

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE

5 BILL NO. 1190

By: Thompson (Roger) and Hall
of the Senate

6 and

7 Wallace and Martinez of the
8 House

9
10 An Act relating to Military Department of the State
11 of Oklahoma; making appropriations; identifying
12 source; establishing amounts; providing purposes;
13 requiring and limiting the utilization of funds;
14 creating certain special accounts; limiting duration
15 of accounts; requiring certain determination;
16 providing and limiting the nature of the accounts and
17 the funds within the accounts; authorizing agency to
18 submit request for certain deposits or transfers;
19 requiring certain compliance and verifications;
20 authorizing certain memorandums of understanding;
21 limiting scope; prohibiting certain memoranda terms;
22 authorizing and limiting the promulgation of rules
23 and utilization of procedures; authorizing and
24 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; and declaring an emergency.

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

22 SECTION 1. There is hereby appropriated to the Military
23 Department of the State of Oklahoma from any monies not otherwise
24 appropriated from the Statewide Recovery Fund of the State Treasury

1 created in Enrolled House Bill No. 3349 of the 2nd Session of the
2 58th Oklahoma Legislature, the sum of Two Million Two Hundred
3 Fifteen Thousand Dollars (\$2,215,000.00) or so much thereof as may
4 be necessary due to increased costs of the project funded in Section
5 1 of Enrolled Senate Bill No. 15 of the 2nd Extraordinary Session of
6 the 58th Oklahoma Legislature.

7 SECTION 2. There is hereby appropriated to the Military
8 Department of the State of Oklahoma from any monies not otherwise
9 appropriated from the Statewide Recovery Fund of the State Treasury
10 created in Enrolled House Bill No. 3349 of the 2nd Session of the
11 58th Oklahoma Legislature, the sum of One Million One Hundred Ninety
12 Thousand Dollars (\$1,190,000.00) or so much thereof as may be
13 necessary due to increased costs of the project funded in Section 2
14 of Enrolled Senate Bill No. 15 of the 2nd Extraordinary Session of
15 the 58th Oklahoma Legislature.

16 SECTION 3. There is hereby appropriated to the Military
17 Department of the State of Oklahoma from any monies not otherwise
18 appropriated from the Statewide Recovery Fund of the State Treasury
19 created in Enrolled House Bill No. 3349 of the 2nd Session of the
20 58th Oklahoma Legislature, the sum of Eight Hundred Thousand Dollars
21 (\$800,000.00) or so much thereof as may be necessary due to
22 increased costs of the project funded in Section 3 of Enrolled
23 Senate Bill No. 15 of the 2nd Extraordinary Session of the 58th
24 Oklahoma Legislature.

1 SECTION 4. A. There is hereby created in the State Treasury a
2 Statewide Recovery Special Account for the Military Department of
3 the State of Oklahoma for each appropriation section of this act.
4 The duration of such accounts shall continue for the period of time
5 that monies related to the American Rescue Plan Act of 2021 are
6 being budgeted, expended, or managed in the state. The ending of
7 such period shall be determined by the State Treasurer, and shall
8 result in the closing of such accounts as a matter of law. Such
9 accounts shall be continuing accounts as otherwise provided in this
10 section, not subject to fiscal year limitations, and shall
11 exclusively consist of monies related to the relevant appropriations
12 made in this act and as otherwise directed by law. All monies
13 deposited to the credit of such accounts are hereby appropriated and
14 may be budgeted and expended by the Military Department of the State
15 of Oklahoma in accordance with the provisions of this act.
16 Expenditures from such accounts shall be made upon warrants issued
17 by the State Treasurer against claims filed as prescribed by law
18 with the Director of the Office of Management and Enterprise
19 Services for approval and payment.

20 B. The Military Department of the State of Oklahoma is
21 authorized to request in writing that the monies appropriated by the
22 provisions of this act be deposited or transferred to the accounts
23 created pursuant to subsection A of this section. No later than
24 seven (7) calendar days from the date of such request, the Director

1 of the Office of Management and Enterprise Services shall comply
2 with such request and verify to the requesting agency that such
3 deposit or transfer has been completed.

4 SECTION 5. The Military Department of the State of Oklahoma may
5 enter into memorandums of understanding with other agencies of the
6 State of Oklahoma for the auditing, documentation, evaluation,
7 implementation, oversight, reporting, and management of funds and
8 associated efforts related to the appropriations made in this act;
9 provided, no such memorandum of understanding shall require or
10 include, as an option or condition, the direct or practical transfer
11 or relinquishment of control by the agency appropriated such funds
12 to budget, expend, allocate, and request the distribution of the
13 funds appropriated by this act.

14 SECTION 6. The Military Department of the State of Oklahoma may
15 promulgate rules, utilize existing rules, establish procedures, and
16 utilize existing procedures to implement the provisions of this act,
17 provided such rules and procedures do not conflict with or impede
18 the provisions of this act.

19 SECTION 7. The Military Department of the State of Oklahoma
20 shall retain no more than two percent (2%) of the funds appropriated
21 by this act to reimburse:

22 1. Costs incurred by the Military Department of the State of
23 Oklahoma; or

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

1 associated with the administration of the appropriated funds and
2 programming required by the Military Department of the State of
3 Oklahoma under the provisions of this act; provided, no funds shall
4 be retained that would be disallowable under the provisions of the
5 American Rescue Plan Act of 2021.

6 SECTION 8. A. The Military Department of the State of Oklahoma
7 shall:

8 1. Submit to the chairs of the Joint Committee on Pandemic
9 Relief Funding, or any successor Oklahoma State Senate or Oklahoma
10 House of Representatives legislative committee or joint committee,
11 as designated by the President Pro Tempore of the Oklahoma State
12 Senate and the Speaker of the Oklahoma House of Representatives:

13 a. a written or electronic quarterly report detailing the
14 budgeting, expenditure, and management of all monies
15 appropriated in this act, and

16 b. a copy of all memorandums of understanding and
17 contracts with third parties entered into by the
18 Military Department of the State of Oklahoma to
19 facilitate, assist, or administer powers and duties
20 provided to the Department under the provisions of
21 this act; and

22 2. At the Joint Committee on Pandemic Relief Funding's request,
23 appear before the Joint Committee no later than six (6) months after
24 the effective date of this act, and as otherwise requested by the

1 Joint Committee, to provide a status update regarding the
2 implementation of the provisions of this act.

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

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

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

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