

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 457

6 By: Treat and Simpson

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Department of Transportation;
9 amending 69 O.S. 2011, Section 4007, which relates to
10 the Director of the Department; requiring Director to
11 be appointed by Governor with advice and consent of
12 the Senate; requiring service at pleasure of
13 Governor; modifying authority and duty of Director;
14 abolishing Transportation Commission and transferring
15 powers, duties and responsibilities to Director;
16 modifying statutory references; providing for
17 continuation of certain actions; modifying statutory
18 references to Transportation Commission; amending 11
19 O.S. 2011, Sections 36-105 and 36-112, which relate to
20 cities and towns; amending 18 O.S. 2011, Section 601,
21 which relates to corporations; amending 19 O.S. 2011,
22 Section 1246, which relates to counties and county
23 officers; amending 47 O.S. 2011, Sections 11-308, 11-
24 802, 11-803, 11-804, 14-101, as last amended by
Section 1, Chapter 121, O.S.L. 2016, 14-118, as last
amended by Section 2, Chapter 239, O.S.L. 2014, 15-
104, 15-106, 15-131, 156, as amended by Section 2,
Chapter 380, O.S.L. 2014, 1104, as last amended by
Section 2, Chapter 18, 2nd Extraordinary Session,
O.S.L. 2018 and 1148 (47 O.S. Supp. 2018, Sections
14-101, 14-118, 156 and 1104), which relate to motor
vehicles; amending 60 O.S. 2011, Section 814, which
relates to property; amending 61 O.S. 2011, Sections
103.5, 118, 121, as last amended by Section 1,
Chapter 68, O.S.L. 2017 and 130, as last amended by
Section 1, Chapter 293, O.S.L. 2016 (61 O.S. Supp.
2018, Sections 121 and 130), which relate to public
buildings and public works; amending 66 O.S. 2011,
Section 125a, 125d, 304, as amended by Section 1,
Chapter 377, O.S.L. 2013 and 309.3 (66 O.S. Supp.

1 2018, Section 304), which relate to railroads;
2 amending 68 O.S. 2011, Sections 500.6, as amended by
3 Section 4, Chapter 375, O.S.L. 2013, 500.7, 704, 2204
4 and 2368.6, as amended by Section 552, Chapter 304,
5 O.S.L. 2012 (68 O.S. Supp. 2018, Sections 500.6 and
6 2368.6), which relate to revenue and taxation;
7 amending 69 O.S. 2011, Sections 101, 219, 220, 231,
8 242, 301, 304, 305, 306, as amended by Section 571,
9 Chapter 304, O.S.L. 2012, 306.1, 308, 309, 310, 312,
10 313, 314, 315, 316, 318, 320, 401, 402, 403, 403.1
11 and 405, as amended by Sections 1, 2 and 4, Chapter
12 356, O.S.L. 2012, 406, 409, 501, 502, 502.1, 503,
13 504, 505, 506 and 507, as amended by Sections 574 and
14 575, Chapter 304, O.S.L. 2012, 601, 603, 620, 636.3,
15 as last amended by Section 2, Chapter 20, O.S.L.
16 2017, 638, 639, 649, 656 and 659, as amended by
17 Sections 4 and 5, Chapter 20, O.S.L. 2017, 662, 689,
18 as amended by Section 6, Chapter 20, O.S.L. 2017,
19 701, 704, 705, 706, 708.2, as amended by Section 579,
20 Chapter 304, O.S.L. 2012, 901, 1001, as last amended
21 by Section 1, Chapter 16, O.S.L. 2018, 1002, 1003,
22 1102, 1104, 1204, 1205, as amended by Section 1,
23 Chapter 319, O.S.L. 2017, 1208, 1209, 1210, 1211,
24 1253, 1254, 1255, 1256, 1259, 1260, 1263, 1264, 1275,
as last amended by Section 2, Chapter 350, O.S.L.
2016, 1277, as amended by Section 2, Chapter 269,
O.S.L. 2014, 1286, 1301, 1314, 1331, 1502, 1502.1,
1503, as amended by Section 1, Chapter 193, O.S.L.
2016, 1504, 1505, 1506, 1510, as amended by Section
1, Chapter 352, O.S.L. 2014, 1617, 1701, 1703, 1704,
1705, as amended by Section 1, Chapter 282, O.S.L.
2013, 1705.2, 1706, 1717, 1727, 2001, 2002, 2004,
4002, 4005, 4010 and 4018, as amended by Section 1,
Chapter 126, O.S.L. 2014 (69 O.S. Supp. 2018,
Sections 306, 403, 403.1, 405, 506, 507, 636.3, 656,
659, 689, 708.2, 1001, 1205, 1275, 1277, 1503, 1510,
1705 and 4018), which relate to roads, bridges and
ferries; amending 73 O.S. 2011, Sections 83.1, as
last amended by Section 1, Chapter 251, O.S.L. 2015,
341 and Section 1, Chapter 364, O.S.L. 2016 (73 O.S.
Supp. 2018, Sections 83.1 and 342), which relate to
the State Capital and Capitol Building; amending 74
O.S. 2011, Sections 18c, as last amended by Section
1, Chapter 31, O.S.L. 2016, 85.12, as last amended by
Section 2, Chapter 71, O.S.L. 2017, 500.36, 2226 and
Section 2, Chapter 251, O.S.L. 2017 (74 O.S. Supp.
2018, Sections 18c, 85.12 and 5152), which relate to

1 state government; amending 75 O.S. 2011, Section
2 250.4, as last amended by Section 12, Chapter 430,
3 O.S.L. 2014 (75 O.S. Supp. 2018, Section 250.4),
4 which relate to the Administrative Procedures Act;
5 repealing 69 O.S. 2011, Sections 209, 302, 303, 303-
6 A, 311, 319, 1238 and 4006, which relate to the
7 Transportation Commission; and declaring an
8 emergency.

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

10 SECTION 1. AMENDATORY 69 O.S. 2011, Section 4007, is
11 amended to read as follows:

12 Section 4007. A. The administrative head of the Department of
13 Transportation shall be the Director of the Department of
14 Transportation. The Director shall be an individual with a
15 background of broad experience in the administration and management
16 of complex public works or other comparable organizational
17 structures, and ~~who~~ shall be appointed by the ~~Commission~~ Governor,
18 with the advice and consent of the Senate, and serve at the pleasure
19 of the ~~Commission~~ Governor. ~~He~~ The Director shall have the
20 authority and duty ~~to~~:

21 1. To supervise, direct, account for, organize, plan,
22 administer and execute the functions of the Department ~~consistent~~
23 ~~with the general policies and procedures prescribed and established~~
24 ~~by the Commission~~ as provided by law;

1 2. To exercise supervision and control over the construction
2 and maintenance of the State Highway System, and all work incidental
3 thereto;

4 3. To promulgate rules and prescribe policies for the
5 transaction of the business of the Department and for the letting of
6 all contracts and purchases;

7 4. To make all final decisions affecting the work provided for
8 in this title and all reasonable rules as he or she may deem
9 necessary, not inconsistent with this title, for the proper
10 management and conduct of such work and for carrying out the
11 provisions of this title, in such manner as shall be to the best
12 interest and advantage of the people of this state;

13 5. To contract for and purchase, lease or otherwise acquire any
14 tools, machinery, supplies, material or labor needed or to be needed
15 for such work, having the deliveries of such articles made as
16 actually needed, and to pay for engineering, preparation of plans
17 and specifications, costs of advertising, engineering supervision
18 and inspection and all expenses and contingencies in connection with
19 the construction and maintenance of the State Highway System. When
20 quality and prices are equal, preference shall be given materials
21 produced within the State of Oklahoma and highway construction
22 companies domiciled, having and maintaining offices in and being
23 citizen taxpayers of the State of Oklahoma;

1 6. To make all contracts and do all things necessary to
2 cooperate with the United States Government in matters relating to
3 the cooperative construction, improvement and maintenance of the
4 State Highway System, or any road or street of any political or
5 governmental subdivision or any municipal or public corporation of
6 this state, for which federal funds or aid are secured. Such
7 contracts or acts shall be carried out in the manner required by the
8 provisions of the Acts of Congress and rules and regulations made by
9 an agency of the United States in pursuance of such acts;

10 7. To act in an advisory capacity, upon request, to any
11 political or governmental subdivision or public or municipal
12 corporation of this state in matters pertaining to the planning,
13 locating, constructing and maintaining of roads, highways and
14 streets and other related matters. The Director, in such instances,
15 may provide services and may cooperate with such subdivisions and
16 corporations on such terms as may be mutually agreed upon;

17 8. To purchase out of the State Highway Construction and
18 Maintenance Fund such commercial vehicles and passenger automobiles
19 as may be necessary for the use of the Department and its employees
20 in the construction and maintenance of the State Highway System and
21 all work incidental thereto, and in carrying out the duties now or
22 hereafter imposed upon the Department by the laws of this state;

1 9. To enter into written agreements with private citizens to
2 allow such citizens to mow state highway rights-of-way and keep the
3 clippings from such mowing as the sole compensation therefor;

4 10. To prescribe the manner of cooperation between county and
5 municipal officials with the Department;

6 11. Except as otherwise provided by law, to let or supervise
7 the letting of all contracts for construction or improvements of
8 state highways, or any contract for road or bridge construction or
9 improvement where the work is being done in whole or in part with
10 state or federal monies; and

11 12. To authorize all expenditures prior to the incurring
12 thereof, except as otherwise provided in Section 101 et seq. of this
13 title.

14 Any statutory references to the State Highway Director in ~~Title~~
15 ~~69 of the Oklahoma Statutes~~ this title shall mean the Director of
16 the Department of Transportation.

17 B. The Transportation Commission is hereby abolished and its
18 powers, duties and responsibilities are hereby transferred to the
19 Director. Any reference in the Oklahoma Statutes to the Commission
20 shall be deemed to be a reference to the Director. Any
21 administrative rules or policies adopted by, or any actions taken
22 by, the Commission prior to November 1, 2019, shall be and remain in
23 effect until amended, repealed or superseded by actions of the
24 Director as provided by law.

1 C. The Director shall employ a professional civil engineer who
2 shall have broad experience in design and construction of complex
3 highways or other transportation-related projects. This engineer
4 shall be responsible to the Director for the management of all
5 engineering functions of the Department.

6 ~~C. This act~~ D. Section 4001 et seq. of this title shall not
7 affect the status and rights accrued under the State Merit System of
8 Personnel Administration or the Oklahoma Public Employees Retirement
9 System to persons serving as employees of any Department,
10 Commission, Authority or other state agency who become employees of
11 the Department of Transportation through the passage of ~~this act~~
12 Section 4001 et seq. of this title.

13 SECTION 2. AMENDATORY 11 O.S. 2011, Section 36-105, is
14 amended to read as follows:

15 Section 36-105. A. A municipal governing body, by and with the
16 written approval of the ~~State Highway Commission~~ Director of the
17 Department of Transportation insofar as state and federal highways
18 may be affected, may grant to the United States of America, or any
19 irrigation district, conservancy district, or water users'
20 association, organized under the laws of Oklahoma, the right to
21 close, inundate, destroy, alter, or appropriate any municipal roads
22 or streets in the municipality in connection with the construction,
23 development, operation, or maintenance of any irrigation,
24 reclamation, water conservation and utilization, flood control,

1 military or national defense project, for needful public buildings,
2 or other public projects being constructed, operated, developed, or
3 maintained by the United States of America, or any such district or
4 association, upon such terms and conditions and for such
5 consideration as the governing body may determine to be just and
6 proper.

7 B. The municipal governing body may authorize the execution of,
8 and the mayor or other chief official shall in accordance with such
9 authorization have the power to execute, any and all contracts,
10 deeds, easements, and other instruments of conveyance as may be
11 required in or convenient to the exercise of the powers granted in
12 this section.

13 SECTION 3. AMENDATORY 11 O.S. 2011, Section 36-112, is
14 amended to read as follows:

15 Section 36-112. A. The municipal governing body, in its
16 discretion, may provide for the payment of the cost for improving
17 street intersections and alley crossings out of the general
18 revenues.

19 B. The ~~State Highway Commission~~ Director of the Department of
20 Transportation is authorized in ~~its~~ his or her sole discretion to
21 enter into agreements with the governing body of any municipality
22 for participation with State Highway Construction and Maintenance
23 Funds in the cost of any improvements on streets which are a part of
24 the State Highway System. Such agreements may provide for the award

1 and supervision of the contract by the municipality. The state's
2 share of the cost is to be due and payable upon completion of the
3 project.

4 C. Any board of county commissioners, in its discretion, may
5 enter into agreements with the governing body of any municipality
6 for participation with County Highway Funds in the cost of any
7 improvements on streets which are in the limits of the municipality
8 and are part of the County Highway System. Such agreements may
9 provide for the award and supervision of the contract by the
10 municipality. The county's share of the cost is to be due and
11 payable upon completion of the project.

12 SECTION 4. AMENDATORY 18 O.S. 2011, Section 601, is
13 amended to read as follows:

14 Section 601. ~~(a)~~ A. There is hereby granted to the owners of
15 any telegraph or telephone lines operated in this state the right-
16 of-way over lands and real property in this state, and the right to
17 use public grounds, streets, alleys and highways in this state,
18 subject to control of the proper municipal authorities as to what
19 grounds, streets, alleys or highways said lines shall run over or
20 across, and the place the poles to support the wires are located;
21 also the right to condemn and cross over or under, or build their
22 lines along any railroad property or right-of-way, subject to the
23 necessary use of such property or right-of-way by the railroad
24 company; the right-of-way over real property granted in this section

1 may be acquired in the same manner and by like proceedings as
2 provided for railroad corporations.

3 ~~(b)~~ B. Provided, however, the ~~State Highway Commission~~ Director
4 of the Department of Transportation, in the exercise of reasonable
5 discretion, may prevent the installation of such facilities upon
6 limited access highways which are a part of the National System of
7 Interstate and Defense Highways, or ~~such Commission~~ may permit the
8 installation of such facilities on such portion of Interstate and
9 Defense Highways under such reasonable regulations as ~~it~~ he or she
10 may prescribe. Provided, further, nothing herein contained shall
11 affect the right of the owners of telephone and telegraph lines to
12 cross such Interstate and Defense Highways and to build their lines
13 either aerial or underground along and upon any extension of said
14 interstate and defense highways within urban areas in accordance
15 with Federal Aid Regulations.

16 SECTION 5. AMENDATORY 19 O.S. 2011, Section 1246, is
17 amended to read as follows:

18 Section 1246. A. The board of county commissioners, in its
19 discretion, may provide for the payment of the cost for improving
20 streets, roads, intersections, alley crossings, or any part thereof,
21 out of the county road fund.

22 B. The ~~Transportation Commission~~ Director of the Department of
23 Transportation is authorized in ~~its~~ his or her sole discretion to
24 enter into agreements with the board of county commissioners of any

1 county for participation with State Highway Construction and
2 Maintenance Funds in the cost of any improvements on roads and
3 streets which are a part of the state highway system, and such
4 agreements may provide for the award and supervision of the contract
5 by said county, the state's share of the cost to be due and payable
6 upon completion of the project.

7 SECTION 6. AMENDATORY 47 O.S. 2011, Section 11-308, is
8 amended to read as follows:

9 Section 11-308. ~~(a)~~ A. The ~~State Highway Commission~~ Director
10 of the Department of Transportation or local authorities, within
11 their respective jurisdictions, may designate any street or highway
12 or any separate roadway under their respective jurisdictions for
13 one-way traffic and shall erect appropriate signs giving notice
14 thereof.

15 ~~(b)~~ B. Upon a roadway designated and signposted for one-way
16 traffic, a vehicle shall be driven only in the direction designated.

17 ~~(c)~~ C. A vehicle passing around a rotary traffic island shall
18 be driven only to the right of such islands.

19 SECTION 7. AMENDATORY 47 O.S. 2011, Section 11-802, is
20 amended to read as follows:

21 Section 11-802. Whenever the ~~State Highway Commission~~ Director
22 of the Department of Transportation shall determine upon the basis
23 of an engineering and traffic investigation that any maximum speed
24 hereinbefore set forth is greater or less than is reasonable or safe

1 under the conditions found to exist at any intersection or other
2 place or upon any part of the state highway system, ~~said Commission~~
3 the Director may determine and declare a reasonable and safe maximum
4 limit thereat which, when appropriate signs giving notice thereof
5 are erected, shall be effective at all times, or during hours of
6 daylight or darkness or at such other times as may be determined at
7 such intersection or other place or part of the highway.

8 SECTION 8. AMENDATORY 47 O.S. 2011, Section 11-803, is
9 amended to read as follows:

10 Section 11-803. A. Whenever local authorities in their
11 respective jurisdictions determine on the basis of an engineering
12 and traffic investigation that the maximum speed permitted under
13 this article is greater or less than is reasonable and safe under
14 the conditions found to exist upon a highway or part of a highway,
15 the local authority may determine and declare a reasonable and safe
16 maximum limit thereon which:

- 17 1. Decreases the limit at intersections; or
- 18 2. Increases the limit within an urban district, but not to
19 more than sixty-five (65) miles per hour; or
- 20 3. Decreases the limit outside an urban district, but not to
21 less than thirty (30) miles per hour.

22 B. Local authorities in their respective jurisdictions shall
23 determine by an engineering and traffic investigation the proper
24 maximum speed for all arterial streets and shall declare a

1 reasonable and safe maximum limit thereon which may be greater or
2 less than the maximum speed permitted under Section 1-101 et seq. of
3 this title for an urban district.

4 C. Any altered limit established as hereinabove authorized
5 shall be effective at all times or during hours of darkness or at
6 other times as may be determined when appropriate signs giving
7 notice thereof are erected upon such street or highway.

8 D. As to streets and highways within the corporate limits which
9 have been constructed or reconstructed with state or federal funds,
10 local authorities shall have joint authority with the ~~Transportation~~
11 ~~Commission~~ Director of the Department of Transportation to establish
12 or alter speed limits; provided, however, the speed limit on an
13 interstate highway within such corporate limits shall not be
14 decreased to less than sixty (60) miles per hour; and provided
15 further, that no local authority shall impose speed limits on any
16 such street or highway substantially lower than those justified by
17 the highway design, capacity, and traffic volume as determined by
18 engineering studies.

19 E. Not more than six such alterations as hereinabove authorized
20 shall be made per mile along a street or highway except in the case
21 of reduced limits at intersections, and the difference between
22 adjacent limits shall not be more than ten (10) miles per hour.

23 SECTION 9. AMENDATORY 47 O.S. 2011, Section 11-804, is
24 amended to read as follows:

1 Section 11-804. ~~(a)~~ A. No person shall drive a motor vehicle
2 at such a slow speed as to impede the normal and reasonable movement
3 of traffic except when reduced speed is necessary for safe operation
4 or in compliance with law.

5 ~~(b)~~ B. Whenever the ~~State Highway Commission~~ Director of the
6 Department of Transportation or local authorities within their
7 respective jurisdictions determine on the basis of an engineering
8 and traffic investigation that slow speeds on any part of a highway
9 consistently impede the normal and reasonable movement of traffic,
10 the ~~Commission~~ Director or such local authority may determine and
11 declare a minimum speed limit below which no person shall drive a
12 vehicle except when necessary for safe operation or in compliance
13 with law.

14 SECTION 10. AMENDATORY 47 O.S. 2011, Section 14-101, as
15 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
16 2018, Section 14-101), is amended to read as follows:

17 Section 14-101. A. It is a misdemeanor for any person to drive
18 or move or for the owner to cause or knowingly permit to be driven
19 or moved on any highway any vehicle or vehicles of a size or weight
20 exceeding the limitations stated in this chapter or otherwise in
21 violation of this chapter, and the maximum size and weight of
22 vehicles herein specified shall be lawful throughout this state and
23 local authorities shall have no power or authority to alter the
24

1 limitations except as express authority may be granted in this
2 chapter.

3 B. The Commissioner of Public Safety is directed to issue
4 annual overweight permits to:

5 1. Municipalities and rural fire districts for the
6 transportation of firefighting apparatus at no cost to the
7 municipalities or rural fire districts;

8 2. Owners of implements of husbandry, which includes tractors
9 that are temporarily moved upon a highway at no cost to the owner;

10 3. Retail implement dealers while hauling implements of
11 husbandry at no cost to the dealer; and

12 4. Owners of certain vehicles as provided for in Section 14-
13 103G of this title.

14 C. If a vehicle is issued a license pursuant to Section 1134.4
15 of this title, the license shall also serve as the overweight permit
16 required by this section.

17 D. All size, weight and load provisions covered by this chapter
18 shall be subject to the limitations imposed by Title 23, United
19 States Code, Section 127, and such other rules and regulations
20 developed herein. Provided further that any size and weight
21 provision authorized by the United States Congress for use on the
22 National System of Interstate and Defense Highways, including but
23 not limited to height, axle weight, gross weight, combinations of
24 vehicles or load thereon shall be authorized for immediate use on

1 such segments of the National System of Interstate and Defense
2 Highways and any other highways or portions thereof as designated by
3 the ~~Transportation Commission~~ Director of the Department of
4 Transportation or ~~their~~ his or her duly authorized representative.

5 E. All size, weight and load provisions covered by Sections 14-
6 101 through 14-123 of this title shall be subject to a gross vehicle
7 weight limit of ninety thousand (90,000) pounds when applied to a
8 vehicle operating off the National System of Interstate and Defense
9 Highways unless such vehicle is operating in full compliance with an
10 overweight permit issued by the Commissioner of Public Safety.

11 F. Any vehicle permitted for movement on the highways of this
12 state as provided in Section 14-101 et seq. of this title, other
13 than a vehicle permitted solely for overweight movement, shall be
14 moved only during daylight hours. As used in Section 14-101 et seq.
15 of this title, "daylight hours" shall mean one-half (1/2) hour
16 before sunrise to one-half (1/2) hour after sunset. The
17 Commissioner of Public Safety, for good cause and consistent with
18 the safe movement of the vehicle, may endorse a permit for the
19 movement of an oversize vehicle to authorize night time travel under
20 such terms and restrictions as the Commissioner may require.

21 G. 1. Any vehicle permitted for movement on the highways of
22 this state as provided in Section 14-101 et seq. of this title shall
23 not be moved at any time on the following holidays:

24 a. New Year's Day (January 1),

- b. Memorial Day (the last Monday in May),
- c. The Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November),
- and
- f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- b. President's Day, also known as Washington's Birthday (the third Monday in February), and
- c. Veteran's Day (November 11).

SECTION 11. AMENDATORY 47 O.S. 2011, Section 14-118, as last amended by Section 2, Chapter 239, O.S.L. 2014 (47 O.S. Supp. 2018, Section 14-118), is amended to read as follows:

Section 14-118. A. 1. Pursuant to such rules as may be prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the ~~Transportation Commission~~ Director of the Department of Transportation shall formulate, for the State Trunk Highway System, including the

1 National System of Interstate and Defense Highways, and for all
2 other highways or portions thereof, rules governing the movement of
3 vehicles or loads which exceed the size or weight limitations
4 specified by the provisions of this chapter.

5 2. Such rules shall be the basis for the development of a
6 system by the Commissioner of Public Safety for the issuance of
7 permits for the movement of oversize or overweight vehicles or
8 loads. Such system shall include, but not be limited to, provisions
9 for duration, seasonal factors, hours of the day or days when valid,
10 special requirements as to flags, flagmen and warning or safety
11 devices, and other such items as may be consistent with the intent
12 of this section. The permit system shall include provisions for the
13 collection of permit fees as well as for the issuance of the permits
14 by telephone, electronic transfer or such other methods of issuance
15 as may be deemed feasible.

16 3. The Department of Public Safety is authorized to charge a
17 fee of Two Dollars (\$2.00) for each permit requested to be issued by
18 facsimile machine or by any other means of electronic transmission,
19 transfer or delivery. The fee shall be in addition to any other fee
20 or fees assessed for the permit. The fee shall be deposited in the
21 State Treasury to the credit of the Department of Public Safety
22 Restricted Revolving Fund and the monies shall be expended by the
23 Department solely for the purposes provided for in this chapter.

24

1 4. It is the purpose of this section to permit the movement of
2 necessary overweight and oversize vehicles or loads consistent with
3 the following obligations:

- 4 a. protection of the motoring public from potential
5 traffic hazards,
- 6 b. protection of highway surfaces, structures, and
7 private property, and
- 8 c. provision for normal flow of traffic with a minimum of
9 interference.

10 B. The ~~Transportation Commission~~ Director of the Department of
11 Transportation shall prepare and publish a map of the State of
12 Oklahoma showing by appropriate symbols the various highway
13 structures and bridges in terms of maximum size and weight
14 restrictions. This map shall be titled "Oklahoma Load Limit Map"
15 and shall be revised periodically to maintain a reasonably current
16 status and in no event shall a period of two (2) years lapse between
17 revisions and publication of the printed version of the Oklahoma
18 Load Limit Map. This map shall also be made available by the
19 Department of Transportation on the Internet, and in no event shall
20 a period of six (6) months lapse between revisions of the
21 information provided on the Internet. Provided, further, the
22 ~~Secretary~~ Director of the Department of Transportation shall prepare
23 and publish a map of the State of Oklahoma showing the advantages of
24

1 this state as a marketing, warehousing and distribution network
2 center for motor transportation sensitive industries.

3 C. The Commissioner of Public Safety, or an authorized
4 representative, shall have the authority, within the limitations
5 formulated under provisions of this chapter, to issue, withhold or
6 revoke special permits for the operation of vehicles or combinations
7 of vehicles or loads which exceed the size or weight limitations of
8 this chapter. Every such permit shall be carried in the vehicle or
9 combination of vehicles to which it refers and shall be open to
10 inspection by any law enforcement officer or authorized agent of any
11 authority granting such permit, and no person shall violate any of
12 the terms or conditions of such special permit.

13 D. It shall be permissible in the transportation of empty
14 trucks on any road or highway to tow by use of saddlemounts; i.e.,
15 mounting the front wheels of one vehicle on the bed of another
16 leaving the rear wheels only of such towed vehicle in contact with
17 the roadway. One vehicle may be fullmounted on the towing or towed
18 vehicles engaged in any driveaway or towaway operation. No more
19 than three saddlemounts may be permitted in such combinations. The
20 towed vehicles shall be securely fastened and operated under the
21 applicable safety requirements of the United States Department of
22 Transportation and such combinations shall not exceed an overall
23 length of seventy-five (75) feet. Provided, a driveaway saddlemount
24 with fullmount vehicle transporter combination may reach an overall

1 length of ninety-seven (97) feet on the National Network of
2 Highways.

3 E. The Commissioner of Public Safety, upon application of any
4 person engaged in the transportation of forest products in the raw
5 state, which is defined to be tree-length logs moving from the
6 forest directly to the mill, or upon application of any person
7 engaged in the hauling for hire or for resale, of round baled hay
8 with a total outside width of eleven (11) feet or less, shall issue
9 an annual permit, upon payment of a fee of Twenty-five Dollars
10 (\$25.00) each year, authorizing the operation by such persons of
11 such motor vehicle load lengths and widths upon the highways of this
12 state except on the National System of Interstate and Defense
13 Highways. Provided, however, the restriction on use of the National
14 System of Interstate and Defense Highways shall not be applicable to
15 persons engaged in the hauling of round baled hay with a total
16 outside width of eleven (11) feet or less.

17 F. The Commissioner of Public Safety, upon application of any
18 person engaged in the transportation of overwidth or overheight
19 equipment used in soil conservation work with a total outside width
20 of twelve (12) feet or less, shall issue an annual permit, upon
21 payment of a fee of Twenty-five Dollars (\$25.00) each year,
22 authorizing the operation by such persons of such motor vehicle load
23 lengths and widths upon the highways of this state except on the
24 National System of Interstate and Defense Highways.

1 G. Farm equipment including, but not limited to, implements of
2 husbandry as defined in Section 1-125 of this title shall be
3 exempted from the requirement for special permits due to size. Such
4 equipment may move on any highway, except those highways which are
5 part of the National System of Interstate and Defense Highways,
6 during the hours of darkness and shall be subject to the
7 requirements as provided in Section 12-215 of this title. In
8 addition to those requirements, tractors pulling machinery over
9 thirteen (13) feet wide must have two amber flashing warning lamps
10 symmetrically mounted, laterally and widely spaced as practicable,
11 visible from both front and rear, mounted at least thirty-nine (39)
12 inches high.

13 H. Any rubber-tired road construction vehicle including rubber-
14 tired truck cranes and special mobilized machinery either self-
15 propelled or drawn carrying no load other than component parts
16 safely secured to the machinery and its own weight, but which is
17 overweight by any provisions of this chapter, shall be authorized to
18 move on the highways of the State of Oklahoma. Movement of such
19 vehicles shall be authorized on the Federal Interstate System of
20 Highways only by special permit secured from the Commissioner of
21 Public Safety or an authorized representative upon determination
22 that the objectives of this section will be served by such a permit
23 and that federal weight restrictions will not be violated. The
24 special permit shall be:

1 1. A single-trip permit issued under the provisions of this
2 section and Section 14-116 of this title; or

3 2. A special annual overweight permit which shall be issued for
4 one calendar year period upon payment of a fee of Sixty Dollars
5 (\$60.00).

6 The weight of any such vehicle shall not exceed six hundred
7 fifty (650) pounds multiplied by the nominal width of the tire. The
8 vehicle shall be required to carry the safety equipment adjudged
9 necessary for the health and welfare of the driving public. If any
10 oversized vehicle does not come under the other limitations of the
11 present laws, it shall be deemed that the same shall travel only
12 between the hours of sunrise and sunset. The vehicle, being
13 overweight but of legal dimension, shall be allowed continuous
14 travel. The vehicles, except special mobilized machinery, shall be
15 exempt from the laws of this state relating to motor vehicle
16 registration, licensing or other fees or taxes in lieu of ad valorem
17 taxes.

18 I. 1. When such machinery has a width greater than eight and
19 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
20 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
21 feet, then the permit may restrict movement to a fifty-mile radius
22 from an established operating base, and may designate highways to be
23 traveled, hours of travel and when flagmen may be required to
24 precede or follow the equipment.

1 2. Possession of a permit shall in no way be construed as
2 exempting such equipment from the authority of the Director of the
3 Department of Transportation to restrict use of particular highways,
4 nor shall it exempt owners or operators of such equipment from the
5 responsibility for damage to highways caused by movement of the
6 equipment. Nothing in this subsection shall apply to machinery used
7 in highway construction or road material production.

8 3. Upon the issuance of a special mobilized machinery driveaway
9 permit as provided in this subsection, special mobilized machinery
10 manufactured in Oklahoma shall be permitted to move upon the
11 highways of this state from the place of manufacture to the state
12 line for delivery and exclusive use outside the state, and may be
13 temporarily returned to Oklahoma for modification and repair, with
14 subsequent movement back out of the state. Special driveaway
15 permits for such movements shall be issued by the Commissioner of
16 Public Safety, who may act through designated agents, upon the
17 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
18 movement.

19 4. The size of the special mobilized machinery shall not be
20 such as to create a safety hazard in the judgment of the
21 Commissioner of Public Safety. Permits for such special mobilized
22 machinery shall specify a maximum permissible road speed of sixty
23 (60) miles per hour, designate safety equipment to be carried and
24 may exclude use of highways of the interstate system.

1 5. When such equipment has a width greater than eight and one-
2 half (8 1/2) feet, or a length exclusive of load of forty-five (45)
3 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
4 the permit may designate highways to be traveled, hours of travel
5 and when flagmen may be required to precede or follow the equipment.

6 6. Possession of a special driveway permit shall in no way be
7 construed as exempting such equipment from the authority of the
8 Director of the Department of Transportation to restrict use of
9 particular highways, nor shall it exempt the owners or operators of
10 such equipment from the responsibility for damage to highways caused
11 by the movement of such equipment.

12 SECTION 12. AMENDATORY 47 O.S. 2011, Section 15-104, is
13 amended to read as follows:

14 Section 15-104. The ~~State Highway Commission~~ Director of the
15 Department of Transportation shall adopt a manual and specifications
16 for a uniform system of traffic-control devices for use upon streets
17 and highways within this state. Such uniform system shall correlate
18 with and, so far as possible, conform to the system then current as
19 approved by the American Association of State Highway Officials, and
20 the manual so adopted may be amended or revised from time to time as
21 the ~~Commission~~ Director may deem necessary. The manual so adopted
22 and any amendments or revisions thereof shall be published by the
23 ~~State Highway Commission~~ Department of Transportation and one copy
24

1 thereof shall be distributed free of charge to the local governing
2 bodies of counties and incorporated cities and towns.

3 SECTION 13. AMENDATORY 47 O.S. 2011, Section 15-106, is
4 amended to read as follows:

5 Section 15-106. ~~(a)~~ A. Local authorities in their respective
6 jurisdictions shall place and maintain such traffic-control devices
7 upon highways under their jurisdiction as they may deem necessary to
8 indicate and to carry out the provisions of ~~this act~~ Section 15-101
9 et seq. of this title or local traffic ordinances or to regulate,
10 warn or guide traffic. All such traffic-control devices hereafter
11 erected shall conform to the state manual and specifications.

12 ~~(b)~~ B. Local authorities in exercising those functions referred
13 to in ~~the preceding paragraph~~ subsection A of this section with
14 regard to streets and highways which are a continuation of state or
15 federal numbered highways shall be subject to the direction and
16 control of the ~~State Highway Commission~~ Director of the Department
17 of Transportation.

18 SECTION 14. AMENDATORY 47 O.S. 2011, Section 15-131, is
19 amended to read as follows:

20 Section 15-131. Upon application by the governing board of a
21 public trust, as defined in Sections 164 and 176 of Title 60 of the
22 Oklahoma Statutes, the ~~Transportation Commission~~ Director of the
23 Department of Transportation may set speed limits and promulgate
24 regulations governing uniform traffic control to comply with the

1 provisions of ~~Title 47 of the Oklahoma Statutes~~ this title for the
2 reasonable and safe operation of motor vehicles on property situated
3 within the state and owned by or under the control of the public
4 trust.

5 Speed limits and regulations so established shall be enforceable
6 when appropriate signs giving notice thereof are erected. The cost
7 of such signs shall be borne by the public trust. Any person
8 driving on such property in violation of the speed limit or
9 regulation so established shall, upon conviction, be punished in the
10 same manner as provided for persons convicted of violating other
11 provisions of Sections 11-101 et seq. of ~~Title 47 of the Oklahoma~~
12 ~~Statutes~~ this title.

13 SECTION 15. AMENDATORY 47 O.S. 2011, Section 156, as
14 amended by Section 2, Chapter 380, O.S.L. 2014 (47 O.S. Supp. 2018,
15 Section 156), is amended to read as follows:

16 Section 156. A. Unless otherwise provided for by law, no state
17 board, commission, department, institution, official, or employee,
18 except the following, shall purchase any passenger automobile or bus
19 with public funds:

- 20 1. The Department of Public Safety;
- 21 2. The Department of Human Services;
- 22 3. The State Department of Rehabilitation Services;
- 23 4. The Department of Wildlife Conservation;
- 24 5. The Department of Corrections;

- 1 6. The State Department of Education;
- 2 7. The Oklahoma School of Science and Mathematics;
- 3 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 4 Control;
- 5 9. The Oklahoma State Bureau of Investigation;
- 6 10. The ~~Transportation Commission~~ Department of Transportation;
- 7 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 8 12. The State Department of Health;
- 9 13. The Department of Mental Health and Substance Abuse
- 10 Services;
- 11 14. The J.D. McCarty Center for Children with Developmental
- 12 Disabilities;
- 13 15. The Military Department of the State of Oklahoma;
- 14 16. The Oklahoma Tourism and Recreation Department;
- 15 17. The Oklahoma Conservation Commission;
- 16 18. The Oklahoma Water Resources Board;
- 17 19. The Department of Mines;
- 18 20. The Office of Juvenile Affairs;
- 19 21. The Oklahoma Department of Veteran Affairs;
- 20 22. The Oklahoma Supreme Court;
- 21 23. The District Attorneys Council and Oklahoma district
- 22 attorneys, provided adequate funding exists;
- 23 24. The Oklahoma Boll Weevil Eradication Organization; and
- 24 25. The Oklahoma Horse Racing Commission.

1 B. 1. The Oklahoma School for the Deaf at Sulphur, the
2 Oklahoma School for the Blind at Muskogee, and any state institution
3 of higher education may purchase, own, or keep if now owned, or
4 acquire by lease or gift, and use and maintain such station wagons,
5 automobiles, trucks, or buses as are reasonably necessary for the
6 implementation of the educational programs of said institutions.

7 2. No bus operated, owned, or used by such educational
8 institutions shall be permitted to carry any person other than
9 students, faculty members, employees, or volunteers of such
10 institutions. The provisions of this section shall not be construed
11 to prohibit:

12 a. the operation of intracampus buses or buses routed
13 directly between portions of the campus of any
14 institution not adjacent to each other, nor to
15 prohibit the collection of fares from such students,
16 faculty members, or employees of such institutions,
17 sufficient in amount to cover the reasonable cost of
18 such transportation, or

19 b. the Oklahoma School for the Blind or the Oklahoma
20 School for the Deaf from entering into agreements with
21 local public school districts pursuant to the
22 Interlocal Cooperation Act for the mutual use of the
23 schools' and the districts' vehicles. Such use may
24 include, but is not limited to, the transportation of

1 students from local school districts with students
2 from the Oklahoma School for the Blind or the Oklahoma
3 School for the Deaf in vehicles owned by the Oklahoma
4 School for the Blind or the Oklahoma School for the
5 Deaf when traveling to school-related activities.

6 C. The J.D. McCarty Center for Children with Developmental
7 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
8 Department of Veterans Affairs, and the Oklahoma Veterans Centers
9 may own and maintain such passenger vehicles as those institutions
10 have acquired prior to May 1, 1981.

11 D. The use of station wagons, automobiles, and buses, other
12 than as provided for in this section, shall be permitted only upon
13 written request for such use by heads of departments of the
14 institution, approved in writing by the president of said
15 institution or by some administrative official of said institution
16 authorized by the president to grant said approval. Such use shall
17 be permitted only for official institutional business or activities
18 connected therewith. Such use shall be subject to the provisions of
19 Section 156.1 of this title forbidding personal use of such
20 vehicles, and to the penalties therein declared.

21 E. Any person convicted of violating the provisions of this
22 section shall be guilty of a misdemeanor and shall be punished by
23 fine or imprisonment, or both, as provided for in Section 156.1 of
24 this title.

1 F. For the purpose of this section and Section 156.3 of this
2 title, a station wagon is classified as a passenger automobile and
3 may not be purchased solely for the use of transporting property.
4 Such vehicles shall include, but not be limited to, all vehicles
5 which have no separate luggage compartment or trunk but which do not
6 have open beds, whether the same are called station wagons, vans,
7 suburbans, town and country, blazers, or any other names. All state
8 boards, commissions, departments, and institutions may own and
9 maintain station wagons purchased solely for the purpose of
10 transporting property if acquired prior to July 1, 1985.

11 G. The provisions of this section and Section 156.1 of this
12 title shall not apply to public officials who are statewide elected
13 commissioners.

14 SECTION 16. AMENDATORY 47 O.S. 2011, Section 1104, as
15 last amended by Section 2, Chapter 18, 2nd Extraordinary Session,
16 O.S.L. 2018 (47 O.S. Supp. 2018, Section 1104), is amended to read
17 as follows:

18 Section 1104. A. Unless otherwise provided by law, all fees,
19 taxes and penalties collected or received pursuant to the Oklahoma
20 Vehicle License and Registration Act or Section 1-101 et seq. of
21 this title shall be apportioned and distributed monthly by the
22 Oklahoma Tax Commission in accordance with this section.

23
24

1 B. 1. The following percentages of the monies referred to in
2 subsection A of this section shall be apportioned to the various
3 school districts in accordance with paragraph 2 of this subsection:

4 a. from October 1, 2000, until June 30, 2001, thirty-five
5 and forty-six one-hundredths percent (35.46%),

6 b. for the year beginning July 1, 2001, and ending June
7 30, 2002, thirty-five and ninety-one one-hundredths
8 percent (35.91%),

9 c. for the year beginning July 1, 2002, through the year
10 ending on June 30, 2015, thirty-six and twenty one-
11 hundredths percent (36.20%),

12 d. for the year beginning July 1, 2015, through the year
13 ending on June 30, 2019, thirty-six and twenty one-
14 hundredths percent (36.20%), but in no event shall the
15 amount apportioned in any fiscal year pursuant to this
16 subparagraph exceed the total amount apportioned for
17 the fiscal year ending on June 30, 2015. Any amounts
18 in excess of such limitation shall be placed to the
19 credit of the General Revenue Fund, and

20 e. for the year beginning July 1, 2019, and all
21 subsequent years, thirty-six and twenty one-hundredths
22 percent (36.20%), but in no event shall the amount
23 apportioned in any fiscal year pursuant to this
24 subparagraph exceed the total amount apportioned for

1 the fiscal year ending on June 30, 2015. Any amounts
2 in excess of such limitation shall be placed to the
3 credit of the Rebuilding Oklahoma Access and Driver
4 Safety Fund created in Section 1521 of Title 69 of the
5 Oklahoma Statutes.

6 2. The monies apportioned pursuant to subparagraphs a through e
7 of paragraph 1 of this subsection shall be apportioned to the
8 various school districts so that each district shall receive an
9 amount based upon the proportion that each district's average daily
10 attendance bears to the total average daily attendance of those
11 districts entitled to receive funds pursuant to this section as
12 certified by the State Department of Education.

13 Each district's allocation of funds shall be remitted to the
14 county treasurer of the county wherein the administrative
15 headquarters of the district are located.

16 No district shall be eligible for the funds herein provided
17 unless the district makes an ad valorem tax levy of fifteen (15)
18 mills and maintains nine (9) years of instruction and pursuant to
19 the rules of the State Board of Education, is authorized to maintain
20 ten (10) years of instruction.

21 C. The following percentages of the monies referred to in
22 subsection A of this section shall be remitted to the State
23 Treasurer to be credited to the General Revenue Fund of the State
24 Treasury:

- 1 1. From October 1, 2000, until June 30, 2001, forty-five and
2 ninety-seven one-hundredths percent (45.97%);
- 3 2. For the year beginning July 1, 2001, and ending June 30,
4 2002, forty-five and twenty-nine one-hundredths percent (45.29%);
- 5 3. For the year beginning July 1, 2002, and for the subsequent
6 fiscal years ending June 30, 2007, forty-four and eighty-four one-
7 hundredths percent (44.84%);
- 8 4. For the year beginning July 1, 2007, and ending June 30,
9 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);
- 10 5. For the year beginning July 1, 2008, and ending June 30,
11 2009, thirty-four and eighty-four one-hundredths percent (34.84%);
- 12 6. For the period beginning July 1, 2009, and ending December
13 31, 2012, twenty-nine and eighty-four one-hundredths percent
14 (29.84%);
- 15 7. For the period beginning January 1, 2013, and ending June
16 30, 2013, twenty-nine and thirty-four one-hundredths percent
17 (29.34%);
- 18 8. For the year beginning July 1, 2013, and ending June 30,
19 2014, twenty-six and eighty-four one-hundredths percent (26.84%);
20 and
- 21 9. For the year beginning July 1, 2014, through the year ending
22 June 30, 2019, twenty-four and eighty-four one-hundredths percent
23 (24.84%).

24

1 D. The following percentages of the monies referred to in
2 subsection A of this section shall be remitted to the State
3 Treasurer to be credited to the State Transportation Fund:

4 1. From October 1, 2000, until June 30, 2001, thirty one-
5 hundredths percent (0.30%);

6 2. For the year beginning July 1, 2001, through the year ending
7 on June 30, 2015, thirty-one one-hundredths percent (0.31%);

8 3. For the year beginning July 1, 2015, through the year ending
9 on June 30, 2019, thirty-one one-hundredths percent (0.31%), but in
10 no event shall the amount apportioned in any fiscal year pursuant to
11 this paragraph exceed the total amount apportioned for the fiscal
12 year ending on June 30, 2015. Any amounts in excess of such
13 limitation shall be placed to the credit of the General Revenue
14 Fund; and

15 4. For the year beginning July 1, 2019, and all subsequent
16 years, thirty-one one-hundredths percent (0.31%), but in no event
17 shall the amount apportioned in any fiscal year pursuant to this
18 paragraph exceed the total amount apportioned for the fiscal year
19 ending on June 30, 2015. Any amounts in excess of such limitation
20 shall be placed to the credit of the Rebuilding Oklahoma Access and
21 Driver Safety Fund created in Section 1521 of Title 69 of the
22 Oklahoma Statutes.

1 E. 1. The following percentages of the monies referred to in
2 subsection A of this section shall be apportioned to the various
3 counties as set forth in paragraph 2 of this section:

4 a. from October 1, 2000, until June 30, 2001, seven and
5 nine one-hundredths percent (7.09%),

6 b. for the year beginning July 1, 2001, and ending June
7 30, 2002, seven and eighteen one-hundredths percent
8 (7.18%),

9 c. for the year beginning July 1, 2002, through the year
10 ending on June 30, 2015, seven and twenty-four one-
11 hundredths percent (7.24%),

12 d. for the year beginning July 1, 2015, through the year
13 ending on June 30, 2019, seven and twenty-four one-
14 hundredths percent (7.24%), but in no event shall the
15 amount apportioned in any fiscal year pursuant to this
16 subparagraph exceed the total amount apportioned for
17 the fiscal year ending on June 30, 2015. Any amounts
18 in excess of such limitation shall be placed to the
19 credit of the General Revenue Fund, and

20 e. for the year beginning July 1, 2019, and all
21 subsequent years, seven and twenty-four one-hundredths
22 percent (7.24%), but in no event shall the amount
23 apportioned in any fiscal year pursuant to this
24 subparagraph exceed the total amount apportioned for

1 the fiscal year ending on June 30, 2015. Any amounts
2 in excess of such limitation shall be placed to the
3 credit of the Rebuilding Oklahoma Access and Driver
4 Safety Fund created in Section 1521 of Title 69 of the
5 Oklahoma Statutes.

6 2. The monies apportioned pursuant to subparagraphs a through e
7 of paragraph 1 of this subsection shall be apportioned as follows:
8 forty percent (40%) of such sum shall be distributed to the various
9 counties in that proportion which the county road mileage of each
10 county bears to the entire state road mileage as certified by the
11 ~~Transportation Commission~~ Director of the Department of
12 Transportation and the remaining sixty percent (60%) of such sum
13 shall be distributed to the various counties on the basis which the
14 population and area of each county bears to the total population and
15 area of the state. The population shall be as shown by the last
16 Federal Census or the most recent annual estimate provided by the
17 United States Bureau of the Census. The funds shall be used for the
18 purpose of constructing and maintaining county highways; provided,
19 however, the county treasurer may deposit so much of the funds in
20 the sinking fund as may be necessary for the retirement of interest
21 and annual accrual of indebtedness created by the issuance of county
22 or township bonds for road purposes. Such deposits to the sinking
23 fund shall not exceed forty percent (40%) of the funds allocated to
24 a county pursuant to this paragraph.

1 F. 1. The following percentages of the monies referred to in
2 subsection A of this section shall be remitted to the county
3 treasurers of the respective counties and by them deposited in a
4 separate special revenue fund to be used by the county commissioners
5 in accordance with paragraph 2 of this subsection:

6 a. from October 1, 2000, until June 30, 2001, two and
7 fifty-three one-hundredths percent (2.53%),

8 b. for the year beginning July 1, 2001, and ending June
9 30, 2002, two and fifty-six one-hundredths percent
10 (2.56%),

11 c. for the year beginning July 1, 2002, through the year
12 ending on June 30, 2015, two and fifty-nine one-
13 hundredths percent (2.59%),

14 d. for the year beginning July 1, 2015, through the year
15 ending on June 30, 2019, two and fifty-nine one-
16 hundredths percent (2.59%), but in no event shall the
17 amount apportioned in any fiscal year pursuant to this
18 subparagraph exceed the total amount apportioned for
19 the fiscal year ending on June 30, 2015. Any amounts
20 in excess of such limitation shall be placed to the
21 credit of the General Revenue Fund, and

22 e. for the year beginning July 1, 2019, and all
23 subsequent years, two and fifty-nine one-hundredths
24 percent (2.59%), but in no event shall the amount

1 apportioned in any fiscal year pursuant to this
2 subparagraph exceed the total amount apportioned for
3 the fiscal year ending on June 30, 2015. Any amounts
4 in excess of such limitation shall be placed to the
5 credit of the Rebuilding Oklahoma Access and Driver
6 Safety Fund created in Section 1521 of Title 69 of the
7 Oklahoma Statutes.

8 2. The monies apportioned pursuant to subparagraphs a through e
9 of paragraph 1 of this subsection shall be used for the primary
10 purpose of matching federal funds for the construction of federal
11 aid projects on county roads, or constructing and maintaining county
12 or township highways and permanent bridges of such counties. The
13 distribution of monies apportioned by this paragraph shall be made
14 upon the basis of the current formula based upon road mileage, area
15 and population as related to county road improvement and maintenance
16 costs. Provided, however, the Department of Transportation may
17 update the formula factors from time to time as necessary to account
18 for changing conditions.

19 G. 1. The following percentages of the monies referred to in
20 subsection A of this section shall be transmitted by the Tax
21 Commission to the various counties as set forth in paragraph 2 of
22 this subsection:

23 a. from October 1, 2000, until June 30, 2001, three and
24 fifty-five one-hundredths percent (3.55%),

- 1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, three and fifty-nine one-hundredths percent
3 (3.59%),
- 4 c. for the year beginning July 1, 2002, through the year
5 ending on June 30, 2015, three and sixty-two one-
6 hundredths percent (3.62%),
- 7 d. for the year beginning July 1, 2015, through the year
8 ending on June 30, 2019, three and sixty-two one-
9 hundredths percent (3.62%), but in no event shall the
10 amount apportioned in any fiscal year pursuant to this
11 subparagraph exceed the total amount apportioned for
12 the fiscal year ending on June 30, 2015. Any amounts
13 in excess of such limitation shall be placed to the
14 credit of the General Revenue Fund, and
- 15 e. for the year beginning July 1, 2019, and all
16 subsequent years, three and sixty-two one-hundredths
17 percent (3.62%), but in no event shall the amount
18 apportioned in any fiscal year pursuant to this
19 subparagraph exceed the total amount apportioned for
20 the fiscal year ending on June 30, 2015. Any amounts
21 in excess of such limitation shall be placed to the
22 credit of the Rebuilding Oklahoma Access and Driver
23 Safety Fund created in Section 1521 of Title 69 of the
24 Oklahoma Statutes.

1 2. The monies apportioned pursuant to subparagraphs a through e
2 of paragraph 1 of this subsection shall be transmitted to the
3 various counties on the basis of a formula to be developed by the
4 Department of Transportation. Such formula shall be similar to that
5 currently used for the distribution of County Bridge Program Funds,
6 but also taking into consideration the effect of terrain and traffic
7 volume as related to county road improvement and maintenance costs.
8 Provided, however, the Department of Transportation may update the
9 formula factors from time to time as necessary to account for
10 changing conditions. The funds shall be transmitted to the various
11 county treasurers to be deposited in the county highway fund of
12 their respective counties.

13 H. 1. The following percentages of the monies referred to in
14 subsection A of this section shall be apportioned to the various
15 counties as set forth in paragraph 2 of this subsection:

- 16 a. from October 1, 2000, until June 30, 2001, eighty-one
17 one-hundredths percent (0.81%),
- 18 b. for the year beginning July 1, 2001, and ending June
19 30, 2002, eighty-two one-hundredths percent (0.82%),
- 20 c. for the year beginning July 1, 2002, through the year
21 ending on June 30, 2015, eighty-three one-hundredths
22 percent (0.83%),
- 23 d. for the year beginning July 1, 2015, through the year
24 ending on June 30, 2019, eighty-three one-hundredths

1 percent (0.83%), but in no event shall the amount
2 apportioned in any fiscal year pursuant to this
3 subparagraph exceed the total amount apportioned for
4 the fiscal year ending on June 30, 2015. Any amounts
5 in excess of such limitation shall be placed to the
6 credit of the General Revenue Fund, and

7 e. for the year beginning July 1, 2019, and all
8 subsequent years, eighty-three one-hundredths percent
9 (0.83%), but in no event shall the amount apportioned
10 in any fiscal year pursuant to this subparagraph
11 exceed the total amount apportioned for the fiscal
12 year ending on June 30, 2015. Any amounts in excess
13 of such limitation shall be placed to the credit of
14 the Rebuilding Oklahoma Access and Driver Safety Fund
15 created in Section 1521 of Title 69 of the Oklahoma
16 Statutes.

17 2. The monies apportioned pursuant to subparagraphs a through e
18 of paragraph 1 of this subsection shall be apportioned to the
19 various counties based upon the proportion that each county's
20 population bears to the total state population.

21 Each county's allocation of funds shall be remitted to the
22 various county treasurers to be deposited in the general fund of the
23 county and used for the support of county government.

1 I. 1. The following percentages of the monies referred to in
2 subsection A of this section shall be apportioned to the various
3 cities and incorporated towns as set forth in paragraph 2 of this
4 subsection:

5 a. from October 1, 2000, until June 30, 2001, three and
6 four one-hundredths percent (3.04%),

7 b. for the year beginning July 1, 2001, and ending June
8 30, 2002, three and eight one-hundredths percent
9 (3.08%),

10 c. for the year beginning July 1, 2002, through the year
11 ending on June 30, 2015, three and ten one-hundredths
12 percent (3.10%),

13 d. for the year beginning July 1, 2015, through the year
14 ending on June 30, 2019, three and ten one-hundredths
15 percent (3.10%), but in no event shall the amount
16 apportioned in any fiscal year pursuant to this
17 subparagraph exceed the total amount apportioned for
18 the fiscal year ending on June 30, 2015. Any amounts
19 in excess of such limitation shall be placed to the
20 credit of the General Revenue Fund, and

21 e. for the year beginning July 1, 2019, and all
22 subsequent years, three and ten one-hundredths percent
23 (3.10%), but in no event shall the amount apportioned
24 in any fiscal year pursuant to this subparagraph

1 exceed the total amount apportioned for the fiscal
2 year ending on June 30, 2015. Any amounts in excess
3 of such limitation shall be placed to the credit of
4 the Rebuilding Oklahoma Access and Driver Safety Fund
5 created in Section 1521 of Title 69 of the Oklahoma
6 Statutes.

7 2. The monies apportioned pursuant to subparagraphs a through e
8 of paragraph 1 of this subsection shall be apportioned to the
9 various cities and incorporated towns based upon the proportion that
10 each city or incorporated town's population bears to the total
11 population of all cities and incorporated towns in the state. Such
12 funds shall be remitted to the various county treasurers for
13 allocation to the various cities and incorporated towns. All such
14 funds shall be used for the construction, maintenance, repair,
15 improvement and lighting of streets and alleys. Provided, however,
16 the governing board of any city or town may, with the approval of
17 the county excise board, transfer any surplus funds to the general
18 revenue fund of such city or town whenever an emergency requires
19 such a transfer.

20 J. The following percentages of the monies referred to in
21 subsection A of this section shall be remitted to the State
22 Treasurer to be credited to the Oklahoma Law Enforcement Retirement
23 Fund:
24

1 1. From October 1, 2000, until June 30, 2001, one and twenty-
2 two one-hundredths percent (1.22%);

3 2. For the year beginning July 1, 2001, and ending June 30,
4 2002, one and twenty-three one-hundredths percent (1.23%); and

5 3. For the year beginning July 1, 2002, and all subsequent
6 years, one and twenty-four one-hundredths percent (1.24%).

7 K. Three one-hundredths of one percent (3/100 of 1%) of the
8 monies referred to in subsection A of this section shall be remitted
9 to the State Treasurer to be credited to the Wildlife Conservation
10 Fund. Seventy-five percent (75%) of the funds shall be used for
11 fish habitat restoration and twenty-five percent (25%) of the funds
12 shall be used in the fish hatchery system for fish production.

13 L. 1. For the year beginning July 1, 2007, and ending June 30,
14 2008, five percent (5%) of monies referred to in subsection A of
15 this section shall be remitted to the State Treasurer to be credited
16 to the County Improvements for Roads and Bridges Fund as created in
17 Section 507 of Title 69 of the Oklahoma Statutes.

18 2. For the year beginning July 1, 2008, and ending June 30,
19 2009, ten percent (10%) of monies referred to in subsection A of
20 this section shall be remitted to the State Treasurer to be credited
21 to the County Improvements for Roads and Bridges Fund as created in
22 Section 507 of Title 69 of the Oklahoma Statutes.

23 3. For the period beginning July 1, 2009, and ending December
24 31, 2012, fifteen percent (15%) of monies referred to in subsection

1 A of this section shall be remitted to the State Treasurer to be
2 credited to the County Improvements for Roads and Bridges Fund as
3 created in Section 507 of Title 69 of the Oklahoma Statutes.

4 4. For the period beginning January 1, 2013, and ending June
5 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of
6 monies referred to in subsection A of this section shall be remitted
7 to the State Treasurer to be credited to the County Improvements for
8 Roads and Bridges Fund as created in Section 507 of Title 69 of the
9 Oklahoma Statutes.

10 5. For the year beginning July 1, 2013, and ending June 30,
11 2014, eighteen percent (18%) of monies referred to in subsection A
12 of this section shall be remitted to the State Treasurer to be
13 credited to the County Improvements for Roads and Bridges Fund as
14 created in Section 507 of Title 69 of the Oklahoma Statutes.

15 6. For the year beginning July 1, 2014, twenty percent (20%) of
16 monies referred to in subsection A of this section shall be remitted
17 to the State Treasurer to be credited to the County Improvements for
18 Roads and Bridges Fund as created in Section 507 of Title 69 of the
19 Oklahoma Statutes.

20 7. For the year beginning July 1, 2015, through the year ending
21 on June 30, 2019, twenty percent (20%) of monies referred to in
22 subsection A of this section shall be remitted to the State
23 Treasurer to be credited to the County Improvements for Roads and
24 Bridges Fund as created in Section 507 of Title 69 of the Oklahoma

1 Statutes, but in no event shall the total amount apportioned in any
2 fiscal year pursuant to this paragraph exceed One Hundred Twenty
3 Million Dollars (\$120,000,000.00). Any amounts in excess of One
4 Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to
5 the credit of the General Revenue Fund.

6 8. For the year beginning July 1, 2019, and all subsequent
7 years, twenty percent (20%) of monies referred to in subsection A of
8 this section shall be remitted to the State Treasurer to be credited
9 to the County Improvements for Roads and Bridges Fund as created in
10 Section 507 of Title 69 of the Oklahoma Statutes, but in no event
11 shall the total amount apportioned in any fiscal year pursuant to
12 this paragraph exceed One Hundred Twenty Million Dollars
13 (\$120,000,000.00). Any amounts in excess of One Hundred Twenty
14 Million Dollars (\$120,000,000.00) shall be placed to the credit of
15 the Rebuilding Oklahoma Access and Driver Safety Fund created in
16 Section 1521 of Title 69 of the Oklahoma Statutes.

17 M. Twenty-four and eighty-four one-hundredths percent (24.84%)
18 of the monies referred to in subsection A of this section shall be
19 remitted to the State Treasurer to be credited to the Rebuilding
20 Oklahoma Access and Driver Safety Fund created in Section 1521 of
21 Title 69 of the Oklahoma Statutes.

22 N. Monies allocated to counties by this section may be
23 estimated by the county excise board in the budget for the county as
24 anticipated revenue to the extent of ninety percent (90%) of the

1 previous year's income from such source; provided, not more than
2 fifteen percent (15%) can be encumbered during any month.

3 O. Notwithstanding any other provisions of this section, for
4 the fiscal year beginning July 1, 2003, the first One Hundred
5 Thousand Dollars (\$100,000.00) of the monies collected or received
6 by the Tax Commission pursuant to the registration of motorcycles
7 and mopeds in this state shall be placed to the credit of the
8 Oklahoma Tax Commission Revolving Fund.

9 SECTION 17. AMENDATORY 47 O.S. 2011, Section 1148, is
10 amended to read as follows:

11 Section 1148. The local authorities of cities and towns of this
12 state shall have no power to pass, enforce, or maintain any
13 ordinances, rules, or regulations requiring from any owner to whom
14 ~~this act~~ Section 1101 et seq. of this title is applicable any tax,
15 fee, license, or permit for the free use of the public highways or
16 excluding or prohibiting any vehicle registered in compliance with
17 ~~this act~~ Section 1101 et seq. of this title or the accessories used
18 thereon from the free use of the public highways, and no ordinance,
19 rule, or regulation in any way contrary to or inconsistent with the
20 provisions of ~~this act~~ Section 1101 et seq. of this title, now in
21 force or hereafter enacted, shall have any force or effect. The
22 powers given to local authorities in municipalities to enact general
23 rules and ordinances applicable equally to all vehicles upon certain
24 streets in such cities where the traffic is heavy and continuous and

1 the powers given local authorities to regulate vehicles offered to
2 the public for hire or for processions, assemblages, or parades in
3 the streets or public places shall remain in full force and effect.
4 Local authorities may set aside a specified public highway or
5 highways for speed contests or races to be given under proper
6 restrictions for the safety of the public and may exclude by
7 ordinance or regulation vehicles used exclusively for commercial
8 purposes from the parks and parkways of this state, provided such
9 ordinance or regulation is applicable equally and generally to all
10 other vehicles used for the same purpose. The local authorities may
11 exclude vehicles from any cemetery or ground used for burial of the
12 dead. Cities and towns may regulate the speed of vehicles within
13 their corporate limits; and that as to streets and highways within
14 the corporate limits which have been constructed or reconstructed
15 with state or federal funds, local authorities shall have joint
16 authority with the ~~Transportation Commission~~ Director of the
17 Department of Transportation to establish or alter speed limits. No
18 local authority shall impose speed limits on any such street or
19 highway substantially lower than those justified by the highway
20 design, capacity, and traffic volume as determined by engineering
21 studies. A municipality may issue licenses authorizing the parking
22 or unloading of vehicles in zones on streets restricted for loading,
23 unloading or commercial use.

24

1 SECTION 18. AMENDATORY 60 O.S. 2011, Section 814, is
2 amended to read as follows:

3 Section 814. ~~This act~~ Section 801 et seq. of this title shall
4 not alter, amend, repeal, modify or affect the laws of this state
5 providing for the exercise of the power of eminent domain by public
6 or quasi-public agencies, authorities and instrumentalities or by
7 private persons, except as may be specifically provided herein and
8 except that the power of eminent domain may be exercised to condemn
9 and acquire airspace in the same manner as provided by law for the
10 acquisition of other real property or for rights or interests in
11 same. The procedure and rules provided by law for condemnation of
12 real property by public or quasi-public agencies, authorities and
13 instrumentalities and by private persons shall apply to the
14 condemnation of airspace. Whenever more than one procedure for
15 condemnation is provided by law and whenever there is doubt as to
16 which procedure applies in a particular condemnation proceeding, the
17 condemnation procedure applicable to the ~~State Highway Commission or~~
18 ~~agency~~ Department of Transportation shall be followed.

19 SECTION 19. AMENDATORY 61 O.S. 2011, Section 103.5, is
20 amended to read as follows:

21 Section 103.5. For purposes of the provisions of the Public
22 Competitive Bidding Act of 1974, contracts not exceeding Fifty
23 Thousand Dollars (\$50,000.00) entered into solely for right-of-way
24 clearance by the ~~Transportation Commission~~ Department of

1 Transportation and the Oklahoma Transportation Authority for the
2 exclusive purpose of demolition and removal of buildings,
3 foundations, slab floors, stem walls, steps, brush, shrubs,
4 brickbats or stone and all rubbish, scrap iron, fencing, and debris,
5 and the installation of new right-of-way fencing, shall not be
6 considered to be public construction contracts and shall not be
7 required to be open for competitive bidding.

8 SECTION 20. AMENDATORY 61 O.S. 2011, Section 118, is
9 amended to read as follows:

10 Section 118. A. In order to determine the responsibility of
11 bidders, the awarding public agency may require prospective bidders,
12 general contractors, subcontractors and material suppliers to
13 prequalify as responsible bidders prior to submitting bids on a
14 public construction contract. Prequalification to bid or perform
15 work pursuant to this section does not constitute a license. Except
16 as provided in subsection B of this section, prequalification shall
17 not serve as a substitute for a license otherwise required by law.
18 Notice of any such prequalification requirement shall be made
19 equally and uniformly known by the awarding public agency to all
20 prospective bidders and the public in the same manner as proposals
21 to award public construction contracts as set forth in Section 104
22 of this title. Financial information including, but not limited to,
23 audited financial statements required by the awarding public agency
24 as part of prequalification shall remain confidential.

1 B. ~~The Oklahoma Transportation Commission~~ Director of the
2 Department of Transportation and the Oklahoma Transportation
3 Authority may establish a system for prequalifying prospective
4 bidders on construction and maintenance contracts to be awarded by
5 the ~~Commission~~ Department or Authority. The ~~Commission~~ Department
6 and the Authority shall be the sole judge of the qualifications of
7 prospective bidders and shall ascertain, to their exclusive
8 satisfaction, the qualifications of each prequalified bidder. Any
9 contractor or subcontractor prequalified as of ~~the effective date of~~
10 ~~this act~~ July 1, 1994, performing signing, highway lighting, or
11 traffic signal installation or maintenance for the Oklahoma
12 Department of Transportation or the Oklahoma Transportation
13 Authority shall be allowed to continue to bid and perform such work
14 without obtaining any additional license from this state or any
15 political subdivision of this state. However, no contractor or
16 subcontractor may transfer, convey or assign this exemption to any
17 other person or entity.

18 SECTION 21. AMENDATORY 61 O.S. 2011, Section 121, as
19 last amended by Section 1, Chapter 68, O.S.L. 2017 (61 O.S. Supp.
20 2018, Section 121), is amended to read as follows:

21 Section 121. A. Change orders or addenda to public
22 construction contracts of One Million Dollars (\$1,000,000.00) or
23 less shall not exceed a fifteen percent (15%) cumulative increase in
24 the original contract amount.

1 B. Change orders or addenda to public construction contracts of
2 over One Million Dollars (\$1,000,000.00) shall not exceed the
3 greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten
4 percent (10%) cumulative increase in the original contract amount.

5 C. Change orders or cumulative change orders which exceed the
6 limits of subsection A or B of this section shall require a
7 readvertising for bids on the incomplete portions of the contract.

8 D. If the awarding public agency does not have a governing
9 body, the chief administrative officer of the awarding public agency
10 shall approve change orders. The State Construction Administrator
11 of the Construction and Properties Division of the Office of
12 Management and Enterprise Services, or the Administrator's designee,
13 shall sign and execute all contracts and change orders, as they
14 relate to state agencies.

15 E. If the awarding public agency has a governing body, all
16 change orders shall be formally approved by the governing body of
17 the awarding public agency and the reasons for approval recorded in
18 the permanent records of the governing body. The governing body of
19 a municipality or technology center may delegate approval of change
20 orders up to Forty Thousand Dollars (\$40,000.00) or ten percent
21 (10%) of any contract, whichever is less, to the chief
22 administrative officer of the municipality or technology center or
23 their designee, with any approved change orders reported to the
24 governing body at the next regularly scheduled meeting.

1 F. The Oklahoma Veterans Commission, as the governing body of
2 the Oklahoma Department of Veterans Affairs, is authorized to
3 delegate to the Director of the agency the authority to approve
4 change orders on a construction contract provided that the
5 individual change order does not exceed Forty Thousand Dollars
6 (\$40,000.00) in expenditure, and complies with the limits
7 established by this section. Change orders approved by the Director
8 pursuant to a delegation of authority shall be presented to the
9 Commission during the next regular meeting and the reasons for the
10 orders recorded in permanent records.

11 G. The governing body of the Oklahoma Tourism and Recreation
12 Department is authorized, upon approval of a majority of all of the
13 members of the Oklahoma Tourism and Recreation Commission, to
14 delegate to the Director of the agency the authority to approve
15 change orders on a construction contract provided that the
16 individual change order does not exceed Twenty-five Thousand Dollars
17 (\$25,000.00) in expenditure and complies with the limits established
18 by this section. The Administrator of the Division shall sign and
19 execute all contracts and change orders.

20 H. ~~The Transportation Commission may, by rule, authorize the~~
21 Director of the Department of Transportation is authorized to
22 approve change orders in an amount of not to exceed Five Hundred
23 Thousand Dollars (\$500,000.00). Change orders approved by the
24 Director shall be ~~presented to the Transportation Commission during~~

1 ~~the next regular meeting~~ documented in writing and the reasons
2 therefor recorded in the permanent records of the Department. The
3 Oklahoma Turnpike Authority may authorize the Director of the
4 Authority to approve change orders in an amount not to exceed Two
5 Hundred Fifty Thousand Dollars (\$250,000.00). Change orders
6 approved by the Director of the Authority shall be presented to the
7 Authority during the next regular meeting and the reasons for the
8 orders recorded in permanent records.

9 I. All change orders for the Department of Transportation or
10 the Authority shall contain a unit price and total for each of the
11 following items:

12 1. All materials with cost per item;

13 2. Itemization of all labor with number of hours per operation
14 and cost per hour;

15 3. Itemization of all equipment with the type of equipment,
16 number of each type, cost per hour for each type, and number of
17 hours of actual operation for each type;

18 4. Itemization of insurance cost, bond cost, social security,
19 taxes, workers' compensation, employee fringe benefits and overhead
20 cost; and

21 5. Profit for the contractor.

22 J. 1. If a construction contract contains unit pricing, and
23 the change order pertains to the unit price, the change order will
24 not be subject to subsection A or B of this section.

1 2. When the unit price change does not exceed Twenty Thousand
2 Dollars (\$20,000.00), the unit price change order computation may be
3 based on an acceptable unit price basis in lieu of cost itemization
4 as required in paragraphs 1, 2, 3, 4 and 5 of subsection I of this
5 section.

6 3. When the unit price change exceeds Twenty Thousand Dollars
7 (\$20,000.00), any unit price for a new item established at or below
8 the average eighteen-month-price history for the new item may be
9 used in lieu of cost itemization as required in paragraphs 1, 2, 3,
10 4 and 5 of subsection I of this section.

11 K. Alternates or add items bid with the original bid and
12 contained in the awarded contract as options of the awarding public
13 agency shall not be construed as change orders under the provisions
14 of the Public Competitive Bidding Act of 1974.

15 SECTION 22. AMENDATORY 61 O.S. 2011, Section 130, as
16 last amended by Section 1, Chapter 293, O.S.L. 2016 (61 O.S. Supp.
17 2018, Section 130), is amended to read as follows:

18 Section 130. A. The provisions of the Public Competitive
19 Bidding Act of 1974 with reference to notice and bids shall not
20 apply to an emergency if:

21 1. The governing body of a public agency declares by a two-
22 thirds (2/3) majority vote of all of the members of the governing
23 body that an emergency exists;

24

1 2. The ~~Transportation Commission and the~~ Oklahoma Tourism and
2 Recreation Commission, by majority vote of all the members of ~~each~~
3 the Commission, and the Director of the Department of
4 Transportation, declare that an emergency exists; or

5 3. The chief administrative officer of a public agency without
6 a governing body declares that an emergency exists.

7 B. The governing body of a public agency may, upon approval of
8 two-thirds (2/3) majority of all of the members of the governing
9 body, delegate to the chief administrative officer of a public
10 agency the authority to declare an emergency whereby the provisions
11 of the Public Competitive Bidding Act of 1974 with reference to
12 notice and bids shall not apply to contracts less than Seventy-five
13 Thousand Dollars (\$75,000.00) in amount; provided, such authority of
14 the Department of Transportation and the Oklahoma Turnpike Authority
15 shall not extend to any contract exceeding Seven Hundred Fifty
16 Thousand Dollars (\$750,000.00) in amount and such authority of the
17 Department of Corrections shall not extend to any contract exceeding
18 Two Hundred Fifty Thousand Dollars (\$250,000.00) in amount for
19 situations in which the emergency impacts the conditions of
20 confinement, health and safety of correctional officers and inmates
21 in the custody of the Department of Corrections.

22 C. Upon approval of a two-thirds (2/3) majority vote, the
23 Oklahoma Conservation Commission may delegate to the Executive
24 Director the authority to declare an emergency and set a monetary

1 limit for the declaration. The provisions of this subsection may
2 only be used for the purpose of responding to an emergency involving
3 the reclamation of abandoned coal mines or the repair of damaged
4 upstream floodwater retarding structures.

5 D. An emergency declared by the Board of Corrections pursuant
6 to subsection C of Section 65 of this title shall exempt the
7 Department of Corrections from the limits which would otherwise be
8 imposed pursuant to subsection B of this section for the contracting
9 and construction of new or expanded correctional facilities.

10 E. The chief administrative officer of a public agency with a
11 governing body shall notify the governing body within ten (10) days
12 of the declaration of an emergency if the governing body did not
13 approve the emergency. The notification shall contain a statement
14 of the reasons for the action, and shall be recorded in the official
15 minutes of the governing body.

16 F. Emergency as used in this section shall be limited to
17 conditions resulting from a sudden unexpected happening or
18 unforeseen occurrence or condition whereby the public health or
19 safety is endangered.

20 G. The chief administrative officer of a public agency shall
21 report an emergency within ten (10) days of the emergency
22 declaration and include the official minutes of the governing body
23 of the public agency, if applicable, to the State Construction
24 Administrator of the Construction and Properties Division of the

1 Office of Management and Enterprise Services who shall compile an
2 annual report detailing all emergencies declared pursuant to this
3 section during the previous calendar year. The report shall be
4 submitted to the Governor, the President Pro Tempore of the Senate,
5 and the Speaker of the House of Representatives.

6 SECTION 23. AMENDATORY 66 O.S. 2011, Section 125a, is
7 amended to read as follows:

8 Section 125a. Whenever the public authorities having
9 jurisdiction and control over any public highway or street in this
10 state shall deem that the safety of lives and property at any
11 railroad intersection with any highway or street, shall so require,
12 such public authorities as are hereby authorized and empowered to
13 construct or install, or to order the company owning such railroad
14 so intersected, to construct or install, and thereafter maintain and
15 operate, an automatic or mechanically operated barricading device,
16 which, when giving warning, shall become a barrier in such highway
17 or street; provided, however, that before any such device is
18 constructed or installed, maintained and operated at a railroad
19 intersection, the detailed plans of such device, with a description
20 of the proposed mode of operation thereof, and a map showing the
21 proposed location of the same, shall be first submitted to, and
22 approved by, the ~~State Highway Commission of Oklahoma~~ Director of
23 the Department of Transportation.

24

1 SECTION 24. AMENDATORY 66 O.S. 2011, Section 125d, is
2 amended to read as follows:

3 Section 125d. The public authorities, or political subdivision
4 of the state or the ~~Highway Commission of the state~~ Director of the
5 Department of Transportation are authorized to cooperate with the
6 federal government in the construction, or installing, maintaining
7 and operating such barricading devices and other safety devices.

8 SECTION 25. AMENDATORY 66 O.S. 2011, Section 304, as
9 amended by Section 1, Chapter 377, O.S.L. 2013 (66 O.S. Supp. 2018,
10 Section 304), is amended to read as follows:

11 Section 304. A. The Department of Transportation is hereby
12 authorized and empowered:

13 1. To acquire, construct, reconstruct, repair, replace, operate
14 and maintain railroad rights-of-way and trackage projects at such
15 locations and on such routes as it shall determine to be feasible
16 and economically sound;

17 2. To enter into agreements with the owners of operating
18 railroads for the acquisition and/or use of railroad rights-of-way
19 and trackage on such terms, conditions, rates or rentals as the
20 Department may consider to be in the best interests of the state;

21 3. To enter directly into agreements with owners of operating
22 railroads or persons intending to operate as common carriers by rail
23 to sell, lease, or sell by lease-purchase agreement any state-owned
24 railroad property on such terms, conditions or amounts as the

1 Department may consider to be in the best interests of the state and
2 to promote the purposes of the Railroad Revitalization Act;

3 4. Prior to the sale of any railroad asset owned by the State
4 of Oklahoma or the Department of Transportation, a process of
5 request for proposal shall be initiated by the Department of
6 Transportation with consultation by the Office of Management and
7 Enterprise Services. Upon the issue date of a request for proposal
8 regarding the sale of any railroad asset owned by the State of
9 Oklahoma or the Department of Transportation, interested parties
10 will have no less than ninety (90) days to provide a response.
11 Following the close of the ninety-day response period, the
12 Department of Transportation will conduct an evaluation of all
13 submitted proposals, utilizing all available resources, and the
14 Department of Commerce shall conduct an economic impact and/or
15 activity study of all proposals. The Secretary of Transportation,
16 Secretary of Finance, Secretary of Commerce, Secretary of
17 Agriculture, and Secretary of Energy shall be responsible for
18 preparing a recommendation to the ~~Transportation Commission~~ Director
19 of the Department of Transportation, based on its evaluation of all
20 submitted proposals including the results of the economic impact
21 and/or activity study, provided the recommendation meets all other
22 statutory requirements needed for action by the ~~Commission~~ Director.
23 The Secretary of Transportation, Secretary of Finance, Secretary of
24 Commerce, Secretary of Agriculture, and Secretary of Energy will

1 have up to ninety (90) days, upon the closing date of the request
2 for proposal, to present its recommendation to the ~~Transportation~~
3 ~~Commission~~ Director. The ~~Transportation Commission~~ Director will be
4 responsible for determining if the sale of railroad assets within
5 ~~its~~ his or her jurisdiction is in the best interests of the State of
6 Oklahoma and for authorizing the sale of such assets. If a
7 determination is rendered by the ~~Transportation Commission~~ Director
8 that the sale of any railroad asset within its jurisdiction is
9 appropriate, notification must be made to the Speaker of the House
10 of Representatives and the President Pro Tempore of the Senate in
11 writing prior to the ~~Commission meeting where~~ final action ~~will take~~
12 taking place. All proceeds from the sale shall be deposited into
13 the Railroad Maintenance Revolving Fund;

14 5. To acquire and hold real or personal property in the
15 exercise of its powers for the performance of its duties as
16 authorized by ~~this act~~ the Railroad Revitalization Act. Surplus
17 property may be disposed of by the Department;

18 6. To acquire in the name of the Department, 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, such
21 public or private lands and personalty, including public parks,
22 playgrounds, or reservations, or parts thereof or rights therein,
23 rights-of-way, trackage, property, rights, easements, and interests,
24

1 as it may deem necessary for carrying out the provisions of the
2 Railroad Revitalization Act;

3 7. To make and enter into all contracts and agreements
4 necessary or incidental to the performance of its duties and the
5 execution of its powers under the Railroad Revitalization Act, and
6 to employ rail planning and management consultants, consulting
7 engineers, attorneys, accountants, construction and financial
8 consultants, superintendents, managers, and such other employees and
9 agents as may be necessary in its judgment, and to fix their
10 compensation; provided, that all such expenses shall be payable
11 solely from funds made available under and pursuant to the
12 provisions of the Railroad Revitalization Act or from revenues;
13 provided, further, no attorney employed by the Department, nor any
14 member of any law firm of which the member may be connected, shall
15 ever be paid any fee or compensation for any special or
16 extraordinary services;

17 8. To receive, accept and expend funds from the state, any
18 federal agency, or from private sources, for rail planning and for
19 administration of railroad assistance projects, and for or in aid of
20 the acquisition, construction, reconstruction, replacement, repair,
21 maintenance and operation of railroad rights-of-way and trackage and
22 for rail service continuation payments to railroad companies for
23 operating losses sustained by reasons of continuing service on a
24 line which may otherwise be abandoned or which may experience a

1 reduced level of service not in the public interest, where such
2 continuation of service is carried out under a written agreement
3 with the Department establishing the terms and conditions for such
4 payments, and to receive and accept funds, aid or contributions from
5 any source of either money, property, labor or other things of
6 value, to be held, used and applied only for the purposes for which
7 such funds, aid or contributions may be made;

8 9. To adopt such rules and to do any and all things necessary
9 to comply with rules, regulations or requirements of the United
10 States Department of Transportation, any successor thereof, the
11 Surface Transportation Board or any federal agency administering any
12 law enacted by the Congress of the United States or having funds
13 available for the purpose of the Department that are not
14 inconsistent with or contrary to the prohibitions and restrictions
15 of Oklahoma law or public interest;

16 10. To expend, not to exceed twenty percent (20%) of the funds
17 available in the Railroad Maintenance Revolving Fund during any one
18 (1) year, at locations approved by the Oklahoma Corporation
19 Commission, such Railroad Maintenance Revolving Fund monies as may
20 be budgeted by the Department of Transportation for the purposes of
21 installing signal lights, gate arms, or other active warning devices
22 where any public road, street, or highway crosses a railroad right-
23 of-way; provided, however, nothing in ~~this act~~ the Railroad

24

1 Revitalization Act shall negate, change, or otherwise modify any
2 existing statutory or common law duty of a railroad company;

3 11. To expend income and funds from the Railroad Maintenance
4 Revolving Fund in the exercise of any or all of the foregoing
5 powers; and

6 12. To do all things necessary or convenient to carry out the
7 powers expressly granted in ~~this act~~ the Railroad Revitalization
8 Act.

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

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

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

23

24

1 C. All meetings of the Department shall be open public
2 meetings, and all records shall be public records, except when
3 considering personnel.

4 SECTION 26. AMENDATORY 66 O.S. 2011, Section 309.3, is
5 amended to read as follows:

6 Section 309.3. The exercise of the powers granted to the
7 Department of Transportation by the Railroad Rehabilitation Act will
8 be in all respects for the benefit of the people of this state, for
9 the increase of their commerce and prosperity and shall be
10 recognized as an essential government function.

11 1. On or before November 1, 2002, the Department may make loans
12 from the Oklahoma Railroad Maintenance Revolving Fund to a qualified
13 railroad entity for the purpose of financing the rehabilitation of
14 railroads in this state.

15 2. Rehabilitation loans shall be made upon such terms as the
16 Department deems appropriate. The loans shall be at or below market
17 interest and for a duration not to exceed ten (10) years. All loan
18 applications are subject to the approval of the ~~Transportation~~
19 ~~Commission~~ Director of the Department of Transportation.

20 3. ~~The Department shall adopt within one hundred twenty (120)~~
21 ~~days of the effective date of this act any emergency rules necessary~~
22 ~~to the implementation of this act.~~

23 4. No more than fifty percent (50%) of the balance of the
24 Oklahoma Railroad Maintenance Revolving Fund for any one (1) year

1 may be encumbered for Railroad Rehabilitation Act loans and the
2 aggregate amount of all loans from the Oklahoma Railroad Maintenance
3 Revolving Fund shall not exceed Five Million Dollars
4 (\$5,000,000.00).

5 SECTION 27. AMENDATORY 68 O.S. 2011, Section 500.6, as
6 amended by Section 4, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2018,
7 Section 500.6), is amended to read as follows:

8 Section 500.6. A. The tax of sixteen cents (\$0.16) per gallon
9 of gasoline that is levied by paragraph 1 of subsection A of Section
10 500.4 of this title, the tax upon compressed natural gas levied by
11 paragraph 3 of subsection A of Section 500.4 of this title, the tax
12 upon liquefied natural gas levied by paragraph 4 of subsection A of
13 Section 500.4 of this title and the tax of two and eight one-
14 hundredths cents (\$0.0208) per gallon of gasoline that is levied by
15 subsection C of Section 500.4 of this title, and penalties and
16 interest thereon, collected by the Oklahoma Tax Commission under the
17 levy shall be apportioned and distributed monthly as follows:

18 1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00)
19 of the levy collected each month shall be deposited in the State
20 Treasury to the credit of the State Transportation Fund;

21 2. One and six hundred twenty-five one-thousandths percent
22 (1.625%) of the levy shall be remitted to the State Treasurer to the
23 credit of the High Priority State Bridge Revolving Fund as created
24 in Section 506 of Title 69 of the Oklahoma Statutes;

1 3. Sixty-three and seventy-five one-hundredths percent (63.75%)
2 of the levy shall be deposited in the State Treasury to the credit
3 of the State Transportation Fund to be apportioned as follows:

4 a. the first Eight Hundred Fifty Thousand Dollars
5 (\$850,000.00) collected each fiscal year shall be
6 transferred to the Public Transit Revolving Fund,
7 created in Section 4031 of Title 69 of the Oklahoma
8 Statutes, and

9 b. the second Eight Hundred Fifty Thousand Dollars
10 (\$850,000.00) collected each fiscal year shall be
11 transferred to the Oklahoma Tourism and Passenger Rail
12 Revolving Fund and shall be used by the Department of
13 Transportation:

14 (1) to contract railroad passenger services,
15 including but not limited to a route linking
16 stations in Oklahoma and Tulsa Counties with
17 other primary points in the national railroad
18 passenger system and passenger rail service
19 within the state, and a route beginning at a
20 station in Oklahoma County and extending north to
21 the Kansas state line in Kay County, and

22 (2) to provide necessary facility, signaling, and
23 track improvements for those contracted services,
24

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

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

11 e. any remaining amount of the apportionment shall be
12 deposited into the State Transportation Fund;

13 4. Twenty-seven percent (27%) of the levy shall be transmitted
14 by the Tax Commission to the various counties of the state, to be
15 apportioned and used as follows:

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

19 (1) forty percent (40%) of such sum shall be
20 distributed to the various counties in the
21 proportion which the county road mileage of each
22 county bears to the entire state road mileage as
23 certified by the ~~Transportation Commission~~
24 Director of the Department of Transportation, and

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

9 b. twenty-three and one-tenth percent (23.1%) of the
10 monies apportioned under this paragraph shall be
11 distributed to the counties in the following manner:
12 One-third (1/3) on area; one-third (1/3) on rural
13 population, defined as including the population of all
14 municipalities with a population of less than five
15 thousand (5,000) according to the latest Federal
16 Decennial Census; and one-third (1/3) on county road
17 mileage, as last certified by the Department of
18 Transportation, as each county bears to the entire
19 area, rural population and road mileage of the state,
20 and

21 c. eleven and six-tenths percent (11.6%) of the monies
22 apportioned under this paragraph shall be distributed
23 to the various counties of the state based on a
24 formula developed by the Department of Transportation

1 and approved by the Department of Transportation
2 County Advisory Board created pursuant to Section
3 302.1 of Title 69 of the Oklahoma Statutes. The
4 formula shall be similar to the formula currently used
5 for the distribution of monies in the County Bridge
6 Program funds, but shall also take into consideration
7 the effect of the terrain and traffic volume as
8 related to county road improvement and maintenance
9 costs;

10 5. Three and one hundred twenty-five one-thousandths percent
11 (3.125%) of the levy shall be distributed to the various counties of
12 the state based on a formula developed by the Department of
13 Transportation and approved by the Department of Transportation
14 County Advisory Board created pursuant to Section 302.1 of Title 69
15 of the Oklahoma Statutes. The formula shall be similar to the
16 formula currently used for the distribution of monies in the County
17 Bridge Program funds, but shall also take into consideration the
18 effect of the terrain and traffic volume as related to county road
19 improvement and maintenance costs;

20 6. Two and two hundred ninety-seven one-thousandths percent
21 (2.297%) of the levy shall be distributed to the various counties of
22 the state for deposit into the County Bridge and Road Improvement
23 Fund of each county based on a formula developed by the Department
24 of Transportation and approved by the Department of Transportation

1 County Advisory Board created pursuant to Section 302.1 of Title 69
2 of the Oklahoma Statutes to be used for the purposes set forth in
3 the County Bridge and Road Improvement Act. The formula shall be
4 similar to the formula currently used for the distribution of monies
5 in the County Bridge Program funds, but shall also take into
6 consideration the effect of the terrain and traffic volume as
7 related to county road improvement and maintenance costs;

8 7. One and eight hundred seventy-five one-thousandths percent
9 (1.875%) of the levy shall be transmitted by the Tax Commission to
10 the treasurers of the various incorporated cities and towns of the
11 state in the percentage which the population, as shown by the last
12 Federal Decennial Census or the most recent annual estimate provided
13 by the U.S. Bureau of the Census, bears to the total population of
14 all the incorporated cities and towns in this state. The funds
15 shall be expended for the construction, repair and maintenance of
16 the streets and alleys of the incorporated cities and towns of this
17 state; and

18 8. Three hundred twenty-eight one-thousandths percent (0.328%)
19 of the levy shall be transmitted by the Tax Commission to the
20 Statewide Circuit Engineering District Revolving Fund as created in
21 Section 687.2 of Title 69 of the Oklahoma Statutes.

22 B. 1. The funds apportioned or transmitted pursuant to
23 subparagraphs a, b, and c of paragraph 4 of subsection A of this
24 section, subsection B of Section 500.7 of this title, subsection B

1 of Section 704 of this title, Section 706 of this title, and
2 paragraph 2 of subsection D of Section 707.3 of this title shall be
3 sent to the respective county treasurers and deposited in the county
4 highway fund to be used by the county commissioners for the purpose
5 of constructing and maintaining county highways and bridges.

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

15 3. Where any county highway has been laid out over a road
16 already constructed in any county by the use of money raised from
17 county bond issues for that purpose, either alone or by the use of
18 federal or state aid, or both, the county commissioners may set
19 aside out of the funds apportioned to that county, as provided in
20 this section, an amount of money equal to the value of any part
21 thereof, of the interest of such county in such highway or bridge,
22 which amount of money shall be considered by the excise board in
23 reducing the levy for the purpose of retiring the bonded
24 indebtedness and interest thereon of the county, and shall be used

1 for investment or deposit in the same manner as provided by law for
2 the disposition of other sinking fund money.

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

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

14 C. With regards to the apportionment of the levy as set forth
15 in paragraph 5 of subsection A of this section, paragraph 5 of
16 subsection A of Section 500.7 of this title, and subsection C of
17 Section 707.2 of this title:

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

22 2. If any county has an accrued balance of funds which were
23 appropriated to or otherwise accrued in the County Road Improvement
24 Fund, or the County Bridge Improvement Fund, such funds shall, by

1 resolution approved by a majority of the board of county
2 commissioners and filed with the Department of Transportation, be
3 deposited in the county highway fund of the county;

4 3. If any county has an accrued balance of funds which were
5 appropriated to or otherwise accrued in the County Bridge and Road
6 Improvement Fund, ninety-nine percent (99%) of such funds shall be
7 remitted to the respective county treasurer for deposit in the
8 appropriate County Bridge and Road Improvement Fund to be used for
9 the purpose set forth in the County Bridge and Road Improvement Act.
10 The remaining one percent (1%) of such funds will be remitted to the
11 Statewide Circuit Engineering District Revolving Fund; and

12 4. If any county has an advanced funding agreement with the
13 Department of Transportation, the Department of Transportation shall
14 notify the Tax Commission as to the amount the county is obligated
15 to pay according to the terms of the advanced funding agreement.
16 The obligated amount shall be transferred each month by the Tax
17 Commission to the Department of Transportation to the credit of the
18 County Bridge and Road Improvement Fund from the funds apportioned
19 to the county pursuant to paragraph 5 of subsection A of this
20 section. A county may elect to increase the monthly amount to be
21 repaid pursuant to the advanced funding agreement from the funds
22 apportioned to the county, but a county shall not be permitted to
23 reduce the amount agreed to pursuant to the advanced funding
24 agreement.

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

7 SECTION 28. AMENDATORY 68 O.S. 2011, Section 500.7, is
8 amended to read as follows:

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

14 1. The first Eighty-three Thousand Three Hundred Thirty-three
15 Dollars and thirty-three cents (\$83,333.33) of the levy collected
16 each month shall be deposited in the State Treasury to the credit of
17 the State Transportation Fund;

18 2. One and thirty-nine one-hundredths percent (1.39%) of the
19 levy shall be paid by the Commission to the State Treasurer to the
20 credit of the High Priority State Bridge Revolving Fund as created
21 in Section 506 of Title 69 of the Oklahoma Statutes;

22 3. Sixty-four and thirty-four one-hundredths percent (64.34%)
23 of the levy shall be deposited in the State Treasury to the credit
24 of the State Transportation Fund;

1 4. Twenty-six and fifty-eight one-hundredths percent (26.58%)
2 of the levy shall be transmitted by the Commission to various
3 counties of the state, to be apportioned as follows:

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

12 b. fourteen and five-tenths percent (14.5%) of the monies
13 apportioned under this paragraph shall be distributed
14 as follows:

15 Forty percent (40%) of such sum shall be distributed
16 to the various counties in that proportion which the
17 county road mileage of each county bears to the entire
18 state road mileage as certified by the ~~Transportation~~
19 ~~Commission~~ Director of the Department of
20 Transportation, and the remaining sixty percent (60%)
21 of such sum shall be distributed to the various
22 counties on the basis which the population and area of
23 each county bears to the total population and area of
24 the state. The population shall be as shown by the

1 last Federal Decennial Census or the most recent
2 annual estimate provided by the U.S. Bureau of the
3 Census,

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

16 d. fourteen and five-tenths percent (14.5%) of the monies
17 apportioned under this paragraph shall be distributed
18 to the various counties of the state based on a
19 formula developed by the Department of Transportation
20 and approved by the Department of Transportation
21 County Advisory Board created pursuant to Section
22 302.1 of Title 69 of the Oklahoma Statutes. The
23 formula shall be similar to the formula currently used
24 for the distribution of the County Bridge Program

1 funds, but shall also take into consideration the
2 effect of the terrain and traffic volume as related to
3 the county road improvement and maintenance costs;

4 5. Three and eighty-five one-hundredths percent (3.85%) of the
5 levy shall be distributed based on a formula developed by the
6 Department of Transportation and approved by the Department of
7 Transportation County Advisory Board created pursuant to Section
8 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be
9 similar to the formula currently used for the distribution of the
10 County Bridge Program funds, but shall also take into consideration
11 the effect of the terrain and traffic volume as related to the
12 county road improvement and maintenance costs. The apportionment of
13 the levy as set forth in this paragraph shall be subject to the
14 provisions of subsection C of Section 500.6 of this title; and

15 6. Three and thirty-six one-hundredths percent (3.36%) of the
16 levy shall be distributed to the various counties of the state for
17 deposit into the County Bridge and Road Improvement Fund of each
18 county based on a formula developed by the Department of
19 Transportation and approved by the Department of Transportation
20 County Advisory Board created pursuant to Section 302.1 of Title 69
21 of the Oklahoma Statutes to be used for the purposes set forth in
22 the County Bridge and Road Improvement Act. The formula shall be
23 similar to the formula currently used for the distribution of monies
24 in the County Bridge Program funds, but shall also take into

1 consideration the effect of the terrain and traffic volume as
2 related to county road improvement and maintenance costs; and

3 7. Forty-eight one-hundredths percent (0.48%) of the levy shall
4 be transmitted by the Tax Commission to the Statewide Circuit
5 Engineering District Revolving Fund as created in Section 687.2 of
6 Title 69 of the Oklahoma Statutes.

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

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

17 SECTION 29. AMENDATORY 68 O.S. 2011, Section 704, is
18 amended to read as follows:

19 Section 704. A. The purpose of Section 701 et seq. of this
20 title is to provide revenue for general governmental functions of
21 state government and for the construction and maintenance of state
22 and county highways and bridges. The tax, including penalties and
23 interest collected under the levy in Section 703 of this title,
24 shall be apportioned monthly for use as follows:

1 1. An amount equal to the revenue, including penalties and
2 interest thereon, accruing from four cents (\$0.04) per gallon of the
3 five and one-half cents (\$0.055) per gallon collected of the tax
4 levied by Section 703 of this title, shall be apportioned monthly
5 and used for the following purposes:

6 a. three percent (3%) shall be paid by the Tax Commission
7 to the State Treasurer and placed to the credit of the
8 General Revenue Fund of the State Treasury,

9 b. seventy-two and three-fourths percent (72 3/4%) shall
10 be deposited in the State Treasury to the credit of
11 the State Transportation Fund, and

12 c. twenty-four and one-fourth percent (24 1/4%) shall be
13 transmitted by the Tax Commission to various counties
14 of the state, in the percentage which the population
15 and area of each county bears to the population and
16 area of the entire state. The population shall be as
17 shown by the last Federal Census or the most recent
18 annual estimate provided by the U.S. Bureau of the
19 Census;

20 2. An amount equal to the revenue, including penalties and
21 interest thereon, accruing from one cent (\$0.01) per gallon of the
22 five and one-half cents (\$0.055) per gallon collected of the tax
23 levied by Section 703 of this title, shall be apportioned monthly
24

1 and shall be deposited in the State Treasury to the credit of the
2 State Transportation Fund; and

3 3. An amount equal to the revenue, including penalties and
4 interest thereon, accruing from one-half cent (\$0.005) per gallon of
5 the five and one-half cents (\$0.055) per gallon collected of the tax
6 levied by Section 703 of this title, shall be apportioned monthly
7 and distributed as follows:

8 Forty percent (40%) of such sum shall be distributed to the
9 various counties in that proportion which the county road mileage of
10 each county bears to the entire state road mileage as certified by
11 the ~~State Transportation Commission~~ Director of the Department of
12 Transportation, and the remaining sixty percent (60%) of such sum
13 shall be distributed to the various counties on the basis which the
14 population and area of each county bears to the total population and
15 area of the state. The population shall be as shown by the last
16 Federal Census or the most recent annual estimate provided by the
17 U.S. Bureau of the Census.

18 B. The funds apportioned or transmitted pursuant to the
19 provisions of subparagraph c of paragraph 1 of subsection A of this
20 section and paragraph 3 of subsection A of this section shall be
21 used in accordance with and subject to the provisions of subsection
22 B of Section 500.6 of this title.

23 SECTION 30. AMENDATORY 68 O.S. 2011, Section 2204, is
24 amended to read as follows:

1 Section 2204. All revenues collected pursuant to the provisions
2 of Section 2201 et seq. of this title shall be paid by the Tax
3 Commission to the State Treasurer and placed to the credit of the
4 Oklahoma Department of Transportation in the Railroad Maintenance
5 Revolving Fund for the implementation of the Railroad Revitalization
6 Act or for matching of available federal funds for at-grade railroad
7 crossing protection projects. Such crossing projects must be
8 authorized by the ~~Transportation Commission~~ Director of the
9 Department of Transportation.

10 SECTION 31. AMENDATORY 68 O.S. 2011, Section 2368.6, as
11 amended by Section 552, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
12 2018, Section 2368.6), is amended to read as follows:

13 Section 2368.6. A. Each state individual income tax return
14 form for tax years which begin after December 31, 2003, and each
15 state corporate tax return form for tax years beginning after
16 December 31, 2003, shall contain a provision to allow a donation
17 from a tax refund for the benefit of maintenance of the roads and
18 highways in this state, as follows:

19 Support of Oklahoma Road and Highway Maintenance. Check if you
20 wish to donate from your tax refund: () \$2, () \$5, or () \$____.

21 B. Except as otherwise provided for in this section, all monies
22 generated pursuant to subsection A of this section shall be paid to
23 the State Treasurer by the Oklahoma Tax Commission and placed to the
24 credit of the Income Tax Checkoff Revolving Fund for the Support of

1 Oklahoma Road and Highway Maintenance created in subsection C of
2 this section.

3 C. There is hereby created in the State Treasury a revolving
4 fund for the Department of Transportation to be designated the
5 "Income Tax Checkoff Revolving Fund for the Support of Oklahoma Road
6 and Highway Maintenance". The fund shall be a continuing fund, not
7 subject to fiscal year limitations, and shall consist of all monies
8 apportioned to the fund pursuant to the provisions of this section.
9 All monies accruing to the credit of the fund are hereby
10 appropriated and may be budgeted and expended by the Department of
11 Transportation for the purpose of funding road and highway
12 maintenance in this state. Such monies shall be apportioned as and
13 in a manner specified by the ~~Transportation Commission~~ Director of
14 the Department of Transportation. Expenditures from the fund shall
15 be made upon warrants issued by the State Treasurer against claims
16 filed as prescribed by law with the Director of the Office of
17 Management and Enterprise Services for approval and payment.

18 D. If a taxpayer makes a donation pursuant to subsection A of
19 this section in error, such taxpayer may file a claim for refund at
20 any time within three (3) years from the due date of the tax return.
21 Such claims shall be filed pursuant to the provisions of Section
22 2373 of this title. Prior to the apportionment set forth in this
23 section, an amount equal to the total amount of refunds made
24 pursuant to this subsection during any one (1) year shall be

1 deducted from the total donations received pursuant to this section
2 during the following year and such amount deducted shall be paid to
3 the State Treasurer and placed to the credit of the Income Tax
4 Withholding Refund Account.

5 SECTION 32. AMENDATORY 69 O.S. 2011, Section 101, is
6 amended to read as follows:

7 Section 101. ~~(a)~~ A. Recognizing that safe and efficient
8 highway transportation is a matter of important interest to all the
9 people in the state, the Legislature hereby determines and declares
10 that an integrated system of roads and highways is essential to the
11 general welfare of the State of Oklahoma.

12 ~~(b)~~ B. The provision of such a system of facilities, and its
13 efficient management, operation and control, are recognized as
14 urgent problems, and as the proper objectives of highway
15 legislation.

16 ~~(c)~~ C. Inadequate roads and streets obstruct the free flow of
17 traffic; result in undue cost of motor vehicle operation; endanger
18 the health and safety of the citizens of the state; depreciate
19 property values; and impede generally economic and social progress
20 of the state.

21 ~~(d)~~ D. In designating the highway systems of this state, as
22 hereinafter provided, the Legislature places a high degree of trust
23 in the hands of those officials whose duty it shall be, within the
24 limits of available funds, to plan, develop, operate, maintain and

1 protect the highway facilities of this state, for present as well as
2 for future use.

3 ~~(e)~~ E. To this end, it is the intent of the Legislature to make
4 the ~~State Highway Commission and its Director, and the Department of~~
5 ~~Highways of the State of Oklahoma acting through the Commission~~
6 Director of the Department of Transportation, and the Department,
7 custodian of the State Highway System and to provide sufficiently
8 broad authority to enable the ~~Commission~~ Director and the Department
9 to function adequately and efficiently in all areas of appropriate
10 jurisdiction, subject to the limitations of the Constitution and the
11 legislative mandate hereinafter imposed.

12 ~~(f)~~ F. The Legislature intends to declare, in general terms,
13 the powers and duties of the ~~Commission and its~~ Director, leaving
14 specific details to be determined by reasonable rules, regulations
15 and policies which may be promulgated by the ~~Commission~~ Director.
16 In short, the Legislature intends by a general grant of authority to
17 the ~~Commission~~ Director to delegate sufficient power and authority
18 to enable the ~~Commission~~ Director and the Department to carry out
19 the broad objectives stated above.

20 ~~(g)~~ G. It is the further intent of the Legislature to bestow
21 upon the boards of county commissioners similar authority with
22 respect to the county highway system. The efficient management,
23 operation and control of our county roads and other public
24 thoroughfares are likewise a matter of vital public interest. The

1 problem of establishing and maintaining adequate roads and highways,
2 eliminating congestion, reducing accident frequency, providing
3 parking facilities and taking all necessary steps to ensure safe and
4 convenient transportation on these public ways is no less urgent.

5 ~~(h)~~ H. While it is necessary to fix responsibilities for the
6 location, design, construction, maintenance and operation of the
7 several systems of highways, it is intended that the State of
8 Oklahoma shall have an integrated system of all roads, highways and
9 streets to provide safe and efficient highway transportation
10 throughout the state. The authority hereinafter granted to the
11 ~~Commission~~ Director and to counties and municipalities to assist and
12 cooperate with each other and to coordinate their activities is
13 therefore essential.

14 ~~(i)~~ I. The Legislature hereby determines and declares that this
15 Code is necessary for the preservation of the public peace, health
16 and safety, for promotion of the general welfare, and as a
17 contribution to the national defense.

18 SECTION 33. AMENDATORY 69 O.S. 2011, Section 219, is
19 amended to read as follows:

20 Section 219. The legislative authority of any city or town for
21 all streets and highways within the corporate limits of such city or
22 town; and the board of county commissioners of each county as to all
23 county highways; and the ~~State Highway Commission~~ Director of the
24

1 Department of Transportation of the State of Oklahoma as to all
2 state highways.

3 SECTION 34. AMENDATORY 69 O.S. 2011, Section 220, is
4 amended to read as follows:

5 Section 220. A road surfaced with concrete, brick, water bound
6 or bituminous macadam, or the equivalent of properly bound gravel,
7 or other material approved by the ~~State Highway Commission~~ Director
8 of the Department of Transportation, and meeting the federal
9 requirements.

10 SECTION 35. AMENDATORY 69 O.S. 2011, Section 231, is
11 amended to read as follows:

12 Section 231. An undertaking by the ~~State Highway Commission~~
13 Department of Transportation, governing body or other governmental
14 instrumentality for highway construction, including preliminary
15 engineering, acquisition of right-of-way and actual construction, or
16 for highway planning and research, or for any other work or activity
17 to carry out the provisions of the federal law for the
18 administration of federal aid for highways.

19 SECTION 36. AMENDATORY 69 O.S. 2011, Section 242, is
20 amended to read as follows:

21 Section 242. The system of state roads designated by the ~~State~~
22 ~~Highway Commission~~ Director of the Department of Transportation,
23 including necessary urban extension, the responsibility for which is
24 lodged in the Department ~~of Highways~~.

1 SECTION 37. AMENDATORY 69 O.S. 2011, Section 301, is
2 amended to read as follows:

3 Section 301. ~~(a)~~ A. There is hereby created a ~~Department of~~
4 ~~Highways and a State Highway Commission~~ the Department of
5 Transprotation in and for the State of Oklahoma, pursuant to the
6 provisions of Section 1~~7~~ of Article 16~~7~~ of the Constitution of the
7 State of Oklahoma, and such department shall be governed by the
8 ~~State Highway~~ Director, provided for by Section 305 of this ~~Code~~,
9 ~~under such reasonable rules, regulations and policies and road~~
10 ~~improvement programs as may be prescribed by the Commission~~ title.
11 ~~Such rules and regulations~~ Rules and amendments thereto as ~~adopted~~
12 ~~promulgated~~ by the ~~Commission~~ Director shall be filed and recorded
13 in the office of the Secretary of State.

14 ~~(b)~~ B. The Department ~~and the Commission~~ created by the
15 preceding ~~paragraph~~ subsection and the ~~State Highway~~ Director
16 provided for by Section 305 of this ~~Code~~ title shall be the legal
17 successors of, and unless and except as otherwise provided by this
18 ~~Code~~ title shall also have the powers and duties vested by other
19 laws in, and shall take immediate charge of all equipment, supplies
20 and property now in the possession of, the Department, Commission
21 and Director, respectively, created and provided for by 69 O.S.
22 1961, Sections 20.1 and 20.6, as amended, and shall be liable for
23 their respective obligations.

24

1 SECTION 38. AMENDATORY 69 O.S. 2011, Section 304, is
2 amended to read as follows:

3 Section 304. ~~(a) The construction and maintenance of the State
4 Highway System, and all work incidental thereto, shall be under the
5 general supervision and control of the Transportation Commission.~~

6 ~~(b) The Commission shall have power to make all final decisions
7 affecting the work provided for herein, and all reasonable rules and
8 regulations it may deem necessary, not inconsistent with this code,
9 for the proper management and conduct of such work, and for carrying
10 out the provisions of this article, in such manner as shall be to
11 the best interest and advantage of the people of this state.~~

12 ~~(c) The Commission shall have power and authority to contract
13 for and purchase, lease or otherwise acquire any tools, machinery,
14 supplies, material or labor needed or to be needed for such work,
15 having the deliveries of such articles made as actually needed, and
16 to pay for engineering, preparation of plans and specifications,
17 costs of advertising, engineering supervision and inspection and all
18 expenses and contingencies in connection with the construction and
19 maintenance of the State Highway System. When quality and prices
20 are equal, preference shall be given materials produced within the
21 State of Oklahoma and highway construction companies domiciled,
22 having and maintaining offices in and being citizen taxpayers of the
23 State of Oklahoma.~~

24

1 ~~(d) The Commission shall have authority to make all contracts~~
2 ~~and do all things necessary to cooperate with the United States~~
3 ~~Government in matters relating to the cooperative construction,~~
4 ~~improvement and maintenance of the State Highway System, or any road~~
5 ~~or street of any political or governmental subdivision or any~~
6 ~~municipal or public corporation of this state, for which federal~~
7 ~~funds or aid are secured. Such contracts or acts shall be carried~~
8 ~~out in the manner required by the provisions of the Acts of Congress~~
9 ~~and rules and regulations made by an agency of the United States in~~
10 ~~pursuance of such acts.~~

11 ~~(e)~~ A. Any political or governmental subdivision or any public
12 or municipal corporation of this state shall have the authority to
13 enter into contracts through or with the ~~Commission~~ Director of the
14 Department of Transportation to enable them to participate in all
15 the benefits to be secured from federal aid funds, or funds made
16 available from the federal government to be used on roads and
17 streets. The ~~Commission~~ Director may negotiate and enter into
18 contracts with the federal government, or any of its constituted
19 agencies, and take all steps and proceedings necessary in order to
20 secure such benefits for such political or governmental subdivisions
21 or public or municipal corporations.

22 ~~(f)~~ B. The ~~Commission~~ Director, on behalf of the state, and any
23 political or governmental subdivision or public or municipal
24 corporation of this state shall have the authority to enter into

1 agreements with each other respecting the planning, designating,
2 financing, establishing, constructing, improving, maintaining,
3 using, altering, relocating, regulating or vacating of highways,
4 roads, streets or connecting links.

5 ~~(g) The Commission shall have authority to act in an advisory~~
6 ~~capacity, upon request, to any political or governmental subdivision~~
7 ~~or public or municipal corporation of this state in matters~~
8 ~~pertaining to the planning, locating, constructing and maintaining~~
9 ~~of roads, highways and streets and other related matters. The~~
10 ~~Commission, in such instances, may provide services and may~~
11 ~~cooperate with such subdivisions and corporations on such terms as~~
12 ~~may be mutually agreed upon.~~

13 ~~(h) The Commission may purchase out of the State Highway~~
14 ~~Construction and Maintenance Fund such commercial vehicles and~~
15 ~~passenger automobiles as may be necessary for the use of the~~
16 ~~Department and its employees in the construction and maintenance of~~
17 ~~the State Highway System and all work incidental thereto, and in~~
18 ~~carrying out the duties now or hereafter imposed upon the Department~~
19 ~~by the laws of this state.~~

20 ~~(i) The Commission may enter into written agreements with~~
21 ~~private citizens to allow such citizens to mow state highway rights-~~
22 ~~of-way and keep the clippings from such mowing as the sole~~
23 ~~compensation therefor.~~

24

1 SECTION 39. AMENDATORY 69 O.S. 2011, Section 305, is
2 amended to read as follows:

3 Section 305. There is hereby created the office of the Director
4 of the Department of Transportation, who shall be ~~elected by a~~
5 ~~majority vote of the entire Commission~~ appointed by the Governor and
6 who shall serve at the pleasure of the ~~Commission~~ Governor. The
7 Director shall receive an annual salary to be fixed by ~~a majority~~
8 ~~vote of the entire Commission~~ the Governor, from appropriations made
9 by the Legislature.

10 SECTION 40. AMENDATORY 69 O.S. 2011, Section 306, as
11 amended by Section 571, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
12 2018, Section 306), is amended to read as follows:

13 Section 306. Immediately upon the ~~election and qualification~~
14 appointment and confirmation of the Director of the Department of
15 Transportation, he or she shall become vested with the duties and
16 powers of the management and control of the Department, under such
17 orders, rules and regulations as may be prescribed by ~~the Commission~~
18 law; and in addition thereto ~~he~~ the Director shall have the
19 following specific powers and duties:

20 ~~(a)~~ 1. To supervise the state highway system ~~under rules and~~
21 ~~regulations prescribed by the Commission;~~

22 ~~(b)~~ 2. To appoint and employ, supervise and discharge such
23 professional, clerical, skilled and semiskilled help, labor and
24 other employees as may be deemed necessary for the proper discharge

1 of the duties of the Department and to fix and determine the
2 salaries or wages to be paid ~~subject to all such rules and~~
3 ~~regulations as may be promulgated by the Commission~~ as provided by
4 law, and subject to the policies, rules and regulations of the
5 Office of Management and Enterprise Services and the State Merit
6 System of Personnel Administration;

7 ~~(e)~~ 3. To investigate and determine upon the various methods of
8 road and bridge construction and maintenance in the different
9 sections of the state;

10 ~~(d)~~ 4. To aid at all times in promoting highway improvements
11 and maintenance throughout the state;

12 ~~(e)~~ 5. To ~~make recommendations to the Commission in the letting~~
13 ~~of~~ let all contracts for construction or improvements of state
14 highways or any contract for road or bridge construction or
15 improvement where the work is being done in whole or in part with
16 state or federal monies; and to ~~act for the Commission in the~~
17 purchase ~~of~~ all materials, equipment and supplies as provided for in
18 this ~~Code~~ title;

19 ~~(f)~~ 6. To place on the state highway system any road he or she
20 deems necessary and to the best interest of the state, ~~when approved~~
21 ~~by a majority of the entire Commission~~, and to eliminate from the
22 state highway system any road ~~when approved by a majority of the~~
23 ~~entire Commission~~ he or she deems unnecessary and not in the best
24 interest of the state;

1 ~~(g)~~ 7. To approve and pay claims for the services of
2 professional, clerical, skilled and semiskilled help, laborers and
3 other employees, ~~for the Commission, when the salary or wages of~~
4 ~~such help and employees shall have been previously approved by the~~
5 ~~Commission;~~ and to approve and pay progressive estimates on work
6 done or contracts performed, ~~where such work or contracts have~~
7 ~~theretofore been approved by the Commission;~~ and to approve and pay
8 claims for the purchase of equipment, materials and supplies
9 ~~theretofore authorized by the Commission;~~

10 ~~(h)~~ 8. To make emergency purchases of equipment, materials, and
11 supplies, and emergency contracts for construction and repairs,
12 ~~under rules and regulations prescribed by the Commission as provided~~
13 by law;

14 ~~(i)~~ 9. To grant permission to state agencies, municipalities
15 and water companies or districts to lay any water pipeline within
16 the rights-of-way of state highways, ~~when approved by the~~
17 ~~Commission;~~ and

18 ~~(j)~~ 10. To act for the Department in all matters except as
19 otherwise provided in this ~~Code~~ title.

20 SECTION 41. AMENDATORY 69 O.S. 2011, Section 306.1, is
21 amended to read as follows:

22 Section 306.1. The provisions of any other law to the contrary
23 notwithstanding, the Department of Transportation is hereby
24 authorized and empowered to provide for the use of and inclusion in,

1 its construction contracts price adjustment clauses, providing
2 adjustments in contract bid prices as may be deemed necessary and
3 appropriate by the Director for increases or decreases of energy-
4 intensive materials based upon the price FOB source on the day of
5 bidding and actual invoice price FOB source on the day of delivery.

6 This authorization is to be applied only to such contracts as
7 may be determined by the Director ~~and approved by the Transportation~~
8 ~~Commission~~ and further specified in the notice to bidders.

9 SECTION 42. AMENDATORY 69 O.S. 2011, Section 308, is
10 amended to read as follows:

11 Section 308. ~~Each member of the Commission and every~~ Every
12 employee of the Department of Transportation shall, before entering
13 upon the duties of ~~his~~ office or employment, take and subscribe to
14 an oath or affirmation to support the Constitution of the United
15 States and of the State of Oklahoma, and to discharge faithfully and
16 honestly the duties of such office or employment. Any officer or
17 employee who shall violate the provisions of this section shall be
18 guilty of a misdemeanor, and such violation shall be cause for
19 removal.

20 SECTION 43. AMENDATORY 69 O.S. 2011, Section 309, is
21 amended to read as follows:

22 Section 309. It shall be unlawful for ~~the Commission or the~~
23 Director to appoint or employ, or approve the appointment or
24 employment of, any persons related within the third degree by blood

1 or marriage to the Director ~~or any member of the Commission~~. The
2 Director knowingly appointing or employing any persons in violation
3 of this provision, ~~or any member of the Commission knowingly~~
4 ~~approving or recommending the appointment or employment of persons~~
5 ~~in violation of such provision~~, shall be guilty of a misdemeanor.
6 It also shall be unlawful for ~~the Commission or~~ the Director to
7 approve or enter into any contract with any persons related within
8 the third degree by blood or marriage to the Director ~~or any member~~
9 ~~of the Commission~~. The Director knowingly approving or entering
10 into any such contract in violation of such provision, ~~or any member~~
11 ~~of the Commission knowingly voting to enter into or to approve any~~
12 ~~such contract~~, shall be guilty of a misdemeanor.

13 SECTION 44. AMENDATORY 69 O.S. 2011, Section 310, is
14 amended to read as follows:

15 Section 310. ~~(a)~~ A. No official or employee of the ~~Commission~~
16 Department of Transportation, governing body or other governmental
17 instrumentality who is authorized in his or her official capacity to
18 negotiate, make, accept, or approve, or to take part in negotiating,
19 making, accepting or approving any contract or subcontract in
20 connection with a project, shall have, directly or indirectly, any
21 financial or other personal interest in any such contract or
22 subcontract. No engineer, attorney, appraiser, inspector or other
23 person performing services for the ~~Commission~~ Department, governing
24 body, or other governmental instrumentality in connection with a

1 project shall have, directly or indirectly, a financial or other
2 personal interest, other than his or her employment or retention by
3 the ~~Commission~~ Department, governing body, or other governmental
4 instrumentality, in any contract or subcontract in connection with
5 such project. No officer or employee of such person retained by the
6 ~~Commission~~ Department, governing body or other governmental
7 instrumentality shall have, directly or indirectly, any financial or
8 other personal interest in any real property acquired for a project
9 unless such interest is openly disclosed upon the public records of
10 the ~~Commission~~ Department, the governing body or other governmental
11 instrumentality, and such officer, employee or person has not
12 participated in such acquisition for and in behalf of the ~~Commission~~
13 Department, the governing body or other governmental
14 instrumentality.

15 ~~(b)~~ B. Any official or employee of the ~~Commission~~ Department,
16 governing body or other governmental instrumentality, or officer or
17 employee of such person retained by the ~~Commission~~ Department, the
18 governing body or other governmental instrumentality who knowingly
19 violates any of the provisions of this section shall be guilty of a
20 felony and upon conviction thereof shall be punished by imprisonment
21 in the State Penitentiary for a term not to exceed five (5) years,
22 or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by
23 both such imprisonment and fine. In addition, if the ~~Commission~~
24 Department or the Director enters into any contract on the part of

1 the Department in which the Director ~~or any member of the Commission~~
2 is interested, directly or indirectly, and the state suffers a loss
3 due to excessive charges or otherwise, ~~the members of the Commission~~
4 ~~knowingly voting to enter into or to approve such contract,~~ and the
5 Director knowingly entering into, approving, or recommending any
6 such contract, and the contracting party, shall be jointly and
7 individually liable for any loss the state may suffer. The official
8 bonds of such officer shall be liable for such loss. The provisions
9 of this section shall be cumulative to existing law. ~~The members of~~
10 ~~the Commission and the~~ Director found guilty of violating any of the
11 provisions of this section shall in addition to the penalty
12 heretofore set out forfeit ~~their respective offices~~ his or her
13 office.

14 ~~(e)~~ C. Any employee of the Department, or Director ~~or~~
15 ~~Commission~~, who in the course of such employment knowingly accepts,
16 approves, or recommends for approval or payment any material,
17 service, job, project, ~~or~~ structure, or any part thereof, which does
18 not meet the specifications therefor, or is to his or her knowledge
19 otherwise more deficient in quality, quantity or design than was
20 provided for in the plans, purchase orders or any minimum standard
21 provided by any state agency or official, or by law, shall be guilty
22 of a felony and, upon conviction, shall be punished and penalized as
23 provided by this section.

24

1 ~~(d)~~ D. The ownership by ~~any member of the Commission, or the~~
2 Director, of less than five percent (5%) of the stocks or shares
3 actually issued by a corporation contracting with the Department
4 shall not be considered an interest, directly or indirectly, in a
5 contract with such corporation within the meaning of this section,
6 and such ownership shall not affect the validity of any contract, or
7 impose liability under this section unless the owner of such stock
8 or shares is also an officer or agent of the corporation or
9 association. Ownership shall include any stock or shares standing
10 in the name of a member of the ~~Commissioners' or~~ Director's
11 immediate family or a family trust.

12 SECTION 45. AMENDATORY 69 O.S. 2011, Section 312, is
13 amended to read as follows:

14 Section 312. The ~~Commission~~ Director of the Department of
15 Transportation shall have authority to promulgate such reasonable
16 rules ~~and regulations~~ as ~~it~~ he or she may deem necessary for the
17 proper and orderly transaction of ~~its~~ the business of the
18 Department. Every nonresident person, natural or artificial, firm
19 or entity, including any corporation not domiciled in this state,
20 shall, before it be permitted to transact business or continue
21 business with the ~~Commission~~ Department, appoint and maintain an
22 agent upon whom service or process may be had in any action to which
23 such person, natural or artificial, firm or entity shall be a party.
24 Such agent shall reside in the State of Oklahoma and shall file with

1 the Secretary of State a formal declaration as to his or her place
2 of residence in the State of Oklahoma. Service had upon such agent
3 shall be taken and held as service upon such person, natural or
4 artificial, firm or entity. Such appointment, properly executed and
5 acknowledged, shall be filed with the Secretary of State and shall
6 give the residence address or place of business of such agent.
7 Contractors or other persons desiring to bid upon construction or
8 maintenance work shall be required to submit a financial statement
9 and such other information as the ~~Commission~~ Director may deem
10 necessary or desirable, such statement and information to be on file
11 with the ~~Commission~~ Director for a period of at least ten (10) days
12 prior to the date on which they expect or desire to submit bid or
13 bids to the ~~Commission~~ Director. Any person, natural or artificial,
14 firm or entity failing to comply with the provisions of this section
15 shall be deemed to have appointed the Secretary of State as his or
16 her service agent ~~in accordance with the provisions of Title 47,~~
17 ~~Sections 391 - 398, O.S.1961, as amended, and service of process may~~
18 ~~be had as therein provided.~~

19 SECTION 46. AMENDATORY 69 O.S. 2011, Section 313, is
20 amended to read as follows:

21 Section 313. It shall be the duty of the ~~Commission and~~
22 Director of the Department of Transportation to make quarterly
23 reports in writing to the Governor of the complete operation,
24 activities, and plans of the Department, together with such

1 recommendations for future activities of the Department as the
2 ~~Commission and~~ Director may deem to be to the best interest of the
3 State of Oklahoma.

4 SECTION 47. AMENDATORY 69 O.S. 2011, Section 314, is
5 amended to read as follows:

6 Section 314. The Director of the Department of Transportation
7 shall, ~~with the advice and consent of the Commission,~~ appoint such
8 attorneys as may be necessary for the handling of all legal services
9 for ~~the Commission and~~ the Department. The attorneys shall be the
10 legal advisors for ~~the Commission and~~ the Director, and are hereby
11 authorized to appear for and represent the Department in any and all
12 litigation that may arise in the discharge of its duties, and advise
13 it upon all legal matters pertaining to the Department. The
14 attorneys and, in addition, the Attorney General, are further
15 authorized to appear for and represent officers and employees of the
16 Department ~~and the Commission~~ in any civil suits brought against
17 such officers and employees in their individual capacities upon
18 alleged causes of action which arose from acts or omissions of such
19 officers and employees within the scope of their official duties.

20 The salaries for the attorneys, other than the Attorney General,
21 shall be fixed by the ~~Commission~~ Director and shall be payable
22 monthly out of the State Highway Construction and Maintenance Fund.

23 SECTION 48. AMENDATORY 69 O.S. 2011, Section 315, is
24 amended to read as follows:

1 Section 315. The expenses of audits of the ~~State Transportation~~
2 ~~Commission and the Oklahoma~~ Department of Transportation shall be
3 paid by the ~~Commission~~ Director out of the State Highway
4 Construction and Maintenance Fund upon the presentation of sworn and
5 itemized claims, which claims shall have been duly approved by the
6 State Auditor and Inspector. A sum equivalent to one-tenth of one
7 percent (1/10 of 1%) of the warrants issued during the previous
8 fiscal year shall be allotted and appropriated annually from such
9 fund for the expense of this audit. If such sum is found to be
10 inadequate for the purposes above set forth, then the ~~Commission~~
11 Director may allot and ~~appropriate~~ expend from such fund such
12 additional sums as may be necessary.

13 SECTION 49. AMENDATORY 69 O.S. 2011, Section 316, is
14 amended to read as follows:

15 Section 316. The ~~Commission~~ Director of the Department of
16 Transportation, on or before the first day of June of each year,
17 shall certify to the Oklahoma Tax Commission the county road mileage
18 of each county and the total county road mileage of the state as
19 such mileage existed on the first day of January of such year. Such
20 mileage shall be the computation of the existing road mileage for
21 counties including any mileage represented by streets or roads in
22 municipalities with a population of less than two thousand five
23 hundred (2,500) and any other streets and roads in municipalities
24 with a population of less than five thousand (5,000) that the county

1 has agreed to construct, maintain, or repair. Any roads removed
2 from the State Highway System by the ~~Transportation Commission~~
3 Director and returned to the county road system shall be added to
4 the total county road mileage of the said county.

5 SECTION 50. AMENDATORY 69 O.S. 2011, Section 318, is
6 amended to read as follows:

7 Section 318. The ~~State Highway Commission~~ Department of
8 Transportation and the ~~Oklahoma Public Welfare Commission~~ Department
9 of Human Services may enter into an agreement whereby the ~~State~~
10 ~~Highway Commission~~ Department of Transportation shall construct
11 and/or maintain various roads located on the grounds of state
12 institutions under the supervision and control of the ~~Oklahoma~~
13 ~~Public Welfare Commission~~ Department of Human Services. Such
14 agreement shall provide that the cost of materials shall be divided
15 between the two departments on the basis of twenty-five percent
16 (25%) by the Department of ~~Highways~~ Transportation and seventy-five
17 percent (75%) by the Department of ~~Public Welfare~~ Human Services,
18 and the total amount to be expended in one (1) year shall not exceed
19 Four Hundred Thousand Dollars (\$400,000.00). The order or priority
20 for construction or maintenance of such roads shall be determined by
21 the ~~Oklahoma Public Welfare Commission~~ Department of Human Services.

22 SECTION 51. AMENDATORY 69 O.S. 2011, Section 320, is
23 amended to read as follows:

24

1 Section 320. In any action to quiet title to real property, the
2 Department ~~or the Commission~~ of Transportation may be made a party
3 defendant for the purpose of determining whether the Department ~~or~~
4 ~~the Commission~~ has or claims any interest in such real property; and
5 in any such action service of summons upon the Department ~~or the~~
6 ~~Commission~~ may be made by delivery of a copy of the summons to the
7 Director.

8 SECTION 52. AMENDATORY 69 O.S. 2011, Section 401, is
9 amended to read as follows:

10 Section 401. In order to facilitate civil defense and the
11 construction and maintenance of flight strips, and access highways,
12 and the construction of other federal aid highways and roads, the
13 ~~Commission~~ Director of the Department of Transportation, upon the
14 request of the Bureau of Public Roads, may cooperate with and act as
15 the agent of the Bureau of Public Roads in making the surveys, plans
16 and specifications and estimates for, and in the construction and
17 maintenance of, flight strips, roads and bridges necessary to
18 provide access to military and naval establishments, defense
19 industries, defense-industry sites, source of raw materials, roads
20 and bridges replacing existing highways and highway connections shut
21 off from general public use at military and naval reservations and
22 defense-industry sites, and other federal aid highways.
23 Notwithstanding any other provisions of law, the ~~Commission~~ Director
24 may negotiate and enter into contracts for the construction or

1 maintenance of any such flight strip, road, bridge or highway, under
2 such procedure, in such manner and upon such terms and conditions as
3 may be approved by the Bureau of Public Roads, or may, either as
4 principal or agent of the Bureau of Public Roads, perform such
5 construction and maintenance work by the "force-account" method.
6 The provisions of this article shall be applicable in all cases
7 where the work is being paid for either in whole with federal funds
8 or in part with federal funds and in part with funds of the State of
9 Oklahoma or one of its subdivisions.

10 SECTION 53. AMENDATORY 69 O.S. 2011, Section 402, is
11 amended to read as follows:

12 Section 402. The ~~Commission~~ Director of the Department of
13 Transportation shall have authority to use any money in the State
14 Highway Construction and Maintenance Fund to carry out the
15 provisions of this article. Whenever the ~~Commission~~ Director
16 contracts as the agent of the Bureau of Public Roads, ~~it~~ he or she
17 shall be authorized to accept and receive federal funds for
18 disbursement in the discharge of the obligation of such contracts,
19 and to deposit same in a special account in the State Treasury, and
20 to disburse the same in such manner as may be approved by the Bureau
21 of Public Roads. The State Treasurer ~~and his bondsmen~~ shall be
22 liable for any such federal funds so deposited by the ~~Commission~~
23 Director.

24

1 SECTION 54. AMENDATORY 69 O.S. 2011, Section 403, as
2 amended by Section 1, Chapter 356, O.S.L. 2012 (69 O.S. Supp. 2018,
3 Section 403), is amended to read as follows:

4 Section 403. A. The ~~Transportation Commission~~ Director of the
5 Department of Transportation is hereby authorized to create a "State
6 Infrastructure Bank", pursuant to the federal National Highway
7 System Designation Act of 1995 and the Transportation Infrastructure
8 Finance and Innovation Act of 1998, for the purpose of pooling
9 available federal, private and state appropriated or revolving fund
10 monies or credit assistance specifically authorized by the
11 Legislature for such use. The ~~Commission~~ Director shall be the
12 instrumentality to make application to the Federal Highway
13 Administration for the capitalization grant which is to be placed in
14 the State Infrastructure Bank. The ~~Commission~~ Director shall be the
15 instrumentality to submit a Letter of Interest to the Federal
16 Highway Administration for credit assistance pursuant to the
17 Transportation Infrastructure Finance and Innovation Act of 1998.
18 The ~~Commission~~ Director shall ~~adopt~~ promulgate all rules necessary
19 to implement and effectuate the provisions of ~~this act~~ Section 401
20 et seq. of this title.

21 B. The State Infrastructure Bank authorized by this section may
22 be utilized by the various counties of Oklahoma for pooling
23 available federal, private and state appropriated or revolving fund
24 monies or credit assistance specifically authorized by the

1 Legislature for capital improvements. The various counties of
2 Oklahoma are authorized to receive and repay monies from the
3 Department of Transportation revolving fund designated as the "State
4 Infrastructure Bank Revolving Fund" for the purpose specifically
5 authorized by the Legislature.

6 C. The ~~Transportation Commission~~ Director shall be authorized
7 to make loans from the State Infrastructure Bank to qualified
8 applicants as provided in ~~this act~~ Section 401 et seq. of this title
9 in order to implement the provisions of the National Highway System
10 Designation Act of 1995 and the Transportation Infrastructure
11 Finance and Innovation Act of 1998.

12 SECTION 55. AMENDATORY 69 O.S. 2011, Section 403.1, as
13 amended by Section 2, Chapter 356, O.S.L. 2012 (69 O.S. Supp. 2018,
14 Section 403.1), is amended to read as follows:

15 Section 403.1. For the purposes of Sections 403 through 412 of
16 this title:

17 1. "Eligible project" means the construction, restoration, or
18 replacement of a public transportation facility, limited to
19 highways, bridges, roads, streets, rail, rail crossings, and right-
20 of-way acquisition that would enhance the economic development of
21 this state and provide safety to the citizens of this state;

22 2. "Eligible applicant" means state agencies, counties, cities,
23 special districts, municipal corporations, and Indian tribal
24 governments;

1 3. ~~"Commission" means the Transportation Commission;~~

2 4. "Department" means the Department of Transportation; and

3 5. ~~4.~~ "Director" means the Director of the Department of
4 Transportation.

5 SECTION 56. AMENDATORY 69 O.S. 2011, Section 405, as
6 amended by Section 4, Chapter 356, O.S.L. 2012 (69 O.S. Supp. 2018,
7 Section 405), is amended to read as follows:

8 Section 405. The Department of Transportation shall use the
9 State Infrastructure Bank Revolving Fund for the following purposes:

10 1. To make a loan to an eligible entity if:

11 a. the loan application, project and planning documents
12 have been approved by the Department ~~or the~~

13 ~~Transportation Commission,~~

14 b. the loan is made at or below market interest rates,

15 c. principal and interest payments will begin no later
16 than the month following the completion of the
17 project,

18 d. the State Infrastructure Bank Revolving Fund will be
19 credited with all payments of principal and interest
20 on all loans,

21 e. the applicant demonstrates to the satisfaction of the
22 Department the financial capability to assure
23 sufficient revenues to pay debt service,
24

1 f. the recipient of the loan establishes a dedicated
2 source of revenue for payment of debt service for the
3 loan, and

4 g. the recipient agrees to maintain financial records in
5 accordance with governmental accounting standards, to
6 conduct an annual audit of the financial records
7 relating to the construction project, and to submit
8 the audit report to the Department on a scheduled
9 annual basis;

10 2. To guarantee or purchase insurance for eligible entities if
11 the guarantee or insurance would improve access to market credit or
12 reduce interest rates;

13 3. To provide loan guarantees to similar revolving loan
14 accounts or funds established by eligible entities;

15 4. To administer the State Infrastructure Bank Revolving Fund
16 pursuant to the provisions in ~~this act~~ Section 403 et seq. of this
17 title. All funds to be utilized for administrative costs from the
18 State Infrastructure Bank Revolving Fund shall be subject to annual
19 appropriation by the Legislature; and

20 5. For such other purpose or in such manner as is determined by
21 ~~the Commission or~~ the Director to be an appropriate use of the State
22 Infrastructure Bank Revolving Fund and which has been specifically
23 approved by the Federal Highway Administration pursuant to the
24

1 National Highway System Designation Act of 1995 and the
2 Transportation Infrastructure Finance and Innovation Act of 1998.

3 SECTION 57. AMENDATORY 69 O.S. 2011, Section 406, is
4 amended to read as follows:

5 Section 406. In addition to other powers and duties provided by
6 law, the ~~Oklahoma~~ Department of Transportation shall have the power
7 and duty to:

8 1. Review, assess, and prioritize the preliminary applications
9 received from eligible applicants;

10 2. Determine the feasibility of each transportation project and
11 the eligibility of the entity to receive funding from the State
12 Infrastructure Bank Revolving Fund;

13 3. Determine which applications ~~should be referred to the~~
14 ~~Commission~~ for loans from the State Infrastructure Bank Revolving
15 Fund should be approved; and

16 4. Provide oversight and technical assistance during the
17 planning, design, and construction phases of the transportation
18 project for which the entity is applying for the loan.

19 SECTION 58. AMENDATORY 69 O.S. 2011, Section 409, is
20 amended to read as follows:

21 Section 409. A. ~~By May 1, 1999, the Oklahoma Transportation~~
22 ~~Commission shall provide~~ The Department of Transportation shall
23 develop financial review guidelines ~~to the Oklahoma Department of~~
24 ~~Transportation~~ for use ~~by the Department~~ in preliminary evaluations

1 of transportation projects. The evaluation shall include such
2 information as required by the Department ~~and the Commission,~~
3 including but not limited to:

- 4 1. Cost of the proposed transportation project;
- 5 2. Amount of the loan requested;
- 6 3. Repayment schedule; and
- 7 4. Existing and anticipated assets and liabilities of the
8 applicant.

9 B. Upon a determination of the Department that an entity meets
10 the criteria to receive funding pursuant to the provisions of ~~this~~
11 ~~act~~ Section 403 et seq. of this title, the Department shall forward
12 to the ~~Commission~~ Director the preliminary application for an
13 initial financial review.

14 C. Upon receipt of the preliminary application, the ~~Commission~~
15 Director shall prepare an initial financial review of the entity
16 based upon:

- 17 1. The documents submitted by the Department and any additional
18 information requested by the ~~Commission through the Department~~
19 Director, necessary to make a financial review of such entity; and
- 20 2. The proposed loan amount and interest rate for which the
21 entity qualifies.

22 Upon conclusion of the initial financial review, the ~~Commission~~
23 Director may either recommend approval or rejection of the proposed
24 loan.

1 D. The ~~Commission~~ Director shall return the preliminary
2 application to the Department with a written recommendation of
3 approval or rejection. If the ~~Commission~~ Director recommends
4 rejection, the written recommendation shall include the reason for
5 the rejection. The ~~Commission~~ Director shall forward a written copy
6 of the rejection notice to the entity. The entity may then be
7 allowed to modify any such documents in order to comply with the
8 requirements of the ~~Commission~~ Director and may resubmit the
9 necessary financial documents to the Department.

10 E. If the ~~Commission~~ Director recommends approval, the
11 ~~Commission~~ Director shall notify the Department of the acceptance.
12 Upon receipt of the notice and upon approval of the planning
13 documents by the Department, the Department shall notify the entity
14 of the approval and request the entity to prepare and submit the
15 final loan application and a nonrefundable loan application
16 processing fee in the amount of Five Hundred Dollars (\$500.00).

17 F. Upon a determination of compliance with the state and
18 federal laws, the Department is authorized to approve, refer and
19 forward the final loan application and necessary documents to the
20 ~~Commission~~ Director with the recommendation that a loan be made to
21 the eligible entity pursuant to the federal National Highway System
22 Designation Act of 1995 from the State Infrastructure Bank Revolving
23 Fund.

1 G. Upon review of the final loan application and applicable
2 documents, the ~~Commission~~ Director shall either approve or reject
3 the loan application. The ~~Commission~~ Director may request
4 additional information from the applicant or the Department in order
5 to complete the financial review of the application for the loan.
6 The ~~Commission~~ Director shall notify the applicant of any rejection
7 of the final loan application. Notification of approval of such
8 entity for a loan shall be sent to the Department and the Department
9 shall notify the applicant. The Department shall have the authority
10 to grant final approval for disbursement of loan proceeds by the
11 State Infrastructure Bank and to present the proceeds at the closing
12 of the loan. Upon request for disbursement of funds from the
13 account pursuant to the provisions of ~~this act~~ Section 403 et seq.
14 of this title, the ~~Commission~~ Director shall provide for the release
15 of the loan proceeds.

16 H. Payment on loans shall be made to the State Infrastructure
17 Bank as provided in the loan documents.

18 SECTION 59. AMENDATORY 69 O.S. 2011, Section 501, is
19 amended to read as follows:

20 Section 501. A. The highway system of this state shall be
21 divided into two classes to be known as the State Highway System and
22 county highway system. The State Highway System shall be designated
23 by the ~~Commission~~ Director of the Department of Transportation and
24 shall be composed of intercounty and interstate highways.

1 B. When the ~~Commission~~ Department shall have taken over any
2 highway, or part thereof, as a state highway, the ~~Commission~~
3 Department shall become responsible for the construction, repair and
4 maintenance of such highway and for this purpose shall be authorized
5 to use any state highway funds, together with any money derived from
6 any agreement entered into between the ~~Commission~~ Department and the
7 federal government, any county, or any citizen or group of citizens
8 who have made donations for that purpose.

9 C. When any segment of the State Highway System is removed from
10 the system, all right, title, and interest to the road, right-of-
11 way, and any signs or facilities shall revert to the appropriate
12 county or municipal authority. The Department ~~of Transportation~~
13 shall determine the specific right-of-way to be conveyed and prepare
14 and execute a conveyance of title document which shall be forwarded
15 to the local authority to be filed with the county clerk.

16 D. Prior to returning a state highway back to the county
17 highway system, the ~~Oklahoma~~ Department ~~of Transportation~~ shall make
18 any necessary improvements to the road to meet the minimum design
19 guidelines as set forth in the current State of Oklahoma County Road
20 Design Guidelines Manual, and provide a driving surface that has no
21 less than a good rating according to the current County Road Surface
22 Management System. Prior to returning a state highway bridge back
23 to the County Bridge System, the ~~Oklahoma~~ Department ~~of~~
24 ~~Transportation~~ shall make any necessary improvements to the bridge

1 so that it will achieve a minimum H-20 twenty (20) ton computed
2 operating rating according to the National Bridge Inventory System
3 and a Minimum Scour Rating of 3, NBI Item 113.

4 E. The ~~Commission~~ Department shall provide and maintain a map
5 of the state which shall show all the highways which have been
6 designated as part of the State Highway System and, when practical,
7 status of improvement thereon. In addition, the ~~Commission~~
8 Department shall include on such map the principal access road to
9 every city and town not served by the State Highway System and which
10 has a United States Post Office or with a population in excess of
11 one hundred (100) persons according to the latest Federal Decennial
12 Census.

13 SECTION 60. AMENDATORY 69 O.S. 2011, Section 502, is
14 amended to read as follows:

15 Section 502. ~~(a)~~ A. The ~~Commission~~ Director of the Department
16 of Transportation, at ~~its~~ his or her discretion, may designate and
17 maintain as a part of the State Highway System any roads connecting
18 public use areas, state parks, national parks and state-owned
19 institutions of the State of Oklahoma with federal highways, state
20 highways, county highways or municipal streets where the right-of-
21 way for the roads has been obtained and title thereto is in the
22 State of Oklahoma or any agency thereof; and the ~~Commission~~ Director
23 shall construct or maintain roads and highways within the boundaries
24 of state parks and memorials.

1 ~~(b)~~ B. The ~~Commission~~ Director may use any state highway funds
2 for the purpose of constructing, repairing and maintaining such
3 roads.

4 SECTION 61. AMENDATORY 69 O.S. 2011, Section 502.1, is
5 amended to read as follows:

6 Section 502.1. The ~~Transportation Commission~~ Director of the
7 Department of Transportation shall designate and maintain as part of
8 the State Highway System any road accepted by the Federal Highway
9 Administration as a National Highway System connector route to an
10 intermodal port. Such road shall not exceed one and one-half (1
11 1/2) miles in length.

12 SECTION 62. AMENDATORY 69 O.S. 2011, Section 503, is
13 amended to read as follows:

14 Section 503. Any highway designated as a state highway shall
15 not be removed by the ~~Commission~~ Director of the Department of
16 Transportation from the State Highway System until notice in writing
17 of intention to do so has been given to the State Senators and State
18 Representatives of the respective districts which may be affected,
19 thereby fixing a time for a public hearing thereon, which hearing
20 shall be held not less than ten (10) days after the notice specified
21 herein.

22 SECTION 63. AMENDATORY 69 O.S. 2011, Section 504, is
23 amended to read as follows:

24

1 Section 504. A. It shall be the duty of the Department of
2 Transportation to maintain all streets, roads and state-owned
3 parking lots, including all streets designated on the plat filed in
4 the office of the Secretary of State as File No. 155 of the "State
5 Property Records" and all streets within the boundaries of the
6 "State Capitol Park" and the "Cowboy Hall of Fame Park" upon its
7 establishment.

8 B. The streets, roads and parking lots described in subsection
9 A of this section shall constitute and be incorporated as a part of
10 the State Highway System, and the ~~Commission~~ Director of the
11 Department of Transportation is authorized to expend any money
12 appropriated for the construction and maintenance of these highways,
13 streets, roads and parking lots.

14 SECTION 64. AMENDATORY 69 O.S. 2011, Section 505, is
15 amended to read as follows:

16 Section 505. In the construction or reconstruction of a state
17 highway, in the event it is necessary to remove any bridge
18 structure, title to such bridge structure removed ~~is~~ shall be in the
19 ~~State Highway~~ Department of Transportation regardless of the source
20 of the funds from which said removed bridge was originally
21 constructed.

22 SECTION 65. AMENDATORY 69 O.S. 2011, Section 506, as
23 amended by Section 574, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
24 2018, Section 506), is amended to read as follows:

1 Section 506. A. There is hereby created in the State Treasury
2 a revolving fund to be known as the "High Priority State Bridge
3 Revolving Fund". The fund shall be a continuing fund, not subject
4 to fiscal year limitations, and shall consist of all appropriations
5 and transfers made by the Legislature and the apportionments made
6 pursuant to Sections 500.6 and 500.7 of Title 68 of the Oklahoma
7 Statutes. All monies accruing to the credit of said fund are hereby
8 appropriated and may be budgeted and expended beginning with the
9 fiscal year ending June 30, 2008, and each fiscal year thereafter
10 pursuant to subsection B of this section. Expenditures from said
11 fund shall be made upon warrants issued by the State Treasurer
12 against claims filed as prescribed by law with the Director of the
13 Office of Management and Enterprise Services for approval and
14 payment.

15 B. The funds shall be used for the sole purpose of construction
16 or reconstruction of bridges on the state highway system that are of
17 the highest priority as defined by the ~~Transportation Commission~~
18 Director of the Department of Transportation. The fund shall be
19 invested in whatever instruments are authorized by law for
20 investments by the State Treasurer and the interest earned by any
21 investment of monies from the fund shall be credited to the fund
22 which shall earn the same, if there is any unexpended balance of
23 such fund to which to credit the interest.

24

1 SECTION 66. AMENDATORY 69 O.S. 2011, Section 507, as
2 amended by Section 575, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
3 2018, Section 507), is amended to read as follows:

4 Section 507. A. There is hereby created in the State Treasury
5 a revolving fund to be known as the "County Improvements for Roads
6 and Bridges Fund". The fund shall be a continuing fund, not subject
7 to fiscal year limitations, and shall consist of all appropriations
8 and transfers made by the Legislature and the apportionments made
9 pursuant to subsection L of Section 1104 of Title 47 of the Oklahoma
10 Statutes. All monies accruing to the credit of said fund are hereby
11 appropriated and may be budgeted and expended beginning with the
12 fiscal year ending June 30, 2008, and each fiscal year thereafter
13 pursuant to subsection B of this section. Expenditures from said
14 fund shall be made upon warrants issued by the State Treasurer
15 against claims filed as prescribed by law with the Director of the
16 Office of Management and Enterprise Services for approval and
17 payment.

18 B. The funds apportioned pursuant to subsection L of Section
19 1104 of Title 47 of the Oklahoma Statutes shall be in equal amounts
20 to ~~the various Transportation Commission~~ the following districts:

21 District 1. Wagoner, Cherokee, Adair, Sequoyah, Muskogee,
22 Okmulgee, McIntosh and Haskell Counties.

23 District 2. Pittsburg, Latimer, LeFlore, McCurtain, Pushmataha,
24 Atoka, Choctaw, Bryan and Marshall Counties.

1 District 3. Lincoln, Cleveland, McClain, Garvin, Pottawatomie,
2 Okfuskee, Seminole, Hughes, Pontotoc, Coal and Johnston Counties.

3 District 4. Payne, Logan, Canadian, Kingfisher, Garfield,
4 Grant, Kay, Noble and Oklahoma Counties.

5 District 5. Roger Mills, Dewey, Custer, Washita, Beckham,
6 Greer, Kiowa, Harmon, Jackson, Blaine, and Tillman Counties.

7 District 6. Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
8 Ellis, Major and Woodward Counties.

9 District 7. Carter, Love, Murray, Grady, Comanche, Stephens,
10 Cotton, Caddo and Jefferson Counties.

11 District 8. Osage, Pawnee, Nowata, Creek, Craig, Ottawa,
12 Rogers, Mayes, Delaware, Washington and Tulsa Counties.

13 The funds shall be used for the sole purpose of construction or
14 reconstruction of county roads or bridges on the county highway
15 system that are of the highest priority as defined by the
16 ~~Transportation Commission~~ Director of the Department of
17 Transportation. Counties may accumulate annual funding for a period
18 of up to five (5) years for a specific project, with such funding to
19 be held by the ~~Transportation Commission~~ Director to the credit of
20 the county project. The ~~Transportation Commission~~ Director shall
21 promulgate rules for the administration of the process and the
22 development of criteria for determining the level of priority for
23 projects and include such projects in a five-year construction plan
24 that will be updated annually. Projects in the five-year

1 construction plan shall be contracted as provided by law and awarded
2 by the ~~Transportation Commission~~ Director.

3 C. The fund shall be invested in whatever instruments are
4 authorized by law for investments by the State Treasurer and the
5 interest earned by any investment of monies from the fund shall be
6 credited to the fund which shall earn the same, if there is any
7 unexpended balance of such fund to which to credit the interest.
8 The interest credited herein shall be expended pursuant to this
9 section.

10 SECTION 67. AMENDATORY 69 O.S. 2011, Section 601, is
11 amended to read as follows:

12 Section 601. A. The county highway system shall be composed of
13 all public roads within any county, less any part of any road or
14 roads which may be designated as a state highway by the ~~State~~
15 ~~Transportation Commission~~ Department of Transportation. It shall be
16 the duty of the board of county commissioners in each county to
17 construct and maintain as county highways those roads which best
18 serve the most people of the county. For this purpose the board of
19 county commissioners is authorized to use any funds which are in the
20 county highway fund, subject to statutory restrictions on the use of
21 any of such funds, together with any money or item of value derived
22 from any agreement entered into between the county and the
23 ~~Transportation Commission~~ Department, the federal government, this
24 state, any other county or political subdivision of this state or

1 other governmental entity, or any citizen or group of citizens who
2 have made donations for that purpose. The boards of county
3 commissioners of the various counties shall have exclusive
4 jurisdiction over the designation, construction and maintenance and
5 repair of all of the county highways and bridges therein. All
6 interlocal cooperation agreements made pursuant to this section
7 between counties and those political subdivisions or citizens of a
8 county shall be submitted to the district attorney of each of the
9 counties subject to the agreement for approval. All other
10 interlocal cooperation agreements shall be submitted and approved in
11 accordance with Sections 1001 through 1008 of Title 74 of the
12 Oklahoma Statutes.

13 B. The boards of county commissioners are hereby authorized to
14 establish road improvement districts as provided by law for existing
15 roads in the unincorporated areas of counties. The boards of county
16 commissioners may also have improvements made on existing roads in
17 unincorporated areas of counties on a force account basis.

18 SECTION 68. AMENDATORY 69 O.S. 2011, Section 603, is
19 amended to read as follows:

20 Section 603. The board of county commissioners of any county
21 may, under the direction of the ~~Commission~~ Director of the
22 Department of Transportation, contract for grading, draining or
23 hardsurfacing any street within any municipality where such street
24 is a continuation of or a connecting link in the State or County

1 Highway System or if the county and the municipality have entered
2 into an agreement pursuant to Section 36-113 of Title 11 of the
3 Oklahoma Statutes for the construction, improvement, repair or
4 maintenance of municipal streets.

5 SECTION 69. AMENDATORY 69 O.S. 2011, Section 620, is
6 amended to read as follows:

7 Section 620. Whenever there remains in the State Treasury to
8 the credit of the ~~Commission~~ Department of Transportation, in the
9 account of any county in this state, an unexpended balance of any
10 special fund, being an amount in excess of the contract price of any
11 federal aid road or bridge project and the purpose for which it was
12 created has been fully observed, and there remains no further use
13 for such balance, the ~~Commission~~ Director of the Department shall
14 make a certificate to the board of county commissioners of the
15 county showing the amount of the balance, and it shall then be
16 lawful for the board of county commissioners, by resolution, to
17 transfer such balance to any other federal aid road or bridge
18 project of the county.

19 SECTION 70. AMENDATORY 69 O.S. 2011, Section 636.3, as
20 last amended by Section 2, Chapter 20, O.S.L. 2017 (69 O.S. Supp.
21 2018, Section 636.3), is amended to read as follows:

22 Section 636.3. A. Counties shall enter into lease or lease-
23 purchase contracts for road machinery and equipment pursuant to the
24 provisions of Sections 636.1 through 636.7 of this title or pursuant

1 to the provisions of Sections 1500 through 1505 of Title 19 of the
2 Oklahoma Statutes and may not otherwise lease road machinery or
3 equipment except in the case of an emergency, when specialized road
4 machinery or equipment for projects of short durations is required
5 for periods not to exceed thirty (30) days.

6 B. A county shall be eligible to enter into a lease or lease-
7 purchase contract with the Department of Transportation for road
8 machinery and equipment on a priority basis determined by the county
9 funding classification designation during any fiscal year for the
10 purchase of road machinery and equipment. The county funding
11 classification designation shall be developed by the Department of
12 Transportation and the Oklahoma Cooperative Circuit Engineering
13 Districts Board and approved by the Oklahoma Department of
14 Transportation County Advisory Board. Upon approval by the
15 Department of Transportation County Advisory Board, the funding
16 classification designation shall be submitted to the ~~Transportation~~
17 ~~Commission~~ Director of the Department of Transportation for final
18 approval. The counties receiving the least appropriations per mile
19 of road may receive the highest priority rating. A county may also
20 enter into a full warranty lease contract for road machinery and
21 equipment pursuant to the provisions of subsection F of this
22 section. Nothing in Sections 636.1 through 636.7 of this title
23 shall prohibit a county from purchasing road machinery and equipment
24

1 if it has adequate funds appropriated during any fiscal year for
2 such purpose.

3 C. Whenever a county desires to lease or lease-purchase road
4 machinery and equipment with funds from the County Road Machinery
5 and Equipment Revolving Fund, it shall notify the Department of
6 Transportation of its requirements and specifications and shall
7 provide a list of vendors from which bids will be requested for the
8 lease or lease-purchase agreements.

9 D. Upon receiving such notification from a county, the
10 Department shall be authorized to purchase requested road machinery
11 or equipment for lease or lease-purchase to that county or may lease
12 or lease-purchase surplus or used road machinery and equipment to a
13 county provided such road machinery or equipment meets the
14 requirements and specifications of the requesting county.

15 E. If there are no funds available in the County Road Machinery
16 and Equipment Revolving Fund, the Department of Transportation, upon
17 notification that a county desires to lease or lease-purchase road
18 machinery or equipment, shall certify to the county that there are
19 no funds available in the County Road Machinery and Equipment
20 Revolving Fund for such purposes. The county may then request the
21 Purchasing Director of the Office of Management and Enterprise
22 Services to solicit bids or request bids pursuant to the provisions
23 of Section 1500 et seq. of Title 19 of the Oklahoma Statutes to
24 lease or lease-purchase the requested road machinery or equipment.

1 F. When funds are available in the County Road Machinery and
2 Equipment Revolving Fund the Department of Transportation shall,
3 after receiving notification from a county desiring to lease or
4 lease-purchase equipment, authorize the county to request bids
5 pursuant to the provisions of ~~this act~~ Section 636.1 et seq. of this
6 title and allocate funds equal to the estimated cost of the
7 equipment or machinery requested. However, if the lowest and best
8 bid received by the county exceeds the estimated purchase price of
9 the equipment or machinery, the county shall pay any difference
10 above the estimated purchase price if accepted. The county shall
11 use the bid procedure provided for in Section 1500 et seq. of Title
12 19 of the Oklahoma Statutes. The county shall forward the lowest
13 and best bid received to the Department of Transportation which
14 shall authorize the lease or lease-purchase of the equipment or
15 machinery.

16 G. A county may enter into a full warranty lease contract for
17 road machinery and equipment if the county has adequate funds
18 appropriated during any fiscal year for such purpose. Whenever a
19 county desires to enter into a full warranty lease contract for road
20 machinery or equipment, the county must notify the State Auditor and
21 Inspector of its intent and must provide the State Auditor and
22 Inspector with its requirements and specifications along with the
23 proper documentation to be advertised for bids. Upon receiving the
24 notification and documentation from a county, the State Auditor and

1 Inspector shall review the documentation and, upon approval, shall
2 forward the documentation and specifications to the State Purchasing
3 Division of the Office of Management and Enterprise Services. The
4 Purchasing Director of the Office of Management and Enterprise
5 Services shall solicit bids to lease the requested road machinery or
6 equipment according to the documentation and specifications of the
7 county as approved by the State Auditor and Inspector. The term of
8 any full warranty lease contract authorized pursuant to this
9 subsection may be for any period up to one (1) year, provided the
10 term shall not extend beyond the end of any fiscal year, with an
11 option to renew such lease subject to the requirement that adequate
12 funds are appropriated during the fiscal year by the county for such
13 purpose. The State Auditor and Inspector shall prescribe the lease
14 forms and other documentation necessary for implementing the
15 provisions of this subsection.

16 H. Except as provided in subsection G of this section, the
17 Department of Transportation shall promulgate such rules and
18 regulations and is authorized to require from the counties such
19 information, forms and reports as are necessary for properly and
20 efficiently administering Sections 636.1 through 636.7 of this
21 title.

22 SECTION 71. AMENDATORY 69 O.S. 2011, Section 638, is
23 amended to read as follows:

24

1 Section 638. When any county road within the state, which shall
2 have been designated as a part of the federal aid secondary highway
3 system, is brought to standard grade and drain by the county in
4 accordance with plans and specifications approved by the ~~Commission~~
5 Director of the Department of Transportation, and where sufficient
6 right-of-way is provided by the county wherein the road is located,
7 and where state and federal funds are available, such road shall be
8 hard surfaced by the Department.

9 SECTION 72. AMENDATORY 69 O.S. 2011, Section 639, is
10 amended to read as follows:

11 Section 639. Whenever any road shall have been hard surfaced as
12 provided for in ~~the preceding section~~ Section 638 of this title, it
13 shall then become the duty of the county in which the road is
14 located to maintain such road in a manner satisfactory to the
15 ~~Commission~~ Director of the Department of Transportation and the
16 Bureau of Public Roads.

17 SECTION 73. AMENDATORY 69 O.S. 2011, Section 649, is
18 amended to read as follows:

19 Section 649. The board of county commissioners of each county,
20 by and with the written approval of the ~~Commission~~ Director of the
21 Department of Transportation, may grant to the United States of
22 America or any irrigation district, conservancy district or water
23 user's association, organized under the laws of the state, the right
24 to close, inundate, destroy, alter or appropriate any county highway

1 in such county in connection with the construction, development,
2 operation or maintenance of any irrigation, reclamation, water
3 conservation and utilization, flood control, military or national
4 defense project, for needful public buildings, or other public
5 projects being constructed, operated, developed or maintained by the
6 United States of America, or any such district or association, upon
7 such terms and conditions and for such consideration as the board of
8 county commissioners may determine to be just and proper. The grant
9 of any such right or rights may include the right to construct
10 irrigation ditches and canals across and along any such highway.

11 SECTION 74. AMENDATORY 69 O.S. 2011, Section 656, as
12 amended by Section 4, Chapter 20, O.S.L. 2017 (69 O.S. Supp. 2018,
13 Section 656), is amended to read as follows:

14 Section 656. A. The county commissioners in each county shall
15 designate a county primary road system as provided for in Section
16 654 of this title, and upon completion, the board of county
17 commissioners in any county may program bridge or roadway projects
18 located on the county primary road system in accordance with the
19 provisions of this section.

20 B. Any bridge or roadway construction project which materially
21 contributes to improving the adequacy of the county primary road
22 system which meets accepted design standards may be considered
23 eligible.

24

1 C. Design standards for projects to be constructed under this
2 section shall be developed cooperatively between the Oklahoma
3 Cooperative Circuit Engineering Districts Board and the Department
4 of Transportation; provided however, any such standards so developed
5 must meet the minimum criteria required to assure federal
6 participation in the project if such participation is to be used for
7 such project.

8 D. The Department of Transportation shall be the administering
9 agency, and, in cooperation with the Oklahoma Cooperative Circuit
10 Engineering Districts Board, shall develop and promulgate
11 regulations for the carrying out of the provisions of this section.
12 ~~Provided however, any such administrative procedures so developed~~
13 ~~shall be subject to the approval of the State Transportation~~
14 ~~Commission.~~

15 E. The county shall be responsible for plans, surveys and other
16 necessary engineering to prepare the project for contract letting;
17 however, construction engineering shall be performed by the
18 Department of Transportation.

19 F. The county shall be responsible for the acquisition of all
20 rights-of-way required to construct the project including relocation
21 assistance payments and the costs associated with necessary utility
22 relocations or adjustments. All right-of-way acquisition activities
23 shall be carried out in accordance with applicable state statutes.
24 Assistance in the preparation of deeds and easements, in the actual

1 acquisition of real property, and in the relocation of families and
2 businesses shall be provided by the Department of Transportation
3 upon written request of the county.

4 G. Projects shall be let to contract by the ~~State~~
5 ~~Transportation Commission~~ Director of the Department of
6 Transportation through competitive bidding procedures, provided
7 however, force account projects may be awarded to the county by the
8 ~~Transportation Commission~~ Director based upon agreed unit prices, if
9 deemed in the best public interest.

10 H. Counties constructing projects under provisions of this
11 section shall enter into an agreement with the Department ~~of~~
12 ~~Transportation~~ that the county will adequately maintain any bridge
13 or road built under this section. Funds provided to support the
14 accomplishment of this section shall be withheld from any county not
15 providing adequate maintenance for projects built under its
16 provisions.

17 I. While the intent of the Legislature is that any funds
18 utilized under this section be directed primarily toward the
19 replacement of inadequate bridges on the county primary road system,
20 emphasizing those portions of that system serving as school bus
21 routes, it is also recognized that other critical road needs may
22 exist in the various counties; therefore, projects in an amount not
23 to exceed One Hundred Thousand Dollars (\$100,000.00) may be approved
24 under this section for these other critical needs in those instances

1 where such approval can be justified by the county. It is further
2 the intent of the Legislature that this be a continuing program so
3 that significant improvement in the overall adequacy of Oklahoma's
4 county road system may be realized.

5 SECTION 75. AMENDATORY 69 O.S. 2011, Section 659, as
6 amended by Section 5, Chapter 20, O.S.L. 2017 (69 O.S. Supp. 2018,
7 Section 659), is amended to read as follows:

8 Section 659. The Department of Transportation is hereby
9 authorized to develop a complete set of county bridge standards,
10 including standards for demonstration bridge projects and standards
11 for county bridges with low average daily traffic volumes as defined
12 by the latest published version of the County Roads Design
13 Guidelines Manual. Such standards shall be developed under the
14 direction of the Bridge Division of the Department and prior to
15 implementation shall be approved by the Oklahoma Cooperative Circuit
16 Engineering Districts Board ~~and the Transportation Commission~~. Such
17 standards shall be furnished without cost to local units of
18 government. Monies received by the county pursuant to the County
19 Bridge and Road Improvement Act, Section 657 et seq. of this title,
20 may be used for purposes of obtaining engineering services. Only
21 registered professional engineers, approved by the Department,
22 experienced in the design and construction of highway and related
23 facilities, shall be used for such services. Counties acquiring
24 engineering services as provided for in this section shall require

1 the engineers providing such services to execute professional
2 service contracts which include a requirement that the engineer
3 shall maintain an adequate policy of professional liability
4 insurance.

5 SECTION 76. AMENDATORY 69 O.S. 2011, Section 662, is
6 amended to read as follows:

7 Section 662. A. A professional engineer registered by the
8 State Board of Licensure for Professional Engineers and Land
9 Surveyors pursuant to Section 475.1 et seq. of Title 59 of the
10 Oklahoma Statutes, shall approve projects that may be awarded to
11 contractors by the boards of county commissioners, ~~Transportation~~
12 ~~Commission~~ the Department of Transportation or by other federal or
13 state agencies under their normal competitive bidding procedures,
14 excluding prequalification of bidders. A "county-built" project may
15 be a road or bridge in whole or in part built with its own county
16 forces or entirely let to contract, but all costs associated are
17 payable.

18 B. County-built bridges using the County Bridge and Road
19 Improvement Fund shall meet or exceed the following criteria:

20 1. The bridge has been built according to the current edition
21 of the County Bridge Standards manual or from field notes drawn by a
22 registered professional engineer that provide the basic structural
23 requirements to achieve a load rating of H. twenty-three (23) tons
24

1 or greater. Field notes may be handwritten specifications or
2 sketches which have been stamped or signed;

3 2. The finished bridge shall achieve a twenty-three-ton or
4 greater rating. The rating criteria shall be determined by the
5 National Bridge Inventory and approved by the Department of
6 Transportation for bridges twenty (20) feet or more in length;

7 3. The subsurface foundation of the bridge shall meet the
8 minimum guidelines established by using approved engineering
9 methods, details of which shall be kept as shop notes;

10 4. The finished bridge shall have a minimum roadway width of
11 twenty-four (24) feet; and

12 5. Materials used in the construction of the bridge shall meet
13 or exceed the specifications for materials as specified in the
14 current edition of the County Bridge Standards or certified in
15 writing by the engineer or supplier.

16 C. Prior to construction of the bridge, a county may request
17 that construction supervision be provided by the Circuit Engineering
18 District of which the county is a member to ensure quality control
19 and quality assurance.

20 SECTION 77. AMENDATORY 69 O.S. 2011, Section 689, as
21 amended by Section 6, Chapter 20, O.S.L. 2017 (69 O.S. Supp. 2018,
22 Section 689), is amended to read as follows:

23 Section 689. A. The Department of Transportation is hereby
24 directed, in cooperation with the Oklahoma Cooperative Circuit

1 Engineering Districts Board, to cause to be developed appropriate
2 local road design standards for use in constructing projects
3 pursuant to this program. The standards, upon their adoption by the
4 ~~Transportation Commission~~ Director of the Department and by those
5 counties wishing to participate in this program, shall be used for
6 the design and construction of all projects funded pursuant to this
7 program. However, when funds available pursuant to this program are
8 used to match federal funds, projects shall meet appropriate minimum
9 design standards for local roads and other applicable federal
10 requirements. All plans and specifications for federal-aid projects
11 shall be subject to the approval of the Department. To every extent
12 possible, negotiations with the Federal Highway Administration
13 should be undertaken to allow application of the County Roads Design
14 Guidelines Manual.

15 B. Plans, surveys, and engineering shall be the responsibility
16 of the county in which the project is located. Only registered
17 professional engineers, approved by the Department of
18 Transportation, experienced in the design and construction of
19 highway and related facilities, shall be used for such services.

20 C. Prior to award of the contract by the ~~Transportation~~
21 ~~Commission~~ Director, the county shall be given the option of
22 accepting or rejecting the bid submitted by the successful bidder.

23 SECTION 78. AMENDATORY 69 O.S. 2011, Section 701, is
24 amended to read as follows:

1 Section 701. The Department of Transportation shall cause to be
2 prepared state design standards, standard plans and standard
3 specifications for the design, construction and maintenance of the
4 state highways and bridges which are not on the interstate or
5 national highway system within this state. Plans and specifications
6 shall be uniform and may be amended from time to time as the
7 Department deems advisable. Design standards, when adopted by the
8 ~~Transportation Commission~~ Director of the Department and accepted by
9 the Federal Highway Administration, shall constitute the current
10 recognized design standard for such highways in this state.

11 SECTION 79. AMENDATORY 69 O.S. 2011, Section 704, is
12 amended to read as follows:

13 Section 704. The ~~Commission~~ Department of Transportation may
14 complete the topographic mapping of the State of Oklahoma and revise
15 existing United States Topographic maps of the state, so that a
16 complete and accurate map of the entire state may be complete and
17 obtained by state departments and agencies, the federal government,
18 and all persons desiring information relative to the natural
19 resources of the State.

20 SECTION 80. AMENDATORY 69 O.S. 2011, Section 705, is
21 amended to read as follows:

22 Section 705. The ~~Commission~~ Director of the Department of
23 Transportation may enter into agreements with the Director of the
24 United States Geological Survey, or legal successor thereof, for the

1 purpose of making the necessary surveys and maps, and preparing data
2 covering topographic surveys, so that they may be made available for
3 public use.

4 SECTION 81. AMENDATORY 69 O.S. 2011, Section 706, is
5 amended to read as follows:

6 Section 706. The ~~Transportation Commission~~ Department of
7 Transportation shall pay the expenses incurred under Sections 704
8 and 705 of this title out of the State Highway Construction and
9 Maintenance Fund upon proper vouchers. Provided, that any funds so
10 expended shall be matched by the United States Government, and the
11 total expenditures of state funds shall not exceed One Hundred
12 Thousand Dollars (\$100,000.00) in any fiscal year.

13 SECTION 82. AMENDATORY 69 O.S. 2011, Section 708.2, as
14 amended by Section 579, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
15 2018, Section 708.2), is amended to read as follows:

16 Section 708.2. A. The Department of Transportation and the
17 Oklahoma Turnpike Authority shall each compile a list of all persons
18 and entities interested in and capable of performing construction
19 management and design consultant services specific to the
20 transportation industry. The consultant list shall include, but
21 shall not be limited to, qualified construction managers and design
22 consultants capable of performing such services as solicited from
23 the Office of Management and Enterprise Services file on an annual
24 basis. The Department and the Authority shall each determine the

1 qualifications of the prospective construction managers and design
2 consultants. The construction managers and design consultants shall
3 be selected at the discretion of the Department or the Authority.

4 B. The Department or the Authority shall issue a solicitation
5 to construction managers or design consultants capable of providing
6 the services desired. The solicitation shall, at a minimum,
7 contain:

8 1. A description and scope of the projects;

9 2. An estimated construction cost, anticipated starting date,
10 and completion date the Department or the Authority desires for the
11 project;

12 3. A certification of funds available for the construction
13 manager or design consultant fee, including federal, state or other
14 participation;

15 4. The closing date for construction manager or design
16 consultant to give notice of interest; and

17 5. Additional data the Department or the Authority requires
18 from the construction manager or design consultant. The closing
19 date for submission of construction manager or design consultant
20 notice of interest for consideration shall be within thirty (30)
21 days of the date the notice is issued by the Department or the
22 Authority.

23 C. The Department or the Authority shall review the
24 qualifications of the entities on the consultant list and shall

1 select no less than three and no more than five consultants per
2 contract for further consideration. The review shall include
3 consideration of the following information:

- 4 1. Professional qualifications for the type of work
5 contemplated;
- 6 2. Capacity for completing the project in the specified time
7 period;
- 8 3. Past performance on projects of a similar nature; and
- 9 4. Percentage of work to be performed by residents of Oklahoma.

10 D. The Department and the Authority shall each establish a
11 committee which will evaluate the construction managers or design
12 consultants selected for consideration and rank the construction
13 managers or design consultants in order of preference.

14 E. The Department or the Authority shall enter into
15 negotiations with the first-choice consultant. If the Department or
16 Authority and the first-choice consultant cannot reach an agreement,
17 their negotiations shall be terminated and negotiations with the
18 second-choice consultant shall commence. If the Department or the
19 Authority and the second-choice consultant cannot reach an
20 agreement, their negotiations shall be terminated and negotiations
21 with the third-choice consultant shall commence. If the Department
22 or the Authority and the third-choice consultant cannot reach an
23 agreement, then all negotiations shall be terminated. Should the
24 Department or the Authority be unable to negotiate a satisfactory

1 contract with any of the three selected consultants, the Department
2 or the Authority shall reevaluate the proposed work and send out a
3 new notice.

4 F. As provided for in the ~~Transportation Commission~~ Department
5 rules or by Authority resolutions, the Department or the Authority
6 shall perform a written evaluation of the services provided by the
7 consultant. This evaluation shall become a part of the Department's
8 and the Authority's consultant file. Failure of the consultant to
9 perform the prescribed work in a timely and accurate manner shall be
10 grounds for exclusion from the list of qualified construction
11 managers or design consultants until such time as the consultant can
12 reasonably document and demonstrate performance improvement to the
13 satisfaction of the Department or the Authority.

14 G. As provided for in the ~~Transportation Commission~~ Department
15 rules or by Authority resolutions, the Department or the Authority
16 may enter into demand services contracts for consultant services to
17 provide a specific project work type or activity for unspecified
18 projects or facilities on an as-needed basis. When soliciting and
19 securing such services, the Department and the Authority shall
20 utilize the procedure as set forth in this section.

21 SECTION 83. AMENDATORY 69 O.S. 2011, Section 901, is
22 amended to read as follows:

23 Section 901. The ~~Commission~~ Department of Transportation shall
24 pay the cost of or perform the act of constructing, improving or

1 maintaining municipal streets where such streets are a continuation
2 of the state or federal highway system and the cost of installation,
3 repair and maintenance of signs and lane marking for municipal
4 streets where such streets are a continuation of the state or
5 federal highway system. The ~~Commission~~ Department shall not pay the
6 cost of mowing the right-of-way; drainage systems and facilities; or
7 curbs, sidewalks or driveways of any such street. When a
8 municipality performs construction or maintenance operations within
9 the right-of-way which affects or involves the removal of the
10 surface, grade or subgrade of the highway, the municipality shall,
11 at the expense of the municipality, restore the surface, grade or
12 subgrade of the highway in accordance with the standards and
13 specifications set forth by the Department ~~of Transportation~~. If
14 the municipality fails to restore the surface, grade or subgrade of
15 the highway in accordance with the standards and specifications set
16 forth by the Department ~~of Transportation~~, the Department ~~of~~
17 ~~Transportation~~ shall restore the highway and charge the municipality
18 for all expenses associated therewith. The ~~Commission~~ Department
19 may participate in or pay the cost of lighting and electronic
20 traffic control devices for municipal streets where such streets are
21 a continuation of the state or federal highway system.

22 SECTION 84. AMENDATORY 69 O.S. 2011, Section 1001, as
23 last amended by Section 1, Chapter 16, O.S.L. 2018 (69 O.S. Supp.
24 2018, Section 1001), is amended to read as follows:

1 Section 1001. A. The ~~Transportation Commission~~ Director of the
2 Department of Transportation shall have authority to sell any lands,
3 or interest therein, which may have been acquired for highway
4 purposes, or facilities necessary and incident thereto, and any
5 equipment, materials or supplies which in the opinion of the
6 ~~Commission~~ Director are no longer serviceable, useful or necessary
7 for the state highway system or the operation of the Department ~~of~~
8 ~~Transportation~~. Such authority shall be subject at all times to the
9 continuing right to the use of the lands by any entity operating a
10 sewer, water or gas system, telephone or electrical services, and by
11 public service corporations and rural electric and telephone
12 cooperatives for the construction, reconstruction, maintenance,
13 operation and repair of their facilities of service which may be
14 upon the lands. However, any such land which was acquired by the
15 ~~Commission~~ Department from a governmental subdivision as a gift, or
16 for a nominal consideration, may be reconveyed to the governmental
17 subdivision by the ~~Commission~~ Director, upon repayment by the
18 governmental subdivision to the ~~Commission~~ Director of any
19 consideration for the original conveyance.

20 B. Any surplus land which has been leased to a political
21 subdivision by the ~~Commission~~ Director may be sold and conveyed to
22 the political subdivision for the present fair market value as
23 determined by a competent appraisal and the political subdivision
24 may have credited toward the purchase price of any such property the

1 lease payments which the political subdivision shall have previously
2 made to the ~~Commission~~ Department.

3 C. Except as otherwise herein provided, the lands, materials,
4 equipment and supplies shall be sold for cash to the highest and
5 best bidder after notice by publication in a newspaper published in
6 the county where the land is situated, or where the materials,
7 equipment or supplies are located, in two consecutive weekly issues
8 of the newspaper.

9 D. 1. If the land originally comprised a partial taking
10 leaving an abutting remainder, then prior to conducting such
11 advertisement and solicitation of bids for the sale of any lands or
12 interests therein, the ~~Commission~~ Director shall notify the person,
13 firm or corporation which originally conveyed the property to the
14 ~~Commission~~ Department or present successor to the original remainder
15 that same has been declared surplus and is to be offered for sale.
16 Such notice shall be sent by registered mail addressed to the last-
17 known address of such person, firm or corporation, with return
18 receipt requested. Such notice shall contain an offer to sell such
19 property to such person, firm or corporation for an amount not
20 greater than the amount for which the property was originally
21 obtained by the ~~Commission~~ Department for a period of five (5) years
22 from the original taking. Following the five-year period, the sale
23 of such property may be offered at fair market value. The amount of
24 the ~~Commission's~~ Department's requested purchase price based on such

1 appraisal shall be stated in the notice, and the person, firm or
2 corporation receiving such notice and offer shall be informed
3 therein that unless such person, firm or corporation notifies the
4 ~~Commission~~ Director in writing within thirty (30) days from the date
5 of receipt of the notice that the ~~Commission's~~ Department's offer of
6 sale is accepted by such person, firm or corporation, the ~~Commission~~
7 Director shall proceed to sell the property at public auction as
8 provided for in this section. After the expiration of thirty (30)
9 days from the date of receipt of the notice by the person, firm or
10 corporation to whom it is addressed, if such person, firm or
11 corporation has not notified the ~~Commission~~ Director in writing of
12 the acceptance of the ~~Commission's~~ Department's offer of sale, the
13 ~~Commission~~ Director shall proceed to sell such property by public
14 auction and no attempt to accept the ~~Commission's~~ Department's offer
15 by such person, firm or corporation after the expiration of such
16 thirty (30) days shall be honored by the ~~Commission~~ Director.
17 However, such person, firm or corporation may submit a bid at the
18 public auction of the property in the same manner as any other
19 qualified bidder.

20 2. If the land to be disposed of originally comprised a total
21 taking leaving no abutting remainder, then such shall be sold to the
22 highest bidder, or as otherwise herein provided except that if the
23 land to be disposed of originally comprised a total taking of less
24 than one (1) acre leaving only one abutting property owner of

1 record, then prior to conducting such advertisement and solicitation
2 of bids for the sale of any such lands or interest therein, the
3 ~~Commission~~ Director shall notify the sole abutting property owner of
4 record to the taking that such has been declared surplus and is to
5 be offered for sale. Such notice shall be sent by registered mail
6 addressed to the last-known address of such person, firm or
7 corporation, with return receipt requested. Such notice shall
8 contain an offer to sell such property to such person, firm or
9 corporation subject to the same conditions as set forth in paragraph
10 1 of this subsection.

11 3. For the purposes of this section, the ~~Commission~~ Director
12 shall not distinguish between persons from whom surplus lands or
13 interest therein were acquired by negotiated sale or gift and
14 persons from whom such property was acquired by condemnation
15 proceedings.

16 E. The ~~Commission~~ Director may, in ~~its~~ his or her discretion,
17 exchange any such lands for other lands needed for highway purposes,
18 or may lease or rent any lands which are owned by the Department,
19 and are not immediately necessary for highway purposes, on such
20 terms as the ~~Commission~~ Director determines for the best interests
21 of the state.

22 F. On an annual basis, for every parcel of land:

- 23 1. Owned by the ~~Transportation Commission~~ Department; and
24 2. Deemed surplus for ten (10) years or more,

1 the ~~Commission~~ Director shall submit a waiver request to the Federal
2 Highway Administration of the United States Department of
3 Transportation seeking exception from any federal regulation
4 preventing the sale of such land for less than fair market value.

5 G. When the Department ~~of Transportation~~ determines that any
6 equipment or vehicle becomes excess, obsolete, antiquated, unused or
7 otherwise surplus, the Department shall notify the Office of
8 Management and Enterprise Services in writing that such equipment or
9 vehicle is surplus. The notice shall identify:

10 1. The type, brand or make, and country of manufacture of the
11 equipment or vehicle;

12 2. The age of the equipment or vehicle including but not
13 limited to mileage;

14 3. Whether the equipment or vehicle is in good working
15 condition or not;

16 4. If the equipment or vehicle is not in good working
17 condition, whether it is in repairable condition at reasonable cost;

18 5. Original cost of the equipment or vehicle; and

19 6. Present value of the equipment or vehicle, if known.

20 The Office of Management and Enterprise Services, with any other
21 notice of surplus property, shall notify the eligible individuals or
22 entities as provided in subsection H of this section of the
23 availability of the surplus property of the Department ~~of~~
24 ~~Transportation~~.

1 H. Prior to any advertised public auction or advertised sealed
2 bids to all individuals and entities eligible for participation in
3 the surplus program, the Department, thirty (30) days prior to the
4 advertised auction date, shall offer, at fair market value, the
5 equipment or vehicles to the individuals or entities, in the
6 following order of priority:

- 7 1. Other state agencies;
- 8 2. Political subdivisions of the state;
- 9 3. Rural fire departments located in this state; and
- 10 4. Rural water districts located in this state.

11 Any equipment or vehicles purchased pursuant to this subsection
12 shall be made available to the purchaser on the date of purchase.

13 ~~I. The Department is authorized to act on behalf of the~~
14 ~~Commission in transactions authorized pursuant to this section,~~
15 ~~except as may be otherwise provided by rule or regulation of the~~
16 ~~Commission; and, all prior transactions of the Department which are~~
17 ~~otherwise in conformity with this section are deemed authorized and~~
18 ~~approved.~~

19 ~~J.~~ When the Department ~~of Transportation~~ determines that any
20 road or bridge materials or supplies become excess, unused, or
21 otherwise surplus, the Department shall make such road or bridge
22 material or supplies available to all governmental entities eligible
23 for participation in the surplus program. The Department may be
24 reimbursed for any cost incurred in the recovery or storage of such

1 road or bridge material or supplies. The governmental entity
2 requesting the excess, unused, or otherwise surplus road or bridge
3 materials or supplies shall retrieve such materials or supplies from
4 the Department ~~of Transportation~~ within one hundred eighty (180)
5 days from the completion of project for which the materials or
6 supplies are declared excess or surplus.

7 The Department, upon request of a local government, may transfer
8 surplus bridge beams to the local government for use in the
9 construction or repair of public roadway bridges. The local
10 government shall not sell the surplus beams. Prior to the transfer,
11 the local government shall cause the surplus beams to be inspected
12 by a registered professional engineer. The local government shall
13 assume full responsibility for the cost of transporting the beams
14 and for the use of the beams including, but not limited to, the
15 proper removal and disposal of lead-based paint. The Department
16 shall retain the surplus beams for the requesting local government
17 for a period not exceeding one hundred eighty (180) days, after
18 which the Department may otherwise dispose of the surplus beams.

19 SECTION 85. AMENDATORY 69 O.S. 2011, Section 1002, is
20 amended to read as follows:

21 Section 1002. The ~~Commission~~ Director of the Department of
22 Transportation shall have authority to comprise, settle or litigate
23 claims which it may have against any person, firm or corporation for
24 damages to or loss of property, equipment, or facilities of any kind

1 belonging to the Department or over which the Department ~~or the~~
2 ~~Commission~~ shall have jurisdiction and control.

3 SECTION 86. AMENDATORY 69 O.S. 2011, Section 1003, is
4 amended to read as follows:

5 Section 1003. The proceeds from the sale or rental of any
6 lands, or from the sale of equipment, materials or supplies, and any
7 funds received as the result of the settlement or litigation of
8 claims for damages to or loss of property, equipment or facilities
9 owned by or under the control of the Department ~~or Commission of~~
10 Transportation, shall be deposited in the State Highway Construction
11 and Maintenance Fund.

12 SECTION 87. AMENDATORY 69 O.S. 2011, Section 1102, is
13 amended to read as follows:

14 Section 1102. When any contract for the construction or
15 improvement of a state highway, or for the construction or
16 improvement of a bridge, has not been carried out or work thereunder
17 has been suspended by virtue of an order or directive of any officer
18 or agency of the federal government issued under authority vested in
19 or delegated to such officer or agency during any national
20 emergency, and the ~~Commission~~ Director of the Department of
21 Transportation finds that in order to prevent further delay in the
22 construction and completion of any such project, or that for any
23 other reason it is to the best interest of the state to renegotiate
24 the contract with the original contractor, or to cancel the contract

1 and relet the same on advertised bids, the ~~Commission~~ Director in
2 ~~its~~ his or her discretion may renegotiate the contract with the
3 original contractor on the most advantageous terms to the state
4 obtainable, or may cancel the contract with the consent of the
5 contractor upon such terms as may be mutually agreed upon and relet
6 the cancelled contract on advertised bids at a public letting.

7 SECTION 88. AMENDATORY 69 O.S. 2011, Section 1104, is
8 amended to read as follows:

9 Section 1104. A. As used in this section:

10 1. "Highway emergency" means a situation or condition of a
11 designed state highway that:

- 12 a. poses a threat to life or property of travelers, or
- 13 b. substantially disrupts the orderly flow of traffic and
14 commerce; and

15 2. "Highway improvement contract" means a contract awarded by
16 the Department of Transportation for the construction, repair, or
17 maintenance of a designated state highway or any part of the
18 highway.

19 B. As the part of any bidding procedure as provided by law for
20 the letting of contracts by the Department ~~of Transportation~~, the
21 Department may award a highway improvement contract in a highway
22 emergency in accordance with rules ~~adopted~~ promulgated by the
23 Department which may include:

24 1. Contractor eligibility;

- 1 2. Notification of prospective bidders;
- 2 3. Bidding requirements;
- 3 4. Procedures for awarding the contract, pursuant to the Public
- 4 Competitive Bidding Act of 1974;
- 5 5. Bonding or other requirements to ensure satisfactory
- 6 performance by the contractor and the protection of claimants
- 7 supplying labor and materials used in performance of the contract;
- 8 6. Contract form and contents;
- 9 7. Provisions for extended work days to expedite the
- 10 improvement; and
- 11 8. Provisions for waiver of or exception to a procedure or
- 12 requirement adopted pursuant to this section.

13 C. Prior to awarding a contract under this section, the

14 Department shall certify in writing a description of the highway

15 emergency. A copy of the certification of the highway emergency

16 shall be attached to the contract. ~~The Transportation Commission~~

17 ~~shall be sent a copy of the certification of the highway emergency~~

18 ~~for final approval.~~

19 D. In addition to the requirements of this section, any

20 contract awarded pursuant to this section shall comply with the

21 Public Competitive Bidding Act of 1974.

22 SECTION 89. AMENDATORY 69 O.S. 2011, Section 1204, is

23 amended to read as follows:

24

1 Section 1204. No work order on a contract for construction,
2 reconstruction, maintenance, or any other type of highway
3 construction shall be issued by the ~~Transportation Commission~~
4 Department of Transportation unless all rights-of-way necessary for
5 such construction shall have first been secured by the state or
6 local units of government.

7 SECTION 90. AMENDATORY 69 O.S. 2011, Section 1205, as
8 amended by Section 1, Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2018,
9 Section 1205), is amended to read as follows:

10 Section 1205. The policy which the ~~Commission~~ Department of
11 Transportation shall follow in the acquisition of all rights-of-way
12 shall be as follows:

13 ~~(a)~~ 1. For construction on the Interstate Highway System within
14 the limits of municipalities having a population of five thousand
15 (5,000) or more, federal aid funds, if available, may be used for
16 the acquisition of rights-of-way, and shall, if available, be used
17 to pay the cost of the removing or relocating of utility facilities
18 located in either privately owned or public rights-of-way. In such
19 event the municipality in which such construction is to be performed
20 shall furnish funds to the state necessary to match the federal
21 funds, unless the utility requiring relocation is owned by another
22 municipality having a population of five thousand (5,000) or more,
23 in which case the municipal utility owner shall furnish the funds;i

24

1 ~~(b)~~ 2. For construction on the Interstate Highway System in all
2 locations other than within the limits of municipalities having a
3 population of five thousand (5,000) or over, and where control of
4 access is required, the state shall furnish all rights-of-way and
5 may use federal aid funds, if available, for such purpose, and when
6 federal aid funds are available for such purpose, shall pay the cost
7 of removing or relocating utility facilities located on either
8 privately owned or public rights-of-way-;:

9 ~~(e)~~ 3. For all construction projects within the limits of
10 municipalities, other than projects on the Interstate Highway
11 System, as described in the Federal Aid Highway Act of 1956, the
12 municipality or county involved and the Department shall equally
13 share the cost of all necessary rights-of-way, clear of all
14 obstructions, including structures of any kind or nature and utility
15 lines, poles, pipelines or other facilities above or below the
16 surface of the ground. If federal aid funds are available for the
17 project, the municipality or county and the Department shall equally
18 share the local portion of the costs for acquiring and clearing the
19 right-of-way, including the cost of removing and relocating utility
20 facilities located on privately owned rights-of-way-;:

21 ~~(d)~~ 4. In any municipality where the ~~Commission~~ Director of the
22 Department has determined it to be necessary to construct a highway
23 through or within the corporate limits, and further determines that
24 the construction will not benefit the municipality involved, or that

1 the construction will benefit state-owned property or institutions,
2 the ~~Commission~~ Director may, in ~~its~~ his or her discretion, pay for
3 or participate in the cost of rights-of-way for such project-;

4 ~~(e)~~ 5. For all reconstruction or widening projects on existing
5 improved roads of permanent-type surface in rural areas, the
6 Department shall pay fifty percent (50%) of the cost of any
7 additional rights-of-way required to meet right-of-way standard-
8 width requirements, and the remaining fifty percent (50%) shall be
9 furnished or paid for by local units of government; provided,
10 however, that no right-of-way shall be acquired under the terms of
11 this article, except by due process of law-;

12 ~~(f)~~ 6. For new construction on unsurfaced roads where the
13 construction follows a section line or an existing unimproved road,
14 all rights-of-way shall be furnished by local units of government
15 free of cost to the Department; provided, should the new or
16 additional rights-of-way, either contiguous or adjacent to the
17 section line or existing unimproved road, be acquired only on one
18 side of the section line or road, then one-half of the cost shall be
19 borne by the state-;

20 ~~(g)~~ 7. For all new construction diagonally across country or
21 not following on a section line road or other existing unimproved
22 road, the rights-of-way shall be paid for by the Department-;

23 ~~(h)~~ 8. In securing the necessary rights-of-way in rural areas,
24 the state shall pay for all damages to buildings, improvements,

1 fences and all other appurtenances thereto, or their moving and
2 relocating-;

3 ~~(i)~~ 9. In any county where a proposed alignment for a highway
4 project on the primary system shall not come within one-half (1/2)
5 mile of the limits of any municipality within the county, or
6 contribute to the highway transportation system or to the economy of
7 the county, the ~~Commission~~ Director may, in ~~its~~ his or her
8 discretion, increase the amount of the state's participation in the
9 cost of rights-of-way for such projects-; and

10 ~~(j)~~ 10. The term "utility facility" as used herein means any
11 publicly, privately, municipally or cooperatively owned facility or
12 system which is used to provide water, power, light, gas, sewer,
13 telegraph, telephone and communications, or like utility service, to
14 the public in the State of Oklahoma, or some portion thereof.

15 SECTION 91. AMENDATORY 69 O.S. 2011, Section 1208, is
16 amended to read as follows:

17 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
18 Department of Transportation shall be held inviolate for state
19 highway and departmental purposes, and no physical or functional
20 encroachments or uses shall be permitted within such rights-of-way.

21 ~~(b)~~ B. It shall be unlawful for any person to construct,
22 maintain or operate any gasoline pump, driveway canopy, building,
23 sign, fence, post, or any thing or structure on or overhanging any
24 right-of-way, or upon or overhanging any street occupied by a

1 designated state or federal highway, and the construction or
2 maintaining of any such thing or structure on or overhanging any
3 federal or state highway shall constitute a public nuisance, which
4 may be summarily abated by the ~~Commission~~ Department or its
5 officers, agents, servants and employees in the manner provided in
6 this article.

7 ~~(e)~~ C. This section shall not apply to the lawful use of such
8 rights-of-way for the erection and operation of facilities of a
9 public utility.

10 SECTION 92. AMENDATORY 69 O.S. 2011, Section 1209, is
11 amended to read as follows:

12 Section 1209. The ~~Commission~~ Department of Transportation, its
13 officers, agents, servants and employees shall have authority to
14 physically remove any such sign, post, thing or structure, gasoline
15 pump, driveway canopy, fence, signpost and building; and if the
16 owner of any such driveway canopy, gasoline pump, or building, thing
17 or structure fails to remove the same within a reasonable time after
18 written demand for the removal thereof has been made upon him by
19 registered mail or personal service, the ~~Commission~~ Department, its
20 officers, agents, servants and employees may physically tear down
21 and remove such building, canopy, or pump, and for such purpose may
22 enter upon private property to the extent necessary to accomplish
23 the removal. Neither the state nor the ~~Commission~~ Department or its
24 agents, servants, officers and employees shall be liable for any

1 damage caused or sustained by reason of the abatement and removal of
2 any such nuisance.

3 SECTION 93. AMENDATORY 69 O.S. 2011, Section 1210, is
4 amended to read as follows:

5 Section 1210. Sections 1208 through 1211 of this title shall
6 not prevent the construction or maintenance of any culvert or
7 driveway as a means of ingress and egress to private property, or
8 prevent the placing of mailboxes or fences to stock-passes on any
9 highway right-of-way. The ~~Commission~~ Department of Transportation
10 may regulate the construction and maintenance of such culverts,
11 driveways, fences to stock-passes, and mailboxes with due regard to
12 the safety of the traveling public and proper maintenance of the
13 highway. No culvert, driveway, fence to stock-pass, or mailbox
14 shall be constructed or maintained on the right-of-way of any
15 designated state or federal highway by any person without the
16 approval of the ~~Commission~~ Department, and the ~~Commission~~ Department
17 may remove without notice any such culvert, driveway, fence to
18 stock-pass, or mailbox constructed or maintained without first
19 obtaining such approval when in its judgment such culvert, driveway,
20 fence to stock-pass, or mailbox is dangerous to the traveling public
21 or interferes with proper drainage or maintenance of the highway.

22 SECTION 94. AMENDATORY 69 O.S. 2011, Section 1211, is
23 amended to read as follows:

24

1 Section 1211. ~~(a)~~ A. Every person who shall construct,
2 maintain, or operate any gasoline pump, driveway canopy, building,
3 sign, fence, post, or any other thing or structure except such as
4 may be specifically authorized by law upon the right-of-way of any
5 designated state or federal highway, or upon any street designated
6 as a part of any state or federal highway, shall be guilty of a
7 misdemeanor and each day such violation continues shall be a
8 separate offense.

9 ~~(b)~~ B. Every person who, by threats, physical violence, or in
10 any manner, prevents, obstructs or hinders the abatement of any such
11 nuisance by the ~~Commission~~ Department of Transportation, its agents,
12 servants or employees shall be guilty of a misdemeanor.

13 SECTION 95. AMENDATORY 69 O.S. 2011, Section 1253, is
14 amended to read as follows:

15 Section 1253. As used in ~~this act~~ the Oklahoma Junkyard and
16 Scrap Metal Processing Facility Control Act:

17 ~~(a)~~ 1. "Junk" means old or scrap copper, brass, rope, rags,
18 batteries, paper, trash, rubber debris, waste, or junked, dismantled
19 or wrecked automobiles, or parts thereof, iron, steel, and other old
20 or scrap ferrous or nonferrous material;i

21 ~~(b)~~ 2. "Automobile graveyard" means any establishment or place
22 of business which is maintained, used or operated for storing,
23 keeping, buying or selling wrecked, scrapped, ruined or dismantled
24 motor vehicles or motor vehicle parts;i

1 ~~(e)~~ 3. "Junkyard" means an establishment or place of business
2 which is maintained, operated or used for storing, keeping, buying
3 or selling junk, or for the maintenance or operation of an
4 automobile graveyard, and the term shall include garbage dumps and
5 sanitary fills-i;

6 ~~(d)~~ 4. "Interstate system" means that portion of the National
7 System of Interstate and Defense Highways located within this state,
8 as officially designated, or as may hereafter be so designated by
9 the ~~Transportation Commission~~ Department of Transportation, and
10 approved by the Secretary of Transportation, pursuant to the
11 provisions of Title 23, United States Code, "Highways-";

12 ~~(e)~~ 5. "Primary system" means that portion of connected main
13 highways as officially designated, or as may hereafter be so
14 designated, by the ~~Transportation Commission~~ Director of the
15 Department of Transportation, and approved by the Secretary of
16 Transportation, pursuant to the provisions of Title 23, United
17 States Code, "Highways-";

18 ~~(f)~~ 6. "Unzoned industrial areas" means any area not zoned by
19 state or local law, regulation or ordinance, which is occupied by
20 one or more industrial activities, and the lands along the highway
21 for a distance of one thousand (1,000) feet measured in each
22 direction from the outer edges of the regularly used buildings,
23 parking lots, storage, or processing areas of the activities, and
24 lying parallel to the edge or pavement of the highway, and located

1 on the same side of the highway as the principal part of said
2 activities. Measurements shall not be from the property lines of
3 the activities, unless said property lines coincide with the limits
4 of the activities~~;~~;

5 ~~(g)~~ 7. "Scrap metal processing facility" means an establishment
6 having facilities used primarily for processing iron, steel or
7 nonferrous metals and whose principal product is such iron, steel or
8 scrap for sale for remelting purposes only, the processor being
9 considered a manufacturer~~;~~;

10 ~~(h)~~ 8. "Industrial activities" means those activities permitted
11 only in industrial zones, or in less restrictive zones by the
12 nearest zoning authority within the state, or prohibited by said
13 authority but generally recognized as industrial by other zoning
14 authorities within the state except that none of the following shall
15 be considered industrial activities:

16 ~~(1) Outdoor~~

17 a. outdoor advertising signs, displays or devices~~;~~

18 ~~(2) Agricultural~~

19 b. agricultural, forestry, ranching, grazing, farming and
20 related activities, including, but not limited to,
21 wayside fresh produce stands~~;~~

22 ~~(3) Activities~~

23 c. activities normally and regularly in operation less
24 than three (3) months of the year~~;~~

1 ~~(4) Transient~~

2 d. transient or temporary activities~~†, 1~~

3 ~~(5) Activities~~

4 e. activities not visible from the traffic lanes of the
5 main traveled way~~†, 1~~

6 ~~(6) Activities~~

7 f. activities more than three hundred (300) feet from the
8 nearest edge of the main traveled way~~†, 1~~

9 ~~(7) Activities~~

10 g. activities conducted in a building principally used as
11 a residence~~†, 1~~

12 ~~(8) Railroad~~

13 h. railroad tracks, minor sidings and passenger depots~~†, 1~~

14 ~~(9) Strip~~

15 i. strip or other open mining activities~~†, 1~~ and

16 ~~(10) Junkyards~~

17 j. junkyards, automobile graveyards or scrap metal
18 processing facilities~~†, i~~

19 ~~(i) 9.~~ "Department" means the ~~Oklahoma~~ Department of
20 Transportation~~†, i~~ and

21 ~~(j) "Commission" means the Transportation Commission of the~~
22 ~~Oklahoma Department of Transportation.~~

23 ~~(k) 10.~~ "Director" means the Director of the ~~Oklahoma~~
24 Department of Transportation.

1 SECTION 96. AMENDATORY 69 O.S. 2011, Section 1254, is
2 amended to read as follows:

3 Section 1254. No person, firm or corporation shall establish,
4 operate or maintain a junkyard or scrap metal processing facility,
5 any portion of which is within one thousand (1,000) feet of the
6 nearest edge of the right-of-way of any interstate or primary
7 highway, except the following:

8 ~~(a)~~ 1. Those which are screened by natural objects, plantings,
9 fences or other appropriate means so as not to be visible from the
10 main traveled way of the system, or otherwise removed from sight;

11 ~~(b)~~ 2. Those located within unzoned industrial areas, which
12 areas shall be determined from actual land uses and defined by
13 regulations to be promulgated by the ~~Commission.~~ Director of the
14 Department of Transportation;

15 ~~(c)~~ 3. Those located within areas which are zoned for
16 industrial use under authority of state or local law, regulation or
17 ordinances; and

18 ~~(d)~~ 4. Those which are not visible from the main traveled way
19 of the system.

20 SECTION 97. AMENDATORY 69 O.S. 2011, Section 1255, is
21 amended to read as follows:

22 Section 1255. Any junkyard or scrap metal processing facility
23 lawfully in existence on ~~the effective date of this act~~ April 1,
24 1968, which is within one thousand (1,000) feet of the nearest edge

1 of the right-of-way and visible from the main traveled way of any
2 highway on the interstate or primary system shall be screened by the
3 person, firm or corporation operating said junkyard or scrap metal
4 processing facility in the manner and at locations required by the
5 ~~Commission~~ Director of the Department of Transportation.

6 SECTION 98. AMENDATORY 69 O.S. 2011, Section 1256, is
7 amended to read as follows:

8 Section 1256. Any person, firm or corporation in existence and
9 doing business at a specified present location ~~at the time of~~
10 ~~passage of this act~~ as of April 1, 1968, required to provide fencing
11 or screening by ~~this act~~ the Oklahoma Junkyard and Scrap Metal
12 Processing Facility Control Act, shall be reimbursed all actual and
13 necessary expenses incurred thereby upon the prior submission of a
14 plan or scheme to be approved by the Department of Transportation
15 and thereafter the submission of an itemized claim for such expenses
16 to the ~~Oklahoma~~ Department ~~of Transportation~~ when such claim is
17 approved by the ~~Commission~~ Director of the Department.

18 SECTION 99. AMENDATORY 69 O.S. 2011, Section 1259, is
19 amended to read as follows:

20 Section 1259. The ~~Commission~~ Director of the Department of
21 Transportation is hereby empowered to promulgate rules and prescribe
22 ~~reasonable rules, regulations and~~ policies not inconsistent with
23 ~~this act~~ the Oklahoma Junkyard and Scrap Metal Processing Facility
24

1 Control Act for the implementation and administration of the
2 junkyard control program required hereunder.

3 SECTION 100. AMENDATORY 69 O.S. 2011, Section 1260, is
4 amended to read as follows:

5 Section 1260. When the ~~Commission~~ Department of Transportation
6 determines that the topography of the land adjoining the highway
7 will not permit adequate screening of such junkyards or scrap metal
8 processing facilities or the screening of such junkyards or scrap
9 metal processing facilities would not be economically feasible, the
10 ~~Commission~~ Department shall have the authority to acquire, by gift,
11 purchase, exchange or condemnation, such interest, either real or
12 personal, as may be necessary to secure the relocation, removal or
13 disposal of the junkyards or scrap metal processing facilities and
14 to pay the costs of relocation, removal or disposal thereof. When
15 the ~~Commission~~ Department determines that it is in the best interest
16 of the state, it may acquire such real or personal property interest
17 as may be necessary to provide adequate screening of such junkyards
18 or scrap metal processing facilities.

19 SECTION 101. AMENDATORY 69 O.S. 2011, Section 1263, is
20 amended to read as follows:

21 Section 1263. The ~~Commission~~ Department of Transportation may
22 accept any allotment of funds by the United States, or any agency
23 thereof, appropriated to carry out the purposes of federal law. In
24 the event federal funds are not available for assistance in carrying

1 out the provisions of the federal law, the ~~Commission~~ Department may
2 defer the screening, removal or relocation of junkyards or scrap
3 metal processing facilities until such time as federal funds are
4 made available for such purposes.

5 SECTION 102. AMENDATORY 69 O.S. 2011, Section 1264, is
6 amended to read as follows:

7 Section 1264. The ~~Commission~~ Department of Transportation is
8 hereby authorized to use any funds appropriated to it or received by
9 it from the State Highway Construction and Maintenance Fund for
10 matching federal funds or for other lawful purposes of ~~this act~~ the
11 Oklahoma Junkyard and Scrap Metal Processing Facility Control Act.

12 SECTION 103. AMENDATORY 69 O.S. 2011, Section 1275, as
13 last amended by Section 2, Chapter 350, O.S.L. 2016 (69 O.S. Supp.
14 2018, Section 1275), is amended to read as follows:

15 Section 1275. After April 15, 1968, signs which are to be
16 erected in a business area shall comply with the following
17 standards:

- 18 1. General. Signs shall not be erected or maintained which:
19 a. imitate or resemble any official traffic sign, signal
20 or device, or
21 b. are erected or maintained upon trees or painted or
22 drawn upon rocks or other natural features;

23 2. Size.
24

1 a. Signs shall not be erected which exceed one thousand
2 two hundred (1,200) square feet in area, per facing,
3 including border and trim, nor shall signs be erected
4 which exceed twenty-five (25) feet in height nor sixty
5 (60) feet in length, excluding apron, supports and
6 other structural members.

7 b. The maximum size limitations shall apply to each sign
8 facing. Two signs not exceeding six hundred (600)
9 square feet each may be erected in a facing, side by
10 side or "doubledecker". Back-to-back and/or V-type
11 signs will be permitted, and shall be treated as one
12 structure with one thousand two hundred (1,200) square
13 feet permitted for each, if the sign structures or
14 facings are physically contiguous, or connected by the
15 same structure or cross bracing, or located not more
16 than fifteen (15) feet apart at their nearest point
17 nor more than thirty (30) feet apart at their widest
18 point in the case of back-to-back or V-type signs.
19 However, nothing in this section shall be construed to
20 allow tri-faced signs;

21 3. Spacing.

22 a. Signs shall conform to all applicable building codes
23 and ordinances of the municipality, county or state,
24 whichever has jurisdiction as set forth in Section

1 1272 of this title, except as provided for in
2 subparagraph d of this paragraph.

3 b. Signs shall not be erected or maintained in such a
4 manner as to obscure or otherwise physically interfere
5 with an official traffic sign, signal or device or to
6 obstruct or physically interfere with the driver's
7 view of approaching, merging or intersecting traffic.

8 c. Signs visible from a nonfreeway primary highway shall
9 not be erected within the limits of an incorporated
10 municipality less than one hundred (100) feet on the
11 opposite side of the highway and three hundred (300)
12 feet on the same side of the highway, and outside the
13 limits of an incorporated municipality less than three
14 hundred (300) feet, from another such sign, other than
15 signs described in subsections (a), (b) and (c) of
16 Section 1274 of this title, unless separated by a
17 building or other obstruction in such a manner that
18 only one display located within the minimum spacing
19 distances set forth herein is visible from the highway
20 at any one time; provided, however, that this shall
21 not prevent the erection of double-faced, back-to-
22 back, or V-type signs with a maximum of two signs per
23 facing, as permitted by paragraph 2 of this section.
24 Signs visible and intended to be read from interstate

1 and freeway primary facilities shall not be erected
2 less than one thousand (1,000) feet from another such
3 sign on the same side of such facilities, other than
4 signs described in subsections (a), (b) and (c) of
5 Section 1274 of this title. Outside incorporated
6 municipalities, signs visible and intended to be read
7 from interstate and freeway primary facilities shall
8 not be erected adjacent to or within five hundred
9 (500) feet of an interchange, intersection at grade,
10 or rest area, on the same side of such facilities such
11 distance to be measured along the interstate highway
12 or freeway from the sign to the nearest point of the
13 beginning or ending of pavement widening at the exit
14 from or entrance to the main-traveled way. Signs may
15 not be located within five hundred (500) feet of any
16 of the following which are adjacent to any interstate
17 or federal-aid primary highway: public parks; public
18 forests; playgrounds; or cemeteries. Provided,
19 however, the ~~Transportation Commission~~ Director of the
20 Department of Transportation shall promulgate rules
21 pursuant to the Administrative Procedures Act
22 governing the measurement methodology to be
23 prospectively utilized by the Department when
24 determining spacing between outdoor advertising signs,

1 displays and devices and public parks, public forests,
2 playgrounds and cemeteries. Provided further, any
3 measurement methodology heretofore utilized by the
4 Department, including but not limited to the straight-
5 line method, shall be accepted by the Department
6 without prejudice. Provided further, the Department
7 shall be prohibited from altering a permit
8 classification or revoking any outdoor advertising
9 license, which was properly obtained at the time of
10 issuance, based upon a change of internal agency
11 policy, agency interpretation of law or promulgation
12 of rules. Provided further, a sign location that was
13 permitted in compliance with the spacing requirements
14 of this section in effect prior to ~~the effective date~~
15 ~~of this act~~ November 1, 2001, but which does not
16 comply with the spacing requirements of this section
17 as amended after ~~the effective date of this act~~
18 November 1, 2001, shall maintain its current legal
19 status; provided it complies with all other permitting
20 requirements as set forth by the ~~Transportation~~
21 ~~Commission~~ Director.

- 22 d. For the purpose of providing a method and opportunity
23 to minimize the cost of acquiring legally erected
24 outdoor advertising signs, the Director ~~of the~~

1 ~~Department of Transportation~~ shall have the option to
2 approve the issuance of permits for outdoor
3 advertising signs visible from a roadway subject to
4 the regulatory control of the Department ~~of~~
5 ~~Transportation~~ which may be erected less than current
6 state spacing distances from another such sign.

7 Permits issued pursuant to this option shall be only
8 for the purpose of providing a relocation site for a
9 sign being taken by the state and shall not violate
10 spacing regulations as stipulated in the Federal State
11 Agreement. The Department shall also issue a
12 relocation permit if a roadway for which a legally
13 erected permitted sign adjacent thereto is realigned;
14 provided, however, the applicant for such relocation
15 permit shall surrender four legally issued permits on
16 a road realigned and the applicant shall waive any
17 claim for compensation against the Department upon
18 issuance of a relocation permit based on highway
19 realignment. Provided, when the Department issues a
20 permit pursuant to this subsection to accommodate the
21 relocation of a structure:

- 22 (1) if the structure to be removed is visible from a
23 roadway subject to the regulatory control of the
24 Department inside an incorporated area, the

1 relocation site shall be inside the same
2 incorporated area and shall be visible from a
3 roadway subject to the regulatory control of the
4 Department,

5 (2) if there are not suitable relocation sites
6 meeting the provisions of division 1 of this
7 subparagraph and the structure to be removed is
8 visible from a roadway subject to the regulatory
9 control of the Department, notwithstanding the
10 provisions of division 1 of this subparagraph,
11 the Department may issue a permit for a
12 relocation site outside of the incorporated area,
13 provided the relocation site is in the same
14 county, a contiguous county thereto or other
15 municipality in which the improved roadway
16 travels through granting mutual benefit from
17 improvements, which shall be visible from a
18 roadway subject to the regulatory control of the
19 Department, and

20 (3) all potential relocation sites must be in
21 compliance with provisions set forth in the
22 applicable Right-of-Way, Public Utility and
23 Encroachment Agreement or Agreements.
24

1 Provided further, the square footage of display face
2 on the relocated sign shall not exceed the square
3 footage of display face of the acquired sign. The
4 relocated sign shall maintain the same legal status
5 and ability to upgrade as existed prior to relocation;
6 provided it complies with all other permitting
7 requirements set forth by the ~~Transportation~~
8 ~~Commission~~ Director and no other permits shall be
9 required and any county or municipal authority in
10 which a relocation permit has been issued shall
11 promptly provide the required 9-1-1 address or other
12 information necessary for the delivery of utility
13 service to a relocated sign. The ~~Transportation~~
14 ~~Commission~~ Director shall have the authority to
15 promulgate rules necessary to implement the use of the
16 permit option provided for in this subsection.

17 e. Notwithstanding any other provision of law, the
18 Department of ~~Transportation~~ shall, after determining
19 the need to acquire property upon which outdoor
20 advertising structures are located, have the authority
21 to negotiate directly with the owner of the outdoor
22 advertising structure the terms for maintaining such
23 structures in their current position or for the
24 relocation of such structures. Such negotiations may

1 begin prior to the Department's initiation of formal
2 condemnation proceedings and shall be completed prior
3 to a jury award in a condemnation proceeding. The
4 Department ~~of Transportation~~ retains its right to
5 require the removal of the sign structure improvement
6 effective as of the payment by the Department in the
7 amount awarded by the court-appointed commissioners
8 pursuant to applicable law. Nothing in this section
9 shall be construed to prevent the owner of the land
10 from pursuing a claim of interest in any lease
11 existing between the landowner and the outdoor
12 advertising structure owner, or to prevent the outdoor
13 advertising structure owner from pursuing a claim for
14 fair market value of the owner's interest if
15 negotiations with the Department for a lease or
16 structure relocation arrangement are not successful;

17 4. Lighting.

- 18 a. Signs shall not be erected which contain, include, or
19 are illuminated by any flashing, intermittent,
20 revolving or moving light, except on-premise signs and
21 those giving public service information such as, but
22 not limited to, time, date, temperature, weather or
23 news. Steadily burning lights in configuration of
24 letters or pictures are not prohibited.

1 b. Signs shall not be erected or maintained which are not
2 effectively shielded to prevent beams or rays of light
3 from being directed at any portion of the traveled way
4 of any interstate or primary highway and are of such
5 intensity or brilliance as to cause glare or to impair
6 the vision of the driver of any motor vehicle.

7 c. Signs shall not be erected or maintained which shall
8 be so illuminated that they obscure any official
9 traffic sign, device, or signal, or imitate or may be
10 confused with any such official traffic sign, device
11 or signal.

12 d. Provided, however, nothing in this section shall be
13 construed to prohibit the erection or maintenance of
14 signs which include the steady illumination of sign
15 faces, panels or slats that rotate to different
16 messages in a fixed position, commonly known as tri-
17 vision faces or multiple message signs; provided, the
18 rotation of one sign face to another is no more
19 frequent than every eight (8) seconds and the actual
20 rotation process is accomplished in four (4) seconds
21 or less; and

22 5. Vegetation Management.

23 a. For the purpose of minimizing costs to the Department
24 for the removal, cutting, or trimming of trees or

1 vegetation on a public right-of-way to make visible or
2 ensure future visibility of the facing of a permitted
3 outdoor advertising sign, the Department is authorized
4 to establish a process for an outdoor advertising
5 permit holder to conduct vegetation management
6 activities within a specific area surrounding the
7 permit holders' outdoor advertising device.

8 b. The Department shall promulgate rules prescribing the
9 scope of such vegetation management activities and any
10 requirements it deems necessary to monitor such
11 activities.

12 SECTION 104. AMENDATORY 69 O.S. 2011, Section 1277, as
13 amended by Section 2, Chapter 269, O.S.L. 2014 (69 O.S. Supp. 2018,
14 Section 1277), is amended to read as follows:

15 Section 1277. A. ~~The Transportation Commission~~ Director of the
16 Department of Transportation is hereby authorized to ~~enact and adopt~~
17 promulgate rules ~~and regulations~~ for the issuance of licenses and
18 permits and the charging and collection of permit fees for other
19 than "on-premise" outdoor advertising structures as defined in ~~this~~
20 ~~act~~ Section 1271 et seq. of this title.

21 B. The Department ~~of Transportation~~ shall have the authority to
22 revoke any permit issued under Sections 1271 through 1288 of this
23 title if the permit holder for any reason is no longer making lease
24

1 payments or other agreed-upon compensation to the landowner for use
2 of the land where the sign is located.

3 C. After July 1, 2014, the Department ~~of Transportation~~ shall
4 have the authority to revoke a permit issued under Sections 1271
5 through 1288 of this title if the permit holder fails to construct a
6 sign at the permitted site prior to the second expiration date of
7 the permit, or the permitted site is determined by the Department to
8 be a discontinued sign site.

9 SECTION 105. AMENDATORY 69 O.S. 2011, Section 1286, is
10 amended to read as follows:

11 Section 1286. For the purpose of highway beautification, the
12 ~~Transportation Commission~~ Director of the Department of
13 Transportation may ~~adopt~~ promulgate rules regarding the repair or
14 maintenance of, or changes to, nonconforming advertising signs,
15 displays or devices, as defined in Section 1278 of ~~Title 69 of the~~
16 ~~Oklahoma Statutes~~ this title, including the size, height, lighting,
17 replacement, rebuilding, or re-erection of such structures.

18 SECTION 106. AMENDATORY 69 O.S. 2011, Section 1301, is
19 amended to read as follows:

20 Section 1301. The provisions of this article, except those
21 provisions authorizing the use of special assessments, shall extend
22 to the State of Oklahoma through the ~~Commission~~ Department of
23 Transportation, and to every city in this state having a population
24 of two thousand (2,000) or more, according to the last preceding

1 Federal Decennial Census, whether such city is or shall hereafter be
2 operating under a charter form of government or under general law.
3 The provisions of this article authorizing the use of special
4 assessments shall extend to every county of the state having a
5 population of forty-two thousand (42,000) or more, in which there is
6 located a city having a population in excess of twenty-seven
7 thousand (27,000) as shown by the last preceding Federal Decennial
8 Census, and the provisions of this article authorizing the use of
9 special assessments shall extend to every city in this state having
10 a population in excess of twenty-seven thousand (27,000) as shown by
11 the last preceding Federal Decennial Census.

12 SECTION 107. AMENDATORY 69 O.S. 2011, Section 1314, is
13 amended to read as follows:

14 Section 1314. ~~(a)~~ A. When a railroad or railway shall occupy
15 any portion of a limited access facility with its tracks, either
16 running in a general direction thereto or otherwise, the governing
17 body or the board of county commissioners or the ~~Commission~~ Director
18 of the Department of Transportation may require such railroad or
19 railway company to pave so much of the facility as may be occupied
20 by its track or tracks and three (3) feet on each side, and when
21 more than one track crosses within a distance of (one hundred) 100
22 feet, measuring from inside rail to inside rail, the company shall
23 grade, gutter, drain, curb, pave or otherwise improve between its
24 tracks in the same manner as the facility itself.

1 ~~(b)~~ B. The Corporation Commission of the State of Oklahoma may
2 require warning signals at grade crossings at intersections of
3 railroad and limited access facilities and may require grade
4 separations at intersections of railroads and limited access
5 facilities. The determination of whether such warning signals and
6 grade separations shall be required, the location thereof, the type
7 thereof, and the distribution of the cost thereof shall be
8 determined by the Corporation Commission in accordance with the
9 provisions of 17 O.S.1961, Sections 81 to 84, inclusive.

10 SECTION 108. AMENDATORY 69 O.S. 2011, Section 1331, is
11 amended to read as follows:

12 Section 1331. Within their respective jurisdictions, the State
13 of Oklahoma through the ~~Commission~~ Department of Transportation, and
14 the governing body of every city within the provisions of this
15 article, and the board of county commissioners of each county,
16 acting alone, or in cooperation with any federal, state, county or
17 city agency having authority to participate in the construction or
18 maintenance of highways, shall have authority to plan, designate,
19 establish, regulate, vacate, alter, improve, maintain and provide
20 limited access facilities; and may designate the whole or any part
21 or parts thereof as parkways, or as heavy traffic highways, or may
22 otherwise limit or specify the type of traffic entitled to use the
23 same. For the purposes of this article, each city within the
24 provisions of this article, and every county within the state, shall

1 have authority to acquire property and rights-of-way for limited
2 access facilities by gift, devise, purchase or condemnation in the
3 same manner as may be authorized by law for the acquisition of such
4 property or property rights for highways and streets within their
5 respective jurisdictions. The decision by any such governing body
6 that any such limited access facility constructed, or to be
7 constructed, is a public utility shall be final and conclusive.

8 SECTION 109. AMENDATORY 69 O.S. 2011, Section 1502, is
9 amended to read as follows:

10 Section 1502. All funds appropriated to the Department of
11 Transportation and all funds credited to the State Highway
12 Construction and Maintenance Fund and all funds received from the
13 United States Government under contracts with the Federal Highway
14 Administration are to be used and expended by the Department to pay:

15 1. Legal obligations in the operation of the Department ~~and the~~
16 ~~Commission~~, and in the construction and maintenance of roads and
17 highways; ~~the~~

18 2. The expenses of operating and maintaining the state highway
19 system; ~~expenses~~

20 3. Expenses incurred in constructing, repairing, and
21 maintaining state highways, farm-to-market roads and county highways
22 as authorized by law; ~~matching~~

23 4. Matching federal funds for the annual Federal Highway
24 Administration allocation to the Center for Local Government

1 Technology at Oklahoma State University for the Federal Highway
2 Administration Rural Technical Assistance Program, up to seventy-
3 five percent (75%) of the amount of funding the state is required to
4 provide; ~~necessary~~

5 5. Necessary and convenient items not specifically mentioned
6 herein; ~~salaries~~

7 6. Salaries, wages, and lawful expenses of ~~the members of the~~
8 ~~Commission~~, the Director, the Departmental employees, the attorneys
9 and other professional help of the Department; ~~for~~

10 7. For the purchase of office supplies, furniture, fixtures,
11 and equipment; ~~for~~

12 8. For the construction, maintenance, ~~and~~ repair of needed
13 warehouses, garages, division headquarters, ~~and~~ other needed
14 buildings; ~~for~~

15 9. For premiums on bonds, workers' compensation insurance,
16 public liability and property damage insurance; ~~for~~

17 10. For the purchase of materials, tools, machinery, motor
18 vehicles, and equipment necessary or convenient in the operation of
19 the Department and construction and maintenance of roads and
20 highways; ~~for~~

21 11. For witnesses' fees, sheriffs' mileage, ~~and~~ publication
22 cost in actions to appropriate right-of-way, land or materials
23 needed in the construction or maintenance of roads and highways; ~~any~~

24

1 12. Any expenses which may be necessary or convenient in
2 constructing and maintaining roads and highways and in accomplishing
3 the purposes for which ~~the Commission and the Department were~~ was
4 created; ~~for~~

5 13. For the acquisition by purchase of right-of-way and land
6 and relocation assistance to persons displaced as a result of such
7 acquisition; ~~as~~

8 14. As shall be provided by ~~commission regulations~~ rules
9 promulgated by the Director which shall not exceed in amount similar
10 assistance provided by federal law and regulations, provided further
11 that ~~(1)~~:

12 a. all payments received by persons displaced by reason
13 of ~~this act~~ Section 1501 et seq. of this title are not
14 to be considered as income for state income tax
15 purposes; ~~(2)~~,

16 b. nothing in ~~this act~~ Section 1501 et seq. of this title
17 shall be construed as creating in any condemnation
18 proceeding brought under the power of eminent domain,
19 any element of value or damage not in existence
20 immediately prior to the date of enactment of ~~this~~
21 ~~act~~; ~~(3)~~ Section 1501 et seq. of this title, and

22 c. all final determinations made by the ~~Commission~~
23 Director as to a person's eligibility for, or the
24 amount of any benefit payable by reason of ~~this act~~

1 Section 1501 et seq. of this title, shall be

2 determinative and not subject to judicial review; ~~any~~

3 15. Any final judgment rendered by a court of competent
4 jurisdiction in eminent domain proceedings for the taking or
5 damaging of real or personal property for which the state is liable;
6 ~~for~~

7 16. For the expense of audit as provided by law and for the
8 satisfaction of any and all lawful claims or demands of whatsoever
9 kind or character arising out of contracts with or judgments
10 rendered against the ~~Commission~~ Department or the State of Oklahoma
11 as a result of the construction and maintenance of roads and
12 highways; and ~~other~~

13 17. Other expenses authorized by law.

14 SECTION 110. AMENDATORY 69 O.S. 2011, Section 1502.1, is
15 amended to read as follows:

16 Section 1502.1. ~~From and after the effective date of this act,~~
17 ~~the Oklahoma Highway Commission~~ The Department of Transportation
18 shall expend a sum not less than One Million Dollars (\$1,000,000.00)
19 each fiscal year, exclusive of the highway maintenance fund, for the
20 projects designed for widening, resurfacing and eliminating death
21 traps on the roads and highways of Oklahoma. "Death traps", as used
22 in this ~~act~~ section, shall mean those conditions of the roads and
23 highways of this state so impaired or hazardous as to constitute a
24

1 threat to the safety of persons or property traveling over or upon
2 such roads or highways.

3 SECTION 111. AMENDATORY 69 O.S. 2011, Section 1503, as
4 amended by Section 1, Chapter 193, O.S.L. 2016 (69 O.S. Supp. 2018,
5 Section 1503), is amended to read as follows:

6 Section 1503. ~~(a)~~ A. All monies raised for use on the county
7 highways in each county, or apportioned to each county for road
8 purposes, from any source, including all funds and monies derived by
9 law, levy, taxation, ~~or~~ apportionment shall, unless otherwise
10 provided by law, be placed in the county treasury in a fund to be
11 known as the county highway fund, to be expended on order of the
12 board of county commissioners on county highways as defined herein,
13 or on state highways within their respective counties including the
14 lighting thereof, if, in the judgment of the board of county
15 commissioners, such expenditure would be just and equitable and for
16 the best interest of the county.

17 ~~(b)~~ B. When state or federal funds are available for assistance
18 in constructing county roads or bridges, the board of county
19 commissioners of any county may place on deposit with the ~~commission~~
20 Department of Transportation such funds from the county highway
21 fund, special highway funds and proceeds of county bond issues as
22 may be necessary to obtain such state or federal funds, and the
23 ~~commission~~ Department shall have authority to accept such county
24 funds and bond monies and to use the same for the construction of

1 county roads or bridges in the county depositing the funds, pursuant
2 to contract agreement with the board of county commissioners of such
3 county; provided, that the proceeds of any county bond issue so
4 deposited with the ~~commission~~ Department may be used by the
5 ~~commission~~ Department only for the designated purposes for which the
6 bonds were issued.

7 ~~(e)~~ C. All monies remaining in a county highway fund created by
8 ~~69 O.S. 1961, Section 44(e)~~ this section, and all other assets
9 thereof, and all taxes, revenue and other funds payable to or
10 required to be deposited in such fund under the provisions of other
11 laws, when the Oklahoma Highway Code of 1968 becomes effective,
12 shall be transferred to, be deposited in and be a part of the county
13 highway fund created by this section in the same county; and the
14 latter fund shall be liable for the payment of all outstanding
15 obligations existing against the former fund.

16 ~~(d)~~ D. Expenditures allowed from the county highway fund may
17 include the removal and disposal of storm debris and dead animal
18 carcasses from county roads and rights-of-way thereof.

19 SECTION 112. AMENDATORY 69 O.S. 2011, Section 1504, is
20 amended to read as follows:

21 Section 1504. The ~~Commission~~ Department of Transportation, upon
22 the filing of a claim as hereinafter provided, may pay and discharge
23 out of funds accruing in the State Highway Construction and
24 Maintenance Fund any and all matured or delinquent installments of

1 special assessments for street improvements which were levied
2 against and constituted a lien upon any real property acquired by
3 the ~~Commission~~ Department for any purpose at the time of the
4 acquisition thereof, provided such assessments constitute a valid
5 lien upon the property at the time of the payment thereof which,
6 except for the immunity of the state from suit, could be enforced in
7 the manner provided for the enforcement of such liens.

8 SECTION 113. AMENDATORY 69 O.S. 2011, Section 1505, is
9 amended to read as follows:

10 Section 1505. ~~(a)~~ A. Claims for the payment of matured or
11 delinquent installments of special assessments by the ~~Commission~~
12 Department of Transportation in accordance with the provisions of
13 ~~the preceding section~~ Section 1504 of this title shall be filed with
14 the ~~Commission~~ Department by the treasurer of the municipality in
15 which the property is located, or the county treasurer if the
16 installments have been certified as delinquent.

17 ~~(b)~~ B. Such claims shall be itemized so as to show the
18 installment or installments due and delinquent, the amount and date
19 of the original assessment, the special improvement district in
20 which the property is located, and the balance of the assessment due
21 thereon and such other information as the ~~Commission~~ Department may
22 require.

23 ~~(c)~~ C. Upon the request of the ~~Commission~~ Department, the
24 treasurer filing the claim shall furnish the ~~Commission~~ Department

1 with a true and correct copy of the proceedings by which the
2 district was created and assessment levied.

3 ~~(d)~~ D. No claim for payment of delinquent street improvement
4 assessments shall be paid in cases where the property was acquired
5 by condemnation and the bondholders or the officer or officers
6 authorized by law to collect such installments or assessments were
7 made parties defendant and served with notice.

8 SECTION 114. AMENDATORY 69 O.S. 2011, Section 1506, is
9 amended to read as follows:

10 Section 1506. ~~(a)~~ The ~~Commission~~ Department of Transportation
11 may provide a special cash fund within the Printing Services Section
12 of the Department to be identified as the printing service change
13 fund, which shall be available for the purpose only of making change
14 when payments are tendered for services of such section. The
15 printing service change fund shall be maintained at a constant daily
16 balance of Two Hundred Dollars (\$200.00) cash on hand.

17 ~~(b) All monies remaining in the Printing Service Change Fund~~
18 ~~provided for by Section 1 of Chapter 285, Oklahoma Session Laws 1965~~
19 ~~(69 O.S. Supp. 1967, Section 92d), when this Code becomes effective~~
20 ~~shall be transferred to and be a part of the fund provided for by~~
21 ~~this section.~~

22 SECTION 115. AMENDATORY 69 O.S. 2011, Section 1510, as
23 amended by Section 1, Chapter 352, O.S.L. 2014 (69 O.S. Supp. 2018,
24 Section 1510), is amended to read as follows:

1 Section 1510. Special maintenance projects under Five Hundred
2 Thousand Dollars (\$500,000.00) may be performed and carried out by
3 state special maintenance crews, who may also carry out projects
4 above said amount, if in the judgment of the ~~Transportation~~
5 ~~Commission~~ Director of the Department of Transportation the same
6 shall be in the best interests of the State of Oklahoma, except that
7 special maintenance projects involving asphaltic material overlay
8 may be let to contract if the same shall be in the best interests of
9 the state in the judgment of the ~~Commission~~ Director.

10 SECTION 116. AMENDATORY 69 O.S. 2011, Section 1617, is
11 amended to read as follows:

12 Section 1617. The bridge now under construction east of Allen,
13 Oklahoma, be and is hereby officially designated as the "Hugh M.
14 Sandlin Bridge" as a lasting testimonial to the leadership and
15 industry of Representative Hugh M. Sandlin in achieving the
16 construction of said bridge; and the ~~State Highway Director,~~
17 ~~consistent with any requirements of the State Highway Commission, of~~
18 the Department of Transportation is instructed to have affixed to
19 said bridge appropriate plaques visible from each end of the bridge
20 indicating that it is the "Hugh M. Sandlin Bridge."

21 SECTION 117. AMENDATORY 69 O.S. 2011, Section 1701, is
22 amended to read as follows:

23 Section 1701. In order to facilitate vehicular traffic
24 throughout the state and remove the present handicaps and hazards on

1 the congested highways in the state, and to provide for the
2 construction of modern express highways embodying reasonable safety
3 devices including ample shoulder widths, long sight distances, the
4 bypassing of cities and towns, and grade separations at intersecting
5 highways and railroads, the Oklahoma Turnpike Authority, as created
6 in Section 1703 of this title, is hereby authorized and empowered to
7 construct, maintain, repair, and operate turnpike projects as
8 defined in Section 1704 of this title, at such locations as shall be
9 approved by the ~~Transportation Commission~~ Director of the Department
10 of Transportation, and to issue turnpike revenue bonds of the
11 Authority payable solely from revenues to pay the cost of such
12 projects. The Authority is further authorized and empowered to
13 develop and market alternative uses of the Oklahoma Turnpike
14 Authority Electronic Toll Collection System, and construct,
15 maintain, repair, and operate inter-modal transportation transfer
16 facilities and infrastructure relating thereto, including, without
17 limitation, warehouses and utility facilities and intercity rail
18 transit projects as it shall determine to be feasible and
19 economically sound.

20 SECTION 118. AMENDATORY 69 O.S. 2011, Section 1703, is
21 amended to read as follows:

22 Section 1703. A. There is hereby created a body corporate and
23 politic to be known as the "Oklahoma Turnpike Authority" and by that
24 name the Authority may sue and be sued, and plead and be impleaded.

1 The Authority is hereby constituted an instrumentality of the state,
2 and the exercise by the Authority of the powers conferred by ~~this~~
3 ~~act~~ Section 1701 et seq. of this title in the construction,
4 operation, and maintenance of turnpike projects shall be deemed and
5 held to be an essential governmental function of the state with all
6 the attributes thereof. Provided, however, the Turnpike Authority
7 is authorized to carry and shall carry liability insurance to the
8 same extent and in the same manner as the ~~Transportation Commission~~
9 Department of Transportation, and in addition thereto it shall be
10 subject to the workers' compensation laws of the state the same as a
11 private construction project.

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

20 District 1. Oklahoma, Canadian, Cleveland, McClain and Garvin
21 Counties.

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

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

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

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

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

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

1 appointed member of the Authority before entering upon the duties of
2 office shall take an oath as provided by Section 1 of Article XV of
3 the Constitution of the State of Oklahoma. Any appointive member of
4 the Authority may be removed by the Governor at any time with or
5 without cause.

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

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

24

1 E. The members of the Authority shall not be entitled to
2 compensation for their services, but each member shall be reimbursed
3 for actual expenses necessarily incurred in the performance of the
4 duties of such member. All expenses incurred in carrying out the
5 provisions of ~~this act~~ Section 1701 et seq. of this title shall be
6 payable solely from funds provided under the authority of ~~this act~~
7 Section 1701 et seq. of this title and no liability or obligation
8 shall be incurred by the Authority hereunder beyond the extent to
9 which monies shall have been provided under the authority of ~~this~~
10 ~~act~~ Section 1701 et seq. of this title.

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

15 SECTION 119. AMENDATORY 69 O.S. 2011, Section 1704, is
16 amended to read as follows:

17 Section 1704. As used in this article, the following words and
18 terms shall have the following meanings, unless the context shall
19 indicate another or different meaning or intent:

20 1. "Authority" means the Oklahoma Turnpike Authority, created
21 by Section 1703 of this title, or, if such Authority shall be
22 abolished, the board, body, or commission succeeding to the
23 principal functions thereof or to whom the powers given by this
24 article to the Authority shall be given by law;

1 2. "Project" or "turnpike project" means any express highways,
2 superhighways, or motorways, wayports, aviation transfer centers or
3 aviation hubs constructed under the provisions of this article by
4 the Authority, and shall embrace all bridges, tunnels, overpasses,
5 underpasses, interchanges, entrance plazas, approaches, free access
6 roads, bridges, and road construction, toll houses, service
7 stations, and administration, storage and other buildings which the
8 Authority may deem necessary for the operation of such turnpike,
9 together with all property, rights, easements and interests which
10 may be acquired by the Authority for the construction or the
11 operation of such turnpike. The Authority may contract or lease
12 concessions for gas stations, garages, restaurants, parking
13 facilities and other services for all or any portion of any turnpike
14 project or projects;

15 3. "Cost", as applied to a turnpike project, shall embrace the
16 cost of construction, the cost of the acquisition of all land,
17 rights-of-way, property, rights, easements and interests acquired by
18 the Authority for such construction, the cost of all machinery and
19 equipment, financing charges, provision for working capital,
20 interest prior to, during, and after construction and a reserve for
21 interest in such amounts as the Authority shall determine, cost of
22 traffic estimates and of engineering and legal expenses, plans,
23 specifications, surveys, estimates of cost, and of revenues, other
24 expenses necessary or incident to determining the feasibility or

1 practicability of constructing any such project, administrative
2 expense, and such other expense as may be necessary or incident to
3 the construction of the project, the financing of such construction,
4 and the placing of the project in operation. Any obligation or
5 expense incurred by the ~~Transportation Commission~~ Department of
6 Transportation with the approval of the Authority for traffic
7 surveys, borings, preparation of plans and specifications, and other
8 engineering services in connection with the financing and
9 construction of a project shall be regarded as a part of the cost of
10 such project and shall be reimbursed to the state out of the
11 proceeds of the turnpike revenue bonds hereafter authorized.

12 However, the ~~Transportation Commission~~ Department shall not incur
13 obligations or expenses totaling more than One Thousand Five Hundred
14 Dollars (\$1,500.00) per turnpike mile. Provided further, however,
15 that an additional sum not to exceed One Thousand Dollars
16 (\$1,000.00) per turnpike mile may be expended for updating reports
17 prior to financing; and

18 4. "Owner" means and includes all individuals, copartnerships,
19 associations, or corporations having any title or interest in any
20 property, rights, easements, and interests authorized to be acquired
21 by this article.

22 SECTION 120. AMENDATORY 69 O.S. 2011, Section 1705, as
23 amended by Section 1, Chapter 282, O.S.L. 2013 (69 O.S. Supp. 2018,
24 Section 1705), is amended to read as follows:

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

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

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

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

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

19 ~~(e)~~ 5. To construct, maintain, repair and operate turnpike
20 projects and highways, with their access and connecting roads, at
21 such locations and on such routes as it shall determine to be
22 feasible and economically sound; provided, that until specifically
23 authorized by the Legislature, the Authority shall be authorized to
24

1 construct and operate toll turnpikes only at the following
2 locations:

3 (1) The Turner Turnpike between Oklahoma City and Tulsa---

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

6 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and
7 Joplin, Missouri---

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

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

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

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

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

1 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
2 available to the Authority---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

1 (30) A new turnpike or any parts thereof beginning at a point
2 in the vicinity of the city of Enid and extending in a westerly
3 direction to a point in the vicinity of the city of Woodward~~-,~~l

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

9 (32) A new bridge crossing the Arkansas River between South
10 Delaware Avenue and Memorial Drive in Tulsa County. This project
11 shall commence upon a determination by the Oklahoma Transportation
12 Authority that such bridge shall be self-sufficient at some point
13 over a thirty-year time period from the toll charges associated with
14 the bridge project~~-,~~l

15 (33) An exit ramp or any parts thereof from the eastbound lane
16 of the Turner Turnpike at 96th Street in Tulsa~~-,~~l

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

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

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

4 The minimum and maximum wages for the construction of the roads,
5 highways and projects provided for in Sections 1701 through 1734 of
6 this title shall be in accordance with the schedules of wages used
7 or adopted by the ~~Commission~~ Director of the Department of
8 Transportation in construction of state highways.

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

13 The Authority is hereby required to construct and install
14 automatic tollgates on the Will Rogers Turnpike at State Highway No.
15 28 near Adair-;

16 ~~(f)~~ 6. To issue turnpike revenue bonds of the Authority,
17 payable solely from revenues, including the revenues accruing to the
18 trust fund created by Sections 1701 through 1734 of this title, for
19 the purpose of paying all or any part of the cost of any one or more
20 turnpike projects. Provided that any bonds issued for the
21 construction of the proposed turnpike referred to in subparagraphs
22 (10), (20), (21) and (22) of paragraph ~~(e)~~ 5 of this section shall
23 be issued as one issue for all four of the proposed turnpikes and
24

1 shall be financed, constructed and operated under one bond
2 indenture-;

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

5 Any common carrier having authority at the time of opening any
6 turnpike project to operate upon a highway approximately paralleling
7 the turnpike project shall be granted without further showing
8 authority to operate over the turnpike project to all municipalities
9 which such carrier is serving at the time the turnpike project is
10 opened to traffic. ~~But~~ Provided, nothing herein shall be construed
11 as granting any new operation rights to any common carriers-;

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

15 ~~(i)~~ 9. To acquire in the name of the Authority by purchase or
16 otherwise on such terms and conditions and in such manner as it may
17 deem proper, or by exercise of the right of condemnation in manner
18 hereinafter provided, such public or private lands, including public
19 parks, playgrounds, or reservations, or parts thereof or rights
20 therein, rights-of-way, property, rights, easements, and interests,
21 as it may deem necessary for carrying out the provisions of Sections
22 1701 through 1734 of this title; provided, that all public property
23 damaged in carrying out the powers granted by Sections 1701 through
24

1 1734 of this title shall be restored or repaired and placed in its
2 original condition as nearly as practicable~~;~~;

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

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

22 ~~(l)~~ 12. To receive and accept from any federal agency grants
23 for or in aid of the construction of any turnpike project, provided,
24 the acceptance of such grants will not reduce the amount of federal

1 aid for the construction, repair, or maintenance of farm-to-market
2 roads and other highways and bridges in this state; and to receive
3 and accept aid or contributions from any source of either money,
4 property, labor, or other things of value, to be held, used, and
5 applied only for the purposes for which such grants and
6 contributions may be made-;

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

15 ~~(n)~~ 14. To do all things necessary or convenient to carry out
16 the powers expressly granted in Sections 1701 through 1734 of this
17 title. The design standards for all paving shall comply with the
18 design standards of the American Association of State Highway and
19 Transportation Officials as modified by the Oklahoma Department of
20 Transportation. All contracts for construction work on turnpike
21 projects shall be let to the lowest responsible bidder, or bidders,
22 after notice by publication in a newspaper published in the county
23 where the work is to be done in two consecutive weekly issues of the
24 newspaper. In all cases where more than eight (8) miles of

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

19 ~~(e)~~ B. It shall be unlawful for any member, officer or employee
20 of the Authority to transact with the Authority, either directly or
21 indirectly, any business for profit of such member, officer, or
22 employee; and any person, firm, or corporation knowingly
23 participating therein shall be equally liable for violation of this
24 provision.

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

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

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

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

23 SECTION 121. AMENDATORY 69 O.S. 2011, Section 1705.2, is
24 amended to read as follows:

1 Section 1705.2. The Oklahoma Turnpike Authority and
2 ~~Transportation Commission~~ the Department of Transportation are
3 hereby directed to cause a reasonable number of public restroom
4 facilities and dump stations for recreational motor vehicles to be
5 installed along both sides of the turnpikes and interstate highways
6 in this state which will be accessible to motorists utilizing such
7 turnpikes and highways at reasonable periodic intervals.

8 SECTION 122. AMENDATORY 69 O.S. 2011, Section 1706, is
9 amended to read as follows:

10 Section 1706. A. The Oklahoma Turnpike Authority may and it
11 shall be its duty to construct grade separations at intersections of
12 any turnpike project with state and federal highways, and to change
13 and adjust the lines and grades of such highways so as to
14 accommodate the same to the design of such grade separation. The
15 Authority may construct grade separations at intersections of
16 turnpike projects with county highways and city streets and it shall
17 construct grade separations at intersections of any turnpike project
18 with county highways used as mail or school bus routes, or section
19 lines which are well used and are necessary for convenience of
20 people living in these areas. The cost of such grade separations
21 and any damage incurred in changing and adjusting the lines and
22 grades of such highways shall be ascertained and paid by the
23 Authority as a part of the cost of such turnpike project. Except
24 for routine surface maintenance, the Authority shall maintain the

1 structure and surface of bridges and overpasses where a county road
2 crosses over or under a turnpike.

3 B. If the Authority shall find it necessary to change the
4 location of any portion of any state or county highway or street of
5 a municipality, it shall cause the same to be reconstructed in
6 substantially the same type and in as good condition as the original
7 highway. Provided, however, that all changes and adjustments of the
8 lines and grades of state highways shall be subject to the approval
9 of the ~~Transportation Commission~~ Director of the Department of
10 Transportation. The cost of such reconstruction and any damage
11 incurred in changing the location of any such highway or street
12 shall be ascertained and paid by the Authority as a part of the cost
13 of such turnpike project.

14 C. In addition to the foregoing powers, the Authority and its
15 authorized agents and employees may enter upon any lands, waters,
16 and premises in the state for the purpose of making surveys,
17 soundings, drillings, and examinations as it may deem necessary or
18 convenient for the purposes of establishing, locating, relocating,
19 constructing, and maintaining turnpikes or relocations thereof and
20 facilities necessary and incidental thereto. Such entry shall not
21 be deemed a trespass, nor shall an entry for such purpose be deemed
22 an entry under any condemnation proceedings which may be then
23 pending; however, notice shall be given to the owner of or person
24 residing on the premises, personally or by registered mail, at least

1 ten (10) days prior to such entry. The Authority shall make
2 reimbursement for any actual damages resulting to such lands,
3 waters, and premises as a result of such activities. In the event
4 of disagreement as to the amount of damage, either the person or the
5 Authority may file a petition with the district court for the
6 appointment of commissioners to appraise the damages and proceed to
7 have the same determined as in condemnation proceedings.

8 D. The State of Oklahoma hereby consents to the use of all
9 lands owned by it, including lands lying under water, which are
10 deemed by the Authority to be necessary for the construction or
11 operation of any turnpike project; and the State of Oklahoma shall
12 be paid reasonable compensation for the land or property used, such
13 compensation to be determined in the manner now provided by law for
14 condemnation proceedings.

15 SECTION 123. AMENDATORY 69 O.S. 2011, Section 1717, is
16 amended to read as follows:

17 Section 1717. When all bonds issued under the provisions of
18 this article and the interest thereon shall have been paid or a
19 sufficient amount for the payment of all such bonds and the interest
20 thereon to the maturity thereof shall have been set aside in trust
21 for the benefit of the bondholders, such projects, if then in good
22 condition and repair to the satisfaction of the ~~Commission~~ Director
23 of the Department of Transportation, shall become part of the state
24 highway system and shall thereafter be maintained by the ~~Commission~~

1 Department free of tolls. Provided, that when all bonds for any
2 turnpike project and the interest thereon shall have been paid or
3 such provision for payment made, prior to payment of the bonds and
4 interest on any other project or projects, such project shall
5 continue to be operated as a toll facility at toll rates not less
6 than the lowest rate being charged on any project, until all bonds
7 issued by the Authority and the interest thereon shall have been
8 paid or such provisions for payment made. The revenues of such
9 paid-out projects shall be used and applied by the Authority in
10 paying the obligations or depositing in the sinking fund of such
11 other turnpike projects in the following order:

- 12 ~~(a)~~ 1. To any project or projects in default on interest;
13 ~~(b) to~~ 2. To any project or projects in default on principal;
14 and
15 ~~(c) to~~ 3. To any project or projects having insufficient
16 reserves or sinking fund under its trust agreement.

17 If all such other projects have sufficient reserves then the
18 revenues from such paid-out project shall be prorated between such
19 other projects on the basis of the outstanding bonds of each
20 project. If two or more projects fall within any of the above
21 categories, then the revenues shall be prorated between them on the
22 basis of the outstanding bonds of each project.

23 SECTION 124. AMENDATORY 69 O.S. 2011, Section 1727, is
24 amended to read as follows:

1 Section 1727. ~~(a)~~ A. Until all bonds of the Oklahoma Turnpike
2 Authority and the interest thereon are paid in full, the Oklahoma
3 Tax Commission shall each month determine an amount equal to the
4 motor fuel excise taxes computed on ninety-seven and one-half
5 percent (97 1/2%) of the total gallonage of all fuels consumed,
6 during the calendar month in which the tax being apportioned
7 accrued, on all Oklahoma turnpike projects and apportion a sum equal
8 to such amount from all gasoline tax collections as follows:
9 Ninety-seven percent (97%) of such amount to the Authority and three
10 percent (3%) to the General Revenue Fund of the State Treasury,
11 after which apportionment all other apportionments of motor fuel
12 excise taxes shall be made as provided for by law. Such
13 apportionments shall be deducted exclusively from those funds which
14 would otherwise be apportioned to the Department ~~or Commission~~ of
15 Transportation for expenditure on state highways, without affecting
16 the amounts presently apportioned to the various municipalities,
17 counties, or for county roads.

18 ~~(b)~~ B. If at the time of any monthly apportionment required
19 herein:

20 ~~(1) there~~ 1. There shall be a balance in the trust fund created
21 by Section 1730 of this ~~Code~~ title, equal to one and one-half (1
22 1/2) times the maximum amount of principal, including any sinking
23 fund or amortization requirements, and interest payable in any
24 fiscal year, beginning July 1, and ending on June 30, thereafter, on

1 account of all turnpike revenue and turnpike revenue refunding bonds
2 of the Authority issued pursuant to the provisions of this article
3 prior to May 1, 1992, and then outstanding, or

4 ~~(2) if~~ 2. If no such bonds are outstanding, the Oklahoma Tax
5 Commission shall apportion to the trust fund the amount referred to
6 in subsection ~~(a)~~ A of this section so long as any turnpike revenue
7 and turnpike revenue refunding bonds issued after May 1, 1992,
8 continue to be outstanding. Thereafter, the Oklahoma Tax Commission
9 shall apportion the amount referred to in subsection ~~(a)~~ A of this
10 section as provided for by law.

11 ~~(e)~~ C. In addition to those sums collected and disbursed in
12 subsections ~~(a)~~ A and ~~(b)~~ B of this section, the Oklahoma Tax
13 Commission shall in each fiscal year determine an amount equal to
14 the motor fuel excise taxes computed on ninety-seven and one-half
15 percent (97 1/2%) of the total gallonage of all fuels consumed,
16 during the fiscal year in which the tax being apportioned accrued on
17 the Industrial Parkway, and, after making the apportionments set out
18 in subsections ~~(a)~~ A and ~~(b)~~ B of this section, apportion a sum
19 equal to said amount from all gasoline tax collections as follows:
20 Ninety-seven percent (97%) to the Oklahoma Turnpike Authority, and
21 three percent (3%) to the General Revenue Fund of the State
22 Treasury, after which apportionment all other apportionments of
23 motor fuel excise taxes shall be made according to existing or
24 subsequently enacted apportionment laws, provided that in no event

1 shall the total of the apportionments made pursuant to ~~subsections~~
2 ~~(a), (b) and (c)~~ of this section exceed the motor fuel tax earned on
3 all of the Oklahoma turnpikes.

4 SECTION 125. AMENDATORY 69 O.S. 2011, Section 2001, is
5 amended to read as follows:

6 Section 2001. A. The Legislature finds that the highway
7 infrastructure in this state is vital to the health, safety, and
8 welfare of the traveling public and to the economic development in
9 this state. The Legislature also finds that the highway
10 infrastructure should be continually improved and expanded in order
11 to meet the general public's desire for a safe and convenient
12 highway system. Based on these findings, it is the intent of the
13 Legislature to expend and equitably distribute approximately Seven
14 Hundred Million Dollars (\$700,000,000.00), plus any additional
15 expenditures approved pursuant to subsection F of this section, to
16 construct new highways and improve existing highways over a five-
17 year period as set forth in ~~this act~~ Section 2001 et seq. of this
18 title.

19 B. To properly fund the construction and improvement of the
20 highway system in this state, it is the intent of the Legislature to
21 appropriate Fifty Million Dollars (\$50,000,000.00) from the
22 Constitutional Reserve Fund each year for the first two (2) years
23 and Fifty-two Million Five Hundred Fifty Thousand Dollars
24 (\$52,550,000.00) from the Constitutional Reserve Fund each year for

1 the next two (2) years for the purposes of highway construction and
2 improvement subject to the declaration of an emergency pursuant to
3 the provisions of Section 23 of Article X of the Constitution of the
4 State of Oklahoma. In addition to the appropriation of Fifty
5 Million Dollars (\$50,000,000.00) from the Constitutional Reserve
6 Fund in the second year of this program, it is the intent of the
7 Legislature to appropriate an additional Ten Million Dollars
8 (\$10,000,000.00) in the second year of this program from the
9 Constitutional Reserve Fund to be divided equally between Oklahoma
10 and Tulsa Counties to further fund highway construction and
11 improvement projects as set forth in ~~this act~~ Section 2001 et seq.
12 of this title.

13 C. In addition to the funding specified in subsection A of this
14 section, the Legislature shall appropriate Thirty-four Million Nine
15 Hundred Thousand Dollars (\$34,900,000.00) in the first year and
16 Forty Million Dollars (\$40,000,000.00) in each of the next four (4)
17 years, and other sufficient monies to the ~~Oklahoma~~ Department of
18 Transportation to be deposited in the State Highway Construction and
19 Maintenance Fund for the construction and improvement of the highway
20 system in this state.

21 D. In addition to the funding specified in subsections B and C
22 of this section, the Oklahoma Capitol Improvement Authority shall be
23 authorized to issue bonds, other negotiable instruments or other
24 evidences of indebtedness in the principal amount sufficient to

1 generate Three Hundred Million Dollars (\$300,000,000.00) in proceeds
2 available to fund the construction and improvements to the highway
3 system as set forth in ~~this act~~ Section 2001 et seq. of this title.

4 E. For purposes of ~~this act~~ Section 2001 et seq. of this title,
5 and despite any provision to the contrary as set forth in Section
6 1511 of this title, each ~~State Transportation Commission~~ district in
7 this state set forth in subsection B of Section 507 of this title
8 shall receive equitable funding as follows:

9 1. Not more than twenty percent (20%) of the funding pursuant
10 to ~~this act~~ Section 2001 et seq. of this title shall be allocated to
11 each of ~~State Transportation Commission~~ Districts 4 and 8. The
12 percentage reflected in this paragraph shall not include the
13 additional Ten Million Dollars (\$10,000,000.00) appropriated from
14 the Constitutional Reserve Fund as set forth in subsection B of this
15 section; and

16 2. Not less than ten percent (10%) of the total funding
17 pursuant to ~~this act~~ Section 2001 et seq. of this title shall be
18 allocated to each of the remaining six (6) ~~transportation~~ districts.
19 Only those highway projects set forth in Section 2002 of this title
20 shall be eligible for funding pursuant to ~~this act~~ Section 2001 et
21 seq. of this title. Any excess funds from a particular highway
22 project shall only be expended for other highway projects within the
23 same transportation district. It is the intent of the Legislature
24 that highway projects listed on the five-year plan for

1 transportation facilities developed to meet present and future needs
2 of this state shall continue to be funded as provided by current
3 law. In addition, the Department of Transportation shall be
4 required to construct, improve, maintain, and repair all highway
5 projects listed on the five-year plan as such plan exists on May 28,
6 1997, except for normal highway programming adjustments, to the
7 extent possible consistent with the funds provided by law for such
8 highway projects. The Department of Transportation may issue Grant
9 Anticipation Notes for projects of economic significance. Such bond
10 issue or issues shall be subject to the unanimous approval of the
11 Contingency Review Board.

12 F. 1. In addition to the provisions of this section, it is the
13 intent of the Legislature to reexamine in fiscal year 2000 the
14 status of the highway infrastructure as well as the highway
15 construction and improvement projects as set forth in Section 2002
16 of this title. Based on such reexamination, it is the intent of the
17 Legislature to expend additional monies, amounting to approximately
18 Three Hundred Million Dollars (\$300,000,000.00) to continue the
19 construction of new highways and improve existing highways as set
20 forth in this subsection.

21 2. In order for any additional monies to be expended as
22 provided in this subsection, the Oklahoma Capitol Improvement
23 Authority shall be authorized to issue bonds, other negotiable
24 instruments or other evidences of indebtedness in a principal amount

1 sufficient to generate One Hundred Fifty Million Dollars
2 (\$150,000,000.00) in proceeds available to fund the construction and
3 improvement of the highway system as set forth in ~~this act~~ Section
4 2001 et seq. of this title. The terms and conditions of such issue
5 shall be in accordance with the provisions of Section 168.6 of Title
6 73 of the Oklahoma Statutes.

7 3. In addition to the funding specified in paragraph 2 of this
8 subsection, the Legislature shall authorize an appropriation in an
9 amount not to exceed One Hundred Fifty Million Dollars
10 (\$150,000,000.00) from the Constitutional Reserve Fund, subject to
11 the declaration of an emergency pursuant to the provisions of
12 Section 23 of Article X of the Constitution of the State of
13 Oklahoma, the General Revenue Fund, or the State Transportation
14 Fund, or a combination of each.

15 4. For purposes of this subsection, each ~~State Transportation~~
16 ~~Commission~~ district in this state set forth in subsection B of
17 Section 507 of this title shall receive equitable funding as
18 follows:

- 19 a. not more than twenty percent (20%) of the funding
20 pursuant to this subsection shall be allocated to each
21 of ~~State Transportation Commission~~ Districts 4 and 8,
22 b. not less than ten percent (10%) of the funding
23 pursuant to this subsection shall be allocated to each
24 of the remaining six ~~transportation~~ districts, and

1 c. any excess funds from a particular highway improvement
2 or highway improvements shall only be expended for
3 other highway improvements within the same
4 ~~transportation~~ district.

5 5. The additional funding as allocated by subparagraphs a and b
6 of paragraph 4 of this subsection may be used for the completion of
7 existing highway projects as set forth in subsection A of Section
8 2002 of this title, any highway projects or the continuation of
9 existing highway projects as set forth in subsection B of Section
10 2002 of this title, or any other highway improvements within such
11 ~~transportation~~ districts to which the funds were allocated pursuant
12 to this subsection.

13 G. Of the total funding allocated under this section to ~~State~~
14 ~~Transportation Commission~~ District 4, sixty-seven percent (67%) of
15 such funds are allocated exclusively to Oklahoma County. Of the
16 total funding allocated under this section to ~~State Transportation~~
17 ~~Commission~~ District 8, fifty-eight and eight-tenths percent (58.8%)
18 of such funds are allocated exclusively to Tulsa County.

19 SECTION 126. AMENDATORY 69 O.S. 2011, Section 2002, is
20 amended to read as follows:

21 Section 2002. A. As used in this section, "district" shall
22 mean a district as set forth in subsection B of Section 507 of this
23 title. The ~~Oklahoma~~ Department of Transportation, in accordance
24 with Section 2001 of this title and based on the funding as set

1 forth in Section 2001 of this title and Section 168.6 of Title 73 of
2 the Oklahoma Statutes, is hereby authorized to construct, improve,
3 maintain, and repair all or any part of the following highway and
4 bridge projects to the greatest extent possible consistent with the
5 allocation of funds provided by ~~this act~~ Section 2001 et seq. of
6 this title as apportioned to each transportation district pursuant
7 to ~~this act~~ Section 2001 et seq. of this title:

8 1. In ~~State Transportation Commission~~ District 1:

- 9 a. highway improvement for U.S. Highway 59 between
10 Westville and Watts,
- 11 b. bridge improvement for 14 Mile Creek Bridge on State
12 Highway 82,
- 13 c. highway improvement for State Highway 82 from the
14 vicinity of Tahlequah extending north to the vicinity
15 of Locust Grove,
- 16 d. highway improvement for U.S. Highway 64 from the
17 vicinity of Warner extending north in the vicinity of
18 Muskogee,
- 19 e. intersection modifications and highway improvement for
20 U.S. Highway 62 and Country Club Road and U.S. Highway
21 62 and State Highway 16,
- 22 f. highway improvement for ramps in the vicinity of State
23 Highway 165 and Hancock-Peak,

- 1 g. highway improvement for State Highway 10 in the
2 vicinity of Braggs Mountain,
3 h. highway improvement for State Highway 80 between South
4 Street and Poplar Street in the City of Ft. Gibson,
5 i. intersection improvement at intersection of Country
6 Club Road and Chandler in the City of Muskogee,
7 j. highway improvement for State Highway 9 extending east
8 of Stigler,
9 k. highway improvement for U.S. Highway 59 extending
10 north to the vicinity of State Highway 141, including
11 a bridge improvement over the Arkansas River,
12 l. highway improvement for State Highway 51 from the
13 vicinity of Wagoner extending west to the vicinity of
14 Muskogee Turnpike, including a bridge improvement over
15 the Verdigris River,
16 m. highway improvement for U.S. Highway 75 from the
17 vicinity of Okmulgee County 6th Street extending north
18 to the vicinity of State Highway 56 Loop,
19 n. highway improvement for U.S. Highway 266 from the
20 vicinity of U.S. Highway 75 extending east to vicinity
21 of Dewar, and
22 o. highway improvement for State Highway 51 for the
23 Northwest Tahlequah Bypass;

24 2. In ~~State Transportation Commission~~ District 2:

- a. reconstruct approximately eight (8) miles of U.S. Highway 270 from the vicinity of Panola to the vicinity of Red Oak in Latimer County,
- b. highway improvement on State Highway 1/63 in Latimer County,
- c. highway improvement on U.S. Highway 70 from the vicinity of Idabel to the junction with State Highway 98 in McCurtain County,
- d. highway improvement for approximately three (3) miles on State Highway 31 from the vicinity of U.S. Highway 270 to the vicinity of the Indian Nation Turnpike in Pittsburg County,
- e. bridge improvement at Sandy Creek on U.S. Highway 270 in Pittsburg County,
- f. highway improvement on U.S. Highway 70 in Choctaw County from the vicinity of the Bryan County line to the junction of U.S. Highway 271,
- g. highway improvement covering approximately three (3) miles on State Highway 144 in Pushmataha County,
- h. highway improvement covering approximately ten (10) miles on U.S. Highway 70 from the vicinity of Lake Texoma to the vicinity of Durant in Bryan County,

- i. highway improvement covering approximately seven (7) miles on State Highway 3 from the vicinity of Atoka east to the vicinity of Lane in Atoka County,
- j. highway improvement on U.S. Highway 70 from the vicinity of Madill to the Bryan County line in Marshall County, and
- k. highway improvement for the Poteau Bypass;

3. In ~~State Transportation Commission~~ District 3:

- a. highway improvement covering approximately one (1) mile on Chautauqua street in the City of Norman from State Highway 9 to one (1) mile north,
- b. highway improvement on Tecumseh Road in the City of Norman from U.S. Highway 77 east to East 24th Avenue, covering approximately four (4) miles,
- c. highway improvement on State Highway 99 covering approximately nineteen (19) miles from the vicinity of Prague to the vicinity of Stroud,
- d. highway improvement on State Highway 3W, for approximately fifteen (15) miles from the vicinity of Ada to the vicinity of Asher,
- e. highway improvement on State Highway 19 for approximately one (1) mile west of State Highway 3W,
- f. highway improvement for approximately one (1) mile of Federal Street in the City of Shawnee,

- 1 g. highway improvement for approximately one (1) mile in
2 the vicinity of Shawnee Mall,
- 3 h. signal improvement at the intersection of Union and
4 MacArthur in the City of Shawnee,
- 5 i. signal improvement at the intersection of 10th Street
6 and Harrison in the City of Shawnee,
- 7 j. highway improvement for approximately two (2) miles of
8 State Highway 18 from State Highway 9 to the vicinity
9 of Benson Park,
- 10 k. highway improvement for approximately three (3) miles
11 of State Highway 102 from the vicinity of Interstate
12 40 to the vicinity of McLoud,
- 13 l. highway improvement for approximately six (6) miles of
14 State Highway 59B from U.S. Highway 177 to State
15 Highway 102,
- 16 m. highway improvement for approximately ten (10) miles
17 of State Highway 27 from State Highway 9 to the
18 vicinity of Okemah,
- 19 n. highway improvement for approximately eight (8) miles
20 of U.S. Highway 75 from the vicinity of Horntown to
21 the vicinity of Wetumka,
- 22 o. highway improvement for approximately nine (9) miles
23 of State Highway 19 from the vicinity of U.S. Highway
24 177 west to the vicinity of State Highway 133,

- 1 p. highway improvement for approximately ten (10) miles
2 of State Highway 19 from the vicinity of Lindsay to
3 the vicinity of Maysville,
4 q. highway improvement for approximately twelve (12)
5 miles of State Highway 1/7 from the vicinity of Mill
6 Creek to the vicinity of Ravia,
7 r. highway improvement for approximately one (1) mile of
8 State Highway 56 from the vicinity of U.S. Highway 270
9 to the vicinity of State Highway 59,
10 s. highway improvement for approximately one (1) mile of
11 State Highway 56 from the vicinity of State Highway 59
12 to the vicinity of U.S. Highway 270B, and
13 t. highway improvement for U.S. Highway 270 for ramps to
14 State Highway 59;

15 4. In ~~State Transportation Commission~~ District 4:

- 16 a. highway improvement on U.S. Highway 270 from the
17 vicinity of Harrah to the vicinity of South East 29th
18 Street,
19 b. highway improvement to open a south access road on
20 Interstate 40 between the vicinity of Vickie Road and
21 the vicinity of Sooner Road,
22 c. highway improvement for Interstate 235 between 36th
23 Street and Interstate 235 and Interstate 44 junction,
24

- 1 d. highway improvement for exit ramp on Interstate 40
2 westbound in the vicinity of Rose State College
3 Communication Center,
- 4 e. highway improvement to extend State Highway 3 west
5 from the vicinity of Kingfisher,
- 6 f. reconstruction of 23rd Street interchange with
7 Interstate 35 and highway improvement to 23rd Street
8 from Interstate 35 east to Sooner Road,
- 9 g. reconstruction of Interstate 44 from the vicinity of
10 Interstate 240 to the vicinity of Southwest 44th
11 Street,
- 12 h. highway improvement for U.S. Highway 177 from the
13 vicinity of Interstate 35 to the vicinity of the
14 Kansas state line,
- 15 i. interchange improvements at junction of State Highway
16 11 and Interstate 35,
- 17 j. highway improvement for U.S. Highway 177 from the
18 vicinity of Ponca City to the vicinity of the Cimarron
19 Turnpike,
- 20 k. highway improvement for Interstate 35 access road for
21 west side Interstate 35 from the vicinity of State
22 Highway 164 north to vicinity of U.S. Highway 64 in
23 Noble County,
- 24

- 1 l. highway improvement for State Highway 33 from the
- 2 vicinity of Interstate 35 to the vicinity of Coyle,
- 3 m. highway improvement for State Highway 51 from vicinity
- 4 of Stillwater extending east to the vicinity of State
- 5 Highway 108 in Payne County,
- 6 n. highway improvement for U.S. Highway 77, also known as
- 7 the Broadway Extension, from the vicinity of Northwest
- 8 63rd Street extending north to the vicinity of the
- 9 City of Edmond,
- 10 o. highway improvement for State Highway 74 from the
- 11 vicinity of the Logan County line to the vicinity of
- 12 Edmond Road, and
- 13 p. highway improvement for the Interstate 40 and Czech
- 14 Hall Road interchange in Canadian County;

15 5. In ~~State Transportation Commission~~ District 5:

- 16 a. highway improvement on U.S. Highway 183 from
- 17 approximately one (1) mile south of the Washita County
- 18 line extending approximately four (4) miles to the
- 19 vicinity of Interstate 40,
- 20 b. highway improvement for approximately two (2) miles on
- 21 the Interstate 40 north frontage road in vicinity of
- 22 Weatherford from Washington Street to the vicinity of
- 23 Lyle Road,

- 1 c. highway improvement project on U.S. Highway 183 from
2 vicinity of Cordell extending north approximately ten
3 (10) miles to approximately one (1) mile south of the
4 Custer County line,
- 5 d. highway improvement project on State Highway 6 in the
6 vicinity of Blair north approximately ten (10) miles
7 to approximately three (3) miles north of U.S. Highway
8 283,
- 9 e. highway improvement project on State Highway 6 from
10 junction of State Highway 6 and State Highway 152
11 extending south approximately six (6) miles to the
12 vicinity of State Highway 55,
- 13 f. highway improvement project on State Highway 51A from
14 the junction of State Highway 8 and State Highway 8A
15 extending northwest approximately five (5) miles to
16 the junction of State Highway 8 and State Highway 51A,
- 17 g. bridge improvements on State Highway 33 between
18 Watonga and the Kingfisher County line,
- 19 h. highway improvement project on U.S. Highway 183 from
20 the vicinity of Manitou extending north approximately
21 nine (9) miles to the vicinity of U.S. Highway 62, and
- 22 i. highway improvement project on U.S. Highway 183 from
23 the vicinity of Manitou extending approximately to the
24 vicinity of Frederick;

1 6. In ~~State Transportation Commission~~ District 6:

2 a. highway improvement for U.S. Highway 60 and State
3 Highway 51 within the city limits of Arnett,

4 b. highway improvement for approximately twenty-five (25)
5 miles of U.S. Highway 412 from the vicinity of U.S.
6 Highway 281 to the vicinity of U.S. Highway 60,

7 c. highway improvement for approximately twenty (20)
8 miles of U.S. Highway 54 from the vicinity of Texhoma
9 to the vicinity of Guymon,

10 d. highway improvement for U.S. Highway 54 from the
11 vicinity of Optima to approximately four (4) miles
12 north of Optima, and

13 e. right-of-way purchases for future improvement to U.S.
14 Highway 270/183 from the vicinity of Woodward to
15 approximately ten (10) miles south of Woodward;

16 7. In ~~State Transportation Commission~~ District 7:

17 a. highway improvement on 6-Mile Line from the vicinity
18 of State Highway 37 extending south approximately five
19 (5) miles to the vicinity of Interstate 44 in Grady
20 County,

21 b. highway improvement on State Highway 19 in the
22 vicinity of Chickasha extending east approximately ten
23 (10) miles,
24

- 1 c. highway improvement on State Highway 9 in the vicinity
2 of Carnegie extending east approximately eight (8)
3 miles to the vicinity of Fort Cobb in Caddo County,
- 4 d. city street and intersection improvement at junction
5 of U.S. Highway 62 and Petri Road within the city
6 limits of Anadarko,
- 7 e. highway improvement on U.S. Highway 277 from the
8 vicinity of Cyril extending east approximately four
9 (4) miles to the vicinity of Cement,
- 10 f. highway improvement on U.S. Highway 62 from junction
11 of State Highway 17 and Porter Hill south to the
12 vicinity of junction of U.S. Highway 62 and Interstate
13 44,
- 14 g. highway improvement on the Duncan Bypass, beginning at
15 State Highway 7, approximately two (2) miles west of
16 U.S. Highway 81 and extending south to connect with
17 State Highway 7 East junction in the vicinity of
18 Duncan together with connecting roads,
- 19 h. highway improvement on U.S. Highway 70 from the
20 vicinity of Ardmore extending east approximately ten
21 (10) miles to the vicinity of the Marshall County
22 line,
- 23 i. highway improvement on U.S. Highway 177 from State
24 Highway 7 East junction in the City of Sulphur

1 extending north approximately ten (10) miles to the
2 vicinity of State Highway 29,

3 j. highway improvement on U.S. Highway 70 from the
4 vicinity of Waurika to the vicinity of Ringling,

5 k. street improvement in vicinity of 2600 block of
6 Southwest Lee Boulevard within the City of Lawton, and

7 l. highway improvement on U.S. Highway 70 within the City
8 of Lone Grove; and

9 8. In ~~State Transportation Commission~~ District 8:

10 a. highway improvement project on U.S. Highway 169 from
11 the vicinity of Rogers County line extending north
12 approximately eight (8) miles to the vicinity of the
13 junction of U.S. Highway 60 and U.S. Highway 169,

14 b. highway improvement project on State Highway 88 from
15 the vicinity of the junction of State Highway 66 and
16 State Highway 88 to the vicinity of Rogers University,

17 c. highway improvement on State Highway 266 from the
18 vicinity of the junction of State Highway 66 and State
19 Highway 266 to the vicinity of Will Rogers Turnpike,

20 d. highway improvement on Gilcrease Expressway from the
21 vicinity of the Osage Expressway extending to the
22 vicinity of U.S. Highway 75,

23

24

- e. highway improvement on State Highway 48 from State Highway 16 extending south approximately seven (7) miles,
- f. highway improvement on U.S. Highway 169 from the vicinity of Interstate 44 south approximately eight (8) miles to the vicinity of 91st Street,
- g. right of way and relocation on Gilcrease Expressway from the vicinity of Interstate 44 to the vicinity of Osage Expressway,
- h. highway improvement on State Highway 66 from the vicinity of Chelsea extending south approximately five (5) miles,
- i. intersection modification at the junction of State Highway 2 and Hospital Road in the City of Vinita,
- j. highway improvement on State Highway 2 to approximately two (2) miles north of Vinita,
- k. highway improvement on approximately two (2) miles of U.S. Highway 59 in the vicinity of the City of Jay and the junction of State Highway 20 and U.S. Highway 59,
- l. highway improvement on U.S. Highway 59 from the vicinity of Grove extending south approximately ten (10) miles to the vicinity of Jay,

- 1 m. highway improvement on U.S. Highway 60 from the
2 vicinity of Bartlesville extending east approximately
3 four (4) miles to the vicinity of Nowata County line,
4 n. highway improvement on U.S. Highway 60 from the
5 vicinity of Bartlesville extending west approximately
6 five (5) miles,
7 o. highway improvement on U.S. Highway 64 from the
8 vicinity of Cleveland extending west approximately two
9 (2) miles to the vicinity of Tarlton Road,
10 p. highway improvement on U.S. Highway 69 for
11 approximately two (2) miles in the vicinity of the
12 junction of State Highway 69 and State Highway 20,
13 q. highway improvement on State Highway 125 from the
14 vicinity of Miami extending south approximately ten
15 (10) miles to the vicinity of Fairland,
16 r. highway improvement for approximately two (2) miles on
17 State Highway 67 from the vicinity of Kiefer to the
18 vicinity of U.S. Highway 75,
19 s. intersection modification on State Highway 66 at the
20 junction of State Highway 66 and Frankhoma Road,
21 t. highway improvement on the Broken Arrow Expressway,
22 u. bridge construction on State Highway 11 on Bird Creek
23 bridge in the vicinity of Barnsdall, and
24

1 v. highway improvement for State Highway 75 from the
2 vicinity of Interstate 44 extending south for
3 approximately five (5) miles.

4 B. The Department of Transportation, in accordance with Section
5 2001 of this title and based on the funding as set forth in
6 subsection F of Section 2001 of this title and Section 168.6 of
7 Title 73 of the Oklahoma Statutes, is hereby authorized to complete
8 the projects set forth in subsection A of this section, or to
9 construct, improve, maintain, and repair all or any part of the
10 following highway and bridge projects to the greatest extent
11 possible consistent with the allocation of funds as apportioned to
12 each ~~transportation~~ district as provided in subsection F of Section
13 2001 of this title:

14 1. In ~~State Transportation Commission~~ District 1:

15 a. highway improvement for U.S. Highway 59 north from
16 Westville extending approximately six (6) miles to
17 Ballard Creek,

18 b. highway improvement on State Highway 51 beginning in
19 the vicinity of the Verdigris River extending east,

20 c. highway improvement on State Highway 51 beginning at
21 the junction of U.S. Highway 69 extending east to the
22 junction of State Highway 16 in Wagoner,
23
24

- 1 d. highway improvement on State Highway 72 beginning at
2 Pecan Street in the city of Coweta extending north to
3 the junction of State Highway 51,
4 e. highway improvement on State Highway 51 beginning at
5 the junction of State Highway 72 in the city of Coweta
6 extending east approximately one (1) mile,
7 f. highway improvement on State Highway 51 from the
8 junction of State Highway 16 in the city of Wagoner
9 extending east,
10 g. highway improvement on U.S. Highway 69 beginning north
11 of the Muskogee Turnpike extending north,
12 h. traffic signal installation on State Highway 165 near
13 on and off ramps and Chandler Street in the city of
14 Muskogee,
15 i. traffic signal modification at junction of U.S.
16 Highway 64B and Southside Boulevard in the city of
17 Muskogee,
18 j. highway improvement on State Highway 10 approximately
19 five (5) miles south of U.S. Highway 62 extending
20 south to Braggs Mountain in Muskogee County,
21 k. signalization and intersection modifications and
22 additional improvements on U.S. Highway 69 at West
23 Okmulgee Street and Broadway Street in the city of
24 Muskogee,

- 1 l. highway improvement on State Highway 52 beginning at
- 2 Morris extending north approximately nine (9) miles to
- 3 State Highway 16,
- 4 m. highway improvement on U.S. Highway 62 east of Morris
- 5 extending approximately six (6) miles,
- 6 n. highway improvement on State Highway 51 Spur adding
- 7 parallel lanes for four lane divided highway on
- 8 Northwest Tahlequah Bypass,
- 9 o. highway improvement on U.S. Highway 266 at the
- 10 junction with U.S. Highway 69,
- 11 p. highway improvement on U.S. Highway 266 beginning at
- 12 old U.S. Highway 69 extending east to Muskogee County
- 13 line,
- 14 q. highway improvement on U.S. Highway 64 beginning at
- 15 Interstate 40 extending east approximately five (5)
- 16 miles to the Arkansas River bridge,
- 17 r. bridge improvement on State Highway 141 approximately
- 18 four (4) miles east of junction of U.S. Highway 59,
- 19 s. highway improvement on State Highway 82 beginning at
- 20 Vian and extending north to State Highway 100,
- 21 t. flashing signal installation on State Highway 51 at
- 22 Taylor's Ferry east of Wagoner,
- 23 u. traffic signal improvements on State Highway 51 in
- 24 Wagoner,

- v. highway improvements on State Highway 16 in Okay,
- w. highway lighting improvement on State Highway 51
bridge over Fort Gibson Lake,
- x. highway improvement on State Highway 16 west of U.S.
Highway 75,
- y. highway improvement on U.S. Highway 266 east of Dewar,
and
- z. bridge improvement on U.S. Highway 266 approximately
six (6) miles east of the Okmulgee County line in
McIntosh County,
- aa. highway improvement on State Highway 31 in Haskell
County from the junction of State Highway 2 extending
18.89 miles east to the LeFlore County Line,
- bb. highway improvement on State Highway 82 in Haskell
County from the junction of State Highway 9 extending
10.99 miles south to the junction of State Highway 31,
and
- cc. highway improvement on State Highway 9 in Haskell
County from the Pittsburgh County line extending 4.65
miles east to the junction of State Highway 71;

2. In ~~State Transportation Commission~~ District 2:

- a. highway improvement covering approximately seven (7)
miles on State Highway 3 from the vicinity of Atoka
east to the vicinity of Lane in Atoka County,

- 1 b. highway improvements on U.S. Highway 70 from the
2 vicinity of Lake Texoma to the east side of Bryan
3 County,
4 c. highway improvement covering approximately seven (7)
5 miles on U.S. Highway 70 from the vicinity of Idabel
6 to the junction with State Highway 98 in McCurtain
7 County,
8 d. highway improvement for the Poteau Bypass,
9 e. highway improvement on U.S. Highway 70 from the
10 vicinity of Hugo to the vicinity of Valliant,
11 f. completion of highway improvement on U.S. Highway 270
12 from the vicinity of Panola to the vicinity of Red Oak
13 in Latimer County,
14 g. highway improvement on State Highway 63 between Kiowa
15 and Haileyville in Pittsburg County,
16 h. highway improvement to upgrade and connect the north
17 and south ends of 3rd Street in Madill to present U.S.
18 Highway 70 in Marshall County and including
19 approximately two (2) miles of 3rd Street in the state
20 highway system,
21 i. highway improvement from U.S. Highway 270 to Bakers
22 Road in McAlester, and
23 j. highway improvement on local road from Crowder
24 extending southeast to Blocker;

1 3. In ~~State Transportation Commission~~ District 3:

- 2 a. highway improvement on State Highway 59B from U.S.
3 Highway 177 to State Highway 102,
- 4 b. highway improvement on State Highway 27 from the
5 junction of State Highway 9 extending north to Okemah,
- 6 c. highway improvement on State Highway 19 from Lindsay
7 extending approximately ten (10) miles to Maysville,
- 8 d. highway improvement on Tecumseh Road in the city of
9 Norman from U.S. Highway 77 extending east to 24th
10 Avenue in the city of Norman,
- 11 e. highway improvement of State Highway 99 covering
12 approximately nineteen (19) miles from the vicinity of
13 Prague to the vicinity of Stroud,
- 14 f. highway improvement on State Highway 3W, extending
15 approximately fifteen (15) miles from the vicinity of
16 Ada to the vicinity of Asher,
- 17 g. highway improvement on Highland Street from Kickapoo
18 Street to Bryan Street in Shawnee,
- 19 h. highway improvement on U.S. Highway 270B from U.S.
20 Highway 270 extending east approximately one (1) mile,
- 21 i. highway improvement on State Highway 9 from Interstate
22 35 extending west to U.S. Highway 62,
- 23 j. highway improvement on State Highway 270 from McLoud
24 to the Oklahoma County line,

- k. right-of-way acquisition and highway improvement on State Highway 99 from Tishomingo extending south to Madill,
- l. highway improvement on State Highway 3 East and Kickapoo Street from Interstate 40 to 45th Street in Shawnee,
- m. highway improvements on old State Highway 18 from State Highway 9 to Benson Park Street in Tecumseh, and
- n. highway improvement on MacArthur Street from Kethley Boulevard to U.S. Highway 177 in Shawnee;

4. In ~~State Transportation Commission~~ District 4:

- a. highway improvement to 23rd Street or U.S. Highway 62 from Interstate 35 east to Air Depot Boulevard, including a bridge improvement on U.S. Highway 62 in the vicinity of Air Depot Boulevard,
- b. highway improvement for Interstate 240 from Interstate 40 to Interstate 44 including on and off ramps and service roads,
- c. highway improvement on U.S. Highway 270 from the vicinity of Harrah Road to the vicinity of the Pottawatomie County line,
- d. highway improvement on Harrah Road from Southeast 29th Street to Interstate 40,

- e. highway improvement on State Highway 33 from the vicinity of Interstate 35 to the vicinity of Coyle,
- f. highway improvement for U.S. Highway 77, also known as the Broadway Extension, from the vicinity of Northwest 63rd Street extending north to the vicinity of Edmond,
- g. a sound barrier and bridge and drainage improvements on Interstate 40 between Bryant and Sooner Road in Del City,
- h. a sound barrier on Interstate 44 between Northwest 23rd Street and Northwest 30th Street,
- i. highway improvement on U.S. Highway 77 from Newkirk to the Kansas state line,
- j. highway improvement on county road from Marland to Red Rock,
- k. highway improvement on State Highway 33 one (1) mile east of Cushing at Norfolk Road, and
- l. highway improvement on U.S. Highway 177 from Stillwater south to State Highway 33;

5. In ~~State Transportation Commission~~ District 5:

- a. highway improvement on U.S. Highway 183 from the vicinity of Manitou extending approximately seven (7) miles to the vicinity of Frederick,

- b. highway improvement on U.S. Highway 283 from approximately one (1) mile south of Altus and extending south approximately five (5) miles,
- c. bridge improvement on State Highway 44 approximately three (3) miles north of State Highway 9,
- d. right-of-way on U.S. Highway 183 between Interstate 40 and Interstate 40B in Clinton,
- e. highway improvement to add left-turn lane on State Highway 33 at Fay, and to add left-turn lanes on State Highway 54 at Section lines East/West 88, East/West 95, and East/West 100 in Custer County,
- f. highway improvement on State Highway 34 beginning in vicinity south of State Highway 47 extending approximately seven (7) miles south,
- g. drainage improvements on State Highway 44 in Burns Flat, and
- h. intersection modifications at junction of U.S. Highway 60 and State Highway 34 in the vicinity of Vici;

6. In ~~State Transportation Commission~~ District 6:

- a. highway improvement on U.S. Highway 412 extending approximately twenty-five (25) miles from the vicinity of U.S. Highway 281 to the vicinity of U.S. Highway 60,

- b. highway improvements on U.S. Highway 54 extending approximately twenty (20) miles from the vicinity of Texhoma to the vicinity of Guymon,
- c. highway improvement on U.S. Highway 183 approximately one-half (1/2) mile south of junction of U.S. Highway 64 extending south approximately four (4) miles,
- d. right-of-way project on U.S. Highway 54 from approximately five (5) miles north of Optima extending north to the Kansas state line,
- e. highway improvement on U.S. Highway 270/State Highway 3 from the vicinity of Woodward extending southeast approximately five (5) miles, and
- f. highway improvement on U.S. Highway 64 from junction of State Highway 8 extending east approximately six (6) miles to State Highway 58;

7. In ~~State Transportation Commission~~ District 7:

- a. highway improvement on U.S. Highway 177 south of Sulphur extending to the Murray County line,
- b. highway improvement on U.S. Highway 70 in vicinity of Mud Creek to the vicinity of Ringling,
- c. right-of-way acquisition and access road to the Duncan South Industrial Park,
- d. highway improvement on Rogers Lane and Flower Mound corridor in the city of Lawton,

1 e. highway improvement on U.S. Highway 70 from the
2 vicinity of Ardmore extending east approximately ten
3 (10) miles to the vicinity of the Marshall County
4 line,

5 f. highway improvement on U.S. Highway 62 from junction
6 of State Highway 17 and Porter Hill south to the
7 vicinity of junction of U.S. Highway 62 and Interstate
8 44,

9 g. highway improvement of Interstate 44 from vicinity of
10 State Highway 49 to vicinity of Medicine Bluff Creek,

11 h. highway improvement on 6-Mile Line from the vicinity
12 of State Highway 37 extending south approximately five
13 (5) miles to the vicinity of Interstate 44 in Grady
14 County,

15 i. bridge improvement on Corum Bridge, and

16 j. highway improvement on State Highway 9 in the vicinity
17 of Carnegie extending east approximately eight (8)
18 miles to the vicinity of Fort Cobb in Caddo County;

19 8. In ~~State Transportation Commission~~ District 8:

20 a. highway improvement or right-of-way on the West
21 Gilcrease Expressway from the vicinity of L.L. Tisdale
22 to the vicinity of Interstate 44,
23
24

- 1 b. highway improvement for the North Gilcrease Expressway
2 from the vicinity of L. L. Tisdale to the vicinity of
3 U.S. Highway 75,
- 4 c. highway improvement on U.S. Highway 2 from Hospital
5 Road extending north approximately one (1) mile,
- 6 d. highway improvement and traffic signal on State
7 Highway 82 from Salina extending north to the vicinity
8 of Spavinaw,
- 9 e. highway improvement on State Highway 266 at
10 interchange of Interstate 44,
- 11 f. highway improvement on U.S. Highway 64 east of Pawnee,
- 12 g. highway improvement on State Highway 67 from the
13 vicinity of Kiefer to the vicinity of U.S. Highway 75,
- 14 h. bridge improvement on 81st Street over Interstate 44
15 and signalization at State Highway 66 in Sapulpa,
- 16 i. highway improvement on State Highway 66 from
17 approximately two (2) miles south of Chelsea extending
18 south approximately two (2) miles,
- 19 j. intersection improvement at the junction of State
20 Highways 82 and 28 in Langley,
- 21 k. highway improvement on State Highway 66 from the north
22 edge of Kellyville extending south seven (7) miles,
- 23
- 24

- 1 l. highway improvement on U.S. Highway 60 approximately
2 three (3) miles west of Bartlesville extending west
3 approximately one and one-half (1 1/2) miles,
4 m. highway improvement on State Highway 10 extending east
5 from Grove to junction of State Highway 25,
6 n. highway improvement on State Highway 125 from Fairland
7 extending north approximately two (2) miles,
8 o. planned improvements for State Highway 88 between
9 State Highway 66 in Claremore and Inola and the
10 intersection of U.S. Highway 412 at Inola, the four-
11 laning of such highway, and
12 p. improvements on State Highway 28 from the intersection
13 of Interstate 44 east to the intersection of U.S.
14 Highway 69.

15 C. Any project listed in this section may be expanded if
16 federal monies become available for such project. The Oklahoma
17 Department of Transportation may utilize any funds dedicated for a
18 particular project pursuant to ~~this act~~ Section 2001 et seq. of this
19 title to obtain additional federal funds for such project.

20 SECTION 127. AMENDATORY 69 O.S. 2011, Section 2004, is
21 amended to read as follows:

22 Section 2004. A. In order to avoid the expenditure of funds
23 for the currently planned construction of four lanes parallel to the
24 Will Rogers Turnpike near Claremore, the ~~Oklahoma Transportation~~

1 ~~Commission~~ Department of Transportation shall enter into a lease
2 with the Oklahoma Transportation Authority for the ~~Transportation~~
3 ~~Commission~~ Department to lease, on an annual basis, that part of the
4 Will Rogers Turnpike also known as Interstate Highway 44, from its
5 beginning near the interchange with U.S. Highway 412 and State
6 Highway 66 at Catoosa and extending northeast to the current
7 interchange with State Highway 20 south of Claremore.

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

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

20 SECTION 128. AMENDATORY 69 O.S. 2011, Section 4002, is
21 amended to read as follows:

22 Section 4002. There is hereby created in the Executive Branch
23 of Government the Department of Transportation ~~and the~~
24 ~~Transportation Commission~~. The Department shall function ~~under the~~

1 ~~direct control and supervision of the Commission~~ as a part of the
2 executive branch of state government in carrying out the
3 transportation policies, plans and programs of this state. In
4 accord with appropriations made by the Legislature and grants of
5 funds from federal, state, regional, local or private agencies, the
6 Department shall, acting by or through the Director or ~~his~~ a duly
7 authorized officer or employee, have the power and it shall be its
8 duty:

9 1. To coordinate and develop for the State of Oklahoma a
10 comprehensive transportation plan to meet present and future needs
11 for adequate, safe and efficient transportation facilities at
12 reasonable cost to the people-i

13 2. To coordinate the development and operation of such
14 transportation facilities in the state including, but not limited
15 to, highways, public transportation, railroad, marine and waterways
16 and aeronautics-i

17 3. To develop, periodically revise and maintain a comprehensive
18 state master plan for transportation facilities-i

19 4. To develop measurable objectives and goals designed to carry
20 out the master plan for transportation and report progress in
21 achievement of objectives and goals to the Governor and Legislature
22 as part of the annual budget submission-i

23

24

1 5. To make such studies and analyses of transportation problems
2 as may be requested by the Governor or Legislature relative to any
3 aspect of transportation in the state;

4 6. To exercise and perform such functions, powers and duties as
5 may be from time to time conferred or imposed by law, including all
6 the functions, powers and duties assigned and transferred to the
7 Department of Transportation by ~~this act~~. Section 4001 et seq. of
8 this title;

9 7. To apply for, accept and receive and be the administrator
10 for and in behalf of the state agencies, boards and commissions of
11 all federal or other monies now or hereafter available for purposes
12 of transportation or which would further the intent and specific
13 purposes of ~~this act~~ Section 4001 et seq. of this title. This
14 paragraph shall not apply to the Oklahoma Corporation Commission
15 insofar as federal funds for transportation regulatory purposes are
16 concerned. Provided further, nothing in ~~this act~~ Section 4001 et
17 seq. of this title shall be construed to limit the authority of any
18 town, city, county, regional authority, port authority or airport
19 authority to apply for, accept, receive and be the administrator of
20 all federal funds or other monies now or hereafter available to such
21 subdivisions of government for the purpose of transportation or any
22 other local matter. The provisions of ~~this act~~ Section 4001 et seq.
23 of this title shall not apply to funds available for projects for
24 providing transportation services to meet special needs of elderly

1 and handicapped persons under Section 16 (b), (2) of the Urban Mass
2 Transportation Act of 1964, as amended (49 U.S.C.A., Section 1612
3 (b), (2)), or to programs administered by the Department of
4 Institutions, Social and Rehabilitative Services for transportation
5 services to elderly and handicapped persons-; i

6 8. To cooperate with local governments in the planning and
7 development of transportation-related activities, and encourage
8 state and federally funded plans and programs at the local level
9 consistent with the goals and objectives of the state master plan
10 for transportation-; i

11 9. To evaluate and encourage the development and use of public
12 transportation in Oklahoma where such use will contribute to a
13 reduction in traffic congestion, public convenience, air quality, or
14 energy conservation-; i

15 10. To administer financial assistance programs for public
16 transportation services, facilities and equipment, using state
17 and/or federal funds for administrative activities, and to pass
18 through to public, private enterprise and/or private nonprofit
19 entities those federal, local and/or private funds intended for the
20 purpose of meeting public transportation capital and operating
21 needs, excluding those federal, local and/or private funds intended
22 for the purpose of meeting the capital and operating needs of fixed
23 route, regularly scheduled public transportation services operating
24

1 within cities of greater than three hundred thousand (300,000)
2 population according to the latest Federal Decennial Census; and

3 11. To ensure, through positive actions, that private
4 enterprise providers of public transportation are involved in all
5 levels of public transportation planning efforts, in both
6 metropolitan and nonmetropolitan areas, and are given the
7 opportunity to provide public transportation services, by contract
8 or other means which provide a reasonable return, wherever such
9 services are now or will be provided utilizing federal, state or
10 local public funds. Exceptions to this requirement that private
11 enterprise provide such services may be made only where:

- 12 a. a county does not have an existing private enterprise
13 public transportation operator which could provide
14 such services,
- 15 b. the existing private enterprise public transportation
16 operator declines to provide such service, or
- 17 c. the organization seeking to secure or provide such
18 services by means other than private enterprise
19 operators, such as operating the system themselves,
20 provides to the Department, or any other party upon
21 request, budgetary documentation that the alternative
22 means are more appropriate and less expensive on a
23 passenger-mile basis.

1 Provided, however, that there shall be exempted from the above
2 requirement all fixed route regularly scheduled public
3 transportation services, operating in cities of greater than three
4 hundred thousand (300,000) population, according to the latest
5 federal decennial census; and

6 Provided further, ~~this act~~ Section 4001 et seq. of this title
7 shall not alter any powers of counties, cities and towns to
8 initiate, designate, or construct any project or other object of
9 expenditure now or hereafter funded by federal transportation or
10 state gasoline and motor fuel tax funds allocated to those counties,
11 cities and towns.

12 SECTION 129. AMENDATORY 69 O.S. 2011, Section 4005, is
13 amended to read as follows:

14 Section 4005. As used in ~~this act~~ Section 4001 et seq. of this
15 title:

16 1. "Department" means the Department of Transportation-;

17 2. ~~Commission means the Transportation Commission.~~

18 3. "Director" means the Director of the Department of
19 Transportation-; and

20 4. 3. "Public Transportation" means transportation services,
21 facilities and equipment with multiple passenger capabilities,
22 available to the public on a scheduled or demand basis including
23 intercity, regional and city bus, minibus, van pool, car pool and
24 taxicab services, and commuter rail services.

1 SECTION 130. AMENDATORY 69 O.S. 2011, Section 4010, is
2 amended to read as follows:

3 Section 4010. The Oklahoma Turnpike Authority shall retain its
4 separate identity, powers and duties as an instrumentality of the
5 state except that the Department of Transportation shall be
6 authorized to provide, on a contractual basis, the following
7 services and functions to the Authority:

8 1. Record keeping, reporting, administrative, planning,
9 engineering, legal and clerical functions of the Authority not in
10 conflict with provisions of existing trust agreements; and

11 2. Operation and maintenance of turnpikes.

12 Duplication of effort, facilities and equipment shall be minimized
13 by the Department ~~of Transportation~~ and Turnpike Authority in
14 operation and maintenance of turnpikes and highways of the state.
15 The Turnpike Authority and the ~~Transportation Commission~~ Department
16 are directed to take such action as necessary to implement this
17 section, including the temporary transfer of personnel, property and
18 equipment from the Authority to the Department to effect contracts
19 set forth in paragraphs 1 and 2 above of this section. The
20 integrity of the bonded indebtedness shall be maintained through the
21 actions of the Turnpike Authority.

22 SECTION 131. AMENDATORY 69 O.S. 2011, Section 4018, as
23 amended by Section 1, Chapter 126, O.S.L. 2014 (69 O.S. Supp. 2018,
24 Section 4018), is amended to read as follows:

1 Section 4018. A. There is hereby created within the Department
2 of Transportation Planning Division, a Waterways Branch. The
3 Director of the Department of Transportation shall appoint such
4 employees necessary to implement and effectuate the provisions of
5 this section. The Waterways Branch shall assume the duties and
6 functions previously performed by the Division of Waterways within
7 the Department of Commerce. The ~~Transportation Commission~~ Director
8 is hereby authorized to ~~adopt~~ promulgate rules necessary to
9 effectuate the operation of the Waterways Branch.

10 B. The Waterways Branch shall have the primary purpose and
11 responsibility of promoting the McClellan-Kerr Arkansas River
12 Navigation System which constitutes Oklahoma's navigable waterways.
13 Additionally, the Department ~~of Transportation~~ acting through the
14 Waterways Branch shall have the authority to:

15 1. Encourage commercial use of the state's navigable waterways
16 for the purpose of the transportation of goods;

17 2. Assist state, federal and municipal entities in the
18 attraction and location of waterways-related industries;

19 3. Assist and coordinate public and private entities in and
20 with the development of river, port and harbor facilities;

21 4. Aggressively pursue federal funding for construction and
22 maintenance projects of all necessary improvements to navigational
23 systems;

24

1 5. Coordinate with local and state development agencies to
2 ensure a better understanding of the state's navigable waterways in
3 a manner that will result in the use and growth of the state's
4 transportation resources and facilities of this state;

5 6. Study and coordinate efforts designed to promote the
6 development of the navigable stream areas in this state for water
7 transportation purposes;

8 7. Monitor and intercede on behalf of and to represent the
9 State of Oklahoma before any agency of the United States government
10 in matters pertaining to the application of fees, tolls or user
11 charges levied or contemplated to be levied against the water
12 transportation industry engaged in either intrastate or interstate
13 water commerce;

14 8. Receive and use any federal, state or private funds,
15 donations and grants made available for the development, use and
16 expansion of river transportation resources of this state;

17 9. Cooperate and enter into contracts with the federal
18 government or any agency thereof or agencies of other states such as
19 may be necessary to carry out the purposes of this section, provided
20 that no such contract may obligate or potentially obligate any state
21 funds or the full faith and credit of the State of Oklahoma unless
22 express legislative authorization is given therefor;

23 10. Represent this state in the promotion of the development of
24 commercial water transportation in this state and to cooperate with

1 other states, other agencies of this state or agencies of the United
2 States government, in any manner whatsoever, in an effort to develop
3 the commercial use of the waterways in this state;

4 11. Study all executive orders and legislation, state and
5 federal, which may affect the commercial development of interstate
6 or intrastate water transportation and to make recommendations
7 concerning any such executive orders or legislation;

8 12. Make studies and plans for the expansion, use and growth of
9 the water transportation resources and facilities of this state; and

10 13. Do and perform all other functions for and on behalf of the
11 state which may be necessary or desirable to accomplish the purposes
12 of this section.

13 C. 1. There is hereby created the Oklahoma Waterways Advisory
14 Board. Members of the Board shall be selected and appointed by the
15 Director of the Department of Transportation. The Oklahoma
16 Waterways Advisory Board shall consist of seven (7) members
17 qualified as follows:

18 a. two members shall be the Executive Directors of the
19 two active, public ports, commonly known as the Port
20 of Catoosa and the Port of Muskogee,

21 b. two members shall be appointed from private port
22 operations which have existing waterfront cargo
23 handling facilities and which regularly employ the use
24 of barge transportation,

1 c. one member shall be appointed from the public at large
2 who shall have professional experience and expertise
3 in shipping, freight logistics or construction,
4 operation, maintenance and rehabilitation of
5 transportation systems, and

6 d. two members shall be appointed at large from business
7 and/or industry associated with inland navigation.

8 2. All members shall continue in office until replaced.

9 Members of the Board shall not be compensated or receive travel
10 reimbursement. The membership shall elect a chairperson and vice-
11 chairperson and shall meet as necessary.

12 3. The Board shall:

13 a. serve in an advisory capacity to the Department of
14 Transportation, the Governor's office and the
15 Legislature in accomplishing its mission,

16 b. assist in the development of rules, standards,
17 policies, procedures and directions of the Waterways
18 Branch of the Department of Transportation regarding
19 its duties and responsibilities authorized by this
20 section, and

21 c. recommend specific public and private actions that
22 would enable this state to utilize its waterways to
23 promote future growth.
24

1 4. The Department of Transportation may, as funds and staff are
2 available, provide support and assistance to the Board.

3 SECTION 132. AMENDATORY 73 O.S. 2011, Section 83.1, as
4 last amended by Section 1, Chapter 251, O.S.L. 2015 (73 O.S. Supp.
5 2018, Section 83.1), is amended to read as follows:

6 Section 83.1. A. There is hereby re-created to continue until
7 July 1, 2022, in accordance with the Oklahoma Sunset Law, a Capitol-
8 Medical Center Improvement and Zoning Commission to exercise the
9 functions and perform the duties hereinafter prescribed.

10 B. The Commission shall be composed of eleven (11) members as
11 follows:

12 1. The Director of the Office of Management and Enterprise
13 Services or his or her designee, who shall be ex officio chair of
14 the Capitol-Medical Center Improvement and Zoning Commission;

15 2. The Director of the ~~Transportation Commission~~ Department of
16 Transportation or his or her designee;

17 3. The President of the University of Oklahoma or his or her
18 designee;

19 4. Two members appointed by the President Pro Tempore of the
20 Senate;

21 5. Two members appointed by the Speaker of the House of
22 Representatives;

23 6. The Chair of the Planning Commission of Oklahoma City or his
24 or her designee;

1 7. The Chair of the Long-Range Capital Planning Commission; and

2 8. Two members of the Commission appointed by the Governor,
3 with the advice and consent of the State Senate, for four-year
4 staggered terms with one term expiring on January 31 of each even-
5 numbered year.

6 C. One of the two members shall be appointed upon the
7 recommendation of the Citizens' Advisory Committee. The Commission
8 is authorized to appoint and hire a Director, who shall serve as the
9 chief administrative officer of the Commission, and other necessary
10 personnel. The Attorney General of the State of Oklahoma shall be
11 the legal advisor to the Commission in the same capacity as he or
12 she is to other boards and commissions.

13 D. At least one of the members appointed by the President Pro
14 Tempore of the Senate and the Speaker of the House of
15 Representatives shall be a resident within the boundaries of the
16 Capitol-Medical Center Improvement and Zoning District as set forth
17 in Section 83 of this title.

18 SECTION 133. AMENDATORY 73 O.S. 2011, Section 341, is
19 amended to read as follows:

20 Section 341. A. Subject to the limitations with respect to the
21 authorized date of issuance provided by paragraphs 1, 2 and 3 of
22 this subsection, the Oklahoma Capitol Improvement Authority is
23 authorized to issue notes, bonds, or other evidences of obligation
24 in an amount necessary to generate net proceeds of:

1 1. One Hundred Fifty Million Dollars (\$150,000,000.00), no
2 earlier than August 1, 2009, after providing for costs of issuance,
3 credit enhancement, reserves, and other associated expenses related
4 to the financing;

5 2. In addition to the amount of net proceeds specified by
6 paragraph 1 of this subsection, Two Hundred Fifteen Million Dollars
7 (\$215,000,000.00), no earlier than August 1, 2010, after providing
8 for costs of issuance, credit enhancement, reserves, and other
9 associated expenses related to the financing; and

10 3. In addition to the amount of net proceeds specified by
11 paragraph 1 and paragraph 2 of this subsection, Seventy Million
12 Dollars (\$70,000,000.00), no earlier than August 1, 2011, after
13 providing for costs of issuance, credit enhancement, reserves, and
14 other associated expenses related to the financing for the projects
15 identified in the Appendix of ~~this act~~ Chapter 304, O.S.L. 2011.

16 B. Net proceeds of the financing will be deposited into a
17 construction fund to provide for the financing of acquisition of
18 real property, together with improvements located thereon, and
19 personal property, to construct, maintain and improve those state
20 highway and state bridge assets identified in the Oklahoma
21 Transportation Commission Construction Work Plan for the federal
22 fiscal years 2011 through 2018 (FFY-2011 through FFY-2018) as
23 specifically identified in the Appendix of ~~this act~~ Chapter 304,
24

1 O.S.L. 2011, and which is incorporated by reference as if fully set
2 out herein.

3 C. ~~The Transportation Commission or the~~ Department of
4 Transportation shall use the proceeds identified in subsection B of
5 this section according to the priority of the enumerated project as
6 it appears for the applicable federal fiscal year in the
7 Construction Work Plan described in subsection B of this section in
8 order to facilitate the completion of the enumerated projects,
9 giving consideration to the ability to match federal funding and
10 such other factors as ~~the Transportation Commission or the~~
11 Department of Transportation shall deem fiscally prudent.

12 D. Earnings that result from the investment of the construction
13 fund may be used for the projects authorized in this section or for
14 other legal purposes approved by the Authority.

15 E. The Authority and ~~the Transportation Commission and the~~
16 Department of Transportation are authorized to enter into such
17 agreements as may be necessary to authorize the Authority to hold
18 title to the real and personal property and improvements until such
19 time as any obligations issued for the purpose set forth in
20 subsection B of this section are retired or defeased and the
21 Authority may lease the real property and improvements to ~~the~~
22 ~~Transportation Commission or~~ the Department of Transportation for
23 the purposes authorized by this section. Upon final redemption or
24 defeasance of the obligations created pursuant to this section,

1 title to the real and personal property and improvements shall be
2 transferred from the Oklahoma Capitol Improvement Authority to ~~the~~
3 ~~Transportation Commission or~~ the Department of Transportation.

4 F. For the purpose of paying the costs for acquisition and
5 construction of the real property and improvements and personal
6 property and making the repairs, refurbishments, and improvements to
7 real and personal property, and providing funding for the project
8 authorized in this section, and for the purpose authorized in
9 subsection H of this section, the Authority is hereby authorized to
10 borrow monies on the credit of the income and revenues to be derived
11 from the leasing of such real and personal property and improvements
12 and, in anticipation of the collection of such income and revenues,
13 to issue negotiable obligations in one or more series.

14 G. It is the intent of the Legislature to appropriate to the
15 Department of Transportation sufficient monies to make rental
16 payments for the purposes of retiring the obligations created
17 pursuant to this section.

18 H. To the extent funds are available from the proceeds of the
19 borrowing authorized by subsection A of this section, the Oklahoma
20 Capitol Improvement Authority shall provide for the payment of
21 professional fees and associated costs related to the projects
22 authorized in this section.

23 I. The Authority may issue obligations in one or more series
24 and in conjunction with other issues of the Authority. The

1 Authority is authorized to hire bond counsel, financial consultants,
2 and such other professionals as it may deem necessary to provide for
3 the efficient sale of the obligations and may utilize a portion of
4 the proceeds of any borrowing to create such reserves as may be
5 deemed necessary and to pay costs associated with the issuance and
6 administration of such obligations.

7 J. The bond indenture or other instrument pursuant to which the
8 Oklahoma Capitol Improvement Authority becomes obligated for the
9 repayment of principal and interest of the proceeds from the sale of
10 obligations authorized in subsection A of this section shall provide
11 that all obligations are to be repaid from the source of revenue
12 specified in this section.

13 K. The bonds or other obligations issued pursuant to this
14 section shall not at any time be deemed to constitute a debt of the
15 state or of any political subdivision thereof or a pledge of the
16 faith and credit of the state or of any such political subdivision.

17 L. Such bonds or other obligations shall contain on the face
18 thereof a statement that neither the faith and credit nor the taxing
19 power of the state or any political subdivision thereof is pledged,
20 or may hereafter be pledged, to the payment of the principal of or
21 the interest on such bonds.

22 M. The obligations authorized under this section may be sold at
23 either competitive or negotiated sale, as determined by the
24 Authority, and in such form and at such prices as may be authorized

1 by the Authority. The Authority may enter into agreements with such
2 credit enhancers and liquidity providers as may be determined
3 necessary to efficiently market the obligations. The obligations
4 may mature and have such provisions for redemption as shall be
5 determined by the Authority, but in no event shall the final
6 maturity of such obligations occur later than fifteen (15) years
7 from the first principal maturity date.

8 N. Any interest earnings on funds or accounts created for the
9 purposes of this section may be utilized as partial payment of the
10 annual debt service or for the purposes directed by the Authority.

11 O. The obligations issued under this section, the transfer
12 thereof and the interest earned on such obligations, including any
13 profit derived from the sale thereof, shall not be subject to
14 taxation of any kind by the State of Oklahoma, or by any county,
15 municipality or political subdivision therein.

16 P. The Authority may direct the investment of all monies in any
17 funds or accounts created in connection with the offering of the
18 obligations authorized under this section. Such investments shall
19 be made in a manner consistent with the investment guidelines of the
20 State Treasurer. The Authority may place additional restrictions on
21 the investment of such monies if necessary to enhance the
22 marketability of the obligations.

23

24

1 Q. Insofar as they are not in conflict with the provisions of
2 this section, the provisions of Section 151 et seq. of this title
3 shall apply to this section.

4 R. The Oklahoma Capitol Improvement Authority may initiate
5 proceedings for purposes of validating the obligations authorized
6 pursuant to the provisions of this section according to the
7 provisions of Section 14.1 of Title 20 of the Oklahoma Statutes not
8 later than one hundred twenty (120) days after ~~the effective date of~~
9 ~~this act~~ August 26, 2011.

10 SECTION 134. AMENDATORY Section 1, Chapter 364, O.S.L.
11 2016 (73 O.S. Supp. 2018, Section 342), is amended to read as
12 follows:

13 Section 342. A. Subject to the limitations with respect to the
14 authorized date of issuance provided by this subsection, the
15 Oklahoma Capitol Improvement Authority is authorized to issue notes,
16 bonds or other evidences of obligation in an amount necessary to
17 generate net proceeds of Two Hundred Million Dollars
18 (\$200,000,000.00), no earlier than July 1, 2016, after providing for
19 costs of issuance, credit enhancement, reserves and other associated
20 expenses related to the financing.

21 B. Net proceeds of the financing will be deposited into a
22 construction fund to provide for the financing of acquisition of
23 real property, together with improvements located thereon, and
24 personal property, to construct, maintain and improve those state

1 highway and state bridge assets identified in the Oklahoma
2 Transportation Commission Construction Work Plan for the federal
3 fiscal years 2016 through 2023 (FFY-2016 through FFY-2023) as
4 specifically identified in the Appendix of ~~this act~~ Chapter 364,
5 O.S.L. 2016, which is incorporated by reference as if fully set out
6 herein.

7 C. The ~~Transportation Commission or the~~ Department of
8 Transportation shall use the proceeds identified in subsection B of
9 this section according to the priority of the enumerated project as
10 it appears for the applicable federal fiscal year in the
11 Construction Work Plan described in subsection B of this section in
12 order to facilitate the completion of the enumerated projects,
13 giving consideration to the ability to match federal funding and
14 such other factors as ~~the Transportation Commission or the~~
15 Department of Transportation shall deem fiscally prudent.

16 D. Earnings that result from the investment of the construction
17 fund may be used for the projects authorized in this section or for
18 other legal purposes approved by the Authority.

19 E. The Authority and ~~the Transportation Commission and the~~
20 Department of Transportation are authorized to enter into such
21 agreements as may be necessary to authorize the Authority to hold
22 title to the real and personal property and improvements until such
23 time as any obligations issued for the purpose set forth in
24 subsection B of this section are retired or defeased and the

1 Authority may lease the real property and improvements to ~~the~~
2 ~~Transportation Commission or~~ the Department of Transportation for
3 the purposes authorized by this section. Upon final redemption or
4 defeasance of the obligations created pursuant to this section,
5 title to the real and personal property and improvements shall be
6 transferred from the Oklahoma Capitol Improvement Authority to ~~the~~
7 ~~Transportation Commission or~~ the Department of Transportation.

8 F. For the purpose of paying the costs for acquisition and
9 construction of the real property and improvements and personal
10 property and making the repairs, refurbishments and improvements to
11 real and personal property, and providing funding for the project
12 authorized in this section, and for the purpose authorized in
13 subsection H of this section, the Authority is hereby authorized to
14 borrow monies on the credit of the income and revenues to be derived
15 from the leasing of such real and personal property and improvements
16 and, in anticipation of the collection of such income and revenues,
17 to issue negotiable obligations in one or more series.

18 G. It is the intent of the Legislature to appropriate to the
19 Department of Transportation sufficient monies to make rental
20 payments for the purposes of retiring the obligations created
21 pursuant to this section.

22 H. To the extent funds are available from the proceeds of the
23 borrowing authorized by subsection A of this section, the Oklahoma
24 Capitol Improvement Authority shall provide for the payment of

1 professional fees and associated costs related to the projects
2 authorized in this section.

3 I. The Authority may issue obligations in one or more series
4 and in conjunction with other issues of the Authority. The
5 Authority is authorized to hire bond counsel, financial consultants
6 and such other professionals as it may deem necessary to provide for
7 the efficient sale of the obligations and may utilize a portion of
8 the proceeds of any borrowing to create such reserves as may be
9 deemed necessary and to pay costs associated with the issuance and
10 administration of such obligations.

11 J. The bond indenture or other instrument pursuant to which the
12 Oklahoma Capitol Improvement Authority becomes obligated for the
13 repayment of principal and interest of the proceeds from the sale of
14 obligations authorized in subsection A of this section shall provide
15 that all obligations are to be repaid from the source of revenue
16 specified in this section.

17 K. The bonds or other obligations issued pursuant to this
18 section shall not at any time be deemed to constitute a debt of the
19 state or of any political subdivision thereof or a pledge of the
20 faith and credit of the state or of any such political subdivision.

21 L. Such bonds or other obligations shall contain on the face
22 thereof a statement that neither the faith and credit nor the taxing
23 power of the state or any political subdivision thereof is pledged,
24

1 or may hereafter be pledged, to the payment of the principal of or
2 the interest on such bonds.

3 M. The obligations authorized under this section may be sold at
4 either competitive or negotiated sale, as determined by the
5 Authority, and in such form and at such prices as may be authorized
6 by the Authority. The Authority may enter into agreements with such
7 credit enhancers and liquidity providers as may be determined
8 necessary to efficiently market the obligations. The obligations
9 may mature and have such provisions for redemption as shall be
10 determined by the Authority, but in no event shall the final
11 maturity of such obligations occur later than fifteen (15) years
12 from the first principal maturity date.

13 N. Any interest earnings on funds or accounts created for the
14 purposes of this section may be utilized as partial payment of the
15 annual debt service or for the purposes directed by the Authority.

16 O. The obligations issued under this section, the transfer
17 thereof and the interest earned on such obligations, including any
18 profit derived from the sale thereof, shall not be subject to
19 taxation of any kind by the State of Oklahoma, or by any county,
20 municipality or political subdivision therein.

21 P. The Authority may direct the investment of all monies in any
22 funds or accounts created in connection with the offering of the
23 obligations authorized under this section. Such investments shall
24 be made in a manner consistent with the investment guidelines of the

1 State Treasurer. The Authority may place additional restrictions on
2 the investment of such monies if necessary to enhance the
3 marketability of the obligations.

4 Q. Insofar as they are not in conflict with the provisions of
5 this section, the provisions of Section 151 et seq. of Title 73 of
6 the Oklahoma Statutes shall apply to this section.

7 R. The Oklahoma Capitol Improvement Authority may initiate
8 proceedings for purposes of validating the obligations authorized
9 pursuant to the provisions of this section according to the
10 provisions of Section 14.1 of Title 20 of the Oklahoma Statutes not
11 later than one hundred twenty (120) days after ~~the effective date of~~
12 ~~this act~~ August 26, 2016.

13 SECTION 135. AMENDATORY 74 O.S. 2011, Section 18c, as
14 last amended by Section 1, Chapter 31, O.S.L. 2016 (74 O.S. Supp.
15 2018, Section 18c), is amended to read as follows:

16 Section 18c. A. 1. Except as otherwise provided by this
17 subsection, no state officer, board or commission shall have
18 authority to employ or appoint attorneys to advise or represent said
19 officer, board or commission in any matter.

20 2. The provisions of this subsection shall not apply to the
21 Corporation Commission, the Council on Law Enforcement Education and
22 Training, the Consumer Credit Commission, the Board of Managers of
23 the State Insurance Fund, the Oklahoma Tax Commission, the
24 Commissioners of the Land Office, the Oklahoma Public Welfare

1 Commission also known as the Commission for Human Services, the
2 State Board of Corrections, the Oklahoma Health Care Authority, the
3 Department of Public Safety, the Oklahoma State Bureau of Narcotics
4 and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement
5 Commission, the ~~Transportation Commission~~ Department of
6 Transportation, the Oklahoma Energy Resources Board, the Oklahoma
7 Merit Protection Commission, the Office of Management and Enterprise
8 Services, the Oklahoma Water Resources Board, the Department of
9 Labor, the Department of Agriculture, Food, and Forestry, the
10 Northeast Oklahoma Public Facilities Authority, the Oklahoma
11 Firefighters Pension and Retirement System, the Oklahoma Public
12 Employees Retirement System, the Uniform Retirement System for
13 Justices and Judges, the Oklahoma Conservation Commission, the
14 Office of Juvenile Affairs, the State Board of Pharmacy, and until
15 January 1, 2022, the Oklahoma Department of Veterans Affairs.

16 3. The provisions of paragraph 2 of this subsection shall not
17 be construed to authorize the Office of Juvenile Affairs to employ
18 any attorneys that are not specifically authorized by law.

19 4. All the legal duties of such officer, board or commission
20 shall devolve upon and are hereby vested in the Attorney General;
21 provided that:

22 a. the Governor shall have authority to employ special
23 counsel to protect the rights or interest of the state
24 as provided in Section 6 of this title, and

1 b. liquidation agents of banks shall have the authority
2 to employ local counsel, with the consent of the Bank
3 Commissioner and the Attorney General and the approval
4 of the district court.

5 B. At the request of any state officer, board or commission,
6 except the Corporation Commission, the Board of Managers of the
7 CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners
8 of the Land Office, the Grand River Dam Authority, the Oklahoma
9 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
10 Beverage Laws Enforcement Commission, the Oklahoma Firefighters
11 Pension and Retirement System, the Oklahoma Public Employees
12 Retirement System, the Uniform Retirement System for Justices and
13 Judges and the Interstate Oil and Gas Compact Commission, the
14 Attorney General shall defend any action in which they may be sued
15 in their official capacity. At the request of any such state
16 officer, board or commission, the Attorney General shall have
17 authority to institute suits in the name of the State of Oklahoma on
18 their relation, if after investigation the Attorney General is
19 convinced there is sufficient legal merit to justify the action.

20 C. Any officer, board, or commission which has the authority to
21 employ or appoint attorneys may request that the Attorney General
22 defend any action arising pursuant to the provisions of The
23 Governmental Tort Claims Act.

1 D. Nothing in this section shall be construed to repeal or
2 affect the provisions of the statutes of this state pertaining to
3 attorneys and legal advisors of the several commissions and
4 departments of state specified in subsection B of this section, and
5 all acts and parts of acts pertaining thereto shall be and remain in
6 full force and effect.

7 SECTION 136. AMENDATORY 74 O.S. 2011, Section 85.12, as
8 last amended by Section 2, Chapter 71, O.S.L. 2017 (74 O.S. Supp.
9 2018, Section 85.12), is amended to read as follows:

10 Section 85.12. A. The provisions of this section shall not be
11 construed to affect any law relating to fiscal or accounting
12 procedure except as they may be directly in conflict herewith; and
13 all claims, warrants, and bonds shall be examined, inspected, and
14 approved as now provided by law.

15 B. Except as otherwise provided by this section, the
16 acquisitions specified in this subsection shall be made in
17 compliance with Section 85.39 of this title but are not subject to
18 other provisions of The Oklahoma Central Purchasing Act:

19 1. Food and other products produced by state institutions and
20 agencies;

21 2. The printing or duplication of publications or forms of
22 whatsoever kind or character by state agencies if the work is
23 performed upon their own equipment by their own employees. Pursuant
24 to this paragraph, the state agency may only use equipment owned or

1 leased by the agency and may only utilize that equipment for
2 printing services required by the agency in performing duties
3 imposed upon the agency or functions authorized to be performed by
4 the agency. Any use of the equipment by the agency pursuant to an
5 agreement or contract with any other entity resulting in delivery of
6 intermediate or finished products to the entity purchasing or using
7 the products shall be subject to the provisions of The Oklahoma
8 Central Purchasing Act;

9 3. Department of Transportation ~~and Transportation Commission~~
10 contractual services or right-of-way purchases; contracts awarded
11 pursuant to bids let by the ~~Transportation Commission~~ Department of
12 Transportation for the maintenance or construction of streets,
13 roads, highways, bridges, underpasses, or any other transportation
14 facilities under the control of the Department of Transportation,
15 the acquisitions of equipment or materials accruing to the
16 Department of Transportation required in Federal-Aid contracts; and
17 contracts for public service type announcements initiated by the
18 Department of Transportation;
19 but not contractual services for advertising or public relations or
20 employment services;

21 4. Utility services regulated by a state or federal regulatory
22 commission, or by municipal ordinance, or by an Indian Tribal
23 Council;

24

1 5. Acquisitions by the University Hospitals Authority. The
2 Authority shall develop standards for the acquisition of products
3 and services and may elect to utilize the Purchasing Division. The
4 standards shall foster economy and short response time and shall
5 include appropriate safeguards and record-keeping requirements to
6 ensure appropriate competition and economical and efficient
7 purchasing;

8 6. Contracts for custom harvesting by the Department of
9 Corrections for the Department or its institutions;

10 7. Contracts with private prison contractors which are subject
11 to the contracting procedures of Section 561 of Title 57 of the
12 Oklahoma Statutes;

13 8. Acquisitions by the Oklahoma Municipal Power Authority;

14 9. Acquisitions by the Grand River Dam Authority;

15 10. Acquisitions by rural water, sewer, gas, or solid waste
16 management districts created pursuant to the Rural Water, Sewer, Gas
17 and Solid Waste Management Districts Act;

18 11. Acquisitions by the Oklahoma Ordnance Works Authority, the
19 Northeast Oklahoma Public Facilities Authority, or the Midwestern
20 Oklahoma Development Authority;

21 12. Contracts entered into by the Oklahoma Industrial Finance
22 Authority for the services of an appraiser or for acquisition of
23 insurance when the Authority's Board of Directors determines that an
24

1 emergency exists, and contracts for the services of legal counsel
2 when approved by the Attorney General;

3 13. Expenditure of monies appropriated to the State Board of
4 Education for Local and State Supported Financial Support of Public
5 Schools, except monies allocated therefrom for the Administrative
6 and Support Functions of the State Department of Education;

7 14. Expenditure of monies appropriated to the State Department
8 of Rehabilitation Services for educational programs or educational
9 materials for the Oklahoma School for the Blind and the Oklahoma
10 School for the Deaf;

11 15. Contracts entered into by the Oklahoma Department of Career
12 and Technology Education for the development, revision, or updating
13 of vocational curriculum materials, and contracts entered into by
14 the Oklahoma Department of Career and Technology Education for
15 training and supportive services that address the needs of new or
16 expanding industries;

17 16. Contracts entered into by the Oklahoma Center for the
18 Advancement of Science and Technology for professional services;

19 17. Contracts entered into by the Oklahoma Department of
20 Commerce pursuant to the provisions of Section 5066.4 of this title;

21 18. Acquisitions made by the Oklahoma Historical Society from
22 monies used to administer the White Hair Memorial;

23 19. Acquisitions available to an agency through a General
24 Services Administration (GSA) contract or other federal contract if

1 the acquisition is on current statewide contract and the terms of
2 the GSA or other federal contract, as determined by the State
3 Purchasing Director, are more favorable to the agency than the terms
4 of a statewide contract for the same products;

5 20. Purchases of pharmaceuticals available through a multistate
6 or multigovernmental contract if such pharmaceuticals are or have
7 been on state contract within the last fiscal year, and the terms of
8 such contract are more favorable to the state or agency than the
9 terms of a state contract for the same products, as determined by
10 the State Purchasing Director. The state entity designated by law,
11 as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes,
12 shall participate in the purchase of pharmaceuticals available
13 through such contracts;

14 21. Contracts for managed health care services entered into by
15 the state entity designated by law or the Department of Human
16 Services, as specified in paragraph 1 of subsection A of Section
17 1010.3 of Title 56 of the Oklahoma Statutes;

18 22. Acquisitions by the Forestry Service of the Oklahoma
19 Department of Agriculture, Food, and Forestry as authorized by the
20 federal General Services Administration through a General Services
21 Administration contract or other federal contract if the
22 acquisitions are not on current statewide contract or the terms of
23 the federal contract are more favorable to the agency than the terms
24 of a statewide contract for the same products;

1 23. Acquisitions of clothing for clients of the Department of
2 Human Services and acquisitions of food for group homes operated by
3 the Department of Human Services;

4 24. Acquisitions by the Oklahoma Energy Resources Board;

5 25. Acquisitions of clothing for juveniles in the custody of
6 the Office of Juvenile Affairs and acquisitions of food for group
7 homes operated by the Office of Juvenile Affairs;

8 26. State contracts for flexible benefits plans pursuant to the
9 Oklahoma State Employees Benefits Act, Section 1361 et seq. of this
10 title;

11 27. Acquisitions by the Department of Securities to
12 investigate, initiate, or pursue administrative, civil, or criminal
13 proceedings involving potential violations of the acts under the
14 Department's jurisdiction and acquisitions by the Department of
15 Securities for its investor education program;

16 28. Acquisitions by the Native American Cultural and
17 Educational Authority and acquisitions by the Oklahoma Department of
18 Commerce to assist the Native American Cultural and Educational
19 Authority pursuant to Section 5017 of this title;

20 29. Acquisitions for resale in and through canteens operated
21 pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

22 30. Acquisitions by the Oklahoma Boll Weevil Eradication
23 Organization for employment and personnel services, and for
24 acquiring sprayers, blowers, traps, and attractants related to the

1 eradication of boll weevils in this state or as part of a national
2 or regional boll weevil eradication program;

3 31. Contracts entered into by the Oklahoma Indigent Defense
4 System for expert services pursuant to the provisions of subsection
5 D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

6 32. Acquisitions by the Oklahoma Correctional Industries and
7 the Agri-Services programs of the Department of Corrections of raw
8 materials, component parts and other products, any equipment
9 excluding vehicles, and any services excluding computer consultant
10 services used to produce goods or services for resale and for the
11 production of agricultural products;

12 33. Contracts entered into by the Department of Human Services
13 for provision of supported living services to members of the
14 plaintiff class in *Homeward Bound, Inc., et al. v. The Hisson*
15 *Memorial Center, et al.*, Case Number 85-C-437-E, United States
16 District Court for the Northern District of Oklahoma;

17 34. Contracts negotiated by the Office of Juvenile Affairs with
18 designated Youth Services Agencies and the Oklahoma Association of
19 Youth Services, or another Oklahoma nonprofit corporation whose
20 membership consists solely of Youth Services Agencies and of whom at
21 least a majority of Youth Services Agencies are members, pursuant to
22 the provisions of Section 2-7-306 of Title 10A of the Oklahoma
23 Statutes and contracts entered into by the Department of Human

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1 Services pursuant to Section 1-9-110 of Title 10A of the Oklahoma
2 Statutes with designated Youth Services Agencies;

3 35. Contracts not to exceed One Hundred Thousand Dollars
4 (\$100,000.00) entered into by the Department of Environmental
5 Quality for engineering services to assist qualifying small
6 municipalities or rural water or sewer districts with engineering
7 reports or plans and specifications needed for construction or
8 repairs to achieve compliance with federal and state public water
9 supply or wastewater laws and regulations;

10 36. Contracts for annuities for structured settlements provided
11 for in Section 158 of Title 51 of the Oklahoma Statutes; and

12 37. Contracts entered into by the State Department of Education
13 with current or retired employees of Oklahoma public school
14 districts to assist the Department when the expertise and
15 qualifications of an Oklahoma certified educator are required, as
16 provided for in Section ~~4~~ 3-104.8 of ~~this act~~ Title 70 of the
17 Oklahoma Statutes.

18 C. Pursuant to the terms of a contract the State Purchasing
19 Director enters into or awards, a state agency, common school,
20 municipality, rural fire protection district, county officer, or any
21 program contract, purchase, acquisition or expenditure that is not
22 subject to the provisions of The Oklahoma Central Purchasing Act,
23 may, unless acting pursuant to a contract with the state that
24 specifies otherwise, make use of statewide contracts and the

1 services of the Purchasing Division and the State Purchasing
2 Director. Any political subdivision or rural fire protection
3 district may designate the State Purchasing Director as its agent
4 for any acquisition from a statewide contract or otherwise available
5 to the state.

6 D. The State Purchasing Director shall make periodic audits of
7 the purchasing procedures of the Oklahoma Ordnance Works Authority,
8 the Northeast Oklahoma Public Facilities Authority, the University
9 Hospitals Authority, and the Midwestern Oklahoma Development
10 Authority to ensure that the procedures are being followed.

11 SECTION 137. AMENDATORY 74 O.S. 2011, Section 500.36, is
12 amended to read as follows:

13 Section 500.36. ~~Effective July 1, 1985, no~~ No members of
14 Oklahoma boards and commissions shall receive per diem payments or
15 reimbursements for expenses other than those specifically authorized
16 by Sections 500.1 through 500.54 of ~~Title 74 of the Oklahoma~~
17 ~~Statutes~~ this title or Section 1501-605 of Title 82 of the Oklahoma
18 Statutes or except as otherwise provided by law. Provided that this
19 section is not intended to prohibit the payment of statutory
20 salaries to members of the Oklahoma Tax Commission, ~~the Oklahoma~~
21 ~~Transportation Commission~~ and the Oklahoma Pardon and Parole Board.

22 SECTION 138. AMENDATORY 74 O.S. 2011, Section 2226, is
23 amended to read as follows:

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1 Section 2226. The ~~Oklahoma Transportation Commission~~ Department
2 of Transportation shall construct, maintain and repair those roads
3 and parking areas in state parks as specified by the Tourism and
4 Recreation Commission.

5 SECTION 139. AMENDATORY Section 2, Chapter 251, O.S.L.
6 2017 (74 O.S. Supp. 2018, Section 5152), is amended to read as
7 follows:

8 Section 5152. A. As used in the Oklahoma Public and Private
9 Facilities and Infrastructure Act:

10 1. "Contract" means any purchase and sale agreement, lease,
11 service agreement, franchise agreement, concession agreement or
12 other written agreement entered into under ~~this act~~ the Oklahoma
13 Public and Private Facilities and Infrastructure Act with respect to
14 the provision of a public service and any project related thereto;

15 2. "Improvement" means any instruction, reconstruction,
16 rehabilitation, renovation, installation, improvement, enlargement
17 or extension of property or improvements to property;

18 3. "Partnership Committee" means a committee consisting of nine
19 (9) members, three members appointed by the President Pro Tempore of
20 the Senate, three members appointed by the Speaker of the House of
21 Representatives and three representatives of the Office of
22 Management and Enterprise Services (OMES), to be appointed by the
23 Governor. Five members of the Partnership Committee shall
24

1 constitute a quorum. The Partnership Committee shall act only upon
2 a decision of a majority of appointed members;

3 4. "Private sector entity" means any corporation, whether for
4 profit or not for profit, limited liability company, partnership,
5 limited liability partnership, sole proprietorship, business trust,
6 joint venture or other entity, but shall not mean the state, a
7 political subdivision of the state, or a public or governmental
8 entity, agency or instrumentality of the state;

9 5. "Project" means real or personal property, or both, and
10 improvements thereto or in support thereof, including undivided and
11 other interests therein, used for or in the provision of a public
12 service;

13 6. "Proposer" means a private sector entity, a local or
14 regional public entity or agency, or any group or combination
15 thereof, submitting qualifications or a proposal for a public-
16 private partnership contract;

17 7. "Public service" means a service provided for a public
18 purpose of a responsible state agency and identified in an
19 invitation for qualifications or proposals under ~~this act~~ the
20 Oklahoma Public and Private Facilities and Infrastructure Act; and

21 8. "Responsible state agency" means the agency, department,
22 commission, authority or other instrumentality of the state
23 responsible for the provision of the public service which is or is
24 proposed to be the subject of a contract. Any such agency that is

1 subject to the Oklahoma Central Purchasing Act, the Public
2 Competitive Bidding Act, the Oklahoma State Finance Act and the
3 Oklahoma Privatization of the State Functions Act shall comply with
4 these laws.

5 B. The ~~Oklahoma~~ Department of Transportation and the Oklahoma
6 Turnpike Authority shall be exempt from ~~this act~~ the Oklahoma Public
7 and Private Facilities and Infrastructure Act. However, the
8 ~~Oklahoma~~ Department of Transportation and the Oklahoma Turnpike
9 Authority may utilize the general provisions and process described
10 herein to develop a public-private partnership contract for a
11 transportation improvement in consultation with the Director of the
12 Office of Management and Enterprise Services (OMES) and subject to
13 the approval of the ~~Oklahoma Transportation Commission~~ Director of
14 the Department of Transportation or the Oklahoma Turnpike Authority
15 Board as applicable.

16 SECTION 140. AMENDATORY 75 O.S. 2011, Section 250.4, as
17 last amended by Section 12, Chapter 430, O.S.L. 2014 (75 O.S. Supp.
18 2018, Section 250.4), is amended to read as follows:

19 Section 250.4. A. 1. Except as is otherwise specifically
20 provided in this subsection, each agency is required to comply with
21 Article I of the Administrative Procedures Act.

22 2. The Corporation Commission shall be required to comply with
23 the provisions of Article I of the Administrative Procedures Act
24 except for subsections A, B, C and E of Section 303 of this title

1 and Section 306 of this title. To the extent of any conflict or
2 inconsistency with Article I of the Administrative Procedures Act,
3 pursuant to Section 35 of Article IX of the Oklahoma Constitution,
4 it is expressly declared that Article I of the Administrative
5 Procedures Act is an amendment to and alteration of Sections 18
6 through 34 of Article IX of the Oklahoma Constitution.

7 3. The Oklahoma Military Department shall be exempt from the
8 provisions of Article I of the Administrative Procedures Act to the
9 extent it exercises its responsibility for military affairs.

10 4. The Oklahoma Ordnance Works Authority, the Northeast
11 Oklahoma Public Facilities Authority, the Oklahoma Office of
12 Homeland Security and the Board of Trustees of the Oklahoma College
13 Savings Plan shall be exempt from Article I of the Administrative
14 Procedures Act.

15 5. The ~~Transportation Commission and the~~ Department of
16 Transportation shall be exempt from Article I of the Administrative
17 Procedures Act to the extent ~~they exercise their~~ it exercises its
18 authority in adopting standard specifications, special provisions,
19 plans, design standards, testing procedures, federally imposed
20 requirements and generally recognized standards, project planning
21 and programming, and the operation and control of the State Highway
22 System.

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1 6. The Oklahoma State Regents for Higher Education shall be
2 exempt from Article I of the Administrative Procedures Act with
3 respect to:

- 4 a. prescribing standards of higher education,
- 5 b. prescribing functions and courses of study in each
6 institution to conform to the standards,
- 7 c. granting of degrees and other forms of academic
8 recognition for completion of the prescribed courses,
- 9 d. allocation of state-appropriated funds, and
- 10 e. fees within the limits prescribed by the Legislature.

11 7. Institutional governing boards within The Oklahoma State
12 System of Higher Education shall be exempt from Article I of the
13 Administrative Procedures Act.

- 14 8. a. The Commissioner of Public Safety shall be exempt from
15 Sections 303.1, 304, 307.1, 308 and 308.1 of this
16 title insofar as it is necessary to promulgate rules
17 pursuant to the Oklahoma Motor Carrier Safety and
18 Hazardous Materials Transportation Act, to maintain a
19 current incorporation of federal motor carrier safety
20 and hazardous material regulations, or pursuant to
21 Chapter 6 of Title 47 of the Oklahoma Statutes, to
22 maintain a current incorporation of federal commercial
23 driver license regulations, for which the Commissioner
24 has no discretion when the state is mandated to

1 promulgate rules identical to federal rules and
2 regulations.

3 b. Such rules may be adopted by the Commissioner and
4 shall be deemed promulgated twenty (20) days after
5 notice of adoption is published in "The Oklahoma
6 Register". Such publication need not set forth the
7 full text of the rule but may incorporate the federal
8 rules and regulations by reference.

9 c. Such copies of promulgated rules shall be filed with
10 the Secretary as required by Section 251 of this
11 title.

12 d. For any rules for which the Commissioner has
13 discretion to allow variances, tolerances or
14 modifications from the federal rules and regulations,
15 the Commissioner shall fully comply with Article I of
16 the Administrative Procedures Act.

17 9. The Council on Judicial Complaints shall be exempt from
18 Section 306 of Article I of the Administrative Procedures Act, with
19 respect to review of the validity or applicability of a rule by an
20 action for declaratory judgment, or any other relief based upon the
21 validity or applicability of a rule, in the district court or by an
22 appellate court. A party aggrieved by the validity or applicability
23 of a rule made by the Council on Judicial Complaints may petition
24

1 the Court on the Judiciary to review the rules and issue opinions
2 based upon them.

3 10. The Department of Corrections, State Board of Corrections,
4 county sheriffs and managers of city jails shall be exempt from
5 Article I of the Administrative Procedures Act with respect to:

6 a. prescribing internal management procedures for the
7 management of the state prisons, county jails and city
8 jails and for the management, supervision and control
9 of all incarcerated prisoners, and

10 b. prescribing internal management procedures for the
11 management of the probation and parole unit of the
12 Department of Corrections and for the supervision of
13 probationers and parolees.

14 11. The State Board of Education shall be exempt from Article I
15 of the Administrative Procedures Act with respect to prescribing
16 subject matter standards as provided for in Section 11-103.6a of
17 Title 70 of the Oklahoma Statutes.

18 B. As specified, the following agencies or classes of agency
19 activities are not required to comply with the provisions of Article
20 II of the Administrative Procedures Act:

- 21 1. The Oklahoma Tax Commission;
- 22 2. The Commission for Human Services;
- 23 3. The Oklahoma Ordnance Works Authority;
- 24 4. The Corporation Commission;

- 1 5. The Pardon and Parole Board;
- 2 6. The Midwestern Oklahoma Development Authority;
- 3 7. The Grand River Dam Authority;
- 4 8. The Northeast Oklahoma Public Facilities Authority;
- 5 9. The Council on Judicial Complaints;
- 6 10. The Board of Trustees of the Oklahoma College Savings Plan;
- 7 11. The supervisory or administrative agency of any penal,
- 8 mental, medical or eleemosynary institution, only with respect to
- 9 the institutional supervision, custody, control, care or treatment
- 10 of inmates, prisoners or patients therein; provided, that the
- 11 provisions of Article II shall apply to and govern all
- 12 administrative actions of the Oklahoma Alcohol Prevention, Training,
- 13 Treatment and Rehabilitation Authority;
- 14 12. The Board of Regents or employees of any university,
- 15 college, or other institution of higher learning;
- 16 13. The Oklahoma Horse Racing Commission, its employees or
- 17 agents only with respect to hearing and notice requirements on the
- 18 following classes of violations which are an imminent peril to the
- 19 public health, safety and welfare:
 - 20 a. any rule regarding the running of a race,
 - 21 b. any violation of medication laws and rules,
 - 22 c. any suspension or revocation of an occupation license
 - 23 by any racing jurisdiction recognized by the
 - 24 Commission,

- d. any assault or other destructive acts within Commission-licensed premises,
- e. any violation of prohibited devices, laws and rules, or
- f. any filing of false information;

14. The Commissioner of Public Safety only with respect to driver license hearings and hearings conducted pursuant to the provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

15. The Administrator of the Department of Securities only with respect to hearings conducted pursuant to provisions of the Oklahoma Take-over Disclosure Act of 1985;

16. Hearings conducted by a public agency pursuant to Section 962 of Title 47 of the Oklahoma Statutes;

17. The Oklahoma Military Department;

18. The University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority;

19. The Oklahoma Health Care Authority Board and the Administrator of the Oklahoma Health Care Authority; and

20. The Oklahoma Office of Homeland Security.

SECTION 141. REPEALER 69 O.S. 2011, Sections 209, 302, 303, 303-A, 311, 319, 1238 and 4006, are hereby repealed.

SECTION 142. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is

1 hereby declared to exist, by reason whereof this act shall take
2 effect and be in full force from and after its passage and approval.

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