SENATE FLOOR VERSION
February 16, 2015

SENATE BILL NO. 346 By: Dahm of the Senate

and

Walker of the House

An Act relating to agency agreements; creating the Governor's Transparency Act of 2015; providing short title; defining term; requiring agencies to publish certain documents; requiring agencies to publish certain report; providing for content of report; requiring agencies to provide certain legislative committees with certain proposed agreements; providing certain exception; requiring certain legal citations; providing for codification; and providing an effective date.

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 "Governor's Transparency Act of 2015".

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 Governor's Transparency Act of 2015, "state agency" shall have the same meaning pursuant to Section 3301 of Title 74 of the Oklahoma Statutes.

B. Upon the effective date of this act, a state agency entering into a Memorandum of Understanding or Memorandum of Agreement with any agency, department or any organization receiving appropriated money, grants, contracts from the State of Oklahoma or any other state or funds from the government of the United States shall publish a report on its website and the documents.ok.gov website of all Memorandums of Understanding or Memorandums of Agreement within fifteen (15) business days of the Memorandum's effective date. The 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 or statutory provisions allowing for the subject addressed in the Memorandum of Understanding or Memorandum of Agreement.

C. 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.

D. Provided, the state agency may 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, a report shall still be published to indicate what entities are subject to the privileged 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 the state constitutional or statutory authority granted 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 by federal or state statute and/or 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, 2015.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT

February 16, 2015 - DO PASS