

1 ENGROSSED SENATE  
2 BILL NO. 2080

By: Dahm of the Senate

3 and

4 Echols of the House

5  
6 [ Memorandums of Understanding - Memorandum of  
7 Understanding Act - proposed agreements -  
8 codification - effective date ]  
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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, including  
22 political subdivisions, but shall not include any nonappropriated  
23 state agency as defined pursuant to Section 35.3 of Title 62 of the  
24 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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