

THE HOUSE OF REPRESENTATIVES  
Monday, April 13, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 832

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 832 - By:  
BINGMAN AND BRANAN of the Senate and SHANNON of the House.

( county bridges - bridge replacement projects – creating County Road  
Overpass Revolving Fund - creating Oklahoma Roads Task Force –  
codification - noncodification –  
emergency )

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

1 SECTION 1. AMENDATORY 69 O.S. 2001, Section 660, as amended by  
2 Section 1, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008, Section 660), is amended to  
3 read as follows:  
4 Section 660. A. The Local Government Division of the Department of  
5 Transportation shall immediately establish a program to aid counties in replacing or  
6 reconstructing bridges and roads. The bridges and roads to be replaced or reconstructed  
7 shall be those that are structurally inadequate, functionally obsolete or have been  
8 destroyed or rendered unusable.  
9 B. Funds made available for the purposes of the County Bridge and Road  
10 Improvement Act may be used to pay the cost of county bridge inspections,

1 classifications, and evaluations, and county road inspections, classifications, and  
2 evaluations for federal and state purposes and to match federal or state funds, provided  
3 the applicable federal or state funds are available.

4 C. Except as otherwise specified in ~~this act~~ the County Bridge and Road  
5 Improvement Act, the county collector system, including any future revisions thereto,  
6 shall constitute the system of roads wherein the bridges and roads are located that are  
7 eligible for project funding under ~~this act~~ the County Bridge and Road Improvement Act.  
8 Official maps showing the county collector system in each county shall be maintained on  
9 file by the Department of Transportation and shall be furnished each county at no cost.

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

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

21 F. The boards of county commissioners may enter into cooperative agreements with  
22 the Oklahoma Turnpike Authority for the purpose of replacement, expansion or repair of

1 functionally obsolete and structurally deficient bridges which cross over turnpikes. The  
2 expenditures of the county for such projects will be from any federal, state or county  
3 public funds available for such purpose. Counties may apply to the Oklahoma  
4 Cooperative Circuit Engineering Districts Board for funds from the County Road  
5 Overpass Revolving Fund created pursuant to Section 3 of this act for projects that have  
6 been requested by the board of county commissioners of the county where the bridge is  
7 located. Once approved by the Oklahoma Cooperative Circuit Engineering Districts  
8 Board, the Board will select and prioritize the bridge replacement projects based on  
9 criteria which shall include, but not be limited to, high traffic volume and current bridge  
10 safety assessments. Any funds appropriated for these projects shall be sent to the  
11 County Road Overpass Revolving Fund created pursuant to Section 3 of this act.

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

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

18 1. To allow county governments to make the most efficient use of their powers by  
19 enabling them to cooperate with each other and other units of government on a basis of  
20 mutual advantage and thereby to provide services and facilities in a manner and  
21 pursuant to forms of governmental organization that will accord best with geographic,

1 economic, population and other factors influencing the needs and development of county  
2 government;

3 2. To provide research and research support to county government;

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

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

9 5. To present courses of instruction and education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 C. Circuit engineering districts may, by affirmative vote of their board, determine  
17 that the association representing the county commissioners of Oklahoma be designated  
18 to negotiate for services, 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 its board of directors  
21 deems necessary, cause to be formed legal trusts which shall be formed to promote and  
22 develop specific projects. The primary goal of each trust created pursuant to this

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

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

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

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

16 H. The State Auditor and Inspector shall prescribe the necessary rules, forms and  
17 procedures to provide for the efficient and timely means by which the pool purchase of  
18 supplies and equipment may be accomplished on behalf of the participating counties.  
19 The rules, forms and procedures developed by the State Auditor and Inspector for pool  
20 purchasing may be utilized by the Oklahoma Department of Transportation County  
21 Advisory Board in coordination with the circuit engineering districts for the purpose of  
22 pool purchasing utilizing funds from the County Road Machinery and Equipment

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 Revolving Fund. For the purpose of obtaining access to pricing and bids available on a  
2 national level, counties shall be eligible to participate in such pool purchasing in a  
3 manner as determined by the State Auditor and Inspector.

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

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

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

12 2. Coordinate activities between circuit engineering districts;

13 3. Administer the Statewide Circuit Engineering District Revolving Fund, created  
14 pursuant to Section 687.2 of this title, administer the Emergency and Transportation  
15 Revolving Fund created pursuant to Section 687.3 of this title and administer the County  
16 Road Overpass Revolving Fund created pursuant to Section 3 of this act; and

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

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

21 There is hereby created in the State Treasury a revolving fund for the State  
22 Treasury to be designated the “County Road Overpass Revolving Fund”. The fund shall

1 be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies  
2 received by any donations, deposits designated by law, or appropriations. The first Six  
3 Million Dollars (\$6,000,000.00) accruing to the credit of said fund each fiscal year is  
4 hereby appropriated and may be budgeted and expended by the Oklahoma Cooperative  
5 Circuit Engineering Districts Board for the purpose of replacement, expansion or repair  
6 of functionally obsolete and structurally deficient bridges which cross over turnpikes. All  
7 monies in excess of Six Million Dollars (\$6,000,000.00) accruing to the credit of said fund  
8 each fiscal year are hereby appropriated and may be budgeted and expended by the  
9 Oklahoma Cooperative Circuit Engineering Districts Board for the purpose of  
10 maintenance, construction and reconstruction of county roads. Expenditures from said  
11 fund shall be made upon warrants issued by the State Treasurer against claims filed as  
12 prescribed by law with the Director of State Finance for approval and payment.

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

15 A. There is hereby created until January 1, 2010, the “Oklahoma Roads Task  
16 Force” for the purpose of studying and evaluating the effect of inflation on highway and  
17 bridge construction and maintenance.

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

- 19 1. The Director of the Department of Transportation, or a designee;
- 20 2. A representative from a statewide organization representing counties appointed  
21 by the Speaker of the House of Representatives;

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

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

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

7           6. Two members of the House of Representatives, appointed by the Speaker of the  
8 House of Representatives; and

9           7. Two members of the Senate, appointed by the President Pro Tempore of the  
10 Senate.

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

13          D. The Chair shall be appointed by the Speaker of the House of Representatives.  
14 The Vice-chair shall be appointed by the President Pro Tempore of the Senate. The  
15 Chair shall convene the first meeting of the Task Force. The members of the Task Force  
16 shall elect any other officers as they may deem necessary. The Task Force shall meet as  
17 often as necessary. Members of the Task Force shall serve without compensation.  
18 Nonlegislative Task Force members employed by the state shall be reimbursed for travel  
19 expenses related to their service on the Task Force by their appointing authority in  
20 accordance with the provisions of the State Travel Reimbursement Act. Legislative  
21 members of the Task Force shall be reimbursed for their necessary travel expenses

1 incurred in the performance of their duties in accordance with Section 456 of Title 74 of  
2 the Oklahoma Statutes.

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

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

10 G. The Task Force shall report its findings and recommendations to the Governor,  
11 the House of Representatives, and the Senate on or before February 1, 2010. The report  
12 shall be prepared by the staff of the Department of Transportation.

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

16 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04-09-09 -  
17 DO PASS, As Amended.