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February 13, 2017

SENATE BILL NO. 637

By: Dahm of the Senate

and

Murphey of the House

An Act relating to agency agreements; creating the Governor's Transparency Act of 2017; 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 2017".

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:

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

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

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

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

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

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

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

1 C. 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 the appropriate legislative committee, based on the subject
5 matter or agency executing the document, with a copy of the
6 Memorandum of Understanding or Memorandum of Agreement.

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

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

SECTION 3. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
February 13, 2017 - DO PASS