

An Act

(2ND EXTRAORDINARY SESSION)

ENROLLED HOUSE

BILL NO. 1011

By: Wallace, Hilbert, Phillips,
Luttrell, Dollens, and
Ranson of the House

and

Thompson and Hall of the
Senate

An Act relating to the Oklahoma Broadband Office;
making appropriations; identifying sources;
establishing amounts; providing purposes; requiring
and limiting the utilization of funds; creating
certain special subaccounts; limiting duration of
subaccounts; requiring certain determination;
providing and limiting the nature of subaccounts and
funds within subaccounts; authorizing agency to
submit request for certain treatment of funds;
requiring certain compliance and verification;
authorizing certain memorandums of understanding;
limiting scope; prohibiting certain memoranda terms;
authorizing and limiting the promulgation of rules
and utilization of procedures; authorizing and
limiting the retention of monies for administration
costs; requiring certain reports and submissions to
certain entities; requiring appearance before certain
joint committee; limiting duration of certain
requirements; providing determination process; and
providing for noncodification.

SUBJECT: Oklahoma Broadband Office

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

There is hereby appropriated to the State Broadband Grant Program Revolving Fund from any monies not otherwise appropriated from the Statewide Recovery Fund of the State Treasury created in Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Three Hundred Eighty-two Million One Hundred Forty-four Thousand Dollars (\$382,144,000.00) to be budgeted and expended in accordance with the provisions of Section 10 of Enrolled House Bill No. 3363 of the 2nd Session of the 58th Oklahoma Legislature. Such funds shall be utilized in a manner consistent with the recommendations adopted by the Joint Committee on Pandemic Relief Funding on September 20, 2022.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

There is hereby appropriated to the State Broadband Grant Program Revolving Fund from any monies not otherwise appropriated from the Statewide Recovery Fund of the State Treasury created in Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of One Hundred Sixty-seven Million Six Hundred Eighty-three Thousand Seven Hundred Forty-seven Dollars (\$167,683,747.00), constituting the American Rescue Plan Act's Capital Projects Funds, to be budgeted and expended in accordance with the provisions of Section 10 of Enrolled House Bill No. 3363 of the 2nd Session of the 58th Oklahoma Legislature. Such funds shall be utilized in a manner consistent with the recommendations adopted by the Joint Committee on Pandemic Relief Funding on September 20, 2022.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created Statewide Recovery Special Subaccounts for the State Broadband Grant Program Revolving Fund for each appropriation section of this act. The duration of such subaccounts shall continue for the period of time that monies related to the American Rescue Plan Act of 2021 are being budgeted, expended, or managed in the state. The ending of such period shall be determined by the State Treasurer, and shall result in the closing of such subaccounts as a matter of law. Such subaccounts shall be continuing subaccounts as otherwise provided in this section, not subject to fiscal year limitations, and shall exclusively consist of monies related to the relevant appropriation made in this act and as otherwise directed by law. All monies

deposited to the credit of such subaccounts are hereby appropriated and may be budgeted and expended by the Oklahoma Broadband Office in accordance with the provisions of this act and the Oklahoma Broadband Expansion Act. Expenditures from such subaccounts shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The Oklahoma Broadband Office is authorized to request in writing that the monies appropriated by the provisions of this act be administered and accounted for as subaccounts of the State Broadband Grant Program Revolving Fund. No later than seven (7) calendar days from the date of such request, the Director of the Office of Management and Enterprise Services shall comply with such request and verify to the requesting agency that such administration and accounting procedures have been initiated by the Office of Management and Enterprise Services.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Oklahoma Broadband Office may enter into memorandums of understanding with other agencies of the State of Oklahoma for the auditing, documentation, evaluation, implementation, oversight, reporting, and management of funds and associated efforts related to the appropriations made in this act; provided, that no such memorandum of understanding shall require or include, as an option or condition, the direct or practical transfer or relinquishment of control by the agency appropriated such funds to budget, expend, allocate, and request the distribution of the funds appropriated by this act.

SECTION 5. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Oklahoma Broadband Office may promulgate rules, utilize existing rules, establish procedures, and utilize existing procedures to implement the provisions of this act; provided, such rules and procedures do not conflict with or impede the provisions of this act.

SECTION 6. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Oklahoma Broadband Office shall retain no more than two percent (2%) of the funds appropriated by this act to reimburse:

1. Costs incurred by the Oklahoma Broadband Office; or
2. Costs incurred on the agency's behalf,

associated with the administration of the appropriated funds and programming required by the Oklahoma Broadband Office under the provisions of this act; provided, that no funds shall be retained that would be disallowable under the provisions of the American Rescue Plan Act of 2021.

SECTION 7. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The Oklahoma Broadband Office shall:

1. Submit to the Chairs of the Joint Committee on Pandemic Relief Funding, or any successor Oklahoma House of Representatives or Oklahoma State Senate legislative committee or joint committee, as designated by the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate:

- a. a written or electronic quarterly report detailing the budgeting, expenditure, and management of all monies appropriated in this act, and
- b. a copy of all memorandums of understanding and contracts with third parties entered into by the Oklahoma Broadband Office to facilitate, assist, or administer powers and duties provided to the Oklahoma Broadband Office under the provisions of this act; and

2. At the Joint Committee on Pandemic Relief Funding's request, appear before the Joint Committee no later than six (6) months after the effective date of this act, and as otherwise requested by the Joint Committee, to provide a status update regarding the implementation of the provisions of this act.

B. The provisions of subsection A of this section shall remain applicable for the period of time that monies appropriated under this act are being budgeted, expended, or managed in the state. The ending of such period shall be determined by the State Treasurer,

and shall be reported to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate.

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

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

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: _____