

1 ENGROSSED HOUSE  
2 BILL NO. 2941

By: Wallace, Martinez, McBride,  
Baker, Deck, Blancett, and  
Rosecrants of the House

3  
4 and

Thompson (Roger) and Hall  
of the Senate

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

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 Arts Council from  
any monies not otherwise appropriated from the Statewide Recovery  
Fund of the State Treasury created in Enrolled House Bill No. 3349

1 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Ten  
2 Million Dollars (\$10,000,000.00) or so much thereof as may be  
3 necessary to address the negative economic impacts of the pandemic  
4 by providing assistance to impacted nonprofit organizations. Such  
5 funds shall be utilized in a manner consistent with the  
6 recommendations adopted by the Joint Committee on Pandemic Relief  
7 Funding on September 20, 2022.

8 SECTION 2. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 A. There is hereby created in the State Treasury a Statewide  
11 Recovery Special Account for the Oklahoma Arts Council. The  
12 duration of such accounts shall continue for the period of time that  
13 monies related to the American Rescue Plan Act of 2021 are being  
14 budgeted, expended, or managed in the state. The ending of such  
15 period shall be determined by the State Treasurer and shall result  
16 in the closing of such accounts as a matter of law. Such accounts  
17 shall be continuing accounts as otherwise provided in this section,  
18 not subject to fiscal year limitations, and shall exclusively  
19 consist of monies related to the relevant appropriations made in  
20 this act and as otherwise directed by law. All monies deposited to  
21 the credit of such accounts are hereby appropriated and may be  
22 budgeted and expended by the Oklahoma Arts Council in accordance  
23 with the provisions of this act. Expenditures from such accounts  
24 shall be made upon warrants issued by the State Treasurer against

1 claims filed as prescribed by law with the Director of the Office of  
2 Management and Enterprise Services for approval and payment.

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

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

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

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

1       The Oklahoma Arts Council may promulgate rules, utilize existing  
2 rules, establish procedures, and utilize existing procedures to  
3 implement the provisions of this act; provided, such rules and  
4 procedures do not conflict with or impede the provisions of this  
5 act.

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

8       The Oklahoma Arts Council shall retain no more than two percent  
9 (2%) of the funds appropriated by this act to reimburse:

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

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

18       A. The Oklahoma Arts Council shall:

- 19       1. Submit to the Chairs of the Joint Committee on Pandemic  
20 Relief Funding, or any successor Senate legislative or House of  
21 Representatives legislative committee or joint committee, as  
22 designated by the President Pro Tempore of the Oklahoma State Senate  
23 and the Speaker of the Oklahoma House of Representatives:

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1           a.    a written or electronic quarterly report detailing the  
2                    budgeting, expenditure, and management of all monies  
3                    appropriated in this act, and

4           b.    a copy of all memorandums of understanding and  
5                    contracts with third parties entered into by the  
6                    Oklahoma Arts Council to facilitate, assist, or  
7                    administer powers and duties provided to the Oklahoma  
8                    Arts Council under the provisions of this act; and

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

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

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

1 Passed the House of Representatives the 17th day of May, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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9 Presiding Officer of the Senate