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February 26, 2018

By: Griffin

An Act relating to state government; amending 74 O.S. 2011, Section 1004, which relates to the Interlocal Cooperation Act; specifying authority to enter into agreements with certain entities regarding federal housing programs; and providing an effective date.

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

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

Section 1004. 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. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the

1 provisions of this act. If it becomes advisable and economically  
2 advantageous for any Oklahoma public agency administering federal  
3 housing programs statewide within the State of Oklahoma to enter  
4 into agreements with an agency of the United States or of another  
5 state in order to benefit the State of Oklahoma through  
6 administration of federal housing programs either within or outside  
7 of the State of Oklahoma, such Oklahoma public agency may do so.

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

12 C. Any such agreement shall specify the following:

13 1. Its duration;

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

18 3. Its purpose or purposes;

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

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

1       6. Any other necessary and proper matters.

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

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

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

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

19       F. Every agreement made hereunder, except those agreements  
20 authorized by Section 601 of Title 69 of the Oklahoma Statutes which  
21 shall be approved by the district attorney, shall, prior to and as a  
22 condition precedent to its entry into force, be submitted to the  
23 Attorney General who shall determine whether the agreement is in  
24 proper form and compatible with the laws of this state, including

1 any agreements entered into pursuant to the provisions of the  
2 Oklahoma Community Economic Development Pooled Finance Act. The  
3 Attorney General shall approve any agreement submitted to the  
4 Attorney General hereunder unless the Attorney General shall find  
5 that it does not meet the conditions set forth herein and shall  
6 detail in writing addressed to the governing bodies of the public  
7 agencies concerned the specific respects in which the proposed  
8 agreement fails to meet the requirements of law. Failure to  
9 disapprove an agreement submitted hereunder within sixty (60) days  
10 of its submission shall constitute approval thereof.

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

15 SECTION 2. This act shall become effective November 1, 2018.

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
17 February 26, 2018 - DO PASS  
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