

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2173 By: Branam of the Senate
3 and
4 Shannon of the House
5
6

7 (roads, bridges and ferries - county road and bridge
8 improvement fund - repealer - effective date -
9 emergency)

10
11
12 AUTHOR: Add the following House Coauthor: Martin (Steve)

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

15 "An Act relating to roads, bridges and ferries;
16 amending 68 O.S. 2001, Sections 500.6, as last
17 amended by Section 3, Chapter 45, 2nd Extraordinary
18 Session, O.S.L. 2006, 500.7, as amended by Section
19 4, Chapter 45, 2nd Extraordinary Session, O.S.L.
20 2006 and 707.1 (68 O.S. Supp. 2009, Sections 500.6
21 and 500.7), which relate to gasoline, diesel and
22 special fuel taxes; deleting references to certain
23 county road and bridge improvement fund; providing
24 for certain monies to be distributed to the various
counties for certain purpose; providing formula;
providing for certain monies to be distributed to
the Statewide Circuit Engineering District Revolving
Fund; directing distribution of certain monies;
amending 68 O.S. 2001, Section 1004, as last amended
by Section 1, Chapter 305, O.S.L. 2009 (68 O.S.
Supp. 2009, Section 1004), which relates to
apportionment of certain taxes; modifying
distribution of certain funds to counties; stating

1 formula; providing for certain monies to be
2 distributed to the Statewide Circuit Engineering
3 District Revolving Fund; requiring boards of county
4 commissioners give notice of certain contracts;
5 requiring Department of Transportation to publish
6 information; amending 69 O.S. 2001, Section 659,
7 which relates to county bridge standards; removing
8 certain authorization for engineering for county
9 bridge projects by the Department of Transportation;
10 amending 69 O.S. 2001, Section 660, as last amended
11 by Section 1, Chapter 281, O.S.L. 2009 (69 O.S.
12 Supp. 2009, Section 660), which relates to bridge
13 and road projects; deleting language relating to
14 Department of Transportation authority over certain
15 county aid program; amending 69 O.S. 2001, Section
16 661, as last amended by Section 2, Chapter 157,
17 O.S.L. 2006 (69 O.S. Supp. 2009, Section 661), which
18 relates to replacement priorities; modifying
19 regulation of certain priority system for county
20 roads and bridges; amending 69 O.S. 2001, Section
21 662, as last amended by Section 3, Chapter 231,
22 O.S.L. 2009 (69 O.S. Supp. 2009, Section 662), which
23 relates to administration of certain program;
24 modifying requirements for certain approval for
projects; providing for certain costs to be
reimbursed; modifying certain weight limit
standards; amending 69 O.S. 2001, Section 665, which
relates certification; modifying certification
authorities; amending 69 O.S. 2001, Section 689,
which relates to local road designs; modifying
administration for certain functions; repealing 69
O.S. 2001, Section 658, which relates to the
Department of Transportation county road branch;
repealing 69 O.S. 2001, Section 664, as amended by
Section 9, Chapter 45, 2nd Extraordinary Session,
O.S.L. 2006 (69 O.S. Supp. 2009, Section 664), which
relates to the County Bridge and Road Improvement
Fund; providing for codification; providing an
effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 68 O.S. 2001, Section 500.6, as
24 last amended by Section 3, Chapter 45, 2nd Extraordinary Session,

1 O.S.L. 2006 (68 O.S. Supp. 2009, Section 500.6), is amended to read
2 as follows:

3 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon
4 of gasoline that is levied by paragraph 1 of subsection A of Section
5 500.4 of this title, and the tax of two and eight one-hundredths
6 cents (\$0.0208) per gallon of gasoline that is levied by subsection
7 C of Section 500.4 of this title, and penalties and interest
8 thereon, collected by the Oklahoma Tax Commission under the levy
9 shall be apportioned and distributed monthly as follows:

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

13 2. One and six hundred twenty-five one-thousandths percent
14 (1.625%) of the levy shall be remitted to the State Treasurer to the
15 credit of the High Priority State Bridge Revolving Fund as created
16 in Section ~~6~~ 506 of ~~this act~~ Title 69 of the Oklahoma Statutes;

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

20 a. the first Eight Hundred Fifty Thousand Dollars
21 (\$850,000.00) collected each fiscal year shall be
22 transferred to the Public Transit Revolving Fund,
23 created in Section 4031 of Title 69 of the Oklahoma
24 Statutes, and

1 b. the second Eight Hundred Fifty Thousand Dollars
2 (\$850,000.00) collected each fiscal year shall be
3 transferred to the Oklahoma Tourism and Passenger Rail
4 Revolving Fund and shall be used by the Department of
5 Transportation:

6 (1) to contract railroad passenger services,
7 including but not limited to a route linking
8 stations in Oklahoma and Tulsa Counties with
9 other primary points in the national railroad
10 passenger system and passenger rail service
11 within the state, and a route beginning at a
12 station in Oklahoma County and extending north to
13 the Kansas state line in Kay County, and

14 (2) to provide necessary facility, signaling, and
15 track improvements for those contracted services,

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

20 d. nine and eight-tenths percent (9.8%) of the monies
21 apportioned to the State Transportation Fund shall be
22 used to provide funds for the construction and
23 maintenance of farm-to-market roads on the state
24

1 highway system, and other rural farm-to-market roads
2 and bridges, and

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

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

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

11 (1) forty percent (40%) of such sum shall be
12 distributed to the various counties in the
13 proportion which the county road mileage of each
14 county bears to the entire state road mileage as
15 certified by the Transportation Commission, and

16 (2) the remaining sixty percent (60%) of such sum
17 shall be distributed to the various counties on
18 the basis which the population and area of each
19 county bears to the total population and area of
20 the state. The population shall be as shown by
21 the last Federal Decennial Census or the most
22 recent annual estimate provided by the U.S.
23 Bureau of the Census,

24

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

13 c. eleven and six-tenths percent (11.6%) of the monies
14 apportioned under this paragraph shall be distributed
15 to the various counties of the state based on a
16 formula developed by the Department of Transportation
17 and approved by the Department of Transportation
18 County Advisory Board created pursuant to Section
19 302.1 of Title 69 of the Oklahoma Statutes. The
20 formula shall be similar to the formula currently used
21 for the distribution of monies in the County Bridge
22 Program funds, but shall also take into consideration
23 the effect of the terrain and traffic volume as
24 related to county road improvement and maintenance

1 costs. ~~Any county may, by resolution of the board of~~
2 ~~county commissioners, direct the Tax Commission to~~
3 ~~deposit the funds apportioned pursuant to this~~
4 ~~subparagraph directly into the County Bridge and Road~~
5 ~~Improvement Fund to be used for the purposes set forth~~
6 ~~in the County Bridge and Road Improvement Act;~~

7 5. Three and one hundred twenty-five one-thousandths percent
8 (3.125%) of the levy shall be distributed to the various counties of
9 the state based on a formula developed by the Department of
10 Transportation and approved by the Department of Transportation
11 County Advisory Board created pursuant to Section 302.1 of Title 69
12 of the Oklahoma Statutes. The formula shall be similar to the
13 formula currently used for the distribution of monies in the County
14 Bridge Program funds, but shall also take into consideration the
15 effect of the terrain and traffic volume as related to county road
16 improvement and maintenance costs. ~~Any county may, by resolution~~
17 ~~approved by a majority of the board of county commissioners and~~
18 ~~filed with the Tax Commission, direct the Tax Commission to deposit~~
19 ~~the funds apportioned pursuant to this paragraph directly into the~~
20 ~~County Bridge and Road Improvement Fund to be used for the purposes~~
21 ~~set forth in the County Bridge and Road Improvement Act;~~

22 6. ~~Two and six hundred twenty five one thousandths percent~~
23 ~~(2.625%)~~ Two and two hundred ninety-seven one-thousandths percent
24 (2.297%) of the levy shall be ~~deposited in~~ distributed to the

1 various counties of the state for deposit into the County Bridge and
2 Road Improvement Fund of ~~the State Treasury~~ each county based on a
3 formula developed by the Department of Transportation and approved
4 by the Department of Transportation County Advisory Board created
5 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be
6 used for the purposes set forth in the County Bridge and Road
7 Improvement Act. The formula shall be similar to the formula
8 currently used for the distribution of monies in the County Bridge
9 Program funds, but shall also take into consideration the effect of
10 the terrain and traffic volume as related to county road improvement
11 and maintenance costs; and

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

22 8. Three hundred twenty-eight one-thousandths percent (0.328%)
23 of the levy shall be transmitted by the Tax Commission to the
24

1 Statewide Circuit Engineering District Revolving Fund as created in
2 Section 687.2 of Title 69 of the Oklahoma Statutes.

3 B. 1. The funds apportioned or transmitted pursuant to
4 subparagraphs a, b, and c of paragraph 4 of subsection A of this
5 section, subsection B of Section 500.7 of this title, subsection B
6 of Section 704 of this title, Section 706 of this title, and
7 paragraph 2 of subsection D of Section 707.3 of this title shall be
8 sent to the respective county treasurers and deposited in the county
9 highway fund to be used by the county commissioners for the purpose
10 of constructing and maintaining county highways and bridges.

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

20 3. Where any county highway has been laid out over a road
21 already constructed in any county by the use of money raised from
22 county bond issues for that purpose, either alone or by the use of
23 federal or state aid, or both, the county commissioners may set
24 aside out of the funds apportioned to that county, as provided in

1 this section, an amount of money equal to the value of any part
2 thereof, of the interest of such county in such highway or bridge,
3 which amount of money shall be considered by the excise board in
4 reducing the levy for the purpose of retiring the bonded
5 indebtedness and interest thereon of the county, and shall be used
6 for investment or deposit in the same manner as provided by law for
7 the disposition of other sinking fund money.

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

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

19 C. With regards to the apportionment of the levy as set forth
20 in paragraph 5 of subsection A of this section, paragraph 5 of
21 subsection A of Section 500.7 of this title, and subsection C of
22 Section 707.2 of this title:

23 1. If any county has an accrued balance of funds which were
24 appropriated to or otherwise accrued in a restricted road

1 maintenance fund, such funds shall be deposited directly to the
2 county highway fund of the county;

3 2. If any county has an accrued balance of funds which were
4 appropriated to or otherwise accrued in the County Road Improvement
5 Fund, or the County Bridge Improvement Fund, such funds shall, by
6 resolution approved by a majority of the board of county
7 commissioners and filed with the Department of Transportation, be
8 deposited in the county highway fund of the county ~~or shall be~~
9 ~~deposited to the County Bridge and Road Improvement Fund to be used~~
10 ~~for the purposes set forth in the County Bridge and Road Improvement~~
11 ~~Act; and~~

12 3. If any county has an accrued balance of funds which were
13 appropriated to or otherwise accrued in the County Bridge and Road
14 Improvement Fund, ninety-nine percent (99%) of such funds shall be
15 remitted to the respective county treasurer for deposit in the
16 appropriate County Bridge and Road Improvement Fund to be used for
17 the purpose set forth in the County Bridge and Road Improvement Act.
18 The remaining one percent (1%) of such funds will be remitted to the
19 Statewide Circuit Engineering District Revolving Fund; and

20 4. If any county has an advanced funding agreement with the
21 Department of Transportation, the Department of Transportation shall
22 notify the Tax Commission as to the amount the county is obligated
23 to pay according to the terms of the advanced funding agreement.
24 The obligated amount shall be transferred each month by the Tax

1 Commission to the Department of Transportation to the credit of the
2 County Bridge and Road Improvement Fund from the funds apportioned
3 to the county pursuant to paragraph 5 of subsection A of this
4 section. A county may elect to increase the monthly amount to be
5 repaid pursuant to the advanced funding agreement from the funds
6 apportioned to the county, but a county shall not be permitted to
7 reduce the amount agreed to pursuant to the advanced funding
8 agreement.

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

15 SECTION 2. AMENDATORY 68 O.S. 2001, Section 500.7, as
16 amended by Section 4, Chapter 45, 2nd Extraordinary Session, O.S.L.
17 2006 (68 O.S. Supp. 2009, Section 500.7), is amended to read as
18 follows:

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

24

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

5 2. One and thirty-nine one-hundredths percent (1.39%) of the
6 levy shall be paid by the Commission to the State Treasurer to the
7 credit of the High Priority State Bridge Revolving Fund as created
8 in Section ~~6 of this act~~ 506 of Title 69 of the Oklahoma Statutes;

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

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

15 a. forty-two and one-tenth percent (42.1%) of the monies
16 apportioned under this paragraph shall be transmitted
17 to the various counties in the percentage which the
18 population and area of each county bears to the
19 population and area of the entire state. The
20 population shall be as shown by the last Federal
21 Decennial Census or the most recent annual estimate
22 provided by the U.S. Bureau of the Census,

23
24

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

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

15 c. twenty-eight and nine-tenths percent (28.9%) of the
16 monies apportioned under this paragraph shall be
17 distributed to the several counties in the following
18 manner: one-third (1/3) on area, one-third (1/3) on
19 rural population (defined as including the population
20 of all municipalities with a population of less than
21 five thousand (5,000) according to the latest Federal
22 Decennial Census), and one-third (1/3) on county road
23 mileage, as last certified by the ~~Oklahoma~~ Department
24 of Transportation, as each county bears to the entire

1 area, rural population and road mileage of the state,
2 and

3 d. fourteen and five-tenths percent (14.5%) of the monies
4 apportioned under this paragraph shall be distributed
5 to the various counties of the state based on a
6 formula developed by the ~~Oklahoma~~ Department of
7 Transportation and approved by the Department of
8 Transportation County Advisory Board created pursuant
9 to Section 302.1 of Title 69 of the Oklahoma Statutes.
10 The formula shall be similar to the formula currently
11 used for the distribution of the County Bridge Program
12 funds, but shall also take into consideration the
13 effect of the terrain and traffic volume as related to
14 the county road improvement and maintenance costs.
15 ~~Any county may, by resolution approved by a majority~~
16 ~~of the board of county commissioners and filed with~~
17 ~~the Oklahoma Tax Commission, direct the Oklahoma Tax~~
18 ~~Commission to deposit the funds so apportioned by this~~
19 ~~subparagraph directly into the County Bridge and Road~~
20 ~~Improvement Fund to be used for the purposes set forth~~
21 ~~in the County Bridge and Road Improvement Act;~~

22 5. Three and eighty-five one-hundredths percent (3.85%) of the
23 levy shall be distributed based on a formula developed by the
24 ~~Oklahoma~~ Department of Transportation and approved by the Department

1 of Transportation County Advisory Board created pursuant to Section
2 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be
3 similar to the formula currently used for the distribution of the
4 County Bridge Program funds, but shall also take into consideration
5 the effect of the terrain and traffic volume as related to the
6 county road improvement and maintenance costs. ~~Any county may, by~~
7 ~~resolution approved by a majority of the board of county~~
8 ~~commissioners and filed with the Oklahoma Tax Commission, direct the~~
9 ~~Oklahoma Tax Commission to deposit the funds so apportioned by this~~
10 ~~paragraph directly into the County Bridge and Road Improvement Fund~~
11 ~~to be used for the purposes set forth in the County Bridge and Road~~
12 ~~Improvement Act.~~ The apportionment of the levy as set forth in this
13 paragraph shall be subject to the provisions of subsection C of
14 Section 500.6 of this title; and

15 6. ~~Three and eighty-four one-hundredths percent (3.84%)~~ Three
16 and thirty-six one-hundredths percent (3.36%) of the levy shall be
17 deposited in distributed to the various counties of the state for
18 deposit into the County Bridge and Road Improvement Fund of the
19 State Treasury each county based on a formula developed by the
20 Department of Transportation and approved by the Department of
21 Transportation County Advisory Board created pursuant to Section
22 302.1 of Title 69 of the Oklahoma Statutes to be used for the
23 purposes set forth in the County Bridge and Road Improvement Act.
24 The formula shall be similar to the formula currently used for the

1 distribution of monies in the County Bridge Program funds, but shall
2 also take into consideration the effect of the terrain and traffic
3 volume as related to county road improvement and maintenance costs;
4 and

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

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

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

19 SECTION 3. AMENDATORY 68 O.S. 2001, Section 707.1, is
20 amended to read as follows:

21 Section 707.1 A. In addition to the excise taxes levied by
22 Sections 703 and 705 of this title, there is hereby levied an excise
23 tax of two and one-half cents (\$0.025) upon the use within this
24 state of each and every gallon of special fuel, which shall be

1 reported and collected in the same manner as provided by law for the
2 reporting and collecting of all other tax levies upon the use of
3 special fuel within this state.

4 B. The tax levied by this section shall not apply to special
5 fuel which is exempt from tax under the provisions of Section 708 of
6 this title.

7 C. The excise tax of two and one-half cents (\$0.025) per gallon
8 of special fuel levied in this section, together with any interest
9 and penalties thereon, collected by the Tax Commission shall be
10 apportioned monthly as follows:

11 Two cents (\$0.02) of the two and one-half cents (\$0.025),
12 together with any interest and penalties thereon, shall be
13 apportioned according to the provisions of paragraph 1 of Section
14 704 of this title.

15 ~~One-half of one cent (\$0.005) of the two and one-half cents~~
16 ~~(\$0.025), together with any interest and penalties thereon, shall be~~
17 ~~deposited in the County Bridge and Road Improvement Fund of the~~
18 ~~State Treasury to be used for the purposes set forth in the County~~
19 ~~Bridge and Road Improvement Act.~~

20 Eighty-seven and five-tenths of one percent (87.5 of 1%) of the
21 one-half of one cent (\$0.005) of the two and one-half cents
22 (\$0.025), together with any interest and penalties thereon, shall be
23 distributed to the various counties of the state for deposit into
24 the County Bridge and Road Improvement Fund of each county based on

1 a formula developed by the Department of Transportation and approved
2 by the Department of Transportation County Advisory Board created
3 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be
4 used for the purposes set forth in the County Bridge and Road
5 Improvement Act. The formula shall be similar to the formula
6 currently used for the distribution of monies in the County Bridge
7 Program funds, but shall also take into consideration the effect of
8 the terrain and traffic volume as related to county road improvement
9 and maintenance costs. Twelve and five-tenths of one percent (12.5
10 of 1%) of the one-half of one cent (\$0.005) of the two and one-half
11 cents (\$0.025), together with any interest and penalties thereon,
12 shall be transmitted by the Tax Commission to the Statewide Circuit
13 Engineering District Revolving Fund as created in Section 687.2 of
14 Title 69 of the Oklahoma Statutes.

15 SECTION 4. AMENDATORY 68 O.S. 2001, Section 1004, as
16 last amended by Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp.
17 2009, Section 1004), is amended to read as follows:

18 Section 1004. Beginning July 1, 2002, the gross production tax
19 provided for in Section 1001 of this title is hereby levied and
20 shall be collected and apportioned as follows:

21 1. For all monies collected from the tax levied on asphalt or
22 ores bearing uranium, lead, zinc, jack, gold, silver or copper:

23 a. eighty-five and seventy-two one-hundredths percent
24 (85.72%) shall be paid to the State Treasurer of the

1 state to be placed in the General Revenue Fund of the
2 state and used for the general expense of state
3 government, to be paid out pursuant to direct
4 appropriation by the Legislature,

5 b. seven and fourteen one-hundredths percent (7.14%) of
6 the sum collected from natural gas and/or casinghead
7 gas or asphalt or ores bearing uranium, lead, zinc,
8 jack, gold, silver or copper shall be paid to the
9 various county treasurers to be credited to the County
10 Highway Fund as follows: Each county shall receive a
11 proportionate share of the funds available based upon
12 the proportion of the total value of production from
13 such county in the corresponding month of the
14 preceding year, and

15 c. seven and fourteen one-hundredths percent (7.14%)
16 shall be allocated to each county as provided for in
17 subparagraph b of this paragraph and shall be
18 apportioned, on an average daily attendance per capita
19 distribution basis, as certified by the State
20 Superintendent of Public Instruction to the school
21 districts of the county where such pupils attend
22 school regardless of residence of such pupil, provided
23 the school district makes an ad valorem tax levy of
24

1 fifteen (15) mills for the current year and maintains
2 twelve (12) years of instruction;

3 2. For all monies collected from the tax levied on natural gas
4 and/or casinghead gas at a tax rate of seven percent (7%) pursuant
5 to the provisions of subsection B of Section 1001 of this title:

6 a. eighty-five and seventy-two one-hundredths percent
7 (85.72%) shall be paid to the State Treasurer of the
8 state to be placed in the General Revenue Fund of the
9 state and used for the general expense of state
10 government, to be paid out pursuant to direct
11 appropriation by the Legislature,

12 b. seven and fourteen one-hundredths percent (7.14%) of
13 the sum collected from natural gas and/or casinghead
14 gas shall be paid to the various county treasurers to
15 be credited to the County Highway Fund as follows:
16 Each county shall receive a proportionate share of the
17 funds available based upon the proportion of the total
18 value of production from such county in the
19 corresponding month of the preceding year, and

20 c. seven and fourteen one-hundredths percent (7.14%)
21 shall be allocated to each county as provided for in
22 subparagraph b of this paragraph and shall be
23 apportioned, on an average daily attendance per capita
24 distribution basis, as certified by the State

1 Superintendent of Public Instruction to the school
2 districts of the county where such pupils attend
3 school regardless of residence of such pupil, provided
4 the school district makes an ad valorem tax levy of
5 fifteen (15) mills for the current year and maintains
6 twelve (12) years of instruction;

7 3. For all monies collected from the tax levied on natural gas
8 and/or casinghead gas at a tax rate of four percent (4%) pursuant to
9 the provisions of subsection B of Section 1001 of this title:

- 10 a. seventy-five percent (75%) shall be paid to the State
11 Treasurer of the state to be placed in the General
12 Revenue Fund of the state and used for the general
13 expense of state government, to be paid out pursuant
14 to direct appropriation by the Legislature,
- 15 b. twelve and one-half percent (12.5%) of the sum
16 collected from natural gas and/or casinghead gas shall
17 be paid to the various county treasurers to be
18 credited to the County Highway Fund as follows: Each
19 county shall receive a proportionate share of the
20 funds available based upon the proportion of the total
21 value of production from such county in the
22 corresponding month of the preceding year, and
- 23 c. twelve and one-half percent (12.5%) shall be allocated
24 to each county as provided for in subparagraph b of

1 this paragraph and shall be apportioned, on an average
2 daily attendance per capita distribution basis, as
3 certified by the State Superintendent of Public
4 Instruction to the school districts of the county
5 where such pupils attend school regardless of
6 residence of such pupil, provided the school district
7 makes an ad valorem tax levy of fifteen (15) mills for
8 the current year and maintains twelve (12) years of
9 instruction;

10 4. For all monies collected from the tax levied on natural gas
11 and/or casinghead gas at a tax rate of one percent (1%) pursuant to
12 the provisions of subsection B of Section 1001 of this title:

13 a. fifty percent (50%) of the sum collected from natural
14 gas and/or casinghead gas shall be paid to the various
15 county treasurers to be credited to the County Highway
16 Fund as follows: Each county shall receive a
17 proportionate share of the funds available based upon
18 the proportion of the total value of production from
19 such county in the corresponding month of the
20 preceding year, and

21 b. fifty percent (50%) shall be allocated to each county
22 as provided for in subparagraph a of this paragraph
23 and shall be apportioned, on an average daily
24 attendance per capita distribution basis, as certified

1 by the State Superintendent of Public Instruction to
2 the school districts of the county where such pupils
3 attend school regardless of residence of such pupil,
4 provided the school district makes an ad valorem tax
5 levy of fifteen (15) mills for the current year and
6 maintains twelve (12) years of instruction;

7 5. For all monies collected from the tax levied on oil at a tax
8 rate of seven percent (7%) pursuant to the provisions of subsection
9 B of Section 1001 of this title:

10 a. twenty-five and seventy-two one-hundredths percent
11 (25.72%) shall be paid to the State Treasurer to be
12 placed in the Common Education Technology Revolving
13 Fund created in Section 41.29c of Title 62 of the
14 Oklahoma Statutes,

15 b. twenty-five and seventy-two one-hundredths percent
16 (25.72%) shall be paid to the State Treasurer to be
17 placed in the Higher Education Capital Revolving Fund
18 created in Section 41.29d of Title 62 of the Oklahoma
19 Statutes,

20 c. twenty-five and seventy-two one-hundredths percent
21 (25.72%) shall be paid to the State Treasurer to be
22 placed in the Oklahoma Tuition Scholarship Revolving
23 Fund created in Section 41.29e of Title 62 of the
24 Oklahoma Statutes,

1 d. ~~four and twenty-eight one-hundredths percent (4.28%)~~
2 three and seven hundred forty-five one-thousandths
3 percent (3.745%) shall be paid to the State Treasurer
4 to be apportioned to distributed to the various
5 counties of the state for deposit into the County
6 Bridge and Road Improvement Fund of the State Treasury
7 each county based on a formula developed by the
8 Department of Transportation and approved by the
9 Department of Transportation County Advisory Board
10 created pursuant to Section 302.1 of Title 69 of the
11 Oklahoma Statutes to be used for the purposes set
12 forth in the County Bridge and Road Improvement Act.
13 The formula shall be similar to the formula currently
14 used for the distribution of monies in the County
15 Bridge Program funds, but shall also take into
16 consideration the effect of the terrain and traffic
17 volume as related to county road improvement and
18 maintenance costs,

19 e. four and twenty-eight one-hundredths percent (4.28%)
20 shall be paid to the State Treasurer to be apportioned
21 to:

- 22 (1) the following sources and in the following
23 amounts through the fiscal year ending June 30,
24 2014:

1 (a) thirty-three and one-third percent (33 1/3%)
2 to the Oklahoma Tourism and Recreation
3 Department Capital Expenditure Revolving
4 Fund created pursuant to Section 2254.1 of
5 Title 74 of the Oklahoma Statutes,

6 (b) thirty-three and one-third percent (33 1/3%)
7 to the Oklahoma Conservation Commission
8 Infrastructure Revolving Fund created
9 pursuant to Section 3-2-110 of Title 27A of
10 the Oklahoma Statutes, and

11 (c) thirty-three and one-third percent (33 1/3%)
12 to the Community Water Infrastructure
13 Development Revolving Fund created pursuant
14 to Section 1085.7A of Title 82 of the
15 Oklahoma Statutes, and

16 (2) the Oklahoma Water Resources Board Rural Economic
17 Action Plan Water Projects Fund for the fiscal
18 year ending June 30, 2014, and for each fiscal
19 year thereafter,

20 f. seven and fourteen one-hundredths percent (7.14%) of
21 the sum collected from oil shall be paid to the
22 various county treasurers, to be credited to the
23 County Highway Fund as follows: Each county shall
24 receive a proportionate share of the funds available

1 based upon the proportion of the total value of
2 production from such county in the corresponding month
3 of the preceding year, ~~and~~

4 g. seven and fourteen one-hundredths percent (7.14%)
5 shall be allocated to each county as provided in
6 subparagraph f of this paragraph and shall be
7 apportioned, on an average daily attendance per capita
8 distribution basis, as certified by the State
9 Superintendent of Public Instruction, to the school
10 districts of the county where such pupils attend
11 school regardless of residence of such pupil, provided
12 the school district makes an ad valorem tax levy of
13 fifteen (15) mills for the current year and maintains
14 twelve (12) years of instruction, and

15 h. five hundred thirty-five one-thousandths percent
16 (0.535%) of the levy shall be transmitted by the
17 Oklahoma Tax Commission to the Statewide Circuit
18 Engineering District Revolving Fund as created in
19 Section 687.2 of Title 69 of the Oklahoma Statutes;

20 6. For all monies collected from the tax levied on oil at a tax
21 rate of four percent (4%) pursuant to the provisions of subsection B
22 of Section 1001 of this title:

23 a. twenty-two and one-half percent (22.5%) shall be paid
24 to the State Treasurer to be placed in the Common

1 Education Technology Revolving Fund created in Section
2 41.29c of Title 62 of the Oklahoma Statutes,

3 b. twenty-two and one-half percent (22.5%) shall be paid
4 to the State Treasurer to be placed in the Higher
5 Education Capital Revolving Fund created in Section
6 41.29d of Title 62 of the Oklahoma Statutes,

7 c. twenty-two and one-half percent (22.5%) shall be paid
8 to the State Treasurer to be placed in the Oklahoma
9 Tuition Scholarship Revolving Fund created in Section
10 41.29e of Title 62 of the Oklahoma Statutes,

11 d. ~~three and seventy-five one-hundredths percent (3.75%)~~
12 three and twenty-eight one-hundredths percent (3.28%)
13 ~~shall be paid to the State Treasurer to be apportioned~~
14 ~~to~~ distributed to the various counties of the state
15 for deposit into the County Bridge and Road
16 Improvement Fund of the State Treasury each county
17 based on a formula developed by the Department of
18 Transportation and approved by the Department of
19 Transportation County Advisory Board created pursuant
20 to Section 302.1 of Title 69 of the Oklahoma Statutes
21 to be used for the purposes set forth in the County
22 Bridge and Road Improvement Act. The formula shall be
23 similar to the formula currently used for the
24 distribution of monies in 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 county road improvement and maintenance costs,

4 e. three and seventy-five one-hundredths percent (3.75%)
5 shall be paid to the State Treasurer to be apportioned
6 to:

7 (1) the following sources and in the following
8 amounts through the fiscal year ending June 30,
9 2014:

10 (a) thirty-three and one-third percent (33 1/3%)
11 to the Oklahoma Tourism and Recreation
12 Department Capital Expenditure Revolving
13 Fund created pursuant to Section 2254.1 of
14 Title 74 of the Oklahoma Statutes,

15 (b) thirty-three and one-third percent (33 1/3%)
16 to the Oklahoma Conservation Commission
17 Infrastructure Revolving Fund created
18 pursuant to Section 3-2-110 of Title 27A of
19 the Oklahoma Statutes, and

20 (c) thirty-three and one-third percent (33 1/3%)
21 to the Community Water Infrastructure
22 Development Revolving Fund created pursuant
23 to Section 1085.7A of Title 82 of the
24 Oklahoma Statutes, and

1 (2) the Oklahoma Water Resources Board Rural Economic
2 Action Plan Water Projects Fund for the fiscal
3 year ending June 30, 2014, and for each fiscal
4 year thereafter,

5 f. twelve and one-half percent (12.5%) of the sum
6 collected from oil shall be paid to the various county
7 treasurers, to be credited to the County Highway Fund
8 as follows: Each county shall receive a proportionate
9 share of the funds available based upon the proportion
10 of the total value of production from such county in
11 the corresponding month of the preceding year, ~~and~~

12 g. twelve and one-half percent (12.5%) shall be allocated
13 to each county as provided in subparagraph f of this
14 paragraph and shall be apportioned on an average daily
15 attendance per capita distribution basis, as certified
16 by the State Superintendent of Public Instruction, to
17 the school districts of the county where such pupils
18 attend school regardless of residence of such pupil,
19 provided the school district makes an ad valorem tax
20 levy of fifteen (15) mills for the current year and
21 maintains twelve (12) years of instruction, and

22 h. forty-seven one-hundredths percent (0.47%) of the levy
23 shall be transmitted by the Tax Commission to the
24 Statewide Circuit Engineering District Revolving Fund

1 as created in Section 687.2 of Title 69 of the
2 Oklahoma Statutes;

3 7. For all monies collected from the tax levied on oil at a tax
4 rate of one percent (1%) pursuant to the provisions of subsection B
5 of Section 1001 of this title:

6 a. fifty percent (50%) of the sum collected shall be paid
7 to the various county treasurers, to be credited to
8 the County Highway Fund as follows: Each county shall
9 receive a proportionate share of the funds available
10 based upon the proportion of the total value of
11 production from such county in the corresponding month
12 of the preceding year, and

13 b. fifty percent (50%) shall be allocated to each county
14 as provided for in subparagraph a of this paragraph
15 and shall be apportioned on an average daily
16 attendance per capita distribution basis, as certified
17 by the State Superintendent of Public Instruction, to
18 the school districts of the county where such pupils
19 attend school regardless of residence of such pupil,
20 provided the school district makes an ad valorem tax
21 levy of fifteen (15) mills for the current year and
22 maintains twelve (12) years of instruction.

23 Provided, notwithstanding any other provision of this section,
24 the total amounts deposited to the Common Education Technology

1 Revolving Fund, the Higher Education Capital Revolving Fund, the
2 Oklahoma Tuition Scholarship Revolving Fund, the Rural Economic
3 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation
4 Department Capital Expenditure Revolving Fund, the Oklahoma
5 Conservation Commission Infrastructure Revolving Fund and the
6 Community Water Infrastructure Development Revolving Fund pursuant
7 to paragraphs 5 and 6 of this section shall not exceed One Hundred
8 Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All
9 sums in excess of One Hundred Fifty Million Dollars
10 (\$150,000,000.00) in any fiscal year which would otherwise be
11 deposited in such funds shall be placed by the State Treasurer in
12 the General Revenue Fund of the state.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 601.6 of Title 69, unless there
15 is created a duplication in numbering, reads as follows:

16 The board of county commissioners in every county in this state
17 must notify the Department of Transportation at least twenty-one
18 (21) days prior to accepting bids on any publicly let road or bridge
19 work projects in the county. The Department shall make this
20 information available to the public on their website.

21 SECTION 6. AMENDATORY 69 O.S. 2001, Section 659, is
22 amended to read as follows:

23 Section 659. The Department of Transportation is hereby
24 authorized to develop a complete set of county bridge standards,

1 including standards for demonstration bridge projects and standards
2 for county bridges with low average daily traffic volumes as defined
3 by the latest published version of the County Roads Design
4 Guidelines Manual. Such standards shall be developed under the
5 direction of the Bridge Division of the Department and prior to
6 implementation shall be approved by the State Association of County
7 Commissioners and the Transportation Commission. Such standards
8 shall be furnished without cost to local units of government.
9 ~~Engineering for projects authorized pursuant to the County Bridge
10 and Road Improvement Act may be provided by the Department of
11 Transportation at the request of a county. The cost to the
12 Department for such engineering shall be charged to the project.~~
13 Monies received by the county pursuant to the County Bridge and Road
14 Improvement Act, Section 657 et seq. of this title, may be used for
15 purposes of obtaining engineering services. Only registered
16 professional engineers, approved by the Department, experienced in
17 the design and construction of highway and related facilities, shall
18 be used for such services. Counties acquiring engineering services
19 as provided for in this section shall require the engineers
20 providing such services to execute professional service contracts
21 which include a requirement that the engineer shall maintain an
22 adequate policy of professional liability insurance.

23
24

1 SECTION 7. AMENDATORY 69 O.S. 2001, Section 660, as last
2 amended by Section 1, Chapter 281, O.S.L. 2009 (69 O.S. Supp. 2009,
3 Section 660), is amended to read as follows:

4 Section 660. ~~A. The Local Government Division of the~~
5 ~~Department of Transportation shall immediately establish a program~~
6 ~~to aid counties in replacing or reconstructing bridges and roads.~~
7 ~~The bridges and roads to be replaced or reconstructed shall be those~~
8 ~~that are structurally inadequate, functionally obsolete or have been~~
9 ~~destroyed or rendered unusable.~~

10 ~~B. Funds made available for the purposes of the County Bridge~~
11 ~~and Road Improvement Act may be used to pay the cost of county~~
12 ~~bridge inspections, classifications, and evaluations, and county~~
13 ~~road inspections, classifications, and evaluations for federal and~~
14 ~~state purposes and to match federal or state funds, provided the~~
15 ~~applicable federal or state funds are available.~~

16 ~~C. Except as otherwise specified in the County Bridge and Road~~
17 ~~Improvement Act, the county collector system, including any future~~
18 ~~revisions thereto, shall constitute the system of roads wherein the~~
19 ~~bridges and roads are located that are eligible for project funding~~
20 ~~under the County Bridge and Road Improvement Act. Official maps~~
21 ~~showing the county collector system in each county shall be~~
22 ~~maintained on file by the Department of Transportation and shall be~~
23 ~~furnished each county at no cost.~~

24

1 ~~D. The Department of Transportation may approve the utilization~~
2 ~~of up to ninety percent (90%) of the estimated four year~~
3 ~~apportionment to the county for county projects. However, no~~
4 ~~additional projects may be approved for the county until the county~~
5 ~~has accumulated a surplus of three (3) months of apportionments and~~
6 ~~repaid all funds advanced from the State Highway Construction and~~
7 ~~Maintenance Fund.~~

8 ~~E. When a county bridge sustains damage, whether caused by a~~
9 ~~natural or artificial event, and consequently requires immediate~~
10 ~~repair, the board of county commissioners may by resolution direct~~
11 ~~the transfer, by the Department of Transportation, of any~~
12 ~~unencumbered monies in that county's account in the County Bridge~~
13 ~~and Road Improvement Fund, to that county's highway fund, for the~~
14 ~~sole purpose of repairing or reconstructing the bridge.~~

15 ~~F. The boards of county commissioners may enter into~~
16 ~~cooperative agreements with the Oklahoma Turnpike Authority for the~~
17 ~~purpose of replacement, expansion or repair of functionally obsolete~~
18 ~~and structurally deficient bridges which cross over or under~~
19 ~~turnpikes. The expenditures for such projects will be from any~~
20 ~~federal, state or county public funds appropriated and earmarked for~~
21 ~~such purpose. Counties may apply for the expenditure of these~~
22 ~~earmarked funds for projects that have been requested by the board~~
23 ~~of county commissioners of the county where the bridge is located.~~
24 ~~Once approved by the Oklahoma Cooperative Circuit Engineering~~

1 Districts Board, the Board will select and prioritize the bridge
2 replacement projects based on criteria which shall include, but not
3 be limited to, high traffic volume and current bridge safety
4 assessments.

5 SECTION 8. AMENDATORY 69 O.S. 2001, Section 661, as last
6 amended by Section 2, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2009,
7 Section 661), is amended to read as follows:

8 Section 661. A. ~~While the legislative intent of the County~~
9 ~~Bridge and Road Improvement Act is to replace or reconstruct~~
10 ~~structurally obsolete bridges and roads on the county collector~~
11 ~~system, it is recognized that specific conditions may exist in a~~
12 ~~county justifying the need to reconstruct or replace a bridge or a~~
13 ~~road on a road section not included in the county collector system.~~
14 ~~In such specific instance, the Oklahoma Department of Transportation~~
15 ~~may approve a project not on the county collector system.~~
16 ~~Justification for such projects shall include use of the bridge or~~
17 ~~road for school bus routes, mail routes, heavy and extensive~~
18 ~~industrial or agricultural operations, or such other unique purposes~~
19 ~~as may be acceptable to the Department of Transportation. However,~~
20 ~~in all instances projects located on school bus routes shall have~~
21 ~~priority on funds provided for the implementation of this act.~~
22 ~~Right of way acquisition and utility relocation shall be the~~
23 ~~responsibility of the county in which the project is located.~~
24 ~~Monies received by counties pursuant to the County Bridge and Road~~

1 ~~Improvement Act may be used for right of way acquisition and utility~~
2 ~~relocation.~~

3 ~~B. When a county receives monies pursuant to the County Bridge~~
4 ~~and Road Improvement Act, a county shall give priority to~~
5 ~~reconstructing, replacing, or closing those bridges in the county~~
6 ~~that are rated less than three (3) tons or fifteen (15) tons or less~~
7 ~~for those bridges on school bus routes. Bridge and road replacement~~
8 ~~or reconstruction projects shall be selected by the individual~~
9 ~~boards of county commissioners with the concurrence of the~~
10 ~~Department of Transportation and shall be based on a countywide~~
11 ~~assessment of bridge and road reconstruction and replacement needs.~~
12 ~~Each request for project funds will be transmitted to the Department~~
13 ~~of Transportation in the form of an official programming resolution~~
14 ~~bearing the signatures of a majority of the county commissioners.~~
15 ~~Where more than one project is programmed in a single county, the~~
16 ~~board of county commissioners shall designate the priority in which~~
17 ~~it wishes the projects to be undertaken.~~

18 ~~C. These funds shall be apportioned among the various counties~~
19 ~~by the Transportation Commission on an equitable basis consistent~~
20 ~~with the identifiable bridge and road needs on the collector system~~
21 ~~in each county.~~

22 ~~D. On or before July 1 of each year, the Department of~~
23 ~~Transportation shall review the County Bridge and Road Program in~~
24 ~~each county. Said review shall examine the status of all programmed~~

1 ~~projects, funds carried over from previous fiscal year allocations,~~
2 ~~and funds anticipated to be available from future allocations. The~~
3 ~~purpose of the review is to estimate the rate of County Bridge and~~
4 ~~Road Fund utilization by the various counties and to assess the~~
5 ~~progress of the County Bridge and Road Program throughout the state.~~

6 B. Funds accruing to the County Bridge and Road Improvement
7 Revolving Fund shall be apportioned on the basis of a formula
8 developed by the Department of Transportation and approved by the
9 Department of Transportation County Advisory Board created pursuant
10 to Section 302.1 of this title. The formula shall be similar to
11 that previously used for the distribution of County Bridge
12 Improvement Program funds, but shall also take into consideration
13 the effects of terrain and traffic volume as related to county road
14 improvement and maintenance costs.

15 SECTION 9. AMENDATORY 69 O.S. 2001, Section 662, as last
16 amended by Section 3, Chapter 231, O.S.L. 2009 (69 O.S. Supp. 2009,
17 Section 662), is amended to read as follows:

18 Section 662. A. ~~The program and funds shall be administered by~~
19 ~~the Department of Transportation under a minimum of policies,~~
20 ~~guidelines and engineering design standards. Approved projects will~~
21 A professional engineer registered by the State Board of Licensure
22 for Professional Engineers and Land Surveyors pursuant to Section
23 475.1 et seq. of Title 59 of the Oklahoma Statutes, shall approve
24 projects that may be awarded to contractors by the boards of county

1 commissioners, Transportation Commission or by other federal or
2 state agencies under their normal competitive bidding procedures,
3 excluding prequalification of bidders. Force account road projects
4 may be approved for a county by the Transportation Commission. No
5 force account county bridge project shall be reimbursed in excess of
6 Four Hundred Thousand Dollars (\$400,000.00). No county road project
7 in excess of Four Hundred Thousand Dollars (\$400,000.00), excluding
8 the cost for engineering, right of way acquisition, and utility
9 relocation, in cost shall be done by the force account method. A
10 "county-built" project may be a road or bridge in whole or in part
11 built with its own county forces or entirely let to contract, but
12 all costs associated are reimbursable.

13 B. ~~Funds available for the County Bridge and Road Improvement~~
14 ~~Act shall not be subject to fiscal year limitations and shall be~~
15 ~~available for encumbrance and expenditure purposes for a period of~~
16 ~~thirty (30) months from the effective date such funds are~~
17 ~~appropriated.~~

18 C. ~~In order to receive reimbursement for constructing a force~~
19 ~~account bridge, a county shall have sufficient funds in the County~~
20 ~~Bridge and Road Improvement Fund to pay the reimbursement request~~
21 ~~cost. Upon completion of a force account bridge, the board of~~
22 ~~county commissioners shall request an inspection of the bridge in~~
23 ~~accordance with the criteria set forth by the National Bridge~~
24 ~~Inventory Program.~~

1 D. When ~~the force account~~ a county-built bridge has been
2 inspected and achieves a load rating of H. ~~twenty (20)~~ twenty-three
3 (23) tons or greater, the board of county commissioners may ~~submit a~~
4 ~~request for reimbursement to the Department of Transportation~~ be
5 reimbursed. The county shall receive reimbursement for all costs
6 claimed relating to the construction of the bridge provided the
7 inspection report indicates that the county has met or exceeded the
8 criteria set forth in this section. ~~The resolution for~~
9 ~~reimbursement submitted by the board of county commissioners shall~~
10 ~~serve to satisfy the requirements of Section 41.16 of Title 62 of~~
11 ~~the Oklahoma Statutes.~~ County ~~force account~~ built bridges eligible
12 for reimbursement from the County Bridge and Road Improvement Fund
13 shall meet or exceed the following criteria:

14 1. The bridge has been built according to the current edition
15 of the County Bridge Standards manual or from field notes drawn by a
16 registered professional engineer that provide the basic structural
17 requirements to achieve a load rating of H. ~~twenty (20)~~ twenty-three
18 (23) tons or greater. Field notes may be handwritten specifications
19 or sketches which have been stamped or signed;

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

24

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

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

6 5. Materials used in the construction of the bridge shall meet
7 or exceed the specifications for materials as specified in the
8 current edition of the County Bridge Standards or certified in
9 writing by the engineer or supplier.

10 ~~E. Monies from the County Bridge and Road Improvement Fund may~~
11 ~~be used to establish minimum standards for guardrail applications on~~
12 ~~low traffic volume county roads. The board of directors of the~~
13 ~~association representing the county commissioners of Oklahoma may~~
14 ~~request the development of guardrail standards for bridges on low-~~
15 ~~traffic volume county roads, as defined in the county road standard~~
16 ~~manual, the cost of which shall be paid from monies from the County~~
17 ~~Bridge and Road Improvement Fund.~~

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

22 SECTION 10. AMENDATORY 69 O.S. 2001, Section 665, is
23 amended to read as follows:

1 Section 665. A. ~~The Oklahoma Department of Transportation~~
2 ~~shall be required to certify to the State Transportation Commission~~
3 ~~that each county has upheld all agreements with, and obligations to,~~
4 ~~this state. If, due to failure by the county to maintain such~~
5 ~~obligations and agreements, the Department of Transportation cannot~~
6 ~~make the certification, the county shall receive no allocation or~~
7 ~~funding under the County Bridge and Road Improvement Act until such~~
8 ~~obligations and agreements are fulfilled. However, if requested, a~~
9 ~~county shall be entitled to notice and a hearing before the~~
10 ~~Transportation Commission prior to any allocation or funding being~~
11 ~~withheld by the Department of Transportation.~~

12 ~~B.~~ All consulting engineering contracts for services referred
13 to in this act ~~shall~~ may be approved reviewed by the Department of
14 Transportation except those contracts entered into pursuant to the
15 provisions of Section 687.1 of this title or by the county or
16 circuit engineer. The Department, county or circuit engineer shall
17 make findings on all contracts ~~approved~~ reviewed that the cost is
18 reasonable and the firm involved is capable of performing the
19 service within a reasonable period of time.

20 ~~C.~~ B. Expenditures which may be allowed pursuant to the
21 provisions of this act shall include the following:

22 1. ~~Matching federal funds for the annual Federal Highway~~
23 ~~Administration allocation to the Oklahoma State University Center~~
24 ~~for Local Government Technology for the Federal Highway~~

1 ~~Administration Rural Technical Assistance Program, not to exceed~~
2 ~~twenty five percent (25%) of the amount of funding the state is~~
3 ~~required to provide, which shall not exceed Fifty Thousand Dollars~~
4 ~~(\$50,000.00)~~ The cost of county bridge inspections, classifications,
5 and evaluations, and county road inspections, classifications and
6 evaluations for federal and state purposes and to match federal or
7 state funds, provided the applicable federal or state funds are
8 available;

9 2. Project engineering costs;

10 3. The cost of rights-of-way acquired for projects pursuant to
11 the provisions of this act and the cost of the relocation of
12 utilities from the rights-of-way so acquired;

13 4. The cost of reconstruction or replacement of roadway
14 structures which may be less than twenty (20) feet in length;

15 5. Any cost or expense for administration, program management,
16 engineering, including the development of appropriate local road
17 standards which shall apply only to those roads reconstructed,
18 maintained, or otherwise constructed pursuant to this act, or
19 construction supervision necessarily incurred by the Department of
20 Transportation or Circuit Engineering Districts in fulfilling its
21 duties and responsibilities pursuant to this act;

22 6. Any cost or expense related to a comprehensive plan for
23 signing or inventory of signs on the county road system; and
24

1 7. The expense and related costs of employing an engineer to
2 assist a county or counties in carrying out the daily operations of
3 road and bridge maintenance and construction, including the
4 employment of a circuit engineer; and

5 8. All costs associated with constructing a bituminous surface
6 treatment or gravel roadway.

7 SECTION 11. AMENDATORY 69 O.S. 2001, Section 689, is
8 amended to read as follows:

9 Section 689. A. ~~The program and funds pursuant to the County~~
10 ~~Bridge and Road Improvement Act shall be administered by the~~
11 ~~Oklahoma Department of Transportation under a minimum of policies~~
12 ~~and guidelines in accordance with appropriate design and~~
13 ~~construction engineering standards. Approved projects will be~~
14 ~~awarded to contractors by the State Transportation Commission or by~~
15 ~~other federal or state agencies under their normal competitive~~
16 ~~bidding procedures. However, force account projects may be awarded~~
17 ~~to a county based upon agreed unit prices, if deemed to be in the~~
18 ~~best public interest.~~

19 ~~B.~~ The Department of Transportation is hereby directed, in
20 cooperation with the Association of County Commissioners of
21 Oklahoma, to cause to be developed appropriate local road design
22 standards for use in constructing projects pursuant to this program.
23 The standards, upon their adoption by the Transportation Commission
24 and by those counties wishing to participate in this program, shall

1 be used for the design and construction of all projects funded
2 pursuant to this program. However, when funds available pursuant to
3 this program are used to match federal funds, projects shall meet
4 appropriate minimum design standards for local roads and other
5 applicable federal requirements. All plans and specifications for
6 federal-aid projects shall be subject to the approval of the
7 Department. To every extent possible, negotiations with the Federal
8 Highway Administration should be undertaken to allow application of
9 the County Road Guidelines Design Manual.

10 ~~C. B.~~ B. Plans, surveys, and engineering shall be the
11 responsibility of the county in which the project is located and may
12 ~~be paid for by the Department of Transportation on a contractual~~
13 ~~basis from program funds accruing to that county.~~ Only registered
14 professional engineers, approved by the Department of
15 Transportation, experienced in the design and construction of
16 highway and related facilities, shall be used for such services.
17 ~~Where funds available pursuant to this program are used to match~~
18 ~~federal funds, the engineer shall be subject to approval by the~~
19 ~~Department of Transportation.~~ On those projects where no federal
20 ~~funds are involved, the Department of Transportation shall make~~
21 ~~every effort to develop simplified procedures designed to expedite~~
22 ~~the efforts of the county to advance the project to contract~~
23 ~~letting.~~ The Field Division engineer of the Department of
24 ~~Transportation or an appropriate designee shall be responsible for~~

1 ~~providing such guidance and assistance as may be requested by the~~
2 ~~county in the development of the project. The Field Division~~
3 ~~engineer shall be notified in advance by the county's engineer of~~
4 ~~all field "plan in hand" inspections involving the project and shall~~
5 ~~be granted access to the project and all related records and~~
6 ~~documents during all phases of the project design and construction.~~
7 ~~Construction engineering on all projects shall be the responsibility~~
8 ~~of the Department of Transportation. In specific instances where,~~
9 ~~in the opinion of the Department of Transportation, the public~~
10 ~~interest would be best served, the county's engineer may be~~
11 ~~authorized to perform the construction engineering.~~

12 ~~D. Upon completion of the construction plans, the county's~~
13 ~~engineer shall submit the plans to the Department of Transportation~~
14 ~~accompanied by detailed estimates of the cost of right of way,~~
15 ~~utility relocations and construction of the project and a~~
16 ~~certification that the project was designed in accordance with the~~
17 ~~applicable adopted design standards. The Department of~~
18 ~~Transportation shall review the plans, specifications, and estimates~~
19 ~~to the extent of assuring their completeness and compliance with the~~
20 ~~appropriate design criteria. Upon acceptance of the plans,~~
21 ~~specifications, and estimates by the Department and at such time all~~
22 ~~right of way necessary to construct the project has been acquired by~~
23 ~~the county and so certified to the Department of Transportation, the~~
24 ~~project will be scheduled for bid opening by the Transportation~~

1 ~~Commission. However, no project shall be scheduled for bid opening~~
2 ~~unless sufficient program funds are available to the account of the~~
3 ~~county in which the project is located to adequately finance the~~
4 ~~project construction.~~

5 C. Prior to award of the contract by the Transportation
6 Commission, the county shall be given the option of accepting or
7 rejecting the bid submitted by the successful bidder.

8 SECTION 12. REPEALER 69 O.S. 2001, Section 658, is
9 hereby repealed.

10 SECTION 13. REPEALER 69 O.S. 2001, Section 664, as
11 amended by Section 9, Chapter 45, 2nd Extraordinary Session, O.S.L.
12 2006 (69 O.S. Supp. 2009, Section 664), is hereby repealed.

13 SECTION 14. This act shall become effective July 1, 2010.

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

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1 Passed the House of Representatives the 19th day of April, 2010.

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4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate