

1 ENGROSSED SENATE  
2 BILL NO. 637

By: Dahm of the Senate

3 and

4 Murphey of the House  
5

6 An Act relating to agency agreements; creating the  
7 Governor's Transparency Act of 2017; providing short  
8 title; defining term; requiring agencies to publish  
9 certain documents; requiring agencies to publish  
10 certain report; providing for content of report;  
11 requiring agencies to provide certain legislative  
12 committees with certain proposed agreements;  
13 providing certain exception; requiring certain legal  
14 citations; providing for codification; and providing  
15 an effective date.

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

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

20 This act shall be known and may be cited as the "Governor's  
21 Transparency Act of 2017".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3121 of Title 74, unless there  
24 is created a duplication in numbering, reads as follows:

25 A. For purposes of the Governor's Transparency Act of 2017,  
26 "state agency" shall have the same meaning pursuant to Section 3301  
27 of Title 74 of the Oklahoma Statutes.

1       B. Upon the effective date of this act, an appropriated state  
2 agency entering into a Memorandum of Understanding or Memorandum of  
3 Agreement with any agency, department or any organization receiving  
4 appropriated money, grants, contracts from the State of Oklahoma or  
5 any other state or funds from the government of the United States  
6 shall publish a report on its website and the documents.ok.gov  
7 website of all Memorandums of Understanding or Memorandums of  
8 Agreement within fifteen (15) business days of the Memorandum's  
9 effective date. The report shall contain a detailed accounting of  
10 each Memorandum of Understanding or Memorandum of Agreement which  
11 shall include:

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

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

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

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

20       5. The constitutional or statutory provisions allowing for the  
21 subject addressed in the Memorandum of Understanding or Memorandum  
22 of Agreement.

23       C. When any state agency enters into a Memorandum of  
24 Understanding or Memorandum of Agreement, and when the state

1 Legislature is in session, the state agency shall provide the chair  
2 and committee members of the appropriate legislative committee,  
3 based on the subject matter or agency executing the document, with a  
4 copy of the Memorandum of Understanding or Memorandum of Agreement.

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

11 E. Memorandums of Understanding or Memorandums of Agreement  
12 solely between departments or agencies of this state shall cite the  
13 state constitutional or statutory authority granted for the subject  
14 addressed in the Memorandum of Understanding or Memorandum of  
15 Agreement. Memorandums of Understanding or Memorandums of Agreement  
16 between any agencies, departments and any organizations receiving  
17 appropriated money, grants, contracts from the State of Oklahoma, or  
18 any other state or funds from the government of the United States  
19 shall cite the authority granted by federal or state statute and/or  
20 in the Constitution of the United States as well as the Constitution  
21 of the State of Oklahoma for the subject addressed in the Memorandum  
22 of Understanding or Memorandum of Agreement.

23 SECTION 3. This act shall become effective November 1, 2017.  
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1 Passed the Senate the 9th day of March, 2017.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2017.

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9 Presiding Officer of the House  
10 of Representatives