

ENGROSSED HOUSE
BILL NO. 2717

By: Taylor of the House

and

Long of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 601, which relates to authority and duties of county commissioners; modifying parties who may enter into certain agreements; requiring district attorney to approve certain interlocal cooperation agreements; amending 74 O.S. 1991, Section 1004, which relates to agreements authorized under the interlocal cooperation act; setting forth certain exception from agreements which must be approved by the Attorney General; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 601, is amended to read as follows:

Section 601. A. The county highway system shall be composed of all public roads within any county, less any part of any road or roads which may be ~~taken over~~ designated as a state highway by the State Transportation Commission. It shall be the duty of the board of county commissioners in each county to construct and maintain as county highways those roads which best serve the most people of the county. For this purpose the board of county commissioners is authorized to use any funds which are in the county highway fund, subject to statutory restrictions on the use of any of such funds, together with any money or item of value derived from any agreement entered into between the ~~commission~~ county and the Transportation Commission, the federal government, this state, any other county or political subdivision of this state or other governmental entity, or any citizen or group of citizens who have made donations for that

purpose. The boards of county commissioners of the various counties shall have exclusive jurisdiction over the designation, construction and maintenance and repair of all of the county highways and bridges therein. All interlocal cooperation agreements made pursuant to this section between counties and those political subdivisions or citizens of a county shall be submitted to the district attorney of each of the counties subject to the agreement for approval. All other interlocal cooperation agreements shall be submitted and approved in accordance with Sections 1001 through 1008 of Title 74 of the Oklahoma Statutes.

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

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1004, is amended to read as follows:

Section 1004. ~~(a)~~ A. Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

~~(b)~~ B. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act.

Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

~~(c)~~ C. Any such agreement shall specify the following:

1. Its duration~~;~~;

2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created~~;~~;

3. Its purpose or purposes~~;~~;

4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor~~;~~;

5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination~~;~~; and

6. Any other necessary and proper matters.

~~(d)~~ D. In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to ~~items~~ paragraphs 1, 3, 4, 5 and 6 enumerated set forth in subdivision (c) hereof subsection C of this section, contain the following:

1. Provisions for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented~~;~~; and

2. The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

~~(e)~~ E. No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that, to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity

created by an agreement made hereunder, ~~said~~ the performance may be offered in satisfaction of the obligation or responsibility.

~~(f)~~ F. Every agreement made hereunder, except those agreements authorized by Section 601 of Title 69 of the Oklahoma Statutes which shall be approved by the district attorney, shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state. The Attorney General shall approve any agreement submitted to ~~him~~ the Attorney General hereunder unless ~~he~~ the Attorney General shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.

~~(g)~~ G. Financing of joint projects by agreements shall be as provided by law.

SECTION 3. This act shall become effective November 1, 2000.

Passed the House of Representatives the 7th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate