

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1913

By: Fugate

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5  
6 AS INTRODUCED

7 An Act relating to Oklahoma Turnpike Authority;  
8 amending 69 O.S. 2021, Section 1703, which relates to  
9 the creation of the Oklahoma Turnpike Authority;  
10 allowing certain appointed members to seek succeeding  
11 terms by retention ballot; requiring Governor to make  
12 certain appointment; modifying means of removal;  
13 allowing for certain filing with Secretary of State;  
14 requiring retention question be presented to voters  
15 of district; requiring majority of voters to approve  
16 or deny; stating procedures following outcome of  
17 election; allowing successive terms without limit;  
18 providing for codification; and providing an  
19 effective date.

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

26 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1703, is  
27 amended to read as follows:

28 Section 1703. A. There is hereby created a body corporate and  
29 politic to be known as the "Oklahoma Turnpike Authority" and by that  
30 name the Authority may sue and be sued, and plead and be impleaded.  
31 The Authority is hereby constituted an instrumentality of the state,  
32 and the exercise by the Authority of the powers conferred by this

1 act in the construction, operation, and maintenance of turnpike  
2 projects shall be deemed and held to be an essential governmental  
3 function of the state with all the attributes thereof. Provided,  
4 however, the ~~Turnpike~~ Authority is authorized to carry and shall  
5 carry liability insurance to the same extent and in the same manner  
6 as the Transportation Commission, and in addition thereto it shall  
7 be subject to the workers' compensation laws of the state the same  
8 as a private construction project.

9 B. The Oklahoma Turnpike Authority shall consist of the  
10 Governor, who shall be a member ex officio, and six (6) members to  
11 be appointed by the Governor, by and with the consent of the  
12 Oklahoma State Senate. The appointive members shall be residents of  
13 the state, and shall have been qualified electors therein for a  
14 period of at least one (1) year next preceding their appointment.  
15 One appointive member shall be appointed from each of six districts  
16 of the state, such districts to include the area as follows:

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

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

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

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

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

7 District 6. Carter, Love, Murray, Johnston, Marshall, Atoka,  
8 Bryan, Pittsburg, Latimer, Le Flore, Pushmataha, Choctaw and  
9 McCurtain Counties.

10 The members of the Authority appointed shall continue in office  
11 for terms expiring as follows: District 1, July 1, 1968; District  
12 2, July 1, 1971; District 3, July 1, 1972; District 4, July 1, 1973;  
13 District 5, July 1, 1974; District 6, July 1, 1975. Provided, that  
14 appointive members serving on the Oklahoma Turnpike Authority  
15 created by 69 O.S. 1961, Section 653, ~~when this act becomes~~  
16 effective July 1, 1968, shall continue to serve as members of the  
17 Oklahoma Turnpike Authority created by this section, for the terms  
18 for which they were appointed, unless sooner removed by the  
19 Governor. The successor of each appointive member shall be  
20 appointed for a term of eight (8) years, except that any person  
21 appointed to fill a vacancy shall be appointed to serve only for the  
22 unexpired term~~7.~~ and At the end of each term, a member of the  
23 Authority shall be eligible ~~for reappointment~~ to be retained in  
24 office by retention ballot pursuant to the provisions of Section 2

1 of this act. Each member in office on November 1, 2023, shall serve  
2 the term for which the member was appointed and shall be eligible  
3 for retention in the same office for succeeding terms. If a member  
4 does not seek retention, the Governor shall appoint a new member  
5 from that district. Each appointed member of the Authority before  
6 entering upon the duties of office shall take an oath as provided by  
7 Section 1 of Article XV of the Constitution of the State of  
8 Oklahoma. Any appointive member of the Authority may be removed by  
9 the Governor at any time with ~~or without~~ cause.

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

18 D. Before the issuance of any turnpike revenue bonds under the  
19 provisions of this act, each appointed member of the Authority shall  
20 execute a surety bond in the penal sum of Twenty-five Thousand  
21 Dollars (\$25,000.00) and the secretary and treasurer shall execute a  
22 surety bond in the penal sum of One Hundred Thousand Dollars  
23 (\$100,000.00), each such surety bond to be conditioned upon the  
24 faithful performance of the duties of the office, to be executed by

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

4 E. The members of the Authority shall not be entitled to  
5 compensation for their services, but each member shall be reimbursed  
6 for actual expenses necessarily incurred in the performance of the  
7 duties of such member. All expenses incurred in carrying out the  
8 provisions of this act shall be payable solely from funds provided  
9 under the authority of this act and no liability or obligation shall  
10 be incurred by the Authority hereunder beyond the extent to which  
11 monies shall have been provided under the authority of this act.

12 F. Whenever the terms "Oklahoma Transportation Authority",  
13 "Transportation Authority" or "Authority", when used in reference to  
14 the Oklahoma Turnpike Authority, appear in the Oklahoma Statutes,  
15 such terms shall mean the Oklahoma Turnpike Authority.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1703.1 of Title 69, unless there  
18 is created a duplication in numbering, reads as follows:

19 At the General Election next before a term expires, any member  
20 of the six (6) districts making up Oklahoma Turnpike Authority may  
21 seek retention in office by filing with the Secretary of State, not  
22 less than sixty (60) days before the date of the election, a  
23 declaration of candidacy to succeed himself or herself. At the  
24 election, there shall be submitted to the qualified electors of the

1 Oklahoma Turnpike Authority district in which the candidate lives,  
2 on a separate ballot, without party designation, this question:  
3 "Shall (Here insert name of member) of the Oklahoma Turnpike  
4 Authority be retained in Office?

5 | | YES

6 | | NO"

7 The question shall be decided by a majority of those voting  
8 thereon. If the decision is "yes" the member shall be retained in  
9 office for the next ensuing eight-year term. If the decision is  
10 "no", or if no declaration of candidacy is filed, the office shall  
11 be vacant upon expiration of the term then being served, and the  
12 former member shall not be eligible for appointment to succeed  
13 himself or herself. Retention in office may be sought for  
14 successive terms without limit as to number, except for retirement  
15 as may be provided by the Legislature for a maximum retirement age.

16 SECTION 3. This act shall become effective November 1, 2023.

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