

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE  
5 BILL NO. 346

By: Dahm and Allen of the  
Senate

6 and

7 Walker of the House

8  
9 An Act relating to agency agreements; creating the  
10 Governor's Transparency Act of 2015; providing short  
11 title; defining term; requiring agencies to publish  
12 certain documents; requiring agencies to publish  
13 certain report; providing for content of report;  
14 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.

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

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

21 This act shall be known and may be cited as the "Governor's  
22 Transparency Act of 2015".  
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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3121 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

3 5. The constitutional or statutory provisions allowing for the  
4 subject addressed in the Memorandum of Understanding or Memorandum  
5 of Agreement.

6 C. When any state agency enters into a Memorandum of  
7 Understanding or Memorandum of Agreement, and when the state  
8 Legislature is in session, the state agency shall provide the chair  
9 of the appropriate legislative committee, based on the subject  
10 matter or agency executing the document, with a copy of the  
11 Memorandum of Understanding or Memorandum of Agreement.

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

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

7 SECTION 3. This act shall become effective November 1, 2015.

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9 COMMITTEE REPORT BY: COMMITTEE ON STATE GOVERNMENT OPERATIONS, dated  
10 03/23/2015 - DO PASS, As Coauthored.

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