

1 **SENATE FLOOR VERSION**

2 February 13, 2017

3 SENATE BILL NO. 637

By: Dahm of the Senate

4 and

5 **Murphey** of the House

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

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

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

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

24 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

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