

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 2336

 By: Glenn

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 1004, which relates to the Interlocal
10 Cooperation Act; modifying exceptions to authorized
11 agreements; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 1004, is
15 amended to read as follows:

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

1 B. Any two or more public agencies may enter into agreements
2 with one another for joint or cooperative action pursuant to the
3 provisions of this act. Appropriate action by ordinance, resolution
4 or otherwise pursuant to law of the governing bodies of the
5 participating public agencies shall be necessary before any such
6 agreement may enter into force.

7 C. Any such agreement shall specify the following:

8 1. Its duration;

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

13 3. Its purpose or purposes;

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

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

20 6. Any other necessary and proper matters.

21 D. In the event that the agreement does not establish a
22 separate legal entity to conduct the joint or cooperative
23 undertaking, the agreement shall, in addition to paragraphs 1, 3, 4,
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1 5 and 6 set forth in subsection C of this section, contain the
2 following:

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

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

9 E. No agreement made pursuant to this act shall relieve any
10 public agency of any obligation or responsibility imposed upon it by
11 law except that, to the extent of actual and timely performance
12 thereof by a joint board or other legal or administrative entity
13 created by an agreement made hereunder, the performance may be
14 offered in satisfaction of the obligation or responsibility.

15 F. Every agreement made hereunder, except those agreements
16 authorized by Section 36-113 of Title 11, Section 339 of Title 19,
17 or Section 601 of Title 69 of the Oklahoma Statutes which shall be
18 approved by the district attorney, shall, prior to and as a
19 condition precedent to its entry into force, be submitted to the
20 Attorney General who shall determine whether the agreement is in
21 proper form and compatible with the laws of this state, including
22 any agreements entered into pursuant to the provisions of the
23 Oklahoma Community Economic Development Pooled Finance Act. The
24 Attorney General shall approve any agreement submitted to the

1 Attorney General hereunder unless the Attorney General shall find
2 that it does not meet the conditions set forth herein and shall
3 detail in writing addressed to the governing bodies of the public
4 agencies concerned the specific respects in which the proposed
5 agreement fails to meet the requirements of law. Failure to
6 disapprove an agreement submitted hereunder within sixty (60) days
7 of its submission shall constitute approval thereof.

8 G. Financing of joint projects by agreements shall be as
9 provided by law, including any agreements entered into pursuant to
10 the provisions of the Oklahoma Community Economic Development Pooled
11 Finance Act.

12 SECTION 2. This act shall become effective November 1, 2014.

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14 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
15 02/27/2014 - DO PASS.

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