from the agency. The provisions of this subsection shall not prohibit an agency from hiring or rehiring such person as a state employee.

B. Each contract entered into by any person or firm with the State of Oklahoma shall include an affidavit certifying that no person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be

employed to fulfill any of the services provided for under ~~said~~ the contract. This subsection shall not preclude faculty and staff of the institutions within The State System of Higher Education from negotiating and participating in research grants and educational contracts. Nor shall this subsection apply to personnel of the Capital Resources Division of the Oklahoma Department of Commerce who contract to provide services to the Oklahoma Capital Investment Board.

C. As used in this section, "person" is defined as any state official or employee of a department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust, school district, fair board, court, executive office, advisory group, task force, study group, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof, judges, justices, and state legislators.

D. An agency may enter into a sole source contract or a contract for professional services at any time with a person who is a qualified interpreter for the deaf.

E. The Department of Transportation, Oklahoma Water Resources Board, and Department of Environmental Quality, ~~and the Oklahoma Turnpike Authority~~ may enter into a contract for professional services at any time with a person who has retired from state service. The Oklahoma Department of Commerce may enter into a contract for professional services related to international business development at any time with a person who has retired from state service.

SECTION 57. AMENDATORY 74 O.S. 1991, Section 606, is amended to read as follows:

Section 606. The provisions of Section 601 et seq. of this ~~act~~ title 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~~
Department of Transportation in its capacity as custodian of
turnpikes and turnpike projects; or The Oklahoma State System of
Higher Education.

SECTION 58. AMENDATORY Section 9, Chapter 388, O.S.L.
1998, as amended by Section 10, Chapter 336, O.S.L. 2000 (74 O.S.
Supp. 2000, Section 840-5.21), is amended to read as follows:

Section 840-5.21 A. All offices, positions, and personnel of
the ~~Oklahoma Transportation Authority~~ Department of Transportation,
in its capacity as custodian of turnpikes and turnpike projects,
shall be classified and subject to the provisions of the Merit
System of Personnel Administration as provided in the Oklahoma
Personnel Act. This section shall supersede and repeal any and all
Executive Orders issued pursuant to the Oklahoma Personnel Act to
place the Authority under the Merit System.

B. In addition to offices, positions, and personnel that are
unclassified pursuant to Section 840-5.5 of this title, the
following positions and personnel shall be in the unclassified
service:

1. Information Technology Analysts;
2. Process Integration Specialists;
3. Project Managers;
4. System Integration Specialists; and
5. One Administrative Assistant.

SECTION 59. 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~~ Department of
Transportation, 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~~ such authorities.

SECTION 60. AMENDATORY 80 O.S. 1991, Section 1, as amended by Section 2, Chapter 99, O.S.L. 1993 (80 O.S. Supp. 2000, Section 1), is amended to read as follows:

Section 1. A. The consent of this state is hereby given, in accordance with Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state required for sites for custom houses, post offices, arsenals, forts, magazines, dockyards, military reserves, irrigation or drainage projects, municipal water facilities or for needful public buildings.

The consent of this state is also given to the acquisition of land by the United States, by condemnation only with the consent of the owner, or purchase, gift or exchange, for the purpose of consolidation within existing boundaries of national forests within this state.

B. Land outside of any incorporated municipality, which is being considered for acquisition by the United States for any other purpose, whether by fee or easement, may be acquired only after consent of a majority of the Legislature of the State of Oklahoma.

C. Any land which has been classified as a wetland by the Secretary of the Army and which is being considered for acquisition by fee, over the objection of the landowner, may be acquired only after consent of a majority of the Legislature of this state.

Provided, the ~~Oklahoma~~ Department of Transportation and the ~~Oklahoma Turnpike Authority~~ shall be exempt from this requirement.

D. Any restricted use of land in this state as a result of the classification of such land as a wetland by the Secretary of the Army shall constitute an acquisition of an easement pursuant to the provisions of this section and such easement, if over the objection

of the landowner, may be acquired only after approval of a wetlands plan by the Legislature of this state which includes just compensation by the acquiring authority.

SECTION 61. REPEALER 69 O.S. 1991, Sections 205, 1730, as amended by Section 2, Chapter 191, O.S.L. 1992, and 4010 (69 O.S. Supp. 2000, Section 1730), are hereby repealed.

SECTION 62. This act shall become effective January 1, 2003, upon approval by the people.

SECTION 63. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure relates to funding for state roads and highways.

It would prohibit the collecting of tolls on turnpikes and abolish the Oklahoma Transportation Authority. It would raise gasoline taxes from 16 cents per gallon to 22 cents per gallon. It would raise diesel fuel taxes from 13 cents per gallon to 22 cents per gallon. The increased fuel tax revenue would be used by the Department of Transportation to retire debt, to maintain turnpikes and for other expenses. The Department would not be allowed to issue any further debt after January 1, 2003, until all bonds were repaid. Tolls could still be collected if fuel tax revenues were not sufficient to retire the debt in any year. After the debt is fully repaid, the revenues would be used for other expenses.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

YES, FOR THE ACT

NO, AGAINST THE ACT

SECTION 64. The President Pro Tempore of the Senate shall, immediately after the passage of this order for legislative referendum, prepare and file in accordance with Section 3 of Article

V of the Oklahoma Constitution, one copy of this order for legislative referendum, including the Ballot Title set forth in SECTION 63, with the Secretary of State and one copy with the Attorney General.

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