

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1189

By: Thompson (Roger) and Hall
of the Senate

6 and

7 Wallace and Martinez of the
8 House

9
10 COMMITTEE SUBSTITUTE

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

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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:
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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 Department of Mental Health and Substance Abuse
7 Services to facilitate, assist, or administer powers
8 and duties provided to the Department of Mental Health
9 and Substance Abuse Services under the provisions of
10 this act; and

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

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

23 SECTION 7. It being immediately necessary for the preservation
24 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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