

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4   ENGROSSED SENATE

5   BILL NO. 1186

By: Thompson (Roger) and Hall  
of the Senate

6   and

7   Wallace and Martinez of the  
8   House

9  
10       An Act relating to the Department of Human Services;  
11       making an appropriation; identifying source;  
12       establishing amount; providing purpose; requiring and  
13       limiting the utilization of funds; creating certain  
14       special account; limiting duration of account;  
15       requiring certain determinations; providing and  
16       limiting the nature of the account and the funds  
17       within the account; authorizing agency to submit  
18       request for certain deposits or transfers; requiring  
19       certain compliance and verifications; authorizing  
20       certain memorandums of understanding; limiting scope;  
21       prohibiting certain memoranda terms; authorizing and  
22       limiting the promulgation of rules and utilization of  
23       procedures; authorizing and limiting the retention of  
24       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.

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

23       SECTION 1. There is hereby appropriated to the Department of  
24   Human Services from any monies not otherwise appropriated from the

1 Statewide Recovery Fund of the State Treasury created in Enrolled  
2 House Bill No. 3349 of the 2nd Session of the 58th Oklahoma  
3 Legislature, the sum of Twelve Million Eight Hundred Two Thousand  
4 Nine Hundred Ninety-three Dollars (\$12,802,993.00) or so much  
5 thereof as may be necessary to establish a grant program that  
6 provides assistance to food programs which support the availability  
7 of and access to affordable and nutritious foods. Such funds shall  
8 be utilized in a manner consistent with the recommendations adopted  
9 by the Joint Committee on Pandemic Relief Funding on May 11, 2023.

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

1 warrants issued by the State Treasurer against claims filed as  
2 prescribed by law with the Director of the Office of Management and  
3 Enterprise Services for approval and payment.

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

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

22 SECTION 4. The Department of Human Services may promulgate  
23 rules, utilize existing rules, establish procedures, and utilize  
24 existing procedures to implement the provisions of this act,

1 provided such rules and procedures do not conflict with or impede  
2 the provisions of this act.

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

6 1. Costs incurred by the Department of Human Services; or

7 2. Costs incurred on the agency's behalf,

8 associated with the administration of the appropriated funds and  
9 programming required by the Department of Human Services under the  
10 provisions of this act; provided, no funds shall be retained that  
11 would be disallowable under the provisions of the American Rescue  
12 Plan Act of 2021.

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

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

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

23 b. a copy of all memorandums of understanding and  
24 contracts with third parties entered into by the

1 Department of Human Services to facilitate, assist, or  
2 administer powers and duties provided to the  
3 Department of Human 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, President Pro Tempore of the  
15 Oklahoma State Senate, and the Speaker of the Oklahoma House of  
16 Representatives.

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

- 21 1. Provides direct services to residents of Oklahoma;
  - 22 2. Is in good standing with the Office of the Secretary of  
23 State;
- 24

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

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

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

11  
12 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS  
13 AND BUDGET, dated 05/16/2023 - DO PASS, As Amended.  
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