An Act

ENROLLED SENATE
BILL NO. 38x

By: Thompson (Roger) and Hall of the Senate

and

Wallace and Martinez of the House

An Act relating to the Oklahoma State Regents for Higher Education; 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 determinations; providing and limiting the nature of the account and the funds within the account; authorizing agency to submit request for certain deposits or transfers; requiring certain compliance and verifications; 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; establishing requirements; and declaring an emergency.

SUBJECT: Oklahoma State Regents for Higher Education

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

SECTION 1. There is hereby appropriated to the Oklahoma State Regents for Higher Education 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 Five Million Dollars ($5,000,000.00) or so much thereof as may be necessary to implement teacher acceleration programs which target high need teaching resources to address educational disparities that were exacerbated by the pandemic. Such funds shall be utilized in a manner consistent with the recommendations adopted by the Joint Committee on Pandemic Relief Funding on May 19, 2023.

SECTION 2. A. There is hereby created in the State Treasury a Statewide Recovery Special Account for the Oklahoma State Regents for Higher Education for the appropriated monies as provided for in Section 1 of this act. The duration of such account 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 account as a matter of law. Such account shall be a continuing account as otherwise provided in this section, not subject to fiscal year limitations, and shall exclusively consist of monies related to the relevant appropriation made in this act and as otherwise directed by law. All monies deposited to the credit of such account are hereby appropriated and may be budgeted and expended by the Oklahoma State Regents for Higher Education in accordance with the provisions of this act. Expenditures from such account 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 State Regents for Higher Education are authorized to request in writing that the monies appropriated by the provisions of this act be deposited or transferred to the account 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. The Oklahoma State Regents for Higher Education 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 appropriation made in this act; provided, 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. The Oklahoma State Regents for Higher Education 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. The Oklahoma State Regents for Higher Education shall retain no more than two percent (2%) of the funds appropriated by this act to reimburse:

1. Costs incurred by the Oklahoma State Regents for Higher Education; or

2. Costs incurred on the agency's behalf,

associated with the administration of the appropriated funds and programming required by the Oklahoma State Regents for Higher Education under the provisions of this act; provided, no funds shall be retained that would be disallowable under the provisions of the American Rescue Plan Act of 2021.

SECTION 6. A. The Oklahoma State Regents for Higher Education shall:

1. Submit to the chairs of the Joint Committee on Pandemic Relief Funding, or any successor of the Oklahoma State Senate or Oklahoma 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 State Regents for Higher Education to facilitate, assist, or administer powers and duties provided to the Oklahoma State Regents for Higher Education 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 Oklahoma State Senate, and the Speaker of the Oklahoma House of Representatives.

SECTION 7. For all projects funded in this measure, if a nonprofit 501(c)(3) organization may help implement the project, the Oklahoma State Regents for Higher Education shall require the nonprofit show that it:

1. Provides direct services to residents of Oklahoma;

2. Is in good standing with the Office of the Secretary of State;

3. Is in compliance with the applicable federal and Oklahoma tax laws for years 2019, 2020, and 2021; and

4. Continues to provide its good standing with the Office of the Secretary of State and is in compliance with applicable federal and Oklahoma tax laws for all years the nonprofit is helping implement the program.

SECTION 8. 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 Senate the 24th day of May, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 6:43 o'clock p. M.

By: James 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 2nd

day of June, 20 23, at 10:18 o'clock A M.

By: Brian Bingman

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 38x

OKLAHOMA CITY, OKLA., June 2, 20 23

TIME SIGNED: _____

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 38x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed Senate Bill 38x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to SENATE: Pamela Curry
Date/Time: 6/2/23; 12:50pm

SENATE:
By Cindy Faulkner
Date/Time 6/2/23 12:54 pm

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE