

An Act

ENROLLED SENATE
BILL NO. 2080

By: Dahm of the Senate

and

Walker and Echols of the
House

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

SUBJECT: Production of Memorandums of Understanding or Agreements

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 but shall not include any nonappropriated state agency as defined pursuant to Section 35.3 of Title 62 of the Oklahoma Statutes, the Oklahoma State Regents for Higher Education, the institutions of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education, the Oklahoma Department of Career and Technology Education, technology center school districts and school districts as defined by Section 1-108 of Title 70 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

E. Memorandums of Understanding or Memorandums of Agreement solely between departments or agencies of this state shall cite authority granted in the Constitution of the State of Oklahoma for the subject addressed in the Memorandum of Understanding or Memorandum of Agreement. Memorandums of Understanding or Memorandums of Agreement between any agencies, departments and any organizations receiving appropriated money, grants, contracts from the State of Oklahoma, or any other state, or funds from the government of the United States shall cite the authority granted in the Constitution of the United States as well as the Constitution of the State of Oklahoma for the subject addressed in the Memorandum of Understanding or Memorandum of Agreement.

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

Passed the Senate the 15th day of May, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____