

1 ENGROSSED SENATE
2 BILL NO. 1189

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 Mental Health
8 and Substance Abuse Services; making an
9 appropriation; identifying source; establishing
10 amount; providing purpose; requiring and limiting the
11 utilization of funds; creating certain special
12 account; limiting duration of account; requiring
13 certain determinations; providing and limiting the
14 nature of the account and the funds within the
15 account; authorizing agency to submit request for
16 certain deposits or transfers; requiring certain
17 compliance and verifications; authorizing certain
18 memorandums of understanding; limiting scope;
19 prohibiting certain memoranda terms; authorizing and
20 limiting the promulgation of rules and utilization of
21 procedures; authorizing and limiting the retention of
22 monies for administration costs; requiring certain
23 reports and submissions to certain entities;
24 requiring appearance before certain joint committee;
limiting duration of certain 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 Mental Health and Substance Abuse Services from any monies not
22 otherwise appropriated from the Statewide Recovery Fund of the State
23 Treasury created in Enrolled House Bill No. 3349 of the 2nd Session
24 of the 58th Oklahoma Legislature, the sum of Eighteen Million Four

1 Hundred Sixty Thousand Dollars (\$18,460,000.00) or so much thereof
2 as may be necessary due to increased costs of the project funded in
3 Section 2 of Enrolled House Bill No. 1013 of the 2nd Extraordinary
4 Session of the 58th Oklahoma Legislature.

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

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

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

19 SECTION 4. The Department of Mental Health and Substance Abuse
20 Services may promulgate rules, utilize existing rules, establish
21 procedures, and utilize existing procedures to implement the
22 provisions of this act, provided such rules and procedures do not
23 conflict with or impede the provisions of this act.
24

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

4 1. Costs incurred by the Department of Mental Health and
5 Substance Abuse Services; or

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

12 SECTION 6. A. The Department of Mental Health and Substance
13 Abuse Services shall:

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

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

22 b. a copy of all memorandums of understanding and
23 contracts with third parties entered into by the
24 Department of Mental Health and Substance Abuse

1 Services to facilitate, assist, or administer powers
2 and duties provided to the Department of Mental Health
3 and Substance Abuse Services under the provisions of
4 this act; and

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

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

17 SECTION 7. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

1 Passed the Senate the 17th day of May, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives