

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2943

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 the State Department of Health;
12 making appropriations; identifying source;
13 establishing amount; providing purpose; requiring and
14 limiting the utilization of funds; creating certain
15 special accounts; limiting duration of accounts;
16 requiring certain determination; providing and
17 limiting the nature of accounts and funds within
18 accounts; authorizing agency to submit request for
19 certain deposit or transfer; requiring certain
20 compliance and verification; authorizing certain
21 memorandums of understanding; limiting scope;
22 prohibiting certain memoranda terms; authorizing and
23 limiting the promulgation of rules and utilization of
24 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 State Department of Health
5 from monies not otherwise appropriated from the Statewide Recovery
6 Fund of the State Treasury created in Enrolled House Bill No. 3349
7 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Four
8 Million Dollars (\$4,000,000.00) or so much therefore as may be
9 necessary to a nonprofit to establish and build out a family
10 residence building located North of State Highway 3 and West of
11 State Highway 74, aimed at providing care and housing to families
12 with children undergoing long-term care and treatment at medical
13 facilities.

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

16 There is hereby appropriated to the Oklahoma State Department of
17 Health from monies not otherwise appropriated from the Statewide
18 Recovery Fund of the State Treasury created in Enrolled House Bill
19 No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the
20 sum of Two Million Dollars (\$2,000,000.00) or so much therefore as
21 may be necessary to a nonprofit located within twenty-five (25)
22 miles of Lake Hefner to retrofit and expand a facility to provide
23 expanded services to children needing long-term care and treatment.

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

3 A. There is hereby created in the State Treasury a Statewide
4 Recovery Special Account for the State Department of Health for each
5 appropriation section of this act. The duration of such accounts
6 shall continue for the period of time that monies related to the
7 American Rescue Plan Act of 2021 are being budgeted, expended, or
8 managed in the state. The ending of such period shall be determined
9 by the State Treasurer and shall result in the closing of such
10 accounts as a matter of law. Such accounts shall be continuing
11 accounts as otherwise provided in this section, not subject to
12 fiscal year limitations, and shall exclusively consist of monies
13 related to the relevant appropriations made in this act and as
14 otherwise directed by law. All monies deposited to the credit of
15 such accounts are hereby appropriated and may be budgeted and
16 expended by the State Department of Health in accordance with the
17 provisions of this act. Expenditures from such accounts shall be
18 made upon warrants issued by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 B. The State Department of Health is authorized to request in
22 writing that the monies appropriated by the provisions of this act
23 be deposited or transferred to the accounts created pursuant to
24 subsection A of this section. No later than seven (7) calendar days

1 from the date of such request, the Director of the Office of
2 Management and Enterprise Services shall comply with such request
3 and verify to the requesting agency that such deposit or transfer
4 has been completed.

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

7 The State Department of Health may enter into memorandums of
8 understanding with other agencies of the State of Oklahoma for the
9 auditing, documentation, evaluation, implementation, oversight,
10 reporting, and management of funds and associated efforts related to
11 the appropriations made in this act; provided, that no such
12 memorandum of understanding shall require or include, as an option
13 or condition, the direct or practical transfer or relinquishment of
14 control by the agency appropriated such funds to budget, expend,
15 allocate, and request the distribution of the funds appropriated by
16 this act.

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

19 The State Department of Health may promulgate rules, utilize
20 existing rules, establish procedures, and utilize existing
21 procedures to implement the provisions of this act; provided, such
22 rules and procedures do not conflict with or impede the provisions
23 of this act.

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

3 The State Department of Health shall retain no more than two
4 percent (2%) of the funds appropriated by this act to reimburse:

5 1. Costs incurred by the State Department of Health; or

6 2. Costs incurred on the agency's behalf, associated with the
7 administration of the appropriated funds and programming required by
8 the State Department of Health under the provisions of this act;
9 provided, that no funds shall be retained that would be disallowable
10 under the provisions of the American Rescue Plan Act of 2021.

11 SECTION 7. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows:

13 A. The State Department of Health shall:

14 1. Submit to the Chairs of the Joint Committee on Pandemic
15 Relief Funding, or any successor Senate legislative or House of
16 Representatives legislative committee or joint committee, as
17 designated by the President Pro Tempore of the Senate and the
18 Speaker of the House of Representatives:

19 a. a written or electronic quarterly report detailing the
20 budgeting, expenditure, and management of all monies
21 appropriated in this act, and

22 b. a copy of all memorandums of understanding and
23 contracts with third parties entered into by the State
24 Department of Health to facilitate, assist, or

1 administer powers and duties provided to the State
2 Department of Health under the provisions of this act;
3 and

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

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

15 SECTION 8. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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