

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 832

By: Bingman and Branam of the
Senate

6 and

7 Shannon of the House

8
9 COMMITTEE SUBSTITUTE

10 (county bridges - bridge replacement projects -
11 creating County Road Overpass Revolving Fund -
12 creating Oklahoma Roads Task Force - codification -
13 noncodification -
14 emergency)

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

19 SECTION 1. AMENDATORY 69 O.S. 2001, Section 660, as
20 amended by Section 1, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008,
21 Section 660), is amended to read as follows:

22 Section 660. A. The Local Government Division of the
23 Department of Transportation shall immediately establish a program
24 to aid counties in replacing or reconstructing bridges and roads.

1 The bridges and roads to be replaced or reconstructed shall be those
2 that are structurally inadequate, functionally obsolete or have been
3 destroyed or rendered unusable.

4 B. Funds made available for the purposes of the County Bridge
5 and Road Improvement Act may be used to pay the cost of county
6 bridge inspections, classifications, and evaluations, and county
7 road inspections, classifications, and evaluations for federal and
8 state purposes and to match federal or state funds, provided the
9 applicable federal or state funds are available.

10 C. Except as otherwise specified in ~~this act~~ the County Bridge
11 and Road Improvement Act, the county collector system, including any
12 future revisions thereto, shall constitute the system of roads
13 wherein the bridges and roads are located that are eligible for
14 project funding under ~~this act~~ the County Bridge and Road
15 Improvement Act. Official maps showing the county collector system
16 in each county shall be maintained on file by the Department of
17 Transportation and shall be furnished each county at no cost.

18 D. The Department of Transportation may approve the utilization
19 of up to ninety percent (90%) of the estimated four-year
20 apportionment to the county for county projects. However, no
21 additional projects may be approved for the county until the county
22 has accumulated a surplus of three (3) months of apportionments and
23 repaid all funds advanced from the State Highway Construction and
24 Maintenance Fund.

1 E. When a county bridge sustains damage, whether caused by a
2 natural or artificial event, and consequently requires immediate
3 repair, the board of county commissioners may by resolution direct
4 the transfer, by the Department of Transportation, of any
5 unencumbered monies in that county's account in the County Bridge
6 and Road Improvement Fund, to that county's highway fund, for the
7 sole purpose of repairing or reconstructing said bridge.

8 F. The boards of county commissioners may enter into
9 cooperative agreements with the Oklahoma Turnpike Authority for the
10 purpose of replacement, expansion or repair of functionally obsolete
11 and structurally deficient bridges which cross over turnpikes. The
12 expenditures of the county for such projects will be from any
13 federal, state or county public funds available for such purpose.
14 Counties may apply to the Oklahoma Cooperative Circuit Engineering
15 Districts Board for funds from the County Road Overpass Revolving
16 Fund created pursuant to Section 3 of this act for projects that
17 have been requested by the board of county commissioners of the
18 county where the bridge is located. Once approved by the Oklahoma
19 Cooperative Circuit Engineering Districts Board, the Board will
20 select and prioritize the bridge replacement projects based on
21 criteria which shall include, but not be limited to, high traffic
22 volume and current bridge safety assessments. Any funds
23 appropriated for these projects shall be sent to the County Road
24 Overpass Revolving Fund created pursuant to Section 3 of this act.

1 SECTION 2. AMENDATORY 69 O.S. 2001, Section 687.1, as
2 amended by Section 1, Chapter 113, O.S.L. 2007 (69 O.S. Supp. 2008,
3 Section 687.1), is amended to read as follows:

4 Section 687.1 A. The board of county commissioners of any
5 county in this state may create a circuit engineering district with
6 any other county or counties. The objectives of the circuit
7 engineering district shall be:

8 1. To allow county governments to make the most efficient use
9 of their powers by enabling them to cooperate with each other and
10 other units of government on a basis of mutual advantage and thereby
11 to provide services and facilities in a manner and pursuant to forms
12 of governmental organization that will accord best with geographic,
13 economic, population and other factors influencing the needs and
14 development of county government;

15 2. To provide research and research support to county
16 government;

17 3. To provide assistance to county governments in performing
18 the functions delegated by law including, but not limited to, the
19 operation of road maintenance, construction, inspection, and
20 equipment purchases and management;

21 4. To conduct public discussion groups, forums, panels,
22 lectures, and other similar programs;

23 5. To present courses of instruction and education;

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1 6. To obtain, develop and present scientific and all other
2 types of information relative to the operation of the public
3 transportation system in this state;

4 7. For long-range planning and growth of the transportation
5 system within the circuit engineering district and other circuit
6 engineering districts within this state; and

7 8. To provide services to counties in a coordinated manner that
8 will improve the quality of the transportation system and be cost
9 effective.

10 B. The authority of the circuit engineering district shall be
11 as follows:

12 1. To comply with and carry out the provisions of the
13 Interlocal Cooperation Act;

14 2. To advise and assist its members with how to implement and
15 make an effective transportation plan for the best interest of each
16 member of the circuit engineering district;

17 3. To prepare such programs of research as may be necessary and
18 advisable in carrying out its purposes;

19 4. To contract for services with persons, firms or units of
20 government to carry out the purposes of the circuit engineering
21 district;

22 5. To provide periodic reports for the circuit engineering
23 district or for its members as may be required by federal or state
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1 | legislation or regulations pertaining thereto, and as are within the
2 | scope and range of the purpose of the circuit engineering district;

3 | 6. To acquire and hold property for its use and to incur
4 | expenses to carry out its functions;

5 | 7. To receive gifts, contributions and donations to carry out
6 | the purposes for which it is formed;

7 | 8. To assess its members for the services rendered in carrying
8 | out its functions;

9 | 9. To apply for, contract for, administer, receive and expend
10 | funds or grants from any participating member, the State of
11 | Oklahoma, the federal government, or any other source; and

12 | 10. To publish studies in connection with its work which may be
13 | of benefit to its members or other agencies within and outside of
14 | the circuit engineering district.

15 | C. Circuit engineering districts may, by affirmative vote of
16 | their board, determine that the association representing the county
17 | commissioners of Oklahoma be designated to negotiate for services,
18 | required by law or necessity, on behalf of the circuit engineering
19 | districts.

20 | D. The circuit engineering district may, from time to time, as
21 | its board of directors deems necessary, cause to be formed legal
22 | trusts which shall be formed to promote and develop specific
23 | projects. The primary goal of each trust created pursuant to this
24 | subsection shall be the economic growth and development within the

1 district. However, the trust shall be limited to functions within
2 the category for which it is specifically organized. The trust
3 shall be totally responsible for its contractual obligations and
4 holdings, holding the circuit engineering district harmless for
5 claims or liabilities created by the trust.

6 E. The board of directors of the circuit engineering district
7 shall elect a liaison officer. The liaison officer shall be a
8 nonvoting member of each trust formed pursuant to subsection D of
9 this section. The liaison shall be permitted to attend all meetings
10 and enter into all discussions of the trust's board of trustees, and
11 shall report all actions to the board of directors of the circuit
12 engineering district.

13 F. The circuit engineering district shall conduct an
14 independent audit upon completion of each fiscal year.

15 G. The board of directors may employ an attorney to provide
16 legal research, advice and opinions on contracts and other matters
17 which may come before the board of directors.

18 H. The State Auditor and Inspector shall prescribe the
19 necessary rules, forms and procedures to provide for the efficient
20 and timely means by which the pool purchase of supplies and
21 equipment may be accomplished on behalf of the participating
22 counties. The rules, forms and procedures developed by the State
23 Auditor and Inspector for pool purchasing may be utilized by the
24 Oklahoma Department of Transportation County Advisory Board in

1 coordination with the circuit engineering districts for the purpose
2 of pool purchasing utilizing funds from the County Road Machinery
3 and Equipment Revolving Fund. For the purpose of obtaining access
4 to pricing and bids available on a national level, counties shall be
5 eligible to participate in such pool purchasing in a manner as
6 determined by the State Auditor and Inspector.

7 I. Circuit engineering districts may participate in the County
8 Road Machinery and Equipment Revolving Fund pursuant to the
9 provisions of Section 302.1 of this title.

10 J. Circuit engineering districts are authorized to organize a
11 statewide board consisting of the chairpersons duly elected by each
12 of their respective circuit engineering districts. The statewide
13 board organized pursuant to this section shall:

14 1. Have the power to conduct business, including the
15 development of policies and procedures, incur expenses, and contract
16 for services so long as such business furthers the provisions of
17 this act;

18 2. Coordinate activities between circuit engineering districts;

19 3. Administer the Statewide Circuit Engineering District
20 Revolving Fund, created pursuant to Section 687.2 of this title,
21 administer the Emergency and Transportation Revolving Fund created
22 pursuant to Section 687.3 of this title and administer the County
23 Road Overpass Revolving Fund created pursuant to Section 3 of this
24 act; and

1 4. Have authority to promulgate rules to carry out the
2 provisions of this act.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 687.4 of Title 69, unless there
5 is created a duplication in numbering, reads as follows:

6 There is hereby created in the State Treasury a revolving fund
7 for the State Treasury to be designated the "County Road Overpass
8 Revolving Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all monies received
10 by any donations, deposits designated by law, or appropriations.
11 The first Six Million Dollars (\$6,000,000.00) accruing to the credit
12 of said fund each fiscal year is hereby appropriated and may be
13 budgeted and expended by the Oklahoma Cooperative Circuit
14 Engineering Districts Board for the purpose of replacement,
15 expansion or repair of functionally obsolete and structurally
16 deficient bridges which cross over turnpikes. All monies in excess
17 of Six Million Dollars (\$6,000,000.00) accruing to the credit of
18 said fund each fiscal year are hereby appropriated and may be
19 budgeted and expended by the Oklahoma Cooperative Circuit
20 Engineering Districts Board for the purpose of maintenance,
21 construction and reconstruction of county roads. Expenditures from
22 said fund shall be made upon warrants issued by the State Treasurer
23 against claims filed as prescribed by law with the Director of State
24 Finance for approval and payment.

1 SECTION 4. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 A. There is hereby created until January 1, 2010, the "Oklahoma
4 Roads Task Force" for the purpose of studying and evaluating the
5 effect of inflation on highway and bridge construction and
6 maintenance.

7 B. The Oklahoma Roads Task Force shall consist of nine (9)
8 members, as follows:

9 1. The Director of the Department of Transportation, or a
10 designee;

11 2. A representative from a statewide organization representing
12 counties appointed by the Speaker of the House of Representatives;

13 3. A representative from a transportation advocacy group
14 appointed by the Speaker of the House of Representatives;

15 4. A representative from a statewide organization representing
16 municipalities appointed by the President Pro Tempore of the Senate;

17 5. A representative from a road and bridge organization
18 appointed by the President Pro Tempore of the Senate;

19 6. Two members of the House of Representatives, appointed by
20 the Speaker of the House of Representatives; and

21 7. Two members of the Senate, appointed by the President Pro
22 Tempore of the Senate.

23 C. Any vacancy on the Task Force shall be filled in the same
24 manner as the original appointment.

1 D. The Chair shall be appointed by the Speaker of the House of
2 Representatives. The Vice-chair shall be appointed by the President
3 Pro Tempore of the Senate. The Chair shall convene the first
4 meeting of the Task Force. The members of the Task Force shall
5 elect any other officers as they may deem necessary. The Task Force
6 shall meet as often as necessary. Members of the Task Force shall
7 serve without compensation. Nonlegislative Task Force members
8 employed by the state shall be reimbursed for travel expenses
9 related to their service on the Task Force by their appointing
10 authority in accordance with the provisions of the State Travel
11 Reimbursement Act. Legislative members of the Task Force shall be
12 reimbursed for their necessary travel expenses incurred in the
13 performance of their duties in accordance with Section 456 of Title
14 74 of the Oklahoma Statutes.

15 E. Administrative support for the Task Force shall be provided
16 by the Department of Transportation to be supplemented, if
17 necessary, by the staff of the Oklahoma House of Representatives and
18 the State Senate. All participating state agencies shall provide
19 for any administrative support as requested by the Task Force.

20 F. The Task Force shall study, receive testimony, deliberate
21 upon and make recommendations on all aspects concerning the effect
22 of inflation on highway and bridge construction and maintenance.

23 G. The Task Force shall report its findings and recommendations
24 to the Governor, the House of Representatives, and the Senate on or

1 before February 1, 2010. The report shall be prepared by the staff
2 of the Department of Transportation.

3 SECTION 5. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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