

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 637

By: Dahm of the Senate

6 and

7 Murphey of the House

8
9 An Act relating to agency agreements; creating the
10 Governor's Transparency Act of 2017; providing short
11 title; defining term; requiring agencies to publish
12 certain documents; requiring agencies to publish
13 certain report; providing for content of report;
14 requiring agencies to provide certain legislative
15 committees with certain proposed agreements;
16 providing certain exception; requiring certain legal
17 citations; providing for codification; and providing
18 an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3120 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Governor's
24 Transparency Act of 2017".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3121 of Title 74, unless there
is created a duplication in numbering, reads as follows:

1 A. For purposes of the Governor's Transparency Act of 2017,
2 "state agency" shall have the same meaning pursuant to Section 3301
3 of Title 74 of the Oklahoma Statutes.

4 B. Upon the effective date of this act, an appropriated state
5 agency entering into a Memorandum of Understanding or Memorandum of
6 Agreement with any agency, department or any organization receiving
7 appropriated money, grants, contracts from the State of Oklahoma or
8 any other state or funds from the government of the United States
9 shall publish a report on its website and the documents.ok.gov
10 website of all Memorandums of Understanding or Memorandums of
11 Agreement within fifteen (15) business days of the Memorandum's
12 effective date. The report shall contain a detailed accounting of
13 each Memorandum of Understanding or Memorandum of Agreement which
14 shall include:

15 1. The effective date of the Memorandum of Understanding or
16 Memorandum of Agreement;

17 2. The duration of the Memorandum of Understanding or
18 Memorandum of Agreement;

19 3. The entities subject to the Memorandum of Understanding or
20 Memorandum of Agreement;

21 4. The purpose of the Memorandum of Understanding or Memorandum
22 of Agreement; and
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1 5. The constitutional or statutory provisions allowing for the
2 subject addressed in the Memorandum of Understanding or Memorandum
3 of Agreement.

4 C. When any state agency enters into a Memorandum of
5 Understanding or Memorandum of Agreement, and when the state
6 Legislature is in session, the state agency shall provide the chair
7 and committee members of the appropriate legislative committee,
8 based on the subject matter or agency executing the document, with a
9 copy of the Memorandum of Understanding or Memorandum of Agreement.

10 D. Provided, the state agency may not publish any such report
11 on a Memorandum of Understanding or Memorandum of Agreement that is
12 privileged under law pursuant to the Oklahoma Open Records Act.
13 However, a report shall still be published to indicate what entities
14 are subject to the privileged Memorandum of Understanding or
15 Memorandum of Agreement and its duration.

16 E. Memorandums of Understanding or Memorandums of Agreement
17 solely between departments or agencies of this state shall cite the
18 state constitutional or statutory authority granted for the subject
19 addressed in the Memorandum of Understanding or Memorandum of
20 Agreement. Memorandums of Understanding or Memorandums of Agreement
21 between any agencies, departments and any organizations receiving
22 appropriated money, grants, contracts from the State of Oklahoma, or
23 any other state or funds from the government of the United States
24 shall cite the authority granted by federal or state statute and/or

1 in the Constitution of the United States as well as the Constitution
2 of the State of Oklahoma for the subject addressed in the Memorandum
3 of Understanding or Memorandum of Agreement.

4 SECTION 3. This act shall become effective November 1, 2017.

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6 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
7 04/05/2017 - DO PASS.
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