

1 ENGROSSED HOUSE AMENDMENTS

TO

2 ENGROSSED SENATE BILL NO. 2080

By: Dahm of the Senate

3 and

4 Echols of the House

5

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7 [ Memorandums of Understanding - Memorandum of  
8 Understanding Act - proposed agreements -  
codification - effective date ]

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11 AUTHORS: Remove Representative Echols as principal House author and  
12 substitute Representative Walker as principal House author  
and show Representative Echols as coauthor

13 AMENDMENT NO. 1. Page 1, lines 6 through 7, restore the title

14 AMENDMENT NO. 2. Page 1, line 16 through page 4, line 2, delete all  
15 of Section 2 and insert a new Section 2 to read

16 "SECTION 2. NEW LAW A new section of law to be codified

17 in the Oklahoma Statutes as Section 3121 of Title 74, unless there

18 is created a duplication in numbering, reads as follows:

19 A. For purposes of the Memorandum of Understanding Act, "state

20 agency" means any office, bureau, board, counsel, commission,

21 institution, division or body of the executive branch but shall not

22 include any nonappropriated state agency as defined pursuant to

23 Section 35.3 of Title 62 of the Oklahoma Statutes, the Oklahoma

24 State Regents for Higher Education, the institutions of The Oklahoma

1 State System of Higher Education, the State Board of Career and  
2 Technology Education, the Oklahoma Department of Career and  
3 Technology Education, technology center school districts and school  
4 districts as defined by Section 1-108 of Title 70 of the Oklahoma  
5 Statutes.

6 B. When any state agency enters into a Memorandum of  
7 Understanding or Memorandum of Agreement, and when the state  
8 Legislature is in session, the state agency shall provide the chair  
9 of the appropriate legislative committee, based on the subject  
10 matter or agency executing the document, with a copy of the  
11 Memorandum of Understanding or Memorandum of Agreement. The state  
12 agency shall publish the final agreement documents on the  
13 *documents.ok.gov* website within thirty (30) days of executing the  
14 document.

15 C. The state agency shall publish an annual report on its  
16 website and the *documents.ok.gov* website, no later than September 15  
17 of each year, of all Memorandums of Understanding or Memorandums of  
18 Agreement currently active with any agencies, departments and any  
19 organizations receiving appropriated money, grants, contracts from  
20 the State of Oklahoma, or any other state, or funds from the  
21 government of the United States. The annual report shall contain a  
22 detailed accounting of each Memorandum of Understanding or  
23 Memorandum of Agreement which shall include:

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

3           2. The duration of the Memorandum of Understanding or  
4 Memorandum of Agreement;

5           3. The entities subject to the Memorandum of Understanding or  
6 Memorandum of Agreement;

7           4. The purpose of the Memorandum of Understanding or Memorandum  
8 of Agreement; and

9           5. The Constitutional provisions allowing for the subject  
10 addressed in the Memorandum of Understanding or Memorandum of  
11 Agreement.

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

18           E. Memorandums of Understanding or Memorandums of Agreement  
19 solely between departments or agencies of this state shall cite  
20 authority granted in the Constitution of the State of Oklahoma for  
21 the subject addressed in the Memorandum of Understanding or  
22 Memorandum of Agreement. Memorandums of Understanding or  
23 Memorandums of Agreement between any agencies, departments and any  
24 organizations receiving appropriated money, grants, contracts from



ENGROSSED SENATE  
BILL NO. 2080

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

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

This act shall be known and may be cited as the "Memorandum of  
Understanding Act".

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:

A. For purposes of the Memorandum of Understanding Act, "state  
agency" means any office, bureau, board, counsel, commission,  
institution, division or body of the executive branch, including  
political subdivisions, but shall not include any nonappropriated  
state agency as defined pursuant to Section 35.3 of Title 62 of the  
Oklahoma Statutes.

1 B. When any state agency enters into a Memorandum of  
2 Understanding or Memorandum of Agreement, and when the state  
3 legislature is in session, the state agency shall provide the chair  
4 of appropriate legislative committee, based on the subject matter or  
5 agency executing the document, with a copy of the Memorandum of  
6 Understanding or Memorandum of Agreement. The state agency shall  
7 publish the final agreement documents on the documents.ok.gov  
8 website within thirty (30) days of executing the document.

9 C. The state agency shall publish an annual report on its  
10 website and the documents.ok.gov website, no later than September 15  
11 of each year, of all Memorandums of Understanding or Memorandums of  
12 Agreement currently active with any agencies, departments, and any  
13 organizations receiving appropriated money, grants, contracts or  
14 funds from the government of the United States, as well as any  
15 company that serves as a contractor to the government of the United  
16 States or to this state. The annual report shall contain a detailed  
17 accounting of each Memorandum of Understanding or Memorandum of  
18 Agreement which shall include:

19 1. The effective date of the Memorandum of Understanding or  
20 Memorandum of Agreement;

21 2. The duration of the Memorandum of Understanding or  
22 Memorandum of Agreement;

23 3. The entities subject to the Memorandum of Understanding or  
24 Memorandum of Agreement;

1       4. The purpose of the Memorandum of Understanding or Memorandum  
2 of Agreement; and

3       5. The Constitutional provisions allowing for the subject  
4 addressed in the Memorandum of Understanding or Memorandum of  
5 Agreement.

6       D. Provided, the state agency shall not publish any such report  
7 on a Memorandum of Understanding or Memorandum of Agreement that is  
8 privileged under law pursuant to the Oklahoma Open Records Act.  
9 However, the report shall still indicate what entities are subject  
10 to the Memorandum of Understanding or Memorandum of Agreement and  
11 its duration.

12       E. Memorandums of Understanding or Memorandums of Agreement  
13 solely between departments or agencies of this state shall cite  
14 authority granted in the Constitution of the State of Oklahoma for  
15 the subject addressed in the Memorandum of Understanding or  
16 Memorandum of Agreement. Memorandums of Understanding or  
17 Memorandums of Agreement between any department or agency of this  
18 state and any agencies, departments, and any organizations receiving  
19 appropriated money, grants, contracts, or funds from the government  
20 of the United States, as well as any company that serves as a  
21 contractor to the government of the United States shall cite the  
22 authority granted in the Constitution of the United States as well  
23 as the Constitution of the State of Oklahoma for the subject  
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1 addressed in the Memorandum of Understanding or Memorandum of  
2 Agreement.

3 SECTION 3. This act shall become effective November 1, 2014.  
4 Passed the Senate the 4th day of March, 2014.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2014.

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Presiding Officer of the House  
of Representatives

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