HB1939 FULLPCS1 Danny Sterling-JBH 3/5/2025 11:12:46 am

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

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Reading Clerk

1 STATE OF OKLAHOMA 2 1st Session of the 60th Legislature (2025) 3 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE FOR 4 HOUSE BILL NO. 1939 By: Sterling 5 6 7 8 9 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE An Act relating to the Oklahoma Turnpike Authority; 10 amending 69 O.S. 2021, Section 1705, which relates to powers and duties of the Oklahoma Turnpike Authority; 11 modifying locations of construction and operation of certain turnpikes; requiring submission of certain 12 report; requiring certain collaboration; requiring 1.3 certain authorizations terminate after five years under certain conditions; removing certain 14 requirement for automatic tollgates; removing certain bond requirement; requiring compensation for certain damaged property; requiring Authority adopt certain 15 rules and adhere to existing laws; requiring the 16 holding of certain meetings; requiring certain meeting compliance; detailing certain notice and 17 public engagement requirements; authorizing additional public meetings if needed; amending 69 18 O.S. 2021, Section 1718, which relates to the judicial determination of validity of bonds; 19 requiring the filing of certain application; and providing an effective date. 20 2.1 22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 23 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1705, is 24 amended to read as follows:

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

- (a) To adopt bylaws for the regulation of its affairs and conduct of its business.
 - (b) To adopt an official seal and alter the same at pleasure.
- (c) To maintain an office at such place or places within the state as it may designate.
- (d) To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority by the provisions of Sections 1701 through 1734 of this title may be enforced in a court of competent jurisdiction in an action in mandamus.
- (e) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided, that until specifically authorized by the Legislature, the Authority shall be authorized to construct and operate toll turnpikes only at the following locations:

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

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- (2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas.
- (3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.
- (4) The Eastern (Indian Nation) Turnpike between Tulsa

 Henryetta and Paris, Texas, including all or any part thereof

 between McAlester and the Red River south of Hugo.
- (5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater.
- (6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls.
- (7) All or any part of an extension of the Muskogee Turnpike, beginning at a point on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike, and extending in a southeasterly direction on an alignment near Stigler, Poteau and Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs, Texarkana, Shreveport and New Orleans.
- (8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in the vicinity of the intersection of State

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

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

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

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

(13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at a point on the Oklahoma-Kansas state boundary line between the point where U.S. Highway 66 intersects 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.

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(14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or County Line to a point intersecting with

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

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

(17) 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.

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

(19) 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.

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

(21) (9) All or any part of the Tulsa south bypass expressway system (Creek Turnpike) 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.

(22) (10) A new turnpike (Creek 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.

(23) (11) A new turnpike (Cherokee 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.

(24) A four-lane extension of the Muskogee Turnpike from

Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

(25) 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 Highway No. 77 and the Kansas State Line.

(26) 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, museum or an industrial facility which qualifies for the Oklahoma Quality Jobs Program Act, from any monies available to the Authority.

(27) 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.

(28) (12) 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.

(29) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Altus and extending in a

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northwesterly direction to a point in the vicinity of the city of Sayre.

- (30) 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.
- (31) 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.
- (32) A new bridge crossing the Arkansas River between South

 Delaware Avenue and Memorial Drive in Tulsa County. This project

 shall commence upon a determination by the Oklahoma Transportation

 Authority that such bridge shall be self-sufficient at some point

 over a thirty-year time period from the toll charges associated with

 the bridge project.
- (33) An exit ramp or any parts thereof from the eastbound lane of the Turner Turnpike at 96th Street in Tulsa.
- (34) An on- and off-ramp or any parts thereof on the Cimarron Turnpike in the vicinity of the northside of the Glencoe, Oklahoma, municipal limits.
- (35) (13) A new turnpike (Gilcrease Turnpike) or any parts thereof beginning at Interstate 44 at or near its intersection with 49th West Avenue, past State Highway 64/412, turning northeasterly,

1 crossing 41st West Avenue, and continuing eastward to the L.L.
2 Tisdale Expressway in Tulsa, Oklahoma.

3 Prior to the completion of the design

Prior to the completion of the design of a new route of an authorized turnpike project, the Authority shall submit to the Governor and the Legislature, the independent approval of the Oklahoma Transportation Commission as set forth in Section 1701 of this title. The Authority shall collaborate with elected officials of cities and counties where the new route will be located.

Legislative authorization for any new turnpike project location

enacted after November 1, 2025, shall terminate on the fifth

anniversary of its enactment unless the Authority has, in an open

and public meeting held in compliance with the Oklahoma Open Meeting

Act, approved a contract to commence project design.

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

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

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

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

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

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

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

(i) To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of Sections 1701 through 1734 of this title; provided, that all public or private 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, and the owner thereof shall be compensated in accordance with sections 1706, 1707, and 1708 of this title.

- (j) To designate, except as is provided for herein, the location, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.
- (k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as

may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701 through 1734 of this title or from revenues; provided, further, no attorney employed by the Authority, nor any member of any law firm of which the attorney may be connected, shall ever be paid any fee or compensation for any special or extraordinary services.

- (1) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.
- (m) To adopt such rules, and to do any and all things necessary to comply with rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic Development Regional Commission, as defined in Sections 1151 through 1153, inclusive, of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction of highways.

(n) To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this The design standards for all paving shall comply with the title. 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 and is not an advertisement for a surface-treatment-only project, such advertisement shall provide for bids on sections of the turnpike not to exceed eight (8) miles. If the project advertised is a surface-treatment-only project of more than twenty (20) miles of road, the advertisement shall provide for bids on sections of the road no longer than twenty (20) miles, as well as bids on the project as a whole. Subject to the following restrictions and limitations, the Authority shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving or miscellaneous projects, according to the type of work to be done. Each project shall be let under a separate contract or contracts and no contract or project shall include more than one of such types of construction work. Each contract for construction work shall

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contain a provision that ninety percent (90%) of all labor employed
on the project shall be residents of Oklahoma. However, contracts
for bridges may include earthwork and structures for the approaches
thereto.

- (o) To adopt such rules, and to do any and all things necessary to comply with all applicable federal and state laws and permits, related to the design, construction, maintenance, and operation of turnpike projects authorized herein.
- (p) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

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

Violation of this provision shall constitute a 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.

 $\frac{(p)}{(q)}$ In the event of a national emergency, the Authority, subject to any vested rights or claims, may enter into contracts

with the federal government or any authorized agency thereof to allow the federal government or agency thereof to use such turnpikes partly or exclusively during the existence of such emergency, provided, that the federal government agrees in such contract to pay, during the term of such contract, an amount sufficient, when added to any tolls collected, to meet all operating and maintenance expenses, interest payments, and the minimum sinking fund and reserve requirements of the trust agreement for the turnpike covered by the contract.

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- (q) (r) All meetings of the Authority shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.
- (s) The Authority's approval of any contract to undertake the design of a new route of an authorized turnpike project shall take place in an open and public meeting held in compliance with the Oklahoma Open Meeting Act. Thereafter, the Authority shall comply with the following notice and public engagement requirements:
- (1) Within ninety (90) days, submit a report to the Governor, the Legislature and to the elected officials of cities and counties where any new route will be located, inclusive of conceptual project maps and preliminary project details, and publish the report on the Authority's official website.
- (2) Within one hundred twenty (120) days, schedule and hold a formal public meeting to provide a description of the new route,

preliminary project details including approximate location, scope of work, and design elements.

- (i) Notice of the public meeting shall be given electronically by posting on the Authority's official website and by publication in a newspaper of general circulation and published in the county where the new route, or the major part of it, is to be located, such notice by publication to be published in two consecutive weekly issues of the newspaper, with the first publication thereof to be at least thirty (30) days prior to the public meeting date. In addition, the Authority shall use its best efforts to provide notice to all known property owners within one (1) mile on each side of the new route, considering the number and types of property interests of such owners, by methods including, but not limited to, first class mail and targeted advertisements which shall include the utilization of certified mail to give notice to affected property owners.
- (ii) The public meeting shall be held at a location convenient and as near to the new route as practicable.
- (iii) At the public meeting, any person may submit oral or written statements and data about the new route. Reasonable limits may be set upon the time allowed for oral statements.
- (iv) The Authority shall collect public comment through an online portal with links to the portal shared at the public meeting and on the Authority's official website.

3. Within thirty (30) days of the public meeting, the Authority shall provide a report to the Governor and Legislature summarizing the oral and written statements and data received, including any reports of economic impacts, support or opposition to a route made by cities and counties where any new route will be located.

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If the location of a new route changes based on the results of the public meeting and engagement requirements set forth in this paragraph, the Authority shall report such changes to the Governor, the Legislature and to the elected officials of cities and counties where the new route will be located. Additional public meetings, conducted in accordance with this paragraph, may be scheduled at the Authority's discretion.

SECTION 2. AMENDATORY 69 O.S. 2021, Section 1718, is amended to read as follows:

Section 1718. The Oklahoma Turnpike Authority is authorized in its discretion to shall 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 Court to give such applications precedence over the other business of the 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

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the state that on a day named the Authority will ask the 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
the Court. If the Court shall be satisfied that the bonds have been
properly authorized in accordance with this article and that when
issued, they will constitute valid obligations in accordance with
their terms, the 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 Court shall be a
judicial determination of the validity of the bonds, shall be
conclusive as to the Authority, 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.
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SECTION 3. This act shall become effective November 1, 2025.

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