

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1020

By: Wallace and Martinez of the  
House

6 and

7 Thompson (Roger) and Hall  
8 of the Senate

9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to Oklahoma Department of Emergency  
12 Management and Homeland Security; 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 determination; providing and limiting the  
18 nature of account and funds within account;  
19 authorizing agency to submit request for certain  
20 deposit or transfer; requiring certain compliance and  
21 verification; authorizing certain memorandums of  
22 understanding; limiting scope; prohibiting certain  
23 memoranda terms; authorizing and limiting the  
24 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; providing determination  
process; providing for noncodification; and declaring  
an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 There is hereby appropriated to the Emergency Relief and Impacts  
5 Revolving Fund created in Enrolled House Bill No. 1017 of the 1st  
6 Extraordinary Session of the 59th Oklahoma Legislature, from any  
7 monies not otherwise appropriated from the Statewide Recovery Fund  
8 of the State Treasury created in Enrolled House Bill No. 3349 of the  
9 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty-Five  
10 Million Dollars (\$25,000,000.00) or so much thereof as may be  
11 necessary to administer the Emergency Relief and Impacts Grant  
12 Program. Such funds shall be utilized in a manner consistent with  
13 the recommendations adopted by the Joint Committee on Pandemic  
14 Relief Funding on May 19, 2023.

15 SECTION 2. NEW LAW A new section of law not to be  
16 codified in the Oklahoma Statutes reads as follows:

17 A. There is hereby created in the State Treasury a Statewide  
18 Recovery Special Account for the Oklahoma Department of Emergency  
19 Management and Homeland Security for each appropriation section of  
20 this act. The duration of such accounts shall continue for the  
21 period of time that monies related to the American Rescue Plan Act  
22 of 2021 are being budgeted, expended, or managed in the state. The  
23 ending of such period shall be determined by the State Treasurer,  
24 and shall result in the closing of such accounts as a matter of law.

1 Such accounts shall be continuing accounts as otherwise provided in  
2 this section, not subject to fiscal year limitations, and shall  
3 exclusively consist of monies related to the relevant appropriation  
4 made in this act and as otherwise directed by law. All monies  
5 deposited to the credit of such accounts are hereby appropriated and  
6 may be budgeted and expended by the Oklahoma Department of Emergency  
7 Management and Homeland Security in accordance with the provisions  
8 of this act. Expenditures from such accounts shall be made upon  
9 warrants issued by the State Treasurer against claims filed as  
10 prescribed by law with the Director of the Office of Management and  
11 Enterprise Services for approval and payment.

12 B. The Oklahoma Department of Emergency Management and Homeland  
13 Security is authorized to request in writing that the monies  
14 appropriated by the provisions of this act be deposited or  
15 transferred to the accounts created pursuant to subsection A of this  
16 section. No later than seven (7) calendar days from the date of  
17 such request, the Director of the Office of Management and  
18 Enterprise Services shall comply with such request and verify to the  
19 requesting agency that such deposit or transfer has been completed.

20 SECTION 3. NEW LAW A new section of law not to be  
21 codified in the Oklahoma Statutes reads as follows:

22 The Oklahoma Department of Emergency Management and Homeland  
23 Security may enter into memorandums of understanding with other  
24 agencies of the State of Oklahoma for the auditing, documentation,

1 evaluation, implementation, oversight, reporting, and management of  
2 funds and associated efforts related to the appropriations made in  
3 this act; provided, that no such memorandum of understanding shall  
4 require or include, as an option or condition, the direct or  
5 practical transfer or relinquishment of control by the agency  
6 appropriated such funds to budget, expend, allocate, and request the  
7 distribution of the funds appropriated by this act.

8 SECTION 4. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 The Oklahoma Department of Emergency Management and Homeland  
11 Security may promulgate rules, utilize existing rules, establish  
12 procedures, and utilize existing procedures to implement the  
13 provisions of this act; provided, such rules and procedures do not  
14 conflict with or impede the provisions of this act.

15 SECTION 5. NEW LAW A new section of law not to be  
16 codified in the Oklahoma Statutes reads as follows:

17 The Oklahoma Department of Emergency Management and Homeland  
18 Security shall retain no more than two percent (2%) of the funds  
19 appropriated by this act to reimburse:

- 20 1. Costs incurred by the Oklahoma Department of Emergency  
21 Management and Homeland Security; or
- 22 2. Costs incurred on the agency's behalf, associated with the  
23 administration of the appropriated funds and programming required by  
24 the Oklahoma Department of Emergency Management and Homeland

1 Security under the provisions of this act; provided, that no funds  
2 shall be retained that would be disallowable under the provisions of  
3 the American Rescue Plan Act of 2021.

4 SECTION 6. NEW LAW A new section of law not to be  
5 codified in the Oklahoma Statutes reads as follows:

6 A. The Oklahoma Department of Emergency Management and Homeland  
7 Security shall:

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

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

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

23 2. At the Joint Committee on Pandemic Relief Funding's request,  
24 appear before the Joint Committee no later than six (6) months after

1 the effective date of this act, and as otherwise requested by the  
2 Joint Committee to provide a status update regarding the  
3 implementation of the provisions of this act.

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

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

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