

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1900

By: Branam of the Senate

3 and

4 Thompson of the House

5

6

7 (roads, bridges and ferries - turnpikes - creating

8 exemption -

9 emergency)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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14 "An Act relating to roads, bridges and ferries;
15 amending 69 O.S. 2001, Section 1705, as last amended
by Section 7, Chapter 150, O.S.L. 2006 (69 O.S.
16 Supp. 2007, Section 1705), which relates to
turnpikes; making language gender neutral; creating
17 exemption for certain surface treatment projects;
amending 69 O.S. 2001, Sections 1735 and 4017, which
18 relate to certain employee safety programs;
modifying amount of certain awards; expanding
19 authorized awards for the Department of
Transportation; and declaring an emergency.

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

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1 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1705, as
2 last amended by Section 7, Chapter 150, O.S.L. 2006 (69 O.S. Supp.
3 2007, Section 1705), is amended to read as follows:

4 Section 1705. The Oklahoma Turnpike Authority is hereby
5 authorized and empowered:

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

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

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

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

21 (e) To construct, maintain, repair and operate turnpike
22 projects and highways, with their access and connecting roads, at
23 such locations and on such routes as it shall determine to be
24 feasible and economically sound; provided, that until specifically

1 authorized by the Legislature, the Authority shall be authorized to
2 construct and operate toll turnpikes only at the following
3 locations:

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

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

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

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

12 (5) The Cimarron Turnpike between Tulsa and Interstate Highway
13 35 north of Perry, including a connection to Stillwater.

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

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

22 (8) A tollgate on the Turner Turnpike in the vicinity of
23 Luther, Oklahoma, and in the vicinity of the intersection of State
24 Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the

1 vicinity of the intersection of State Highway 33 and Turner Turnpike
2 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
3 available to the Authority.

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

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

14 (11) A turnpike or any part or parts thereof beginning at a
15 point in the vicinity of Ponca City, or at a point on the Kansas-
16 Oklahoma state boundary line east of the Arkansas River and west of
17 the point where Oklahoma State Highway No. 18 intersects said state
18 boundary line, and extending in a southeasterly direction to a
19 connection with the Tulsa Urban Expressway System in the general
20 area of the Port of Catoosa.

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

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

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

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

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

19 (17) A tollgate on the Muskogee Turnpike in the vicinity of
20 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
21 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
22 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
23 Turnpike at Elgin, Oklahoma, from any monies available to the
24 Authority.

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

3 (19) A tollgate on the Muskogee Turnpike in the vicinity of
4 Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove,
5 Oklahoma, from any monies available to the Authority.

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

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

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

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

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

3 (25) A new turnpike or any part or parts thereof beginning at a
4 point in the vicinity of northwest Tulsa, and extending in a
5 northwesterly direction, by means of a connection or connections
6 with the cities of Pawhuska and Newkirk, to a point intersecting in
7 the vicinity of US Highway No. 77 and the Kansas State Line.

8 (26) A full access interchange on the Indian Nation Turnpike
9 south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and
10 in the vicinity of the proposed theme park, museum or an industrial
11 facility which qualifies for the Oklahoma Quality Jobs Program Act,
12 from any monies available to the Authority.

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

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

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

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

6 (31) An on- and off-ramp or any parts thereof at Fletcher,
7 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277
8 intersection. Any existing on- or off-ramp or any parts thereof in
9 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
10 be maintained pursuant to Section 1701 et seq. of this title.

11 (32) A new bridge crossing the Arkansas River in the vicinity
12 of South Yale Avenue and South Yale Place in Tulsa County. This
13 project shall commence upon a determination by the Oklahoma
14 Transportation Authority that such bridge shall be self-sufficient
15 at some point over a thirty-year time period from the toll charges
16 associated with the bridge project.

17 (33) An exit ramp or any parts thereof from the eastbound lane
18 of the Turner Turnpike at 96th Street in Tulsa.

19 (34) An on- and off-ramp or any parts thereof on the Cimarron
20 Turnpike in the vicinity of the northside of the Glencoe, Oklahoma,
21 municipal limits.

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

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

5 The Authority is hereby authorized to enter into contracts or
6 agreements with agencies and instrumentalities of other states or
7 the national government for construction, maintenance and operation
8 of interstate turnpikes or highways.

9 The Authority is hereby required to construct and install
10 automatic tollgates on the Will Rogers Turnpike at State Highway No.
11 28 near Adair.

12 (f) To issue turnpike revenue bonds of the Authority, payable
13 solely from revenues, including the revenues accruing to the trust
14 fund created by Sections 1701 through 1734 of this title, for the
15 purpose of paying all or any part of the cost of any one or more
16 turnpike projects. Provided that any bonds issued for the
17 construction of the proposed turnpike referred to in subparagraphs
18 (10), (20), (21) and (22) of paragraph (e) of this section shall be
19 issued as one issue for all four of the proposed turnpikes and shall
20 be financed, constructed and operated under one bond indenture.

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

23 Any common carrier having authority at the time of opening any
24 turnpike project to operate upon a highway approximately paralleling

1 the turnpike project shall be granted without further showing
2 authority to operate over the turnpike project to all municipalities
3 which such carrier is serving at the time the turnpike project is
4 opened to traffic. But nothing herein shall be construed as
5 granting any new operation rights to any common carriers.

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

8 (i) To acquire in the name of the Authority by purchase or
9 otherwise on such terms and conditions and in such manner as it may
10 deem proper, or by exercise of the right of condemnation in manner
11 hereinafter provided, such public or private lands, including public
12 parks, playgrounds, or reservations, or parts thereof or rights
13 therein, rights-of-way, property, rights, easements, and interests,
14 as it may deem necessary for carrying out the provisions of Sections
15 1701 through 1734 of this title; provided, that all public property
16 damaged in carrying out the powers granted by Sections 1701 through
17 1734 of this title shall be restored or repaired and placed in its
18 original condition as nearly as practicable.

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

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

14 (l) To receive and accept from any federal agency grants for or
15 in aid of the construction of any turnpike project, provided, the
16 acceptance of such grants will not reduce the amount of federal aid
17 for the construction, repair, or maintenance of farm-to-market roads
18 and other highways and bridges in this state; and to receive and
19 accept aid or contributions from any source of either money,
20 property, labor, or other things of value, to be held, used, and
21 applied only for the purposes for which such grants and
22 contributions may be made.

23 (m) To adopt such rules, and to do any and all things necessary
24 to comply with rules, regulations, or requirements of the Bureau of

1 Public Roads, Multistate Economic Development Regional Commission,
2 as defined in Sections 1151 through 1153, inclusive, of Title 74 of
3 the Oklahoma Statutes, Ozarka Region Commission or any other federal
4 agency administering any law enacted by the Congress of the United
5 States to aid or encourage the construction of highways.

6 (n) To do all things necessary or convenient to carry out the
7 powers expressly granted in Sections 1701 through 1734 of this
8 title. The design standards for all paving shall comply with the
9 design standards of the American Association of State Highway and
10 Transportation Officials as modified by the Oklahoma Department of
11 Transportation. All contracts for construction work on turnpike
12 projects shall be let to the lowest responsible bidder, or bidders,
13 after notice by publication in a newspaper published in the county
14 where the work is to be done in two consecutive weekly issues of the
15 newspaper. In all cases where more than eight (8) miles of
16 construction is let at the same time and is not an advertisement for
17 a surface-treatment-only project, such advertisement shall provide
18 for bids on sections of the turnpike not to exceed eight (8) miles.
19 If the project advertised is a surface-treatment-only project of
20 more than twenty (20) miles of road, the advertisement shall provide
21 for bids on sections of the road no longer than twenty (20) miles,
22 as well as bids on the project as a whole. Subject to the following
23 restrictions and limitations, the Authority shall, when contracting
24 for construction work, divide such work into paving projects, bridge

1 projects, including underpasses and overpasses, and earthmoving or
2 miscellaneous projects, according to the type of work to be done.
3 Each project shall be let under a separate contract or contracts and
4 no contract or project shall include more than one of such types of
5 construction work. Each contract for construction work shall
6 contain a provision that ninety percent (90%) of all labor employed
7 on the project shall be residents of Oklahoma. However, contracts
8 for bridges may include earthwork and structures for the approaches
9 thereto.

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

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

19 Violation of this provision shall constitute a felony punishable
20 by incarceration in the State Penitentiary for a term not to exceed
21 five (5) years or a fine of not less than Five Hundred Dollars
22 (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or
23 both such imprisonment and fine.

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1 (p) In the event of a national emergency, the Authority,
2 subject to any vested rights or claims, may enter into contracts
3 with the federal government or any authorized agency thereof to
4 allow the federal government or agency thereof to use such turnpikes
5 partly or exclusively during the existence of such emergency,
6 provided, that the federal government agrees in such contract to
7 pay, during the term of such contract, an amount sufficient, when
8 added to any tolls collected, to meet all operating and maintenance
9 expenses, interest payments, and the minimum sinking fund and
10 reserve requirements of the trust agreement for the turnpike covered
11 by the contract.

12 (q) All meetings of the Authority shall be open public
13 meetings, and all records shall be public records, except when
14 considering personnel or litigation.

15 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1735, is
16 amended to read as follows:

17 Section 1735. It is the intent of the Legislature that the
18 promotion of safety in the workplace is a legitimate public purpose.
19 In order to establish a public employee benefit program to encourage
20 safety in the workplace, the Oklahoma Turnpike Authority is hereby
21 directed to establish an on-the-job employee safety program which
22 encourages work unit safety and reduces lost productivity and
23 compensation costs. In order to promote job safety in work units
24 with exceptional safety records, the Oklahoma Turnpike Authority is

1 authorized to expend from monies available in the Oklahoma Turnpike
2 Authority General Fund so much thereof as may be necessary for the
3 purpose of recognition awards for presentation to the members of
4 work units or individual employees with exceptional safety records.
5 Recognition awards shall consist of distinctive wearing apparel,
6 service pins, U.S. Savings Bonds, or other appropriate awards, the
7 value of which shall not exceed ~~One Hundred Dollars (\$100.00)~~ Two
8 Hundred Dollars (\$200.00) per employee, which recognize the safety
9 achievement of the work unit or individual employees.

10 SECTION 3. AMENDATORY 69 O.S. 2001, Section 4017, is
11 amended to read as follows:

12 Section 4017. It is the intent of the Legislature that the
13 promotion of safety in the workplace is a legitimate public purpose.
14 In order to establish a public employee benefit program to encourage
15 safety in the workplace, the Department of Transportation is hereby
16 directed to establish an on-the-job employee safety program which
17 encourages work unit safety and reduces lost productivity and
18 compensation costs. In order to promote job safety in work units
19 and provide recognition for work units with exceptional safety
20 records, the Department of Transportation is authorized to expend
21 from monies available in the State Highway Construction and
22 Maintenance Fund so much thereof as may be necessary for the
23 purchase of recognition awards for presentation to the members of
24 work units or individual employees with exceptional safety records.

1 Recognition awards shall consist of distinctive wearing apparel,
2 service pins, or U.S. Savings Bonds, and other appropriate awards,
3 value of which shall not exceed ~~One Hundred Dollars (\$100.00)~~ Two
4 Hundred Dollars (\$200.00) per employee, which recognizes the safety
5 achievement of the work unit or individual employees.

6 SECTION 4. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval."

10 Passed the House of Representatives the 24th day of April, 2008.

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13 Presiding Officer of the House of
14 Representatives

15 Passed the Senate the ____ day of _____, 2008.

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18 Presiding Officer of the Senate

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