

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1564

By: Griffin

AS INTRODUCED

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.

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

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

14 C. Any such agreement shall specify the following:

15 1. Its duration;

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

20 3. Its purpose or purposes;

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

23 5. The permissible method or methods to be employed in
24 accomplishing the partial or complete termination of the agreement

1 and for disposing of property upon such partial or complete
2 termination; and

3 6. Any other necessary and proper matters.

4 D. In the event that the agreement does not establish a
5 separate legal entity to conduct the joint or cooperative
6 undertaking, the agreement shall, in addition to paragraphs 1, 3, 4,
7 5 and 6 set forth in subsection C of this section, contain the
8 following:

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

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

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

21 F. Every agreement made hereunder, except those agreements
22 authorized by Section 601 of Title 69 of the Oklahoma Statutes which
23 shall be approved by the district attorney, shall, prior to and as a
24 condition precedent to its entry into force, be submitted to the

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

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

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

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