

**OKLAHOMA STATE SENATE
JOINT
COMMITTEE REPORT**

May 16, 2023

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB1189

By: Thompson (Roger) et al of the Senate and Wallace et al of the House

Title: Appropriations; making an appropriation to the Department of Human Services. Emergency.

Recommendation: **DO PASS AS AMENDED BY CS**

AYES: 21

Brooks, Burns, Dugger, Floyd, Hall, Haste, Hicks, Howard, Jech, Kirt, Matthews, Montgomery, Newhouse, Prieto, Pugh, Rader, Rosino, Stephens, Thompson (K), Thompson (R), Woods

NAYS: 0

CONSTITUTIONAL PRIVILEGE: 0

Senator Roger Thompson, Chair

Committee Substitute, motion by Senator Haste - Adopted (Request No: 2214)

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET COMMITTEE

SB1189

By: Wallace et al of the House

Thompson (Roger) et al of the Senate

Title: Appropriations; making an appropriation to the Department of
Human Services. Emergency.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached

 Chr.
Representative Kevin Wallace

YEAS: 37

Baker, Bashore, Bennett, Blancett, Boatman, Boles, Echols, Fetgatter, Ford, Goodwin, Hasenbeck, Hilbert, Hill, Kannady, Kerbs, Lawson, Lepak, Lowe (D), Luttrell, Martinez, McBride, McEntire, Miller, Moore, Munson, Newton, Nichols, O'Donnell, Osburn, Pfeiffer, Provenzano, Ranson, Sterling, Strom, Vancuren, Wallace, West (T)

NAYS: 0

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1189

By: Thompson (Roger) and Hall
of the Senate

and

Wallace and Martinez of the
House

COMMITTEE SUBSTITUTE

An Act relating to the Department of Mental Health and Substance Abuse Services; making an appropriation; identifying source; establishing amount; providing purpose; requiring and limiting the utilization of funds; creating certain special account; limiting duration of account; requiring certain determinations; providing and limiting the nature of the account and the funds within the account; authorizing agency to submit request for certain deposits or transfers; requiring certain compliance and verifications; authorizing certain memorandums of understanding; limiting scope; prohibiting certain memoranda terms; authorizing and limiting the promulgation of rules and utilization of procedures; authorizing and 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.

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

1 SECTION 1. There is hereby appropriated to the Department of
2 Mental Health and Substance Abuse Services from any monies not
3 otherwise appropriated from the Statewide Recovery Fund of the State
4 Treasury created in Enrolled House Bill No. 3349 of the 2nd Session
5 of the 58th Oklahoma Legislature, the sum of Eighteen Million Four
6 Hundred Sixty Thousand Dollars (\$18,460,000.00) or so much thereof
7 as may be necessary due to increased costs of the project funded in
8 Section 2 of Enrolled House Bill No. 1013 of the 2nd Extraordinary
9 Session of the 58th Oklahoma Legislature.

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

1 accordance with the provisions of this act. Expenditures from such
2 account shall be made upon warrants issued by the State Treasurer
3 against claims filed as prescribed by law with the Director of the
4 Office of Management and Enterprise Services for approval and
5 payment.

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

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

1 SECTION 4. The Department of Mental Health and Substance Abuse
2 Services may promulgate rules, utilize existing rules, establish
3 procedures, and utilize existing procedures to implement the
4 provisions of this act, provided such rules and procedures do not
5 conflict with or impede the provisions of this act.

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

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

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

17 SECTION 6. A. The Department of Mental Health and Substance
18 Abuse Services shall:

19 1. Submit to the chairs of the Joint Committee on Pandemic
20 Relief Funding, or any successor Oklahoma State Senate or Oklahoma
21 House of Representatives legislative committee or joint committee,
22 as designated by the President Pro Tempore of the Oklahoma State
23 Senate and the Speaker of the Oklahoma House of Representatives:
24

- a. a written or electronic quarterly report detailing the budgeting, expenditure, and management of all monies appropriated in this act, and
- b. a copy of all memorandums of understanding and contracts with third parties entered into by the Department of Mental Health and Substance Abuse Services to facilitate, assist, or administer powers and duties provided to the Department of Mental Health and Substance Abuse Services under the provisions of this act; and

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

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

SECTION 7. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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