

1 ENGROSSED SENATE
2 BILL NO. 1186

By: Thompson (Roger) and Hall
of the Senate

3 and

4 Wallace and Martinez of the
5 House

6
7 An Act relating to the Department of Human Services;
8 making an appropriation; identifying source;
9 establishing amount; providing purpose; requiring and
10 limiting the utilization of funds; creating certain
11 special account; limiting duration of account;
12 requiring certain determinations; providing and
13 limiting the nature of the account and the funds
14 within the account; authorizing agency to submit
15 request for certain deposits or transfers; requiring
16 certain compliance and verifications; authorizing
17 certain memorandums of understanding; limiting scope;
18 prohibiting certain memoranda terms; authorizing and
19 limiting the promulgation of rules and utilization of
20 procedures; authorizing and limiting the retention of
21 monies for administration costs; requiring certain
22 reports and submissions to certain entities;
23 requiring appearance before certain joint committee;
24 limiting duration of certain requirements; providing
determination process; establishing requirements; and
declaring an emergency.

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

20 SECTION 1. There is hereby appropriated to the Department of
21 Human Services from any monies not otherwise appropriated from the
22 Statewide Recovery Fund of the State Treasury created in Enrolled
23 House Bill No. 3349 of the 2nd Session of the 58th Oklahoma
24 Legislature, the sum of Twelve Million Eight Hundred Two Thousand

1 Nine Hundred Ninety-three Dollars (\$12,802,993.00) or so much
2 thereof as may be necessary to establish a grant program that
3 provides assistance to food programs which support the availability
4 of and access to affordable and nutritious foods. Such funds shall
5 be utilized in a manner consistent with the recommendations adopted
6 by the Joint Committee on Pandemic Relief Funding on May 11, 2023.

7 SECTION 2. A. There is hereby created in the State Treasury a
8 Statewide Recovery Special Account for the appropriated monies as
9 provided for in Section 1 of this act. The duration of such account
10 shall continue for the period of time that monies related to the
11 American Rescue Plan Act of 2021 are being budgeted, expended, or
12 managed in the state. The ending of such period shall be determined
13 by the State Treasurer, and shall result in the closing of such
14 account as a matter of law. Such account shall be a continuing
15 account as otherwise provided in this section, not subject to fiscal
16 year limitations, and shall exclusively consist of monies related to
17 the relevant appropriation made in this act and as otherwise
18 directed by law. All monies deposited to the credit of such account
19 are hereby appropriated and may be budgeted and expended by the
20 Department of Human Services in accordance with the provisions of
21 this act. Expenditures from such account shall be made upon
22 warrants issued by the State Treasurer against claims filed as
23 prescribed by law with the Director of the Office of Management and
24 Enterprise Services for approval and payment.

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

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

19 SECTION 4. The Department of Human Services may promulgate
20 rules, utilize existing rules, establish procedures, and utilize
21 existing procedures to implement the provisions of this act,
22 provided such rules and procedures do not conflict with or impede
23 the provisions of this act.

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

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

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

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

18 a. a written or electronic quarterly report detailing the
19 budgeting, expenditure, and management of all monies
20 appropriated in this act, and

21 b. a copy of all memorandums of understanding and
22 contracts with third parties entered into by the
23 Department of Human Services to facilitate, assist, or
24 administer powers and duties provided to the

1 Department of Human Services under the provisions of
2 this act; and

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

8 B. The provisions of subsection A of this section shall remain
9 applicable for the period of time that monies appropriated under
10 this act are being budgeted, expended, or managed in the state. The
11 ending of such period shall be determined by the State Treasurer,
12 and shall be reported to the Governor, President Pro Tempore of the
13 Oklahoma State Senate, and the Speaker of the Oklahoma House of
14 Representatives.

15 SECTION 7. For all projects funded in this measure, if a
16 nonprofit 501(c)(3) organization may help implement the project, the
17 Department of Human Services shall require the nonprofit show that
18 it:

19 1. Provides direct services to residents of Oklahoma;

20 2. Is in good standing with the Office of the Secretary of
21 State;

22 3. Is in compliance with the applicable federal and Oklahoma
23 tax laws for years 2019, 2020, and 2021; and
24

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

SECTION 8. 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 17th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2023.

Presiding Officer of the House
of Representatives