

EHB 2717

THE STATE SENATE
Tuesday, April 4, 2000

ENGROSSED

House Bill No. 2717

As Amended

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,

1 subject to statutory restrictions on the use of any of such funds,
2 together with any money or item of value derived from any agreement
3 entered into between the ~~commission~~ county and the Transportation
4 Commission, the federal government, this state, any other county or
5 political subdivision of this state or other governmental entity, or
6 any citizen or group of citizens who have made donations for that
7 purpose. The boards of county commissioners of the various counties
8 shall have exclusive jurisdiction over the designation, construction
9 and maintenance and repair of all of the county highways and bridges
10 therein. All interlocal cooperation agreements made pursuant to
11 this section between counties and those political subdivisions or
12 citizens of a county shall be submitted to the district attorney of
13 each of the counties subject to the agreement for approval. All
14 other interlocal cooperation agreements shall be submitted and
15 approved in accordance with Sections 1001 through 1008 of Title 74
16 of the Oklahoma Statutes.

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

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

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

11 ~~(b)~~ B. Any two or more public agencies may enter into
12 agreements with one another for joint or cooperative action pursuant
13 to the provisions of this act.
14 Appropriate action by ordinance, resolution or otherwise pursuant to
15 law of the governing bodies of the participating public agencies
16 shall be necessary before any such agreement may enter into force.

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

18 1. Its duration~~;~~i

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

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

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

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

7 6. Any other necessary and proper matters.

8 ~~(d)~~ D. In the event that the agreement does not establish a
9 separate legal entity to conduct the joint or cooperative
10 undertaking, the agreement shall, in addition to ~~items~~ paragraphs 1,
11 3, 4, 5 and 6 ~~enumerated~~ set forth in ~~subdivision (c)~~ hereof
12 subsection C of this section, contain the following:

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

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

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

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

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

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

19 **SECTION 3. NEW LAW A new section of law to be codified**
20 **in the Oklahoma Statutes as Section 1638 of Title 69, unless there**
21 **is created a duplication in numbering, reads as follows:**

22 Beginning at approximately 1.0 miles East of Airport Road at
23 Little Deep Creek, Payne Lake Road, and the Farmrail Railroad

1 (Heated Bridge Deck), on Interstate 40 East of Weatherford,
2 Oklahoma, shall be designated as the "Sparland Rose Memorial
3 Bridge".

4 **SECTION 4. NEW LAW A new section of law to be codified**
5 **in the Oklahoma Statutes as Section 1639 of Title 69, unless there**
6 **is created a duplication in numbering, reads as follows:**

7 The Department of Transportation shall erect informational
8 highway signage designed or approved by the Oklahoma Tourism and
9 Recreation Department to direct visitors to sites of significant
10 historical interest along the Cheyenne Heritage Trail.

11 **SECTION 5.** This act shall become effective November 1, 2000.

12 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-28-00 - DO
13 PASS, As Amended.