

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1523

By: Bullard

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5  
6 AS INTRODUCED

7 An Act relating to program evaluation; allowing  
8 public entities to enter into certain agreements;  
9 stating requirements for certain contracts; requiring  
10 certain findings to be reported; mandating certain  
11 information to be public for a certain amount of  
12 time; requiring an assessment after each fiscal year;  
13 providing for codification; and providing an  
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 17-116 of Title 11, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Any municipality that enters into an agreement or a contract  
20 with a third party for the assessment, evaluation, or audit of  
21 programs or services involving initiatives including but not limited  
22 to diversity, inclusion, antiracism, or social justice shall meet  
23 the following requirements:

24 1. Municipalities shall be prohibited from utilizing informal  
25 agreements for assessment or evaluation;

1           2. All contracts issued pursuant to this section must include  
2 provisions that require the contractor to prepare and deliver a  
3 public presentation of the contractor's work product or analysis.  
4 The presentation shall be in compliance with the Oklahoma Open  
5 Meeting Act; and

6           3. All contracts executed pursuant to this section shall  
7 include and require measurable objectives and benchmarks to measure  
8 the effectiveness of the municipalities addressing stated  
9 initiatives.

10           B. If a contractor hired by a municipality determines after  
11 conducting an independent assessment or evaluation that a  
12 municipality has created an environment that is not diverse,  
13 inclusive, or has failed to implement measures to address systemic  
14 racism, or has otherwise created a hostile environment, the  
15 municipality shall report the findings to the appropriate civil  
16 rights entity to ensure a full investigation is conducted and the  
17 municipality is brought into compliance.

18           C. Any municipality that implements new policies, programs, or  
19 initiatives in response to an assessment or evaluation to address  
20 findings identified by a contractor shall be required to conduct a  
21 subsequent audit one (1) calendar year after the completion date of  
22 the initial audit to determine the effectiveness of the public  
23 entity's response to the findings.

1 D. A municipality may also execute contracts to receive  
2 training, professional development, or other services related but  
3 not limited to anti-discrimination, diversity, inclusion, or social  
4 justice.

5 Municipalities shall be prohibited from using the same contract  
6 to procure both evaluation services and training.

7 E. The work product of any contract between a contractor and  
8 municipality shall be made available on the municipality's website.  
9 The work product shall include but is not limited to reports,  
10 analysis, plans, and recommendations of the contractor.

11 F. Municipalities shall not implement new policies, programs, or  
12 initiatives until all relevant materials have been made available to  
13 the public for comment for at least thirty (30) days.

14 G. Any plan, programs, initiatives, or proposals by  
15 municipalities to improve or address issues including but not  
16 limited to diversity, inclusion, racism, or social justice shall be  
17 posted publicly on the municipality's website. Any training or  
18 professional development shall be pursuant to this section.

19 H. At the conclusion of the municipality's fiscal year, an  
20 evaluation of the implemented plan shall be conducted to assess the  
21 effectiveness of the municipality's use of public funds to address  
22 stated issues.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 339.9 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Any county that enters into an agreement or a contract with  
5 a third party for the assessment, evaluation, or audit of programs  
6 or services involving initiatives including but not limited to  
7 diversity, inclusion, antiracism, or social justice shall meet the  
8 following requirements:

9 1. Counties shall be prohibited from utilizing informal  
10 agreements for assessment or evaluation;

11 2. All contracts issued pursuant to this section must include  
12 provisions that require the contractor to prepare and deliver a  
13 public presentation of the contractor's work product or analysis.  
14 The presentation shall be in compliance with the Oklahoma Open  
15 Meeting Act; and

16 3. All contracts executed pursuant to this section shall  
17 include and require measurable objectives and benchmarks to measure  
18 the effectiveness of the counties addressing stated initiatives.

19 B. If a contractor hired by a county determines after  
20 conducting an independent assessment or evaluation that a county has  
21 created an environment that is not diverse, inclusive, or has failed  
22 to implement measures to address systemic racism, or has otherwise  
23 created a hostile environment, the municipality shall report the  
24 findings to the appropriate civil rights enforcement entity to

1 ensure a full investigation is conducted and the county is brought  
2 into compliance.

3 C. Any county that implements new policies, programs, or  
4 initiatives in response to an assessment or evaluation to address  
5 findings identified by a contractor shall be required to conduct a  
6 subsequent audit one (1) calendar year after the completion date of  
7 the initial audit to determine the effectiveness of the public  
8 entity's response to the findings.

9 D. A county may also execute contracts to receive training,  
10 professional development, or other services related but not limited  
11 to anti-discrimination, diversity, inclusion, or social justice.

12 Counties shall be prohibited from using the same contract to  
13 procure both evaluation services and training.

14 E. The work product of any contract between a contractor and  
15 county shall be made available on the county's website. The work  
16 product shall include but is not limited to reports, analysis,  
17 plans, and recommendations of the contractor.

18 F. Counties shall not implement new policies, programs, or  
19 initiatives until all relevant materials have been made available to  
20 the public for comment for at least thirty (30) days.

21 G. Any plans, programs, initiatives, or proposals by counties  
22 to improve or address issues including but not limited to diversity,  
23 inclusion, racism, or social justice shall be posted publicly on the  
24

1 county's website. Any training or professional development shall be  
2 pursuant to this section.

3 H. At the conclusion of the county's fiscal year, an evaluation  
4 of the implemented plan shall be conducted to assess the  
5 effectiveness of the county's use of public funds to address stated  
6 issues.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 85.44F of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Any state agency that enters into an agreement or a contract  
11 with a third party for the assessment, evaluation, or audit of  
12 programs or services involving initiatives including but not limited  
13 to, diversity, inclusion, antiracism, or social justice shall meet  
14 the following requirements:

15 1. Agencies shall be prohibited from utilizing informal  
16 agreements for assessment or evaluation;

17 2. All contracts issued pursuant to this section must include  
18 provisions that the contractor shall deliver a public presentation  
19 of the contractor's product or analysis. The presentation shall be  
20 in compliance with the Oklahoma Open Meeting Act; and

21 3. All contracts executed pursuant to this section shall  
22 include and require measurable objectives and benchmarks to measure  
23 the effectiveness of the agencies addressing stated initiatives.  
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1 B. If a contractor hired by an agency determines after  
2 conducting an independent assessment or evaluation that a county has  
3 created an environment that is not diverse, inclusive, or has failed  
4 to implement measures to address systemic racism, or has otherwise  
5 created a hostile environment, the municipality shall report the  
6 findings to the appropriate civil rights enforcement entity to  
7 ensure a full investigation is conducted and the agency is brought  
8 into compliance.

9 C. Any agency that implements new policies, programs, or  
10 initiatives in response to an assessment or evaluation to address  
11 findings identified by a contractor shall be required to conduct a  
12 subsequent audit one (1) calendar year after the completion date of  
13 the initial audit to determine the effectiveness of the public  
14 entity's response to the findings.

15 D. An agency may also execute contracts to receive training,  
16 professional development, or other services related but not limited  
17 to anti-discrimination, diversity, inclusion, or social justice.

18 Agencies shall be prohibited from using the same contract to  
19 procure both evaluation services and training.

20 E. The work product of any contract between a contractor and  
21 agency shall be made available on the county's website. The work  
22 product shall include but is not limited to presentations, reports,  
23 analysis, plans, and recommendations of the contractor.

1 F. Agencies shall not implement new policies, programs, or  
2 initiatives until all relevant materials have been made available to  
3 the public for comment for at least thirty (30) days.

4 G. Any plans, programs, initiatives, or proposals by agencies  
5 to improve or address issues including but not limited to diversity,  
6 inclusion, racism, or social justice shall be posted publicly on the  
7 agency's website. Any training or professional development shall be  
8 pursuant to this section.

9 H. At the conclusion of the agency's fiscal year, an evaluation  
10 of the implemented plan shall be conducted to assess the  
11 effectiveness of the agency's use of public funds to address stated  
12 issues.

13 SECTION 4. This act shall become effective November 1, 2022.

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