

An Act

ENROLLED SENATE
BILL NO. 1xx

By: Treat of the Senate

and

McCall of the House

An Act relating to the Oklahoma State Finance Act; declaring that the State of Oklahoma is the recipient of certain funds; stating that the Legislature shall not be considered a subrecipient of certain funds; directing certain management of federal ARPA funds by the Office of Management and Enterprise Services; providing for grant agreements; requiring certain weekly reporting on status of grant agreements; requiring quarterly reporting of certain expenditures; amending 62 O.S. 2021, Section 34.6, which relates to the general powers and duties of the Director; modifying duties; requiring technical assistance be provided to certain agencies; updating statutory language; providing for codification; and declaring an emergency.

SUBJECT: Oklahoma State Finance Act

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 255.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the American Rescue Plan Act of 2021 (ARPA), Public Law 117-2, the State of Oklahoma is the recipient of the federal ARPA funds drawn down by the Office of Management and Enterprise Services (OMES). The Oklahoma Legislature shall not be considered a subrecipient of the ARPA funds. The Office of Management and Enterprise Services shall be the responsible entity

for any claw back penalties, legal, or other recoupment costs for the state.

B. 1. The Legislature authorizes the Office of Management and Enterprise Services to manage federal APRA funds by requiring all receiving entities known as subrecipients to sign a grant agreement. Any entity, without exception, including state agencies receiving an appropriation from the Statewide Recovery Fund or a similar fund with federal requirement attached to its use shall have a fully executed grant agreement in place within sixty (60) days after enactment of any legislation that appropriates funding from the Statewide Recovery Fund of the State Treasury created in Section 1, Chapter 319, O.S.L. 2022, and be in compliance with such agreement before a disbursement can be made. The mutually agreed upon grant agreement, as reviewed and approved by the subrecipient's legal counsel or advisor, shall be between the Office of Management and Enterprise Services and the subrecipient. The grant agreement shall be standard for all receiving entities and shall be executed by an executive officer of the Office of Management and Enterprise Services and the subrecipient. The grant agreement shall outline the disbursement schedule, the subrecipient's efforts for compliance with the federal requirements for the use of the funds, including auditing, reporting, further disbursement, and cash management procedures as well as compliance with the Oklahoma laws governing the administration of the subrecipient. The requirements of this subsection shall also apply when a receiving entity has been designated as both a pass-through entity and a subrecipient.

2. The Office of Management and Enterprise Services shall publish a weekly report, to the Chairs of the Joint Committee on Pandemic Relief Funding and make available to the public on the state's website, of the status of all grant agreements, until such agreements are fully executed.

C. The Office of Management and Enterprise Services shall provide to Chairs of the Joint Committee on Pandemic Relief Funding and make available to the public on the state's website, a quarterly report of all expenditures of ARPA funds. The quarterly report shall include, but not be limited to, any impediments to distribution and corrective action necessary.

SECTION 2. AMENDATORY 62 O.S. 2021, Section 34.6, is amended to read as follows:

Section 34.6. A. The Director of the Office of Management and Enterprise Services shall have the power and duty under the direction of the Governor to:

1. Prepare the budget document and assist in the drafting of legislation to make it effective;

2. Make field surveys and studies of governmental agencies, looking toward economy and greater efficiency;

3. Make allotments to control expenditures;

4. Authorize transfers of appropriation authorized by law;

5. Study accounting and other reports rendered by the Division of Central Accounting and Reporting ~~Division~~;

6. Enter into agreements with the United States Secretary of the Treasury for the purpose of implementing federal law;

7. Aid the Governor in the economical management of state affairs; and

8. Adopt such rules and regulations concerning the exercise of powers and duties as the Director shall deem appropriate, in accordance with the Administrative Procedures Act.

B. In addition to other duties, the Director of the Office of Management and Enterprise Services shall, upon request, advise and consult with members of the Legislature and legislative committees concerning revenue and expenditures of state agencies.

C. The Director of the Office of Management and Enterprise Services shall publish daily reports of all expenditures of funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act on the Oklahoma Checkbook page on the state website.

D. The Director of the Office of Management and Enterprise Services shall report weekly on the status of all grant agreements, as provided for in Section 1 of this act.

E. The Director of the Office of Management and Enterprise Services shall report quarterly to the chairs of the Joint Committee on Pandemic Relief Funding and make available to the public on the state's website, a quarterly report of all expenditures of federal funds drawn down from the American Rescue Plan Act 2021 (ARPA), Public Law 117-2.

F. The Director of the Office of Management and Enterprise Services shall provide technical assistance to agencies seeking to comply with state law and federal guidelines as a recipient of federal funds. Technical assistance shall include, but not be limited to, procurement and competitive bidding requirements assistance, capital expenditure assistance, model templates, model agreements, grants management software or other advice, recommended reporting, and accounting of federal funds, to all state agencies who request technical assistance.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 29th day of September, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of September,
2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____