

1 ENGROSSED SENATE  
2 BILL NO. 38x

By: Thompson (Roger) and Hall  
of the Senate

3 and

4 Wallace and Martinez of the  
5 House

6  
7 An Act relating to the Oklahoma State Regents for  
8 Higher Education; making an appropriation;  
9 identifying source; establishing amount; providing  
10 purpose; requiring and limiting the utilization of  
11 funds; creating certain special account; limiting  
12 duration of account; requiring certain  
13 determinations; providing and limiting the nature of  
14 the account and the funds within the account;  
15 authorizing agency to submit request for certain  
16 deposits or transfers; requiring certain compliance  
17 and verifications; authorizing certain memorandums of  
18 understanding; limiting scope; prohibiting certain  
19 memoranda terms; authorizing and limiting the  
20 promulgation of rules and utilization of procedures;  
21 authorizing and limiting the retention of monies for  
22 administration costs; requiring certain reports and  
23 submissions to certain entities; requiring appearance  
24 before certain joint committee; limiting duration of  
certain requirements; providing determination  
process; establishing requirements; and declaring an  
emergency.

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

20 SECTION 1. There is hereby appropriated to the Oklahoma State  
21 Regents for Higher Education from any monies not otherwise  
22 appropriated from the Statewide Recovery Fund of the State Treasury  
23 created in Enrolled House Bill No. 3349 of the 2nd Session of the  
24 58th Oklahoma Legislature, the sum of Five Million Dollars

1 (\$5,000,000.00) or so much thereof as may be necessary to implement  
2 teacher acceleration programs which target high need teaching  
3 resources to address educational disparities that were exacerbated  
4 by the pandemic. Such funds shall be utilized in a manner  
5 consistent with the recommendations adopted by the Joint Committee  
6 on Pandemic Relief Funding on May 19, 2023.

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

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1 prescribed by law with the Director of the Office of Management and  
2 Enterprise Services for approval and payment.

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

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

21 SECTION 4. The Oklahoma State Regents for Higher Education may  
22 promulgate rules, utilize existing rules, establish procedures, and  
23 utilize existing procedures to implement the provisions of this act,  
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1 provided such rules and procedures do not conflict with or impede  
2 the provisions of this act.

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

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

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

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

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

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

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

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

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

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

23           1.    Provides direct services to residents of Oklahoma;  
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1        2. Is in good standing with the Office of the Secretary of  
2 State;

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

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

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

13        Passed the Senate the 24th day of May, 2023.

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Presiding Officer of the Senate

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17        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2023.

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Presiding Officer of the House  
of Representatives

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