

# An Act

(2ND EXTRAORDINARY SESSION)

ENROLLED HOUSE

BILL NO. 1019

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

and

Thompson and Hall of the  
Senate

An Act relating to the Oklahoma Department of Commerce; making appropriations; identifying sources; establishing amounts; providing purposes; requiring and limiting the utilization of funds; creating certain special accounts; limiting duration of accounts; requiring certain determination; providing and limiting the nature of accounts and funds within accounts; authorizing agency to submit requests for certain deposit or transfer; 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 Department of Commerce

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 Oklahoma Department of Commerce from any monies not otherwise appropriated from the Progressing Rural Economic Prosperity Fund of the State Treasury created in Enrolled House Bill No. 4456 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty-five Million Dollars (\$25,000,000.00) or so much thereof as may be necessary to construct needed facility upgrades, including intermodal rail, at an industrial park associated with an industrial airpark with a runway nine thousand (9,000) feet or longer located in the southern region of the state in an effort to increase future economic development in the region.

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 Oklahoma Department of Commerce from any monies not otherwise appropriated from the Progressing Rural Economic Prosperity Fund of the State Treasury created in Enrolled House Bill No. 4456 of the 2nd Session of the 58th Oklahoma Legislature, the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to enhance trade with Latin America, Europe, and Southeast Asia.

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

There is hereby appropriated to the Oklahoma Department of Commerce from any monies not otherwise appropriated from the Progressing Rural Economic Prosperity Fund of the State Treasury created in Enrolled House Bill No. 4456 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty Million Dollars (\$20,000,000.00) or so much thereof as may be necessary to construct needed facility upgrades, such as fairground arena connectors, electrical infrastructure, and facilities associated with livestock events at a location where statewide events commonly referred to as a "state fair" occurs in the central region of the state.

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

There is hereby appropriated to the Oklahoma Department of Commerce from any monies not otherwise appropriated from the

Progressing Rural Economic Prosperity Fund of the State Treasury created in Enrolled House Bill No. 4456 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty-nine Million Nine Hundred Fifty Thousand Dollars (\$29,950,000.00) or so much thereof as may be necessary to fund facility upgrades, including electric, water, natural gas, sewer, fiber, site access and land remediation at industrial parks, airparks, and ports in counties not receiving funding from the Pandemic Relief Primary Source Revolving Fund or Pandemic Relief Secondary Source Revolving Fund, both created by Enrolled House Bill No. 1021 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature, provided that the Department distributes such funds evenly amongst the congressional districts of the state so as to provide statewide economic impact.

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

A. There is hereby created in the State Treasury a Statewide Recovery Special Account for the Oklahoma Department of Commerce for each appropriation section of this act. The duration of such accounts 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 accounts as a matter of law. Such accounts shall be continuing accounts 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 accounts are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Commerce in accordance with the provisions of this act. Expenditures from such accounts 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 Department of Commerce is authorized to request in writing that the monies appropriated by the provisions of this act be deposited or transferred to the accounts created pursuant to subsection A of this section. 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 deposit or transfer has been completed.

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

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

The Oklahoma Department of Commerce 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 8. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

From the funds appropriated by Sections 1 through 4 of this act, the Oklahoma Department of Commerce shall retain no more than two percent (2%) of the funds appropriated by this act to reimburse:

1. Costs incurred by the Oklahoma Department of Commerce; or
2. Costs incurred on the agency's behalf,

associated with the administration of the appropriated funds and programming required by the Oklahoma Department of Commerce 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 9. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

From the funds appropriated by Section 1, Chapter 3, 2nd Extraordinary Session, O.S.L. 2022, the Oklahoma Department of

Commerce shall retain no more than two percent (2%) of the funds appropriated to reimburse:

1. Costs incurred by the Oklahoma Department of Commerce; or
2. Costs incurred on the agency's behalf,

associated with the administration of the appropriated funds and programming required by the Oklahoma Department of Commerce 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 10. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The Oklahoma Department of Commerce 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 Department of Commerce to facilitate, assist, or administer powers and duties provided to the Department 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.

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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: \_\_\_\_\_