# An Act

ENROLLED HOUSE
BILL NO. 2941

By: Wallace, Martinez, McBride, Baker, Deck, Blancett, and Rosecrants of the House

and

Thompson (Roger) and Hall of the Senate

An Act relating to the Oklahoma Arts Council; making an appropriation; identifying source; establishing amount; providing purpose; requiring and limiting the utilization of funds; creating certain special account; limiting duration of account; requiring certain determination; providing and limiting the nature of account and funds within account; authorizing agency to submit request for certain deposit or transfer; requiring certain compliance and verification; authorizing certain memorandums of understanding; limiting scope; prohibiting certain memoranda terms; authorizing and 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; providing determination process; providing for noncodification; and declaring an emergency.

SUBJECT: Oklahoma Arts Council

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

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

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

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

A. There is hereby created in the State Treasury a Statewide Recovery Special Account for the Oklahoma Arts Council. The duration of such accounts shall continue for the period of time that monies related to the American Rescue Plan Act of 2021 are being budgeted, expended, or managed in the state. The ending of such period shall be determined by the State Treasurer and shall result in the closing of such accounts as a matter of law. Such accounts shall be continuing accounts as otherwise provided in this section, not subject to fiscal year limitations, and shall exclusively consist of monies related to the relevant appropriations made in this act and as otherwise directed by law. All monies deposited to the credit of such accounts are hereby appropriated and may be budgeted and expended by the Oklahoma Arts Council in accordance with the provisions of this act. Expenditures from such accounts shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

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

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

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

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

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

1. Costs incurred by the Oklahoma Arts Council; or

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

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

A. The Oklahoma Arts Council shall:

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

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

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

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

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

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

Passed the House of Representatives the 17th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of May, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of May, 20 23, at 12:56 o'clock p. M.

By: Jenna Curry

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th

day of May, 20 23, at 2:58 o'clock P. M.

By: Amy Canton

OFFICE OF

**THE GOVERNOR**
STATE OF OKLAHOMA

No. HB 2941

**OKLAHOMA CITY, OKLA.,** May 26, 20 23

TIME SIGNED: _____

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
FIRST REGULAR SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 2941:

In accordance with Article VI Section 11, of the Oklahoma Constitution, Enrolled House Bill 2941 has become law without the Governor's signature and has been filed with the Oklahoma Secretary of State.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to HOUSE: Sumer Curry

Date/Time: 5/26/23; 2:56pm

HOUSE:

By Collette H Heuchen

Date/Time: 5/26/23 3:00pm

RECEIVED
MAY 26 2023
OKLAHOMA SECRETARY
OF STATE