

2024 -- S 2933 AS AMENDED

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LC005523
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO TOWNS AND CITIES -- INTERLOCAL CONTRACTING AND JOINT
ENTERPRISE

Introduced By: Senator Matthew L. LaMountain

Date Introduced: March 28, 2024

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-40.1-4 and 45-40.1-6 of the General Laws in Chapter 45-40.1
2 entitled "Interlocal Contracting and Joint Enterprises" are hereby amended to read as follows:

3 **45-40.1-4. Interlocal agreements.**

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

10 (b)(1) Any two (2) or more public agencies may enter into agreements with one another
11 for joint or cooperative action pursuant to the provisions of this chapter.

12 (2) Appropriate action by ordinance, resolution, or otherwise, pursuant to law of the
13 governing bodies of the participating public agencies, is necessary before any agreement may enter
14 into force.

15 (c) Any agreement shall specify the following:

16 (1) Its duration.

17 (2) The precise organization, composition, and nature of any separate legal or
18 administrative entity created by it, together with the powers delegated to it, provided the entity may

1 be legally created.

2 (3) Its purpose or purposes.

3 (4) The manner of financing the joint or cooperative undertaking, and of establishing and
4 maintaining a budget for it.

5 (5) The permissible method or methods to be employed in accomplishing the partial or
6 complete termination of the agreement and for disposing of property upon partial or complete
7 termination.

8 (6) Any other necessary and proper matters.

9 (d) In the event that the agreement does not establish a separate legal entity to conduct the
10 joint or cooperative undertaking, the agreement shall, pursuant to the requirements of subsections
11 (c) (1)- (c) (6), contain provisions for:

12 (1) An administrator or a joint board responsible for administering the joint or cooperative
13 undertaking. In the case of a joint board, all public agencies party to the agreement shall be
14 represented.

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

17 (e) No agreement made pursuant to this chapter relieves any public agency of any
18 obligation or responsibility imposed upon it by law, except that with respect to the actual and timely
19 performance of it by a joint board or other legal or administrative entity created by an agreement
20 made under this chapter, the performance may be offered in satisfaction of the obligation or
21 responsibility.

22 ~~(f) Every agreement made under this chapter shall, prior to and as a condition precedent to~~
23 ~~its entry into force, be submitted to the attorney general who shall determine whether the agreement~~
24 ~~is in proper form and in compliance with the laws of this state. The attorney general shall approve~~
25 ~~any agreement submitted to him or her unless he or she finds that it does not meet the conditions~~
26 ~~established by this chapter, and shall state, in writing, addressed to the governing bodies of the~~
27 ~~public agencies concerned, the specific respects in which the proposed agreement fails to meet the~~
28 ~~requirements of law. Failure of the attorney general to disapprove an agreement submitted under~~
29 ~~this chapter within fifteen (15) days of its submission constitutes approval of the agreement.~~

30 **45-40.1-6. Additional approval in certain cases.**

31 In the event that an agreement made pursuant to this chapter deals in whole or in part with
32 the provision of services or facilities with regard to which an officer or agency of the state
33 government has constitutional or statutory powers of control, the agreement shall, as a condition
34 precedent to its entry into force, be submitted to the state officer or agency having power of control,

1 and shall be approved or disapproved by him, her or it, as to all matters within his, her or its
2 jurisdiction, ~~in the same manner and subject to the same requirements governing the action of the~~
3 ~~attorney general pursuant to § 45-40.1-4. The requirement of submission and approval is in addition~~
4 ~~to, not in substitution for, the requirement of submission to and approval by the attorney general~~
5 with a determination of whether the agreement is in proper form and in compliance with the laws
6 of the state.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would remove the attorney general's oversight of interlocal agreements.
- 2 This act would take effect upon passage.

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