

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2941

By: Wallace, Martinez, and **Deck**
of the House

and

Thompson (Roger) and Hall
of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to the Oklahoma Arts Council; making
13 an 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.

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

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

3 There is hereby appropriated to the Oklahoma Arts Council from
4 any monies not otherwise appropriated from the Statewide Recovery
5 Fund of the State Treasury created in Enrolled House Bill No. 3349
6 from the 2nd Session of the 58th Legislature, the sum of Ten Million
7 Dollars (\$10,000,000.00) or so much thereof as may be necessary to
8 address the negative economic impacts of the pandemic by providing
9 assistance to impacted nonprofit organizations. Such funds shall be
10 utilized in a manner consistent with the recommendations adopted by
11 the Joint Committee on Pandemic Relief Funding on September 20,
12 2022.

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

15 A. There is hereby created in the State Treasury a Statewide
16 Recovery Special Account for the Oklahoma Arts Council. The
17 duration of such accounts shall continue for the period of time that
18 monies related to the American Rescue Plan Act of 2021 are being
19 budgeted, expended, or managed in the state. The ending of such
20 period shall be determined by the State Treasurer and shall result
21 in the closing of such accounts as a matter of law. Such accounts
22 shall be continuing accounts as otherwise provided in this section,
23 not subject to fiscal year limitations, and shall exclusively
24 consist of monies related to the relevant appropriations made in

1 this act and as otherwise directed by law. All monies deposited to
2 the credit of such accounts are hereby appropriated and may be
3 budgeted and expended by the Oklahoma Arts Council in accordance
4 with the provisions of this act. Expenditures from such accounts
5 shall be made upon warrants issued by the State Treasurer against
6 claims filed as prescribed by law with the Director of the Office of
7 Management and Enterprise Services for approval and payment.

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

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

18 The Oklahoma Arts Council may enter into memorandums of
19 understanding with other agencies of the State of Oklahoma for the
20 auditing, documentation, evaluation, implementation, oversight,
21 reporting, and management of funds and associated efforts related to
22 the appropriations made in this act; provided, that no such
23 memorandum of understanding shall require or include, as an option
24 or condition, the direct or practical transfer or relinquishment of

1 control by the agency appropriated such funds to budget, expend,
2 allocate, and request the distribution of the funds appropriated by
3 this act.

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

6 The Oklahoma Arts Council may promulgate rules, utilize existing
7 rules, establish procedures, and utilize existing procedures to
8 implement the provisions of this act; provided, such rules and
9 procedures do not conflict with or impede the provisions of this
10 act.

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

13 The Oklahoma Arts Council shall retain no more than two percent
14 (2%) of the funds appropriated by this act to reimburse:

- 15 1. Costs incurred by the Oklahoma Arts Council; or
- 16 2. Costs incurred on the agency's behalf, associated with the
17 administration of the appropriated funds and programming required by
18 the Oklahoma Arts Council under the provisions of this act;
19 provided, that no funds shall be retained that would be disallowable
20 under the provisions of the American Rescue Plan Act of 2021.

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

23 A. The Oklahoma Arts Council shall:
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1 1. Submit to the Chairs of the Joint Committee on Pandemic
2 Relief Funding, or any successor Senate legislative or House of
3 Representatives legislative committee or joint committee, as
4 designated by the President Pro Tempore of the Oklahoma State Senate
5 and the Speaker of the Oklahoma House of Representatives:

6 a. a written or electronic quarterly report detailing the
7 budgeting, expenditure, and management of all monies
8 appropriated in this act, and

9 b. a copy of all memorandums of understanding and
10 contracts with third parties entered into by the
11 Oklahoma Arts Council to facilitate, assist, or
12 administer powers and duties provided to the Oklahoma
13 Arts Council under the provisions of this act; and

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

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

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

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

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