

An Act

(2ND EXTRAORDINARY SESSION)

ENROLLED HOUSE

BILL NO. 1025

By: Wallace, Hilbert, and
Dollens of the House

and

Thompson and Hall of the
Senate

An Act relating to the administration of Statewide Recovery Funds; creating the Streamlined Pandemic Expenditure Execution and Distribution (SPEED) Act; stating purpose; requiring certain facilitation and assistance by the Office of Management and Enterprise Services; defining term; referencing certain enrolled legislative measures; creating certain special accounts; limiting duration of accounts; requiring certain determinations; providing and limiting the nature of accounts and funds within accounts; authorizing certain agencies to submit request 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; repealing Section 5 of Enrolled Senate Bill No. 429 of the 2nd Session of the 58th Oklahoma Legislature, which relates to the promulgation of rules; repealing Section 23 of Enrolled Senate Bill No. 1458 of the 2nd Session of the 58th Oklahoma Legislature, which relates to the promulgation of rules; repealing Section 2 of Enrolled Senate Bill No. 4 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature, which

relates to the promulgation of rules; repealing Section 2 of Enrolled Senate Bill No. 8 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature, which relates to the promulgation of rules; repealing Sections 5 and 6 of Enrolled Senate Bill No. 9 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature, which relate to the promulgation of rules; repealing Section 5 of Enrolled Senate Bill No. 11 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature, which relates to the promulgation of rules; providing for noncodification; and declaring an emergency.

SUBJECT: Administration of Statewide Recovery Funds

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:

A. This act shall be known and may be cited as the "Streamlined Pandemic Expenditure Execution and Distribution Act" or "SPEED Act".

B. In an effort to streamline the ongoing and future administration of appropriations 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, of American Rescue Plan Act of 2021 funding, the Office of Management and Enterprise Services shall facilitate and assist compliance by coordinating agencies, as defined in subsection C of this act, with the provisions of Sections 2 through 5 of this act.

C. For purposes of the SPEED Act, the term "coordinating agencies" shall include agencies receiving an appropriation under the provisions of any of the following:

1. Enrolled Senate Bill Nos. 429 and 1458 of the 2nd Session of the 58th Oklahoma Legislature;

2. Enrolled House Bill Nos. 1123 and 2779 of the 2nd Session of the 58th Oklahoma Legislature; or

3. Enrolled Senate Bill Nos. 4, 5, 6, 8, 9, 10, and 11 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature.

SECTION 2. 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 each coordinating agency for each appropriation to such agency made in a measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 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 pursuant to a measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 of 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 applicable coordinating agencies in accordance with the provisions of this act and enacted law associated with the specific appropriation. 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. Coordinating agencies are authorized to request in writing that the monies appropriated to such agency pursuant to a measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 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 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Coordinating agencies 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 monies appropriated to such agency pursuant to a measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 of 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 such funds.

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

Coordinating agencies may promulgate rules, utilize existing rules, establish procedures, and utilize existing procedures to implement the provisions of the applicable measures listed in paragraph 1, 2, or 3 of subsection C of Section 1 of this act; provided, such rules and procedures do not conflict with or impede the provisions of this act.

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

A. Coordinating agencies 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 to the agency pursuant to a measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 of this act, and
- b. a copy of all memorandums of understanding and contracts with third parties entered into by the coordinating agency to facilitate, assist, or administer powers and duties provided to the coordinating agency under the provisions of this act or the provisions of the applicable measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 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 the applicable measure listed in paragraph 1, 2, or 3 of subsection C of Section 1 of this act.

B. The provisions of subsection A of this section shall remain applicable for the period of time that associated monies appropriated under measures listed in paragraph 1, 2, or 3 of subsection C of Section 1 of 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.

SECTION 6. REPEALER Section 5 of Enrolled Senate Bill No. 429 of the 2nd Session of the 58th Oklahoma Legislature is hereby repealed.

SECTION 7. REPEALER Section 23 of Enrolled Senate Bill No. 1458 of the 2nd Session of the 58th Oklahoma Legislature is hereby repealed.

SECTION 8. REPEALER Section 2 of Enrolled Senate Bill No. 4 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature is hereby repealed.

SECTION 9. REPEALER Section 2 of Enrolled Senate Bill No. 8 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature is hereby repealed.

SECTION 10. REPEALER Sections 5 and 6 of Enrolled Senate Bill No. 9 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature are hereby repealed.

SECTION 11. REPEALER Section 5 of Enrolled Senate Bill No. 11 of the 2nd Extraordinary Session of the 58th Oklahoma Legislature is hereby repealed.

SECTION 12. 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 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: _____