

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 2173

6 By: Branan

7 COMMITTEE SUBSTITUTE

8 [ roads, bridges and ferries - county road and bridge  
9 improvement fund - effective date -

10 emergency ]

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 68 O.S. 2001, Section 500.6, as  
14 last amended by Section 3, Chapter 45, 2nd Extraordinary Session,  
15 O.S.L. 2006 (68 O.S. Supp. 2009, Section 500.6), is amended to read  
16 as follows:

17 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon  
18 of gasoline that is levied by paragraph 1 of subsection A of Section  
19 500.4 of this title, and the tax of two and eight one-hundredths  
20 cents (\$0.0208) per gallon of gasoline that is levied by subsection  
21 C of Section 500.4 of this title, and penalties and interest  
22 thereon, collected by the Oklahoma Tax Commission under the levy  
23 shall be apportioned and distributed monthly as follows:

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

4           2. One and six hundred twenty-five one-thousandths percent  
5 (1.625%) of the levy shall be remitted to the State Treasurer to the  
6 credit of the High Priority State Bridge Revolving Fund as created  
7 in Section ~~6~~ 506 of ~~this act~~ Title 69 of the Oklahoma Statutes;

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

11           a. the first Eight Hundred Fifty Thousand Dollars  
12               (\$850,000.00) collected each fiscal year shall be  
13               transferred to the Public Transit Revolving Fund,  
14               created in Section 4031 of Title 69 of the Oklahoma  
15               Statutes, and

16           b. the second Eight Hundred Fifty Thousand Dollars  
17               (\$850,000.00) collected each fiscal year shall be  
18               transferred to the Oklahoma Tourism and Passenger Rail  
19               Revolving Fund and shall be used by the Department of  
20               Transportation:

21               (1) to contract railroad passenger services,  
22                       including but not limited to a route linking  
23                       stations in Oklahoma and Tulsa Counties with  
24                       other primary points in the national railroad

1 passenger system and passenger rail service  
2 within the state, and a route beginning at a  
3 station in Oklahoma County and extending north to  
4 the Kansas state line in Kay County, and

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

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

11 d. nine and eight-tenths percent (9.8%) of the monies  
12 apportioned to the State Transportation Fund shall be  
13 used to provide funds for the construction and  
14 maintenance of farm-to-market roads on the state  
15 highway system, and other rural farm-to-market roads  
16 and bridges, and

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

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

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

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

14 b. twenty-three and one-tenth percent (23.1%) of the  
15 monies apportioned under this paragraph shall be  
16 distributed to the counties in the following manner:  
17 One-third (1/3) on area; one-third (1/3) on rural  
18 population, defined as including the population of all  
19 municipalities with a population of less than five  
20 thousand (5,000) according to the latest Federal  
21 Decennial Census; and one-third (1/3) on county road  
22 mileage, as last certified by the Department of  
23 Transportation, as each county bears to the entire  
24

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

3 c. eleven and six-tenths percent (11.6%) 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 Department of Transportation  
7 and approved by the Department of Transportation  
8 County Advisory Board created pursuant to Section  
9 302.1 of Title 69 of the Oklahoma Statutes. The  
10 formula shall be similar to the formula currently used  
11 for the distribution of monies in the County Bridge  
12 Program funds, but shall also take into consideration  
13 the effect of the terrain and traffic volume as  
14 related to county road improvement and maintenance  
15 costs. ~~Any county may, by resolution of the board of~~  
16 ~~county commissioners, direct the Tax Commission to~~  
17 ~~deposit the funds apportioned pursuant to this~~  
18 ~~subparagraph directly into the County Bridge and Road~~  
19 ~~Improvement Fund to be used for the purposes set forth~~  
20 ~~in the County Bridge and Road Improvement Act;~~

21 5. Three and one hundred twenty-five one-thousandths percent  
22 (3.125%) of the levy shall be distributed to the various counties of  
23 the state based on a formula developed by the Department of  
24 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. The formula shall be similar to the  
3 formula currently used for the distribution of monies in the County  
4 Bridge Program funds, but shall also take into consideration the  
5 effect of the terrain and traffic volume as related to county road  
6 improvement and maintenance costs. ~~Any county may, by resolution~~  
7 ~~approved by a majority of the board of county commissioners and~~  
8 ~~filed with the Tax Commission, direct the Tax Commission to deposit~~  
9 ~~the funds apportioned pursuant to this paragraph directly into the~~  
10 ~~County Bridge and Road Improvement Fund to be used for the purposes~~  
11 ~~set forth in the County Bridge and Road Improvement Act;~~

12 6. ~~Two and six hundred twenty five one thousandths percent~~  
13 ~~(2.625%)~~ Two and two hundred ninety-seven one thousandths percent  
14 (2.297%) of the levy shall be ~~deposited in~~ distributed to the  
15 various counties of the state for deposit into the County Bridge and  
16 Road Improvement Fund of ~~the State Treasury~~ each county based on a  
17 formula developed by the Department of Transportation and approved  
18 by the Department of Transportation County Advisory Board created  
19 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be  
20 used for the purposes set forth in the County Bridge and Road  
21 Improvement Act. The formula shall be similar to the formula  
22 currently used for the distribution of monies in the County Bridge  
23 Program funds, but shall also take into consideration the effect of

24

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

3 7. One and eight hundred seventy-five one-thousandths percent  
4 (1.875%) of the levy shall be transmitted by the Tax Commission to  
5 the treasurers of the various incorporated cities and towns of the  
6 state in the percentage which the population, as shown by the last  
7 Federal Decennial Census or the most recent annual estimate provided  
8 by the U.S. Bureau of the Census, bears to the total population of  
9 all the incorporated cities and towns in this state. The funds  
10 shall be expended for the construction, repair and maintenance of  
11 the streets and alleys of the incorporated cities and towns of this  
12 state; and

13 8. Three hundred twenty-eight one thousandths percent (0.328%)  
14 of the levy shall be transmitted by the Tax Commission to the  
15 Statewide Circuit Engineering Revolving Fund as created in Section  
16 687.2 of Title 69 of the Oklahoma Statutes.

17 B. 1. The funds apportioned or transmitted pursuant to  
18 subparagraphs a, b, and c of paragraph 4 of subsection A of this  
19 section, subsection B of Section 500.7 of this title, subsection B  
20 of Section 704 of this title, Section 706 of this title, and  
21 paragraph 2 of subsection D of Section 707.3 of this title shall be  
22 sent to the respective county treasurers and deposited in the county  
23 highway fund to be used by the county commissioners for the purpose  
24 of constructing and maintaining county highways and bridges.

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

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

22       4. In all counties where the county excise board may find it  
23 necessary, because of insufficient revenue, to maintain county  
24 government out of the general fund, after a levy of ten (10) mills

1 has been made for any fiscal year, the county excise board may  
2 appropriate out of any such funds apportioned to the county an  
3 amount sufficient to pay the salaries of the county commissioners of  
4 the county for the fiscal year.

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

9 C. With regards to the apportionment of the levy as set forth  
10 in paragraph 5 of subsection A of this section, paragraph 5 of  
11 subsection A of Section 500.7 of this title, and subsection C of  
12 Section 707.2 of this title:

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

17 2. If any county has an accrued balance of funds which were  
18 appropriated to or otherwise accrued in the County Road Improvement  
19 Fund, or the County Bridge Improvement Fund, such funds shall, by  
20 resolution approved by a majority of the board of county  
21 commissioners and filed with the Department of Transportation, be  
22 deposited in the county highway fund of the county ~~or shall be~~  
23 ~~deposited to the County Bridge and Road Improvement Fund to be used~~

24

1 ~~for the purposes set forth in the County Bridge and Road Improvement~~  
2 ~~Act; and~~

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

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

24

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 2. AMENDATORY 68 O.S. 2001, Section 500.7, as  
8 amended by Section 4, Chapter 45, 2nd Extraordinary Session, O.S.L.  
9 2006 (68 O.S. Supp. 2009, Section 500.7), is amended to read as  
10 follows:

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

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

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

24

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

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

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

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

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

1 county bears to the total population and area of the  
2 state. The population shall be as shown by the last  
3 Federal Decennial Census or the most recent annual  
4 estimate provided by the U.S. Bureau of the Census,  
5 c. twenty-eight and nine-tenths percent (28.9%) of the  
6 monies apportioned under this paragraph shall be  
7 distributed to the several counties in the following  
8 manner: one-third (1/3) on area, one-third (1/3) on  
9 rural population (defined as including the population  
10 of all municipalities with a population of less than  
11 five thousand (5,000) according to the latest Federal  
12 Decennial Census), and one-third (1/3) on county road  
13 mileage, as last certified by the Oklahoma Department  
14 of Transportation, as each county bears to the entire  
15 area, rural population and road mileage of the state,  
16 and  
17 d. fourteen and five-tenths percent (14.5%) of the monies  
18 apportioned under this paragraph shall be distributed  
19 to the various counties of the state based on a  
20 formula developed by the Oklahoma Department of  
21 Transportation and approved by the Department of  
22 Transportation County Advisory Board created pursuant  
23 to Section 302.1 of Title 69 of the Oklahoma Statutes.  
24 The formula shall be similar to the formula currently

1 used for the distribution of the County Bridge Program  
2 funds, but shall also take into consideration the  
3 effect of the terrain and traffic volume as related to  
4 the county road improvement and maintenance costs.  
5 ~~Any county may, by resolution approved by a majority~~  
6 ~~of the board of county commissioners and filed with~~  
7 ~~the Oklahoma Tax Commission, direct the Oklahoma Tax~~  
8 ~~Commission to deposit the funds so apportioned by this~~  
9 ~~subparagraph directly into the County Bridge and Road~~  
10 ~~Improvement Fund to be used for the purposes set forth~~  
11 ~~in the County Bridge and Road Improvement Act;~~

12 5. Three and eighty-five one-hundredths percent (3.85%) of the  
13 levy shall be distributed based on a formula developed by the  
14 Oklahoma Department of Transportation and approved by the Department  
15 of Transportation County Advisory Board created pursuant to Section  
16 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be  
17 similar to the formula currently used for the distribution of the  
18 County Bridge Program funds, but shall also take into consideration  
19 the effect of the terrain and traffic volume as related to the  
20 county road improvement and maintenance costs. ~~Any county may, by~~  
21 ~~resolution approved by a majority of the board of county~~  
22 ~~commissioners and filed with the Oklahoma Tax Commission, direct the~~  
23 ~~Oklahoma Tax Commission to deposit the funds so apportioned by this~~  
24 ~~paragraph directly into the County Bridge and Road Improvement Fund~~

1 ~~to be used for the purposes set forth in the County Bridge and Road~~  
2 ~~Improvement Act.~~ The apportionment of the levy as set forth in this  
3 paragraph shall be subject to the provisions of subsection C of  
4 Section 500.6 of this title; and

5 6. ~~Three and eighty-four one-hundredths percent (3.84%)~~ Three  
6 and thirty-six one-hundredths percent (3.36%) of the levy shall be  
7 ~~deposited in~~ distributed to the various counties of the state for  
8 deposit into the County Bridge and Road Improvement Fund of ~~the~~  
9 ~~State Treasury~~ each county based on a formula developed by the  
10 Department of Transportation and approved by the Department of  
11 Transportation County Advisory Board created pursuant to Section  
12 302.1 of Title 69 of the Oklahoma Statutes to be used for the  
13 purposes set forth in the County Bridge and Road Improvement Act.  
14 The formula shall be similar to the formula currently used for the  
15 distribution of monies in the County Bridge Program funds, but shall  
16 also take into consideration the effect of the terrain and traffic  
17 volume as related to county road improvement and maintenance costs;  
18 and

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

23 B. The funds apportioned or transmitted pursuant to the  
24 provisions of subparagraphs a, b, and c of paragraph 4 of subsection

1 A of this section shall be used in accordance with and subject to  
2 the provisions of subsection B of Section 500.6 of this title.

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

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

11 Section 707.1 A. In addition to the excise taxes levied by  
12 Sections 703 and 705 of this title, there is hereby levied an excise  
13 tax of two and one-half cents (\$0.025) upon the use within this  
14 state of each and every gallon of special fuel, which shall be  
15 reported and collected in the same manner as provided by law for the  
16 reporting and collecting of all other tax levies upon the use of  
17 special fuel within this state.

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

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

1 Two cents (\$0.02) of the two and one-half cents (\$0.025),  
2 together with any interest and penalties thereon, shall be  
3 apportioned according to the provisions of paragraph 1 of Section  
4 704 of this title.

5 ~~One half of one cent (\$0.005) of the two and one-half cents~~  
6 ~~(\$0.025), together with any interest and penalties thereon, shall be~~  
7 ~~deposited in the County Bridge and Road Improvement Fund of the~~  
8 ~~State Treasury to be used for the purposes set forth in the County~~  
9 ~~Bridge and Road Improvement Act.~~

10 Eighty-seven and five tenths of one percent (87.5%) of the one-  
11 half of one cent (\$0.005) of the two and one-half cents (\$0.025),  
12 together with any interest and penalties thereon, shall be  
13 distributed to the various counties of the state for deposit into  
14 the County Bridge and Road Improvement Fund of each county based on  
15 a formula developed by the Department of Transportation and approved  
16 by the Department of Transportation County Advisory Board created  
17 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be  
18 used for the purposes set forth in the County Bridge and Road  
19 Improvement Act. The formula shall be similar to the formula  
20 currently used for the distribution of monies in the County Bridge  
21 Program funds, but shall also take into consideration the effect of  
22 the terrain and traffic volume as related to county road improvement  
23 and maintenance costs. Twelve and five tenths of one percent  
24 (12.5%) of the one-half of one cent (\$0.005) of the two and one-half

1 cents (\$0.025), together with any interest and penalties thereon,  
2 shall be transmitted by the Tax Commission to the Statewide Circuit  
3 Engineering Revolving Fund as created in Section 687.2 of Title 69  
4 of the Oklahoma Statutes.

5 SECTION 4. AMENDATORY 68 O.S. 2001, Section 1004, as  
6 last amended by Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp.  
7 2009, Section 1004), is amended to read as follows:

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

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

13 a. eighty-five and seventy-two one-hundredths percent  
14 (85.72%) shall be paid to the State Treasurer of the  
15 state to be placed in the General Revenue Fund of the  
16 state and used for the general expense of state  
17 government, to be paid out pursuant to direct  
18 appropriation by the Legislature,

19 b. seven and fourteen one-hundredths percent (7.14%) of  
20 the sum collected from natural gas and/or casinghead  
21 gas or asphalt or ores bearing uranium, lead, zinc,  
22 jack, gold, silver or copper shall be paid to the  
23 various county treasurers to be credited to the County  
24 Highway Fund as follows: Each county shall receive a

1 proportionate share of the funds available based upon  
2 the proportion of the total value of production from  
3 such county in the corresponding month of the  
4 preceding year, and

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

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

19 a. eighty-five and seventy-two one-hundredths percent  
20 (85.72%) shall be paid to the State Treasurer of the  
21 state to be placed in the General Revenue Fund of the  
22 state and used for the general expense of state  
23 government, to be paid out pursuant to direct  
24 appropriation by the Legislature,

1           b.    seven and fourteen one-hundredths percent (7.14%) of  
2                    the sum collected from natural gas and/or casinghead  
3                    gas shall be paid to the various county treasurers to  
4                    be credited to the County Highway Fund as follows:  
5                    Each county shall receive a proportionate share of the  
6                    funds available based upon the proportion of the total  
7                    value of production from such county in the  
8                    corresponding month of the preceding year, and

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

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

23                   a.    seventy-five percent (75%) shall be paid to the State  
24                   Treasurer of the state to be placed in the General

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

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

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

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

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

12 b. fifty percent (50%) shall be allocated to each county  
13 as provided for in subparagraph a of this paragraph  
14 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;

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

1 a. twenty-five and seventy-two one-hundredths percent  
2 (25.72%) shall be paid to the State Treasurer to be  
3 placed in the Common Education Technology Revolving  
4 Fund created in Section 41.29c of Title 62 of the  
5 Oklahoma Statutes,

6 b. twenty-five and seventy-two one-hundredths percent  
7 (25.72%) shall be paid to the State Treasurer to be  
8 placed in the Higher Education Capital Revolving Fund  
9 created in Section 41.29d of Title 62 of the Oklahoma  
10 Statutes,

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

16 d. ~~four and twenty eight one hundredths percent (4.28%)~~  
17 three and seven hundred forty-five one thousandths  
18 percent (3.745%) shall be paid to the State Treasurer  
19 to be apportioned to distributed to the various  
20 counties of the state for deposit into the County  
21 Bridge and Road Improvement Fund of the State Treasury  
22 each county based on a formula developed by the  
23 Department of Transportation and approved by the  
24 Department of Transportation County Advisory Board

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

10 e. four and twenty-eight one-hundredths percent (4.28%)  
11 shall be paid to the State Treasurer to be apportioned  
12 to:

13 (1) the following sources and in the following  
14 amounts through the fiscal year ending June 30,  
15 2014:

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

21 (b) thirty-three and one-third percent (33 1/3%)  
22 to the Oklahoma Conservation Commission  
23 Infrastructure Revolving Fund created  
24

1                   pursuant to Section 3-2-110 of Title 27A of  
2                   the Oklahoma Statutes, and

3                   (c) thirty-three and one-third percent (33 1/3%)  
4                   to the Community Water Infrastructure  
5                   Development Revolving Fund created pursuant  
6                   to Section 1085.7A of Title 82 of the  
7                   Oklahoma Statutes, and

8                   (2) the Oklahoma Water Resources Board Rural Economic  
9                   Action Plan Water Projects Fund for the fiscal  
10                  year ending June 30, 2014, and for each fiscal  
11                  year thereafter,

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

20                 g. seven and fourteen one-hundredths percent (7.14%)  
21                  shall be allocated to each county as provided in  
22                  subparagraph f 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, and

7 h. five hundred thirty-five one thousandths percent  
8 (0.535%) of the levy shall be transmitted by the Tax  
9 Commission to the Statewide Circuit Engineering  
10 Revolving Fund as created in Section 687.2 of Title 69  
11 of the Oklahoma Statutes.

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

15 a. twenty-two and one-half percent (22.5%) shall be paid  
16 to the State Treasurer to be placed in the Common  
17 Education Technology Revolving Fund created in Section  
18 41.29c of Title 62 of the Oklahoma Statutes,

19 b. twenty-two and one-half percent (22.5%) shall be paid  
20 to the State Treasurer to be placed in the Higher  
21 Education Capital Revolving Fund created in Section  
22 41.29d of Title 62 of the Oklahoma Statutes,

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

1 Tuition Scholarship Revolving Fund created in Section  
2 41.29e of Title 62 of the Oklahoma Statutes,  
3 d. ~~three and seventy-five one hundredths percent (3.75%)~~  
4 three and twenty-eight one hundredths percent (3.28%)  
5 shall be ~~paid to the State Treasurer to be apportioned~~  
6 ~~to~~ distributed to the various counties of the state  
7 for deposit into the County Bridge and Road  
8 Improvement Fund of the State Treasury each county  
9 based on a formula developed by the Department of  
10 Transportation and approved by the Department of  
11 Transportation County Advisory Board created pursuant  
12 to Section 302.1 of Title 69 of the Oklahoma Statutes  
13 to be used for the purposes set forth in the County  
14 Bridge and Road Improvement Act. The formula shall be  
15 similar to the formula currently used for the  
16 distribution of monies in the Country Bridge Program  
17 funds, but shall also take into consideration the  
18 effect of the terrain and traffic volume as related to  
19 county road improvement and maintenance costs,  
20 e. three and seventy-five one-hundredths percent (3.75%)  
21 shall be paid to the State Treasurer to be apportioned  
22 to:  
23  
24

1 (1) the following sources and in the following  
2 amounts through the fiscal year ending June 30,  
3 2014:

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

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

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

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

23 f. twelve and one-half percent (12.5%) of the sum  
24 collected from oil shall be paid to the various county

1           treasurers, to be credited to the County Highway Fund  
2           as follows: Each county shall receive a proportionate  
3           share of the funds available based upon the proportion  
4           of the total value of production from such county in  
5           the corresponding month of the preceding year, ~~and~~

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

16          h. forty-seven one hundredths percent (0.47%) of the levy  
17          shall be transmitted by the Tax Commission to the  
18          Statewide Circuit Engineering Revolving Fund as  
19          created in Section 687.2 of Title 69.

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

23          a. fifty percent (50%) of the sum collected shall be paid  
24          to the various county treasurers, to be credited to

1 the County Highway Fund as follows: Each county shall  
2 receive a proportionate share of the funds available  
3 based upon the proportion of the total value of  
4 production from such county in the corresponding month  
5 of the preceding year, and

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

16 Provided, notwithstanding any other provision of this section,  
17 the total amounts deposited to the Common Education Technology  
18 Revolving Fund, the Higher Education Capital Revolving Fund, the  
19 Oklahoma Tuition Scholarship Revolving Fund, the Rural Economic  
20 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation  
21 Department Capital Expenditure Revolving Fund, the Oklahoma  
22 Conservation Commission Infrastructure Revolving Fund and the  
23 Community Water Infrastructure Development Revolving Fund pursuant  
24 to paragraphs 5 and 6 of this section shall not exceed One Hundred

1 Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All  
2 sums in excess of One Hundred Fifty Million Dollars  
3 (\$150,000,000.00) in any fiscal year which would otherwise be  
4 deposited in such funds shall be placed by the State Treasurer in  
5 the General Revenue Fund of the state.

6 SECTION 5. AMENDATORY 69 O.S. 2001, Section 659, is  
7 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 State Association of County  
16 Commissioners and the Transportation Commission. Such standards  
17 shall be furnished without cost to local units of government.  
18 ~~Engineering for projects authorized pursuant to the County Bridge~~  
19 ~~and Road Improvement Act may be provided by the Department of~~  
20 ~~Transportation at the request of a county. The cost to the~~  
21 ~~Department for such engineering shall be charged to the project.~~  
22 Monies received by the county pursuant to the County Bridge and Road  
23 Improvement Act, Section 657 et seq. of this title, may be used for  
24 purposes of obtaining engineering services. Only registered

1 professional engineers, approved by the Department, experienced in  
2 the design and construction of highway and related facilities, shall  
3 be used for such services. Counties acquiring engineering services  
4 as provided for in this section shall require the engineers  
5 providing such services to execute professional service contracts  
6 which include a requirement that the engineer shall maintain an  
7 adequate policy of professional liability insurance.

8 SECTION 6. AMENDATORY 69 O.S. 2001, Section 660, as last  
9 amended by Section 1, Chapter 281, O.S.L. 2009 (69 O.S. Supp. 2009,  
10 Section 660), is amended to read as follows:

11 Section 660. ~~A. The Local Government Division of the~~  
12 ~~Department of Transportation shall immediately establish a program~~  
13 ~~to aid counties in replacing or reconstructing bridges and roads.~~  
14 ~~The bridges and roads to be replaced or reconstructed shall be those~~  
15 ~~that are structurally inadequate, functionally obsolete or have been~~  
16 ~~destroyed or rendered unusable.~~

17 ~~B. Funds made available for the purposes of the County Bridge~~  
18 ~~and Road Improvement Act may be used to pay the cost of county~~  
19 ~~bridge inspections, classifications, and evaluations, and county~~  
20 ~~road inspections, classifications, and evaluations for federal and~~  
21 ~~state purposes and to match federal or state funds, provided the~~  
22 ~~applicable federal or state funds are available.~~

23 ~~C. Except as otherwise specified in the County Bridge and Road~~  
24 ~~Improvement Act, the county collector system, including any future~~

1 ~~revisions thereto, shall constitute the system of roads wherein the~~  
2 ~~bridges and roads are located that are eligible for project funding~~  
3 ~~under the County Bridge and Road Improvement Act. Official maps~~  
4 ~~showing the county collector system in each county shall be~~  
5 ~~maintained on file by the Department of Transportation and shall be~~  
6 ~~furnished each county at no cost.~~

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

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

21 ~~F. The boards of county commissioners may enter into~~  
22 ~~cooperative agreements with the Oklahoma Turnpike Authority for the~~  
23 ~~purpose of replacement, expansion or repair of functionally obsolete~~  
24 ~~and structurally deficient bridges which cross over or under~~

1 turnpikes. The expenditures for such projects will be from any  
2 federal, state or county public funds appropriated and earmarked for  
3 such purpose. Counties may apply for the expenditure of these  
4 earmarked funds for projects that have been requested by the board  
5 of county commissioners of the county where the bridge is located.  
6 Once approved by the Oklahoma Cooperative Circuit Engineering  
7 Districts Board, the Board will select and prioritize the bridge  
8 replacement projects based on criteria which shall include, but not  
9 be limited to, high traffic volume and current bridge safety  
10 assessments.

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

14 Section 661. A. ~~While the legislative intent of the County~~  
15 ~~Bridge and Road Improvement Act is to replace or reconstruct~~  
16 ~~structurally obsolete bridges and roads on the county collector~~  
17 ~~system, it is recognized that specific conditions may exist in a~~  
18 ~~county justifying the need to reconstruct or replace a bridge or a~~  
19 ~~road on a road section not included in the county collector system.~~  
20 ~~In such specific instance, the Oklahoma Department of Transportation~~  
21 ~~may approve a project not on the county collector system.~~  
22 ~~Justification for such projects shall include use of the bridge or~~  
23 ~~road for school bus routes, mail routes, heavy and extensive~~  
24 ~~industrial or agricultural operations, or such other unique purposes~~

1 ~~as may be acceptable to the Department of Transportation. However,~~  
2 ~~in all instances projects located on school bus routes shall have~~  
3 ~~priority on funds provided for the implementation of this act.~~  
4 ~~Right of way acquisition and utility relocation shall be the~~  
5 ~~responsibility of the county in which the project is located.~~  
6 ~~Monies received by counties pursuant to the County Bridge and Road~~  
7 ~~Improvement Act may be used for right of way acquisition and utility~~  
8 ~~relocation.~~

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

24

1 ~~C. These funds shall be apportioned among the various counties~~  
2 ~~by the Transportation Commission on an equitable basis consistent~~  
3 ~~with the identifiable bridge and road needs on the collector system~~  
4 ~~in each county.~~

5 ~~D. On or before July 1 of each year, the Department of~~  
6 ~~Transportation shall review the County Bridge and Road Program in~~  
7 ~~each county. Said review shall examine the status of all programmed~~  
8 ~~projects, funds carried over from previous fiscal year allocations,~~  
9 ~~and funds anticipated to be available from future allocations. The~~  
10 ~~purpose of the review is to estimate the rate of County Bridge and~~  
11 ~~Road Fund utilization by the various counties and to assess the~~  
12 ~~progress of the County Bridge and Road Program throughout the state.~~

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

22 SECTION 8. AMENDATORY 69 O.S. 2001, Section 662, as last  
23 amended by Section 3, Chapter 231, O.S.L. 2009 (69 O.S. Supp. 2009,  
24 Section 662), is amended to read as follows:

1 Section 662. A. ~~The program and funds shall be administered by~~  
2 ~~the Department of Transportation under a minimum of policies,~~  
3 ~~guidelines and engineering design standards. Approved projects will~~  
4 A professional engineer registered by the State Board of  
5 Registration for Professional Engineers and Land Surveyors pursuant  
6 to Section 475.1 et seq. of Title 59 of the Oklahoma Statutes, shall  
7 approve projects that may be awarded to contractors by the Boards of  
8 County Commissioners, Transportation Commission or by other federal  
9 or state agencies under their normal competitive bidding procedures,  
10 excluding prequalification of bidders. Force account road projects  
11 may be approved for a county by the Transportation Commission. No  
12 force account county bridge project shall be reimbursed in excess of  
13 Four Hundred Thousand Dollars (\$400,000.00). No county road project  
14 in excess of Four Hundred Thousand Dollars (\$400,000.00), excluding  
15 the cost for engineering, right-of-way acquisition, and utility  
16 relocation, in cost shall be done by the force account method. A  
17 "county-built" project may be a road or bridge in whole or in part  
18 built with its own county forces or entirely let to contract, but  
19 all costs associated are reimbursable.

20 B. ~~Funds available for the County Bridge and Road Improvement~~  
21 ~~Act shall not be subject to fiscal year limitations and shall be~~  
22 ~~available for encumbrance and expenditure purposes for a period of~~  
23 ~~thirty (30) months from the effective date such funds are~~  
24 ~~appropriated.~~

1       ~~C. In order to receive reimbursement for constructing a force~~  
2 ~~account bridge, a county shall have sufficient funds in the County~~  
3 ~~Bridge and Road Improvement Fund to pay the reimbursement request~~  
4 ~~cost. Upon completion of a force account bridge, the board of~~  
5 ~~county commissioners shall request an inspection of the bridge in~~  
6 ~~accordance with the criteria set forth by the National Bridge~~  
7 ~~Inventory Program.~~

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

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

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

3 2. The finished bridge shall achieve a ~~twenty-ton~~ twenty-three-  
4 ton or greater rating. The rating criteria shall be determined by  
5 the 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 ~~E. Monies from the County Bridge and Road Improvement Fund may~~  
17 ~~be used to establish minimum standards for guardrail applications on~~  
18 ~~low traffic volume county roads. The board of directors of the~~  
19 ~~association representing the county commissioners of Oklahoma may~~  
20 ~~request the development of guardrail standards for bridges on low-~~  
21 ~~traffic volume county roads, as defined in the county road standard~~  
22 ~~manual, the cost of which shall be paid from monies from the County~~  
23 ~~Bridge and Road Improvement Fund.~~

24

1        ~~F.~~ C. Prior to construction of the bridge, a county may request  
2 that construction supervision be provided by the Circuit Engineering  
3 District of which the county is a member to ensure quality control  
4 and quality assurance.

5        SECTION 9.        AMENDATORY        69 O.S. 2001, Section 665, is  
6 amended to read as follows:

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

18        B. All consulting engineering contracts for services referred  
19 to in this act ~~shall~~ may be ~~approved~~ reviewed by the Department of  
20 Transportation except those contracts entered into pursuant to the  
21 provisions of Section 687.1 of this title or by the county or  
22 circuit engineer. The Department, county or circuit engineer shall  
23 make findings on all contracts ~~approved~~ reviewed that the cost is  
24

1 reasonable and the firm involved is capable of performing the  
2 service within a reasonable period of time.

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

5 1. ~~Matching federal funds for the annual Federal Highway~~  
6 ~~Administration allocation to the Oklahoma State University Center~~  
7 ~~for Local Government Technology for the Federal Highway~~  
8 ~~Administration Rural Technical Assistance Program, not to exceed~~  
9 ~~twenty five percent (25%) of the amount of funding the state is~~  
10 ~~required to provide, which shall not exceed Fifty Thousand Dollars~~  
11 ~~(\$50,000.00) The cost of county bridge inspections, classifications,~~  
12 ~~and evaluations, and county road inspections, classifications and~~  
13 ~~evaluations for federal and state purposes and to match federal or~~  
14 ~~state funds, provided the applicable federal or state funds are~~  
15 ~~available;~~

16 2. Project engineering costs;

17 3. The cost of rights-of-way acquired for projects pursuant to  
18 the provisions of this act and the cost of the relocation of  
19 utilities from the rights-of-way so acquired;

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

22 5. Any cost or expense for administration, program management,  
23 engineering, including the development of appropriate local road  
24 standards which shall apply only to those roads reconstructed,

1 maintained, or otherwise constructed pursuant to this act, or  
2 construction supervision necessarily incurred by the Department of  
3 Transportation or Circuit Engineering Districts in fulfilling its  
4 duties and responsibilities pursuant to this act;

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

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

11 8. All costs associated with constructing a bituminous surface  
12 treatment or gravel roadway.

13 SECTION 10. AMENDATORY 69 O.S. 2001, Section 689, is  
14 amended to read as follows:

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

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

16        ~~C.~~ B. Plans, surveys, and engineering shall be the  
17 responsibility of the county in which the project is located ~~and may~~  
18 ~~be paid for by the Department of Transportation on a contractual~~  
19 ~~basis from program funds accruing to that county.~~ Only registered  
20 professional engineers, approved by the Department of  
21 Transportation, experienced in the design and construction of  
22 highway and related facilities, shall be used for such services.  
23 ~~Where funds available pursuant to this program are used to match~~  
24 ~~federal funds, the engineer shall be subject to approval by the~~

1 ~~Department of Transportation. On those projects where no federal~~  
2 ~~funds are involved, the Department of Transportation shall make~~  
3 ~~every effort to develop simplified procedures designed to expedite~~  
4 ~~the efforts of the county to advance the project to contract~~  
5 ~~letting. The Field Division engineer of the Department of~~  
6 ~~Transportation or an appropriate designee shall be responsible for~~  
7 ~~providing such guidance and assistance as may be requested by the~~  
8 ~~county in the development of the project. The Field Division~~  
9 ~~engineer shall be notified in advance by the county's engineer of~~  
10 ~~all field "plan in hand" inspections involving the project and shall~~  
11 ~~be granted access to the project and all related records and~~  
12 ~~documents during all phases of the project design and construction.~~  
13 ~~Construction engineering on all projects shall be the responsibility~~  
14 ~~of the Department of Transportation. In specific instances where,~~  
15 ~~in the opinion of the Department of Transportation, the public~~  
16 ~~interest would be best served, the county's engineer may be~~  
17 ~~authorized to perform the construction engineering.~~

18 ~~D. Upon completion of the construction plans, the county's~~  
19 ~~engineer shall submit the plans to the Department of Transportation~~  
20 ~~accompanied by detailed estimates of the cost of right of way,~~  
21 ~~utility relocations and construction of the project and a~~  
22 ~~certification that the project was designed in accordance with the~~  
23 ~~applicable adopted design standards. The Department of~~  
24 ~~Transportation shall review the plans, specifications, and estimates~~

1 ~~to the extent of assuring their completeness and compliance with the~~  
2 ~~appropriate design criteria. Upon acceptance of the plans,~~  
3 ~~specifications, and estimates by the Department and at such time all~~  
4 ~~right of way necessary to construct the project has been acquired by~~  
5 ~~the county and so certified to the Department of Transportation, the~~  
6 ~~project will be scheduled for bid opening by the Transportation~~  
7 ~~Commission. However, no project shall be scheduled for bid opening~~  
8 ~~unless sufficient program funds are available to the account of the~~  
9 ~~county in which the project is located to adequately finance the~~  
10 ~~project construction.~~

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

14 SECTION 11. REPEALER 69 O.S. 2001, Section 658, is  
15 hereby repealed.

16 SECTION 12. REPEALER 69 O.S. 2001, Section 664, as  
17 amended by Section 9, Chapter 45, 2nd Extraordinary Session, O.S.L.  
18 2006 (69 O.S. Supp. 2009, Section 664), is hereby repealed.

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

20 SECTION 14. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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