SENATE CHAMBER STATE OF OKLAHOMA

DISPOSITION

(Date)

FLOOR AMENDMENT

No.

COMMITTEE AMENDMENT

I move to amend House Bill No. 2115 by substituting the attached floor substitute (Request #2072) for the title, enacting clause and entire body of the measure.

Submitted by: ator Thompson

I hereby grant permission for the floor substitute to be adopted.

Senator Rosino, Chair (required

Senator McIntosh

Senator 1 lice Senator Pugh

Senator Dossett

Coleman

Senator Haste

Senator Hicks

Senator Paxton, President Pro Tempore

Senator Reinhardt

Senator Standridge

Senator Thompson

Senator Daniels, Majority Floor Leader

Note: Health and Human Services Committee majority requires seven (7) members' signatures.

Thompson-DC-FS-HB2115 5/5/2025 3:30 PM

(Floor Amendments Only)	Date and Time Filed:	5-5-25	4:08 pm AC
Untimely	Amendment Cycle Extended		Secondary Amendment

1	STATE OF OKLAHOMA			
2	1st Session of the 60th Legislature (2025)			
3	FLOOR SUBSTITUTE FOR ENGROSSED			
4	HOUSE BILL NO. 2115 By: Osburn of the House			
5	and			
6	Thompson of the Senate			
7				
8				
9	FLOOR SUBSTITUTE			
10	[public assistance programs - transfer of programs -			
11	funds - references to the Oklahoma Department of Commerce - codification - recodification - effective			
12	date]			
13				
14	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:			
15	SECTION 1. NEW LAW A new section of law to be codified			
16	in the Oklahoma Statutes as Section 261 of Title 56, unless there is			
17	created a duplication in numbering, reads as follows:			
18	A. On and after the effective date of this act, the Department			
19	of Human Services shall administer:			
20	1. The United States Department of Energy's Weatherization			
21	Assistance Program;			
22	2. The United States Department of Health and Human Services'			
23	Community Services Block Grant; and			
24				

3. The United States Department of Housing and Urban
 Development's Emergency Solutions Grants Program.

B. The Department of Human Services is hereby designated to
receive Weatherization Assistance Program and Emergency Solutions
Grants Program funds appropriated, authorized, or allocated for
usage within this state by the United States government.

C. The Department of Human Services shall fulfill any
requirements necessary for receipt of federal program funds
including, but not limited to, submission of a Consolidated Plan to
the United States Department of Housing and Urban Development.

1. Upon the effective date of this act, all powers and 11 D. 12 duties of the Oklahoma Department of Commerce related to the programs listed in subsection A of this section shall be transferred 13 to the Department of Human Services. All records, contractual 14 rights and responsibilities, assets, fund balances, encumbrances, 15 and obligations of the Oklahoma Department of Commerce related to 16 17 the programs listed in subsection A of this section shall be transferred to the Department of Human Services. 18

Any monies accruing to or in the name of the Oklahoma
 Department of Commerce in relation to the programs listed in
 subsection A of this section on or after the effective date of this
 act shall be transferred to the Department of Human Services.

3. The Director of the Office of Management and EnterpriseServices shall coordinate the transfer of funds, allotments,

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purchase orders, and outstanding financial obligations or
 encumbrances as provided for in this section.

The Oklahoma Department of Commerce and the Department of 3 4. Human Services may enter into an agreement for the transfer of 4 5 personnel from the Oklahoma Department of Commerce to the Department of Human Services. No employee shall be transferred to the 6 Department of Human Services except on the freely given written 7 consent of the employee. Any employees who are transferred to the 8 9 Department of Human Services shall not be required to accept a lesser grade or salary than presently received. All employees 10 shall, in accordance with applicable law, retain leave, sick, and 11 annual time earned, and any retirement and longevity benefits which 12 13 have accrued during their tenure with the Oklahoma Department of The transfer of personnel shall be coordinated with the Commerce. 14 Office of Management and Enterprise Services. 15

5. Upon the effective date of this act, all administrative 16 rules promulgated by the Oklahoma Department of Commerce governing 17 the programs listed in subsection A of this section shall be 18 transferred to and become a part of the administrative rules of the 19 Department of Human Services. The Office of Administrative Rules 20 within the Office of the Secretary of State shall provide adequate 21 notice in The Oklahoma Register of the transfer of such rules and 22 shall place the transferred rules under the Oklahoma Administrative 23 Code title of the Department of Human Services. Such rules shall 24

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continue in force and effect as rules of the Department of Human
 Services from and after the effective date of this act, and any
 amendment, repeal, or addition to the transferred rules shall be
 under the jurisdiction of the Director of Human Services.

5 Ε. The Director of Human Services shall appoint a transition team to coordinate, plan, and guide the transfer of the programs 6 listed in subsection A of this section. The transition team shall 7 consist of representatives of the Department of Human Services, 8 9 representatives of the Oklahoma Department of Commerce, one representative of a statewide association representing community 10 action agencies, and two executive directors of community action 11 12 agencies.

13 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2902, is
14 amended to read as follows:

Section 2902. A. The Oklahoma Department of Commerce Human
 Services shall be responsible for the disbursement and
 implementation of the Energy Conservation Assistance Fund.

B. The Department shall involve senior citizen groups, social service agencies, and other civic groups in publicizing such program.

C. The Department of Human Services, in cooperation with the
Oklahoma Department of Commerce, shall determine eligibility
requirements necessary to qualify a homeowner to obtain such grants.
Upon meeting any such eligibility standards, the Department of Human

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Services shall certify to the Oklahoma Department of Commerce that such homeowner is qualified to receive such grant upon notification of such certification. The Oklahoma Department of Commerce shall distribute the grant funds. Priorities shall be established for applications according to those indicating the greatest need. Lowincome elderly and handicapped applicants shall be given first priority.

B D. In order to qualify for grant assistance, the property shall9 meet all of the following requirements:

The property shall be the homestead of the applicant; and
 The property for which the grant is issued shall not be
 income-producing or used in any method other than as the principal
 residence of the applicant.

14 E. Grants may be issued to finance the following types of 15 weatherization:

16 1. Structural repairs necessary to improve efficient heating 17 and cooling of the residence;

18 2. Insulation for attics, walls, and water heaters;

19 3. Replacement of broken glass, inefficient doors, and door 20 thresholds;

21 4. Storm windows;

22 5. Caulking and weather stripping; and

23 6. Other appropriate energy conservation measures as determined
24 by the Oklahoma Department of Commerce.

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- F. No grants grant shall be:

2 <u>1. Be</u> made through this program unless an energy audit has been 3 performed on the applicant's principal residence.;

4 No grant shall exceed <u>2. Exceed</u> Three Thousand Dollars
5 (\$3,000.00). No grant shall be; or

<u>3. Be</u> awarded to any applicant with an annual income in excess
of the amount specified in this subsection.

8 Income eligibility shall be determined based on one hundred 9 twenty-five percent (125%) of the poverty guidelines issued by the 10 United States Office of Management and Budget.

11 F. G. The application for the grant shall be in such form as 12 determined by the Oklahoma Department of Commerce. No grant shall 13 be issued to any person until such person has been certified as 14 eligible by the Department of Human Services. The applicant shall 15 be provided with copies of all documents related to the issuance of 16 the grant. The applicant shall provide documents, as required, 17 concerning the status of property and household income.

G. H. 1. The Oklahoma Department of Commerce contractors shall
 be nonprofit community action agencies or other nonprofit entities
 experienced with weatherization programs. The Oklahoma Department
 of Commerce shall monitor contractors for compliance with all
 Department policies, guidelines, and regulations.

23 2. Contractors shall be responsible for completion and24 inspection of all work undertaken. No payment shall be made to any

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contractor until after the required documentation is submitted and
 approved by the Oklahoma Department of Commerce. Payments to
 contractors shall be made for services rendered and shall be based
 on the costs previously agreed to in writing.

5 H. <u>I.</u> The Oklahoma Department of Commerce shall actively 6 monitor and audit the financial and operating records of the 7 contractors involved with the Energy Conservation Assistance Fund to 8 assure appropriate compliance with established regulations, 9 guidelines, and standards. The Oklahoma Department of Commerce 10 shall also monitor contractors to ensure use of proper materials and 11 workmanship.

12 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2903, is 13 amended to read as follows:

Section 2903. A. The State of Oklahoma through the Department 14 of Human Services shall have a lien against the property on which 15 the work is being performed for the amount of the loan plus interest 16 17 thereon. The Department shall record a notice of lien with the county clerk where the property is located. A delinquent 18 installment of the loan may be foreclosed by the Department and the 19 property concerned shall be sold in the manner provided for 20 foreclosures of mortgages on land. Any real estate sold under any 21 order, judgment, or decree of court to satisfy the lien may be 22 redeemed by the owner or his or her assignee at any time within one 23 (1) year of the date of the sale by paying to the purchaser thereof 24

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or his <u>or her</u> assignee the amount paid with interest from the date
 of purchase at the rate of twelve percent (12%) per year.

3 B. Repayment of each loan shall be determined according to a4 repayment schedule determined by the Department.

5 C. Repayment of the loan may be deferred until that time when the loan recipient sells the property or ownership is transferred. 6 In such cases where a loan has not been repaid after ten (10) years, 7 another ten-year extension shall be granted if the loan recipient or 8 9 the surviving spouse is still the owner-occupier of the residence. Such extensions shall be granted until such time when the property 10 is transferred from the loan recipient or the surviving spouse to 11 12 another party.

D. Loan repayments shall be made to the Oklahoma Department of
 Commerce and shall be deposited in the Energy Conservation Loan
 Assistance Fund.

16 SECTION 4. AMENDATORY 74 O.S. 2021, Section 5030, is 17 amended to read as follows:

Section 5030. A. There is hereby created in the State Treasury a revolving fund to be designated as the "Weatherization Revolving Fund", which shall consist of all monies appropriated or transferred to the fund. Said The revolving fund shall be a continuing fund, not subject to fiscal year limitations and, shall be under the administration of the Oklahoma Department of Commerce Human Services, and may be disbursed without legislative appropriation for

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the purpose provided by subsection B of this section. Warrants for expenditures Expenditures from said the revolving fund shall be drawn made upon warrants issued by the State Treasurer, based on against claims signed by an authorized employee or employees of the Oklahoma Department of Commerce and approved for payment by filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. It is hereby declared that energy conservation is in the 8 9 interest of the State of Oklahoma. The purpose of this fund the Weatherization Revolving Fund is to provide monies to be used for 10 the purpose of weatherizing households in Oklahoma, thereby 11 conserving the oil and natural gas resources of the state. 12 B. On July 1, 1986, any unallotted cash balance in the 13 Weatherization Revolving Fund created in Section 1537.1 of this 14 title shall be transferred to the Weatherization Revolving Fund 15 created in this section. All outstanding financial obligations and 16 17 encumbrances of the Weatherization Revolving Fund created in Section 1537.1 of this title are hereby transferred to the Oklahoma 18 Department of Commerce. After November 15, 1986, any unexpended 19 balance in the Weatherization Revolving Fund created in Section 20

21 1537.1 of this title shall be transferred to the Weatherization 22 Revolving Fund created in this section.

23 SECTION 5. AMENDATORY 74 O.S. 2021, Section 5032, is 24 amended to read as follows:

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Section 5032. Community action agencies shall administer the weatherization funds of the <u>Low-Income Low Income Home</u> Energy Assistance <u>Block Grant Program (LIHEAP)</u> on a local level unless the Oklahoma Department of Commerce <u>Director of Human Services</u> determines that the program can be more effectively administered through another entity.

7 SECTION 6. AMENDATORY 74 O.S. 2021, Section 5035, is8 amended to read as follows:

9 Section 5035. A. The Oklahoma Department of Commerce
10 Department of Human Services is hereby designated to receive
11 Community Services Block Grant Funds appropriated, authorized, or
12 allocated for usage within the State of Oklahoma this state by the
13 United States Covernment government. These funds shall be used for,
14 but not limited to, the following:

Provide Providing a range of services and activities having
 major impact on causes and effects of poverty in the community or
 those areas of the community where poverty is a particularly acute
 problem;

Provide Providing activities designed to assist low-income
 participants including the elderly poor;

- a. to secure and retain meaningful employment,b. to attain an adequate education,
- 23 c. to make better use of available income,
- 24

1 d. to obtain and maintain adequate housing and a suitable living environment, 2 to obtain emergency assistance, 3 e. f. to remove obstacles and solve problems which block the 4 5 achievement of self-sufficiency, and to make more effective use of other programs; 6 g. 3. Provide Providing on an emergency basis for the provision of 7 such supplies and services, nutritious foodstuffs, and related 8 9 services τ as may be necessary to counteract conditions of starvation and malnutrition among the poor or temporarily indigent; 10 4. Coordinate Coordinating and establish establishing linkages 11 12 between government and other social services programs to assure the 13 effective delivery of such services to low-income individuals; and 5. Encourage Encouraging the use of entities in the private 14 sector of the community in efforts to eliminate poverty in the 15 community. 16 Β. The Oklahoma Department of Commerce Director of Human 17 Services shall promulgate and ensure compliance on with rules, 18 regulations, policies, and procedures to carry out all programs of 19

20 the Community Services Block Grant.

C. At least ninety percent (90%) of the Community Service
 <u>Services</u> Block Grant funds received by the Oklahoma Department of
 Commerce Department for the state from the United States Covernment

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<u>government</u> shall be allocated to community action agencies, as
 defined in this act <u>Section 5001 et seq. of this title</u>.

D. If the Community Services Block Grant is consolidated with
any other block grant or other federal program, then a proportional
share of the consolidated funds shall be used for services under the
Community Services Block Grant program in accordance with this act
Section 5001 et seq. of this title for at least twelve (12) months.
The Oklahoma Department of Commerce Department shall retain
administrative responsibility of these funds.

E. For each consolidated program, proportional share shall be the percentage of total funds received by all consolidated programs prior to the consolidation.

13SECTION 7.AMENDATORY74 O.S. 2021, Section 5036, is14amended to read as follows:

Section 5036. <u>A.</u> A community action agency shall be defined as
a public or private nonprofit agency, designated by the Oklahoma
Department of Commerce Department of Human Services.

<u>B.</u> The Oklahoma Department of Commerce shall have the right to <u>Department may</u> evaluate existing service areas and community action agencies and, as may be necessary, modify boundaries of the service areas or rescind designation in accordance with the provisions <u>outlined in Section 45 of this act</u> of Section 5039 of this title so that services will be adequately and efficiently provided.

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1SECTION 8.AMENDATORY74 O.S. 2021, Section 5037, is2amended to read as follows:

Section 5037. A community action agency shall establish a 3 governing board of directors which shall consist of not less than 4 5 twelve nor more than thirty-six members. At least one-third of the members shall be representative of the poor in the areas served and 6 shall be chosen through a democratic selection process. One-third 7 of the members shall be elected public officials or their designees 8 9 as established by the Oklahoma Department of Commerce Department of Human Services. The remaining members shall be representative of 10 business, industry, labor, religious, welfare, education, or other 11 12 major groups and interests in the community. The community action agency board of directors shall be responsible for: 13

The appointment and dismissal of an executive director of
 the community action agency;

16 2. The approval of contracts, annual budget requests, and 17 operational policies of the community action agency;

18 3. The performance of an annual audit by an independent19 auditor;

Convening of public meetings to provide citizens the
 opportunity to comment on public policies and programs to reduce
 poverty;

23 5. Evaluate Evaluation of programs and policies of the 24 community action agency; and

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Compliance with all Oklahoma Department of Commerce,
 federal, <u>state</u>, and local and agency rules, regulations, policies,
 and procedures.
 SECTION 9. AMENDATORY 74 O.S. 2021, Section 5038, is
 amended to read as follows:
 Section 5038. To ensure statewide delivery of Community

7 Services Block Grant services, the Oklahoma Department of Commerce
8 Department of Human Services shall establish a process to designate
9 community action agencies.

10 SECTION 10. AMENDATORY 74 O.S. 2021, Section 5039, is 11 amended to read as follows:

Section 5039. A. Prior to rescission of designation of a community action agency, the Oklahoma Department of Commerce Department of Human Services shall:

Determine whether the existing or proposed community action
 agency is in compliance with Sections 41, 42 and 43 5035, 5036, and
 5037 of this act title;

Evaluate the existing or proposed community action agency
 service area, and, as may be necessary, modify the boundaries of the
 service area so that services will be adequately and efficiently
 provided; and

3. Provide a written notice containing the reasons for the
anticipated action to the chairman chair of the board of the
existing or proposed community action agency.

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B. The Oklahoma Department of Commerce Department may rescind the designation of a community action agency if it is found that the community action agency is not in compliance with any or all of the provisions of Sections 41, 42 and 43 5035, 5036, and 5037 of this act title.

Any agency whose designation is rescinded pursuant to this section may appeal the order of rescission in accordance with existing state and federal law. The Oklahoma Department of Commerce <u>Department</u> shall consider a community action agency or agencies for the assumption of all or a portion of the service area of a community action agency with contiguous borders whose designation may be rescinded.

13SECTION 11.AMENDATORY74 O.S. 2021, Section 5040, is14amended to read as follows:

Section 5040. A. A community action agency shall serve as a 15 primary advocate for the reduction of the causes, conditions, and 16 17 effects of poverty and shall provide social and economic opportunities that foster self-sufficiency for low-income persons. 18 Any service provided by a community action agency through the 19 Community Services Block Grant opportunity shall be made available 20 to all eligible persons within the community action agency's service 21 area. The activities of a community action agency shall, subject to 22 rules and regulations promulgated by the Oklahoma Department of 23

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1 Commerce Director of Human Services, include, but not be limited to,
2 the following:

3 1. Informing state and local governments, private agencies and 4 organizations, and citizens of the nature and extent of poverty 5 within the service area;

6 2. Developing, administering, and operating community social7 and economic programs to reduce poverty within the entire area;

8 3. Providing and advocating for training and technical
9 assistance to the poor and other residents within the service area
10 to better define human problems, improve services, and facilitate
11 citizen participation;

Promoting interagency cooperation and coordination in
 providing services to low-income persons;

5. Entering into contracts with federal, state, and local
public and private agencies and organizations as necessary to carry
out the purposes of this act Section 5001 et seq. of this title; and
Engaging in any other activity necessary to fulfill the
intent of this section and Sections 5034 through 5039 of this title.

B. The Department of Commerce Department of Human Services shall not execute a contract with a community action agency until the applicant submits, and the Department approves, a budget work program for expenditure of funds. Each contract shall require audits of expenditures, as provided in rules promulgated by the Department Director.

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1	SECTION 12. AMENDATORY 74 O.S. 2021, Section 5040.4, as				
2	amended by Section 7, Chapter 375, O.S.L. 2024 (74 O.S. Supp. 2024,				
3	Section 5040.4), is amended to read as follows:				
4	Section 5040.4. A. The State Department of Health shall				
5	establish, through a competitive bid process, a statewide program to				
6	assist medically indigent residents of Oklahoma to receive				
7	prescriptions from drug manufacturer assistance programs.				
8	B. Agencies including, but not limited to, the following shall				
9	be encouraged by the Department to submit bids:				
10	1. County offices of the Department of Human Services;				
11	2. County health departments;				
12	3. Community action agencies designated by the Oklahoma				
13	Department of Commerce Department of Human Services pursuant to				
14	Section 5038 of this title;				
15	4. Community mental health centers;				
16	5. Private nonprofit agencies; and				
17	6. Public entities engaged in the delivery of social services.				
18	C. Agencies selected by the <u>State</u> Department <u>of Health</u> to				
19	provide services pursuant to the Rx for Oklahoma Act shall, at a				
20	minimum, demonstrate their ability to:				
21	1. Deliver services in a community or geographic area of the				
22	state that is not currently receiving services pursuant to the Rx				
23	for Oklahoma Act;				
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1	2. Maintain	a dedicated telephone line and computer with
2	Internet access w	ith appropriate software during normal business
3	hours; and	
4	3. Have staf	f or volunteers available who can:
5	a. dev	elop and implement community awareness initiatives
6	abo	out the prescription assistance services offered by
7	the	agency,
8	b. det	ermine whether a pharmaceutical program is offered
9	for	the drug or drugs a person needs,
10	c. det	ermine whether a person is eligible for assistance
11	thr	ough a pharmaceutical program,
12	d. ass	ist a person to make application to and enroll in a
13	pha	rmaceutical assistance program,
14	e. kee	ep accurate records of the number of clients served,
15	f. mai	ntain the confidentiality of all client information
16	inc	luding, but not limited to, the client's identity,
17	apr	plication information, and other records, and
18	g. est	imate the value of prescriptions provided to
19	cli	ents under the program.
20	D. Eligibili	ty for the Rx for Oklahoma Act shall be residents
21	of Oklahoma who:	
22	1. Are medic	ally indigent; or
23	2. Are not m	edically indigent but cannot reasonably afford to
24	pay for prescript	ion medications.

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E. The State Department of Health shall promulgate rules or establish procedures necessary to implement the program established by the Rx for Oklahoma Act and shall <u>electronically</u> submit an annual report to the Legislature and the Governor no later than January 1 of each year. The report shall include, but not be limited to, the following:

7 1. A listing of entities awarded grants and the amount of each 8 award;

9 2. The number of residents served who were eligible for a drug 10 manufacturer assistance program and the average amount of savings 11 per resident;

12 3. The number of residents who sought assistance pursuant to 13 the Rx for Oklahoma Act, but were determined not to be eligible for 14 a drug manufacturer assistance program; and

4. A report by the Department of total expenditures. Included
 within the report shall be a summary of each grantee's
 administrative, personnel, and direct services expenditures by
 category relative to the grantee's administration of the program.

19 SECTION 13. RECODIFICATION 63 O.S. 2021, Sections 2901 20 and 2904, shall be recodified as Sections 261.1 and 261.4 of Title 21 56 of the Oklahoma Statutes, unless there is created a duplication 22 in numbering.

23SECTION 14.RECODIFICATION63 O.S. 2021, Sections 290224and 2903, as amended by Sections 2 and 3 of this act, shall be

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recodified as Sections 261.2 and 261.3 of Title 56 of the Oklahoma
 Statutes, unless there is created a duplication in numbering.

3 SECTION 15. RECODIFICATION 74 O.S. 2021, Sections 5030 4 and 5032, as amended by Sections 4 and 5 of this act, shall be 5 recodified as Sections 261.11 and 261.12 of Title 56 of the Oklahoma 6 Statutes, unless there is created a duplication in numbering.

7 SECTION 16. RECODIFICATION 74 O.S. 2021, Sections 5034 8 and 5040.1, shall be recodified as Sections 261.21 and 261.28 of 9 Title 56 of the Oklahoma Statutes, unless there is created a 10 duplication in numbering.

SECTION 17. RECODIFICATION 74 O.S. 2021, Sections 5035, 5036, 5037, 5038, 5039, and 5040, as amended by Sections 6, 7, 8, 9, 10, and 11 of this act, shall be recodified as Sections 261.22, 261.23, 261.24, 261.25, 261.26, and 261.27 of Title 56 of the Oklahoma Statutes, unless there is created a duplication in numbering.

17 SECTION 18. This act shall become effective July 1, 2026.

19 60-1-2072 DC 5/5/2025 4:54:41 PM

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