

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL NO. 2080

By: Dahm

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7 COMMITTEE SUBSTITUTE

8 An Act relating to Memorandums of Understanding;
9 creating the Memorandum of Understanding Act;
10 providing short title; defining term; requiring
11 agencies to provide certain legislative committees
12 with certain proposed agreements; requiring agencies
13 to publish certain documents; requiring agencies to
14 publish certain annual report; providing for content
15 of report; providing certain exception; requiring
16 certain constitutional cites; providing for
17 codification; and providing an effective date.

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

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

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

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-161 of Title 47, unless there
is created a duplication in numbering, reads as follows:

1 A. For purposes of the Memorandum of Understanding Act, "state
2 agency" means any office, bureau, board, counsel, commission,
3 institution, division or body of the executive branch, including
4 political subdivisions.

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

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

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

1 2. The duration of the Memorandum of Understanding or
2 Memorandum of Agreement;

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

5 4. The purpose of the Memorandum of Understanding or Memorandum
6 of Agreement; and

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

10 D. Provided, the state agency shall 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, the report shall still indicate what entities are subject
14 to the Memorandum of Understanding or Memorandum of Agreement and
15 its duration.

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

1 contractor to the government of the United States shall cite the
2 authority granted in the Constitution of the United States as well
3 as the Constitution of the State of Oklahoma for the subject
4 addressed in the Memorandum of Understanding or Memorandum of
5 Agreement.

6 SECTION 3. This act shall become effective November 1, 2014.

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