

1 STATE OF OKLAHOMA

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

3 SENATE BILL 785

By: Boren

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5
6 AS INTRODUCED

7 An Act relating to turnpikes; amending 69 O.S. 2021,
8 Section 1705, which relates to powers and duties of
9 the Oklahoma Turnpike Authority; requiring audit
10 prior and after the issuance of certain bonds;
11 defining scope of certain audits; prohibiting revenue
12 from turnpikes be used to fund other turnpikes or
13 turnpike projects; allowing the Authority to be
14 annually audited by the State Auditor and Inspector;
15 amending 69 O.S. 2021, Section 1717, which relates to
16 projects becoming part of the state highway system;
17 prohibiting funds from a turnpike to be used on
18 additional turnpike projects or bonds; and declaring
19 an emergency.

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

21 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1705, is
22 amended to read as follows:

23 Section 1705. The Oklahoma Turnpike Authority is hereby
24 authorized and empowered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (17) A tollgate on the Muskogee Turnpike in the vicinity of
11 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
12 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
13 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
14 Turnpike at Elgin, Oklahoma, from any monies available to the
15 Authority.

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

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

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

1 extending east and north to I-40 east of Tinker Field; and then
2 extending north to the Turner Turnpike to complete the Outer Loop.

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

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

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

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

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

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

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

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

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

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

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

1 (32) A new bridge crossing the Arkansas River between South
2 Delaware Avenue and Memorial Drive in Tulsa County. This project
3 shall commence upon a determination by the Oklahoma Transportation
4 Authority that such bridge shall be self-sufficient at some point
5 over a thirty-year time period from the toll charges associated with
6 the bridge project.

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

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

12 (35) A new turnpike or any parts thereof beginning at
13 Interstate 44 at or near its intersection with 49th West Avenue,
14 past State Highway 64/412, turning northeasterly, crossing 41st West
15 Avenue, and continuing eastward to the L.L. Tisdale Expressway in
16 Tulsa, Oklahoma.

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

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

1 The Authority is hereby authorized to enter into contracts or
2 agreements with agencies and instrumentalities of other states or
3 the national government for construction, maintenance and operation
4 of interstate turnpikes or highways.

5 The Authority is hereby required to construct and install
6 automatic tollgates on the Will Rogers Turnpike at State Highway No.
7 28 near Adair.

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

17 Prior to the approval of any turnpike revenue bond sale by the
18 Legislative and Executive Bond Oversight Commissions, the State
19 Auditor and Inspector shall audit, for accuracy and reliability, all
20 information contained in feasibility studies relating to
21 construction costs and revenue estimates of the proposed turnpike
22 project. The audit shall also cover the following prior to the
23 issuing of bonds: the amount of revenue and time needed to repay
24 the original cost of the turnpikes, assess risk within the agency,

1 and review financial actions from the last fifteen (15) years and
2 ten-year projections related to the reserve maintenance fund.

3 Provided further, tolls from one turnpike shall not be used to pay
4 the construction, operation, or maintenance costs of another
5 turnpike project or projects designated by the Legislature in this
6 section.

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

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

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

18 (i) To acquire in the name of the Authority by purchase or
19 otherwise on such terms and conditions and in such manner as it may
20 deem proper, or by exercise of the right of condemnation in manner
21 hereinafter provided, such public or private lands, including public
22 parks, playgrounds, or reservations, or parts thereof or rights
23 therein, rights-of-way, property, rights, easements, and interests,
24 as it may deem necessary for carrying out the provisions of Sections

1 1701 through 1734 of this title; provided, that all public property
2 damaged in carrying out the powers granted by Sections 1701 through
3 1734 of this title shall be restored or repaired and placed in its
4 original condition as nearly as practicable.

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

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

1 (l) To receive and accept from any federal agency grants for or
2 in aid of the construction of any turnpike project, provided, the
3 acceptance of such grants will not reduce the amount of federal aid
4 for the construction, repair, or maintenance of farm-to-market roads
5 and other highways and bridges in this state; and to receive and
6 accept aid or contributions from any source of either money,
7 property, labor, or other things of value, to be held, used, and
8 applied only for the purposes for which such grants and
9 contributions may be made.

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

17 (n) To do all things necessary or convenient to carry out the
18 powers expressly granted in Sections 1701 through 1734 of this
19 title. The design standards for all paving shall comply with the
20 design standards of the American Association of State Highway and
21 Transportation Officials as modified by the Oklahoma Department of
22 Transportation. All contracts for construction work on turnpike
23 projects shall be let to the lowest responsible bidder, or bidders,
24 after notice by publication in a newspaper published in the county

1 where the work is to be done in two consecutive weekly issues of the
2 newspaper. In all cases where more than eight (8) miles of
3 construction is let at the same time and is not an advertisement for
4 a surface-treatment-only project, such advertisement shall provide
5 for bids on sections of the turnpike not to exceed eight (8) miles.
6 If the project advertised is a surface-treatment-only project of
7 more than twenty (20) miles of road, the advertisement shall provide
8 for bids on sections of the road no longer than twenty (20) miles,
9 as well as bids on the project as a whole. Subject to the following
10 restrictions and limitations, the Authority shall, when contracting
11 for construction work, divide such work into paving projects, bridge
12 projects, including underpasses and overpasses, and earthmoving or
13 miscellaneous projects, according to the type of work to be done.
14 Each project shall be let under a separate contract or contracts and
15 no contract or project shall include more than one of such types of
16 construction work. Each contract for construction work shall
17 contain a provision that ninety percent (90%) of all labor employed
18 on the project shall be residents of Oklahoma. However, contracts
19 for bridges may include earthwork and structures for the approaches
20 thereto.

21 (o) It shall be unlawful for any member, officer or employee of
22 the Authority to transact with the Authority, either directly or
23 indirectly, any business for profit of such member, officer, or
24 employee; and any person, firm, or corporation knowingly

1 participating therein shall be equally liable for violation of this
2 provision.

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

6 Violation of this provision shall constitute a felony punishable
7 by incarceration in the State Penitentiary for a term not to exceed
8 five (5) years or a fine of not less than Five Hundred Dollars
9 (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or
10 both such imprisonment and fine.

11 (p) In the event of a national emergency, the Authority,
12 subject to any vested rights or claims, may enter into contracts
13 with the federal government or any authorized agency thereof to
14 allow the federal government or agency thereof to use such turnpikes
15 partly or exclusively during the existence of such emergency,
16 provided, that the federal government agrees in such contract to
17 pay, during the term of such contract, an amount sufficient, when
18 added to any tolls collected, to meet all operating and maintenance
19 expenses, interest payments, and the minimum sinking fund and
20 reserve requirements of the trust agreement for the turnpike covered
21 by the contract.

22 (q) All meetings of the Authority shall be open public
23 meetings, and all records shall be public records, except when
24 considering personnel or litigation.

1 (r) To be audited annually by the Office of the State Auditor
2 and Inspector.

3 SECTION 2. AMENDATORY 69 O.S. 2021, Section 1717, is
4 amended to read as follows:

5 Section 1717. When all bonds issued under the provisions of
6 this article and the interest thereon shall have been paid or a
7 sufficient amount for the payment of all such bonds and the interest
8 thereon to the maturity thereof shall have been set aside in trust
9 for the benefit of the bondholders, such projects, if then in good
10 condition and repair to the satisfaction of the Commission, shall
11 become part of the state highway system and shall thereafter be
12 maintained by the Commission free of tolls. Provided, that when all
13 bonds for any turnpike project and the interest thereon shall have
14 been paid or such provision for payment made, prior to payment of
15 the bonds and interest on any other project or projects, such
16 project shall continue to be operated as a toll facility at toll
17 rates not less than the lowest rate being charged on any project,
18 until all bonds issued by the Authority and the interest thereon
19 shall have been paid or such provisions for payment made. The
20 revenues of such paid-out projects shall be used and applied by the
21 Authority in paying the obligations or depositing in the sinking
22 fund of such other turnpike projects in the following order: (a) To
23 any project or projects in default on interest: (b) to any project
24 or projects in default on principal; (c) to any project or projects

1 having insufficient reserves or sinking fund under its trust
2 agreement. If all such other projects have sufficient reserves then
3 the revenues from such paid-out project shall be prorated between
4 such other projects on the basis of the outstanding bonds of each
5 project. If two or more projects fall within any of the above
6 categories, then the revenues shall be prorated between them on the
7 basis of the outstanding bonds of each project. All bonds issued by
8 the Authority for any turnpike project, initiated on or after
9 January 1, 2023 shall only be paid from the tolls collected from
10 such project until the bonds and the interest thereon have been
11 paid. No tolls collected from any other turnpike project shall be
12 used to pay for any bonds issued by the Authority for any projects
13 initiated on or after January 1, 2023.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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