

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1186

By: Thompson (Roger) and Hall
of the Senate

and

Wallace and Martinez of the
House

COMMITTEE SUBSTITUTE

An Act relating to the Department of Human Services;
making an appropriation; identifying source;
establishing amount; providing purpose; requiring and
limiting the utilization of funds; creating certain
special account; limiting duration of account;
requiring certain determinations; providing and
limiting the nature of the account and the funds
within the account; authorizing agency to submit
request for certain deposits or transfers; requiring
certain compliance and verifications; 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; establishing requirements; and
declaring an emergency.

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

1 SECTION 1. There is hereby appropriated to the Department of
2 Human Services from any monies not otherwise appropriated from the
3 Statewide Recovery Fund of the State Treasury created in Enrolled
4 House Bill No. 3349 of the 2nd Session of the 58th Oklahoma
5 Legislature, the sum of Twelve Million Eight Hundred Two Thousand
6 Nine Hundred Ninety-three Dollars (\$12,802,993.00) or so much
7 thereof as may be necessary to establish a grant program that
8 provides assistance to food programs which support the availability
9 of and access to affordable and nutritious foods. Such funds shall
10 be utilized in a manner consistent with the recommendations adopted
11 by the Joint Committee on Pandemic Relief Funding on May 11, 2023.

12 SECTION 2. A. There is hereby created in the State Treasury a
13 Statewide Recovery Special Account for the appropriated monies as
14 provided for in Section 1 of this act. The duration of such account
15 shall continue for the period of time that monies related to the
16 American Rescue Plan Act of 2021 are being budgeted, expended, or
17 managed in the state. The ending of such period shall be determined
18 by the State Treasurer, and shall result in the closing of such
19 account as a matter of law. Such account shall be a continuing
20 account as otherwise provided in this section, not subject to fiscal
21 year limitations, and shall exclusively consist of monies related to
22 the relevant appropriation made in this act and as otherwise
23 directed by law. All monies deposited to the credit of such account
24 are hereby appropriated and may be budgeted and expended by the

1 Department of Human Services in accordance with the provisions of
2 this act. Expenditures from such account shall be made upon
3 warrants issued by the State Treasurer against claims filed as
4 prescribed by law with the Director of the Office of Management and
5 Enterprise Services for approval and payment.

6 B. The Department of Human Services is authorized to request in
7 writing that the monies appropriated by the provisions of this act
8 be deposited or transferred to the account created pursuant to
9 subsection A of this section. No later than seven (7) calendar days
10 from the date of such request, the Director of the Office of
11 Management and Enterprise Services shall comply with such request
12 and verify to the requesting agency that such deposit or transfer
13 has been completed.

14 SECTION 3. The Department of Human Services may enter into
15 memorandums of understanding with other agencies of the State of
16 Oklahoma for the auditing, documentation, evaluation,
17 implementation, oversight, reporting, and management of funds and
18 associated efforts related to the appropriation made in this act;
19 provided, no such memorandum of understanding shall require or
20 include, as an option or condition, the direct or practical transfer
21 or relinquishment of control by the agency appropriated such funds
22 to budget, expend, allocate, and request the distribution of the
23 funds appropriated by this act.

1 SECTION 4. The Department of Human Services may promulgate
2 rules, utilize existing rules, establish procedures, and utilize
3 existing procedures to implement the provisions of this act,
4 provided such rules and procedures do not conflict with or impede
5 the provisions of this act.

6 SECTION 5. The Department of Human Services shall retain no
7 more than two percent (2%) of the funds appropriated by this act to
8 reimburse:

- 9 1. Costs incurred by the Department of Human Services; or
10 2. Costs incurred on the agency's behalf,
11 associated with the administration of the appropriated funds and
12 programming required by the Department of Human Services under the
13 provisions of this act; provided, no funds shall be retained that
14 would be disallowable under the provisions of the American Rescue
15 Plan Act of 2021.

16 SECTION 6. A. The Department of Human Services shall:

- 17 1. Submit to the chairs of the Joint Committee on Pandemic
18 Relief Funding, or any successor of the Oklahoma State Senate or
19 Oklahoma House of Representatives legislative committee or joint
20 committee, as designated by the President Pro Tempore of the
21 Oklahoma State Senate and the Speaker of the Oklahoma House of
22 Representatives:
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- 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 Department of Human Services to facilitate, assist, or administer powers and duties provided to the Department of Human Services 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, President Pro Tempore of the Oklahoma State Senate, and the Speaker of the Oklahoma House of Representatives.

SECTION 7. For all projects funded in this measure, if a nonprofit 501(c)(3) organization may help implement the project, the

1 Department of Human Services shall require the nonprofit show that
2 it:

3 1. Provides direct services to residents of Oklahoma;

4 2. Is in good standing with the Office of the Secretary of
5 State;

6 3. Is in compliance with the applicable federal and Oklahoma
7 tax laws for years 2019, 2020, and 2021; and

8 4. Continues to provide its good standing with the Office of
9 the Secretary of State and is in compliance with applicable federal
10 and Oklahoma tax laws for all years the nonprofit is helping
11 implement the program.

12 SECTION 8. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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