

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 38x

6 By: Thompson (Roger) and Hall
7 of the Senate

8 and

9 Wallace and Martinez of the
10 House

11 COMMITTEE SUBSTITUTE

12 An Act relating to the Oklahoma State Regents for
13 Higher Education; making an appropriation;
14 identifying source; establishing amount; providing
15 purpose; requiring and limiting the utilization of
16 funds; creating certain special account; limiting
17 duration of account; requiring certain
18 determinations; providing and limiting the nature of
19 the account and the funds within the account;
20 authorizing agency to submit request for certain
21 deposits or transfers; requiring certain compliance
22 and verifications; authorizing certain memorandums of
23 understanding; limiting scope; prohibiting certain
24 memoranda terms; authorizing and limiting the
25 promulgation of rules and utilization of procedures;
26 authorizing and limiting the retention of monies for
27 administration costs; requiring certain reports and
28 submissions to certain entities; requiring appearance
29 before certain joint committee; limiting duration of
30 certain requirements; providing determination
31 process; establishing requirements; and declaring an
32 emergency.

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

34 SECTION 1. There is hereby appropriated to the Oklahoma State
35 Regents for Higher Education from any monies not otherwise

1 appropriated from the Statewide Recovery Fund of the State Treasury
2 created in Enrolled House Bill No. 3349 of the 2nd Session of the
3 58th Oklahoma Legislature, the sum of Five Million Dollars
4 (\$5,000,000.00) or so much thereof as may be necessary to implement
5 teacher acceleration programs which target high need teaching
6 resources to address educational disparities that were exacerbated
7 by the pandemic. Such funds shall be utilized in a manner
8 consistent with the recommendations adopted by the Joint Committee
9 on Pandemic Relief Funding on May 19, 2023.

10 SECTION 2. A. There is hereby created in the State Treasury a
11 Statewide Recovery Special Account for the Oklahoma State Regents
12 for Higher Education for the appropriated monies as provided for in
13 Section 1 of this act. The duration of such account shall continue
14 for the period of time that monies related to the American Rescue
15 Plan Act of 2021 are being budgeted, expended, or managed in the
16 state. The ending of such period shall be determined by the State
17 Treasurer, and shall result in the closing of such account as a
18 matter of law. Such account shall be a continuing account as
19 otherwise provided in this section, not subject to fiscal year
20 limitations, and shall exclusively consist of monies related to the
21 relevant appropriation made in this act and as otherwise directed by
22 law. All monies deposited to the credit of such account are hereby
23 appropriated and may be budgeted and expended by the Oklahoma State
24 Regents for Higher Education in accordance with the provisions of

1 this act. Expenditures from such account shall be made upon
2 warrants issued by the State Treasurer against claims filed as
3 prescribed by law with the Director of the Office of Management and
4 Enterprise Services for approval and payment.

5 B. The Oklahoma State Regents for Higher Education are
6 authorized to request in writing that the monies appropriated by the
7 provisions of this act be deposited or transferred to the account
8 created pursuant to subsection A of this section. No later than
9 seven (7) calendar days from the date of such request, the Director
10 of the Office of Management and Enterprise Services shall comply
11 with such request and verify to the requesting agency that such
12 deposit or transfer has been completed.

13 SECTION 3. The Oklahoma State Regents for Higher Education may
14 enter into memorandums of understanding with other agencies of the
15 State of Oklahoma for the auditing, documentation, evaluation,
16 implementation, oversight, reporting, and management of funds and
17 associated efforts related to the appropriation made in this act;
18 provided, no such memorandum of understanding shall require or
19 include, as an option or condition, the direct or practical transfer
20 or relinquishment of control by the agency appropriated such funds
21 to budget, expend, allocate, and request the distribution of the
22 funds appropriated by this act.

23 SECTION 4. The Oklahoma State Regents for Higher Education may
24 promulgate rules, utilize existing rules, establish procedures, and

1 utilize existing procedures to implement the provisions of this act,
2 provided such rules and procedures do not conflict with or impede
3 the provisions of this act.

4 SECTION 5. The Oklahoma State Regents for Higher Education
5 shall retain no more than two percent (2%) of the funds appropriated
6 by this act to reimburse:

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

9 2. Costs incurred on the agency's behalf,
10 associated with the administration of the appropriated funds and
11 programming required by the Oklahoma State Regents for Higher
12 Education under the provisions of this act; provided, no funds shall
13 be retained that would be disallowable under the provisions of the
14 American Rescue Plan Act of 2021.

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

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

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

4 b. a copy of all memorandums of understanding and
5 contracts with third parties entered into by the
6 Oklahoma State Regents for Higher Education to
7 facilitate, assist, or administer powers and duties
8 provided to the Oklahoma State Regents for Higher
9 Education under the provisions of this act; and

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

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

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

- 3 1. Provides direct services to residents of Oklahoma;
- 4 2. Is in good standing with the Office of the Secretary of
5 State;
- 6 3. Is in compliance with the applicable federal and Oklahoma
7 tax laws for years 2019, 2020, and 2021; and
- 8 4. Continues to provide its good standing with the Office of
9 the Secretary of State and is in compliance with applicable federal
10 and Oklahoma tax laws for all years the nonprofit is helping
11 implement the program.

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

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