

ENGROSSED HOUSE
BILL NO. 2423

BY: HAMILTON (James) and
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the
SENATE

AN ACT RELATING TO VARIOUS STATE AGENCIES; MAKING AN
APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES;
STATING PURPOSE; PROVIDING EXPENDITURE LIMITATIONS;
EXEMPTING CERTAIN CAPITAL AND SPECIAL PROJECTS FROM
EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN FEDERAL
FUNDS FROM EXPENDITURE AND BUDGETARY LIMITATIONS;
REQUIRING CERTAIN FEDERAL FUNDS TO BE INCLUDED IN
THE BUDGET WORK PROGRAMS; PROVIDING FOR DUTIES AND
COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY
LIMITATIONS; AUTHORIZING INCREASE OF FTE FOR
CERTAIN PURPOSES AND UNDER CERTAIN CONDITIONS;
SPECIFYING LIMITATION ON TRANSFER OF CERTAIN FUNDS;
AUTHORIZING TRANSFERS OF CERTAIN FUNDS AND STATING
EXCEPTIONS; REQUIRING CERTAIN TRANSFER REQUESTS BE
IN WRITING; AUTHORIZING EARLY TRANSFER OF CERTAIN
FUNDS TO ALLEVIATE CASH-FLOW PROBLEMS; REQUIRING
CERTAIN TRANSFERS BE FOR TEMPORARY CASH-FLOW
PURPOSES ONLY; LIMITING THE FINALIZATION OF
PROVIDER RATES FOR CERTAIN TIME PERIOD; PROHIBITING
PROVIDER RATE CHANGES FOR CERTAIN TIME PERIOD AND
PROVIDING EXCEPTIONS; PROVIDING PROCEDURES FOR
PROVIDER RATE CHANGES; REQUIRING WRITTEN

NOTIFICATION OF CERTAIN INTENDED ACTION; REQUIRING WRITTEN EXPLANATION OF CERTAIN INFORMATION RELATING TO EMERGENCY PROVIDER RATE CHANGES; SUBJECTING CERTAIN PROVISIONS TO THE OKLAHOMA CENTRAL PURCHASING ACT; MAKING APPROPRIATIONS TO THE OKLAHOMA INDIAN AFFAIRS COMMISSION; STATING PURPOSE; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR OF THE OKLAHOMA INDIAN AFFAIRS COMMISSION; PROVIDING BUDGETARY LIMITATIONS; PROVIDING A LAPSE DATE; MAKING APPROPRIATIONS TO THE BOARD OF MEDICOLEGAL INVESTIGATIONS; STATING PURPOSE; PROVIDING EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN CAPITAL AND SPECIAL PROJECTS FROM EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN FEDERAL FUNDS FROM EXPENDITURE AND BUDGETARY LIMITATIONS; REQUIRING CERTAIN FUNDS TO BE INCLUDED IN THE BUDGET WORK PROGRAMS; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE CHIEF MEDICAL EXAMINER; PROVIDING BUDGETARY LIMITATIONS; PROVIDING LAPSE DATE; MAKING APPROPRIATIONS TO THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; STATING PURPOSE; PROVIDING EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN CAPITAL AND SPECIAL PROJECTS FROM EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN FEDERAL FUNDS FROM EXPENDITURE AND BUDGETARY LIMITATIONS; REQUIRING CERTAIN FUNDS TO BE INCLUDED IN THE BUDGET WORK PROGRAMS; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE COMMISSIONER; PROVIDING BUDGETARY LIMITATIONS; AUTHORIZING PLACEMENT OF CERTAIN EMPLOYEES IN THE UNCLASSIFIED SERVICE; REQUIRING THE BUDGET WORK

PROGRAM TO INCLUDE CERTAIN ENTITIES AND ACTIVITIES;
MAKING CERTAIN APPROPRIATIONS NONFISCAL; PROVIDING
LAPSE DATE; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

DEPARTMENT OF HUMAN SERVICES

SECTION 1. There is hereby appropriated to the Department of Human Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Six Hundred Eighteen Million Two Hundred Twenty-four Thousand Nine Hundred Seventy-six Dollars (\$618,224,976.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 2. Expenditures by the Department of Human Services from all sources of revenue during the fiscal year ending June 30, 1993, excluding expenditures for capital and special projects, shall not exceed the following:

<u>Budget Activity</u>	<u>State Funds</u>	<u>Total Funds</u>
1. Services to Children and Youth	\$69,670,027.00	\$104,151,072.00
2. Youth Service Agencies	10,488,919.00	10,488,919.00
3. Services to the Mentally Retarded and Developmentally Disabled	64,807,463.00	142,845,588.00
4. Rehabilitative and Visual Services	10,859,635.00	37,911,927.00
5. School for the Blind	3,816,735.00	3,850,034.00
6. Services for the Deaf		

and Hearing Impaired	4,506,804.00	4,567,799.00
7. Disability Determination		
(Federal)	0.00	11,522,210.00
8. Title XIX Medical Payments	236,386,649.00	845,797,481.00
9. AFDC Entitlements	42,427,277.00	146,756,377.00
10. AABD State Supplement		
Payments	34,979,743.00	34,979,743.00
11. Day Care Payments	16,647,190.00	34,550,961.00
12. Family Support Services		
and Field Operations	59,813,001.00	142,274,858.00
13. Child Support Enforcement	2,126,358.00	14,642,883.00
14. Aging Services	14,517,827.00	30,404,756.00
15. Administration, Medical		
Services Administration		
and the Management		
Information Division	8,069,680.00	78,308,809.00
16. Oklahoma Medical Center	<u>39,107,668.00</u>	<u>176,599,536.00</u>
TOTAL	\$618,224,976.00	\$1,819,652,953.00

Receipt and expenditure of discretionary federal grant funds, exclusive of block grant funds, awarded after July 1, 1992, shall be exempt from the above expenditure limitations and from budgetary limitations provided for in Section 3 of this act, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Human Services by law shall be set by the Director of Human Services. The Department of Human Services for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special

projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitations</u>	<u>Amount</u>
Average Full-time-equivalent Employees, Excluding Medical Residents	13,734.5
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute, and Excluding Medical Residents	\$302,139,245.00
Professional and Personal Services Contracts, Excluding the Master Reimbursement Contract with the University of Oklahoma Health Sciences Center; Other Payments for Patient Care Services Rendered by University Physicians; the Contract with the Oklahoma Professional Review Organization for Review of Medical Services Utilization; and the Contract for Medical Claims Processing	\$6,581,852.00
Lease-Purchase Agreements	\$9,883,800.00
Purchase of Equipment	\$19,048,654.00
Expenditure of Federal Funds	\$994,564,729.00
Total Expenditures for Operations	\$1,819,652,953.00

SECTION 4. The average full-time-equivalent employees limit specified in Section 3 of this act may be increased by up to one hundred fifty (150) full-time-equivalent employees for the purpose of providing staffing for program expansions or increased census at the Oklahoma Medical Center, provided that such employees shall be funded with hospital-generated revenues.

SECTION 5. The limitation on the transfer of funds between accounts specified in Section 41.12 of Title 62 of the Oklahoma Statutes shall relate only to the line items specified in Section 2 of this act, and shall not be construed to be a limitation on budgetary subdivisions included in the Department's budget work program.

SECTION 6. The Director of State Finance shall transfer monies apportioned from the General Revenue Fund to the Department of Human Services' disbursing funds in the amounts and ratios requested by the Department except that the cumulative amounts transferred shall not exceed the cumulative amounts of equal monthly allotments of the appropriation from the General Revenue Fund.

Monies appropriated or collected for the fiscal year ending June 30, 1993, may be transferred to these disbursing funds for the fiscal year ending June 30, 1992, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 1992, to the disbursing funds for the fiscal year ending June 30, 1993, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance. The Department of Human Services shall maintain records of the interyear transfers.

SECTION 7. The Director of Human Services may request through the Director of State Finance the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the Department of Human Services' disbursing funds to alleviate cash-flow problems.

SECTION 8. The Director of Human Services may request the Director of State Finance to transfer available funds, appropriated or collected, between the Oklahoma Medical Center Disbursing Fund and the Department of Human Services Disbursing Fund or between the Oklahoma Medical Center Disbursing Fund and the Department of Human

Services Medical and Assistance Fund. All such transfers shall be for temporary cash-flow purposes only.

SECTION 9. The Commission for Human Services, except in cases of emergency or when required by state or federal law, shall not finalize provider rates for fiscal year 1994 until the end of the regular session of the Legislature in fiscal year 1993. Further, the Commission shall not change rates for fiscal year 1993 after January 1, 1992, except in cases of emergency or when required by state or federal law. If, in the opinion of the Commission, an emergency situation or legal mandate exists, the Commission may make appropriate provider rate changes. The Commission shall make these rate changes effective not later than the effective date of any such legal requirement.

Prior to final approval of rate changes due to an emergency or legal mandate, the Director of the Department of Human Services shall provide written notification of the intended actions and reasons for such actions to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Following final approval of the changes by the Commission, the Director shall further provide the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate with a written explanation of the methodology and assumptions made in arriving at the emergency rate change. The provisions of this section shall be subject to the provisions of the Oklahoma Central Purchasing Act.

OKLAHOMA INDIAN AFFAIRS COMMISSION

SECTION 10. There is hereby appropriated to the Oklahoma Indian Affairs Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indian Affairs Commission by law:

Personal Services	\$138,555.00
Other Operating Expenses	<u>53,615.00</u>
TOTAL	\$192,170.00

SECTION 11. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Indian Affairs Commission by law shall be set by the Director of the Oklahoma Indian Affairs Commission. The salary of the Director shall not exceed Thirty-five Thousand Eight Hundred Forty Dollars (\$35,840.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Oklahoma Indian Affairs Commission for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	5.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$105,308.00
Professional and Personal Services Contracts	\$5,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$1,500.00
Expenditure of Revolving Funds	\$1,330.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$193,980.00

BOARD OF MEDICOLEGAL INVESTIGATIONS

SECTION 12. There is hereby appropriated to the Board of Medicolegal Investigations from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Two Million Three

Hundred Sixty-one Thousand Seven Hundred Fifty-four Dollars (\$2,361,754.00) or so much thereof as may be necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law.

SECTION 13. Expenditures by the Board of Medicolegal Investigations from all sources of revenue during the fiscal year ending June 30, 1993, excluding expenditures for capital and special projects shall not exceed the following:

<u>Budget Activity</u>	<u>State Funds</u>	<u>Total Funds</u>
1. Central Office	\$1,726,442.00	\$1,728,842.00
2. Tulsa Office	625,865.00	625,865.00
3. Data Processing	<u>9,447.00</u>	<u>9,447.00</u>
TOTAL	\$2,361,754.00	\$2,364,154.00

Receipt and expenditure of discretionary federal grant funds, exclusive of block grant funds, awarded after July 1, 1992, shall be exempt from the limitations and from budgetary limitations provided for in Section 14 of this act, provided that any such funds used for operations shall be included in the agency's budget work programs.

SECTION 14. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law shall be set by the Board. The salary of the Chief Medical Examiner shall not exceed Eighty-seven Thousand Seven Hundred Twenty-three Dollars (\$87,723.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Board of Medicolegal Investigations for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	52.0

Payroll, Salaries or Wages, Including

Tax-sheltered Deferment Contracts and Longevity Payments

Authorized by State Statutes \$1,482,411.00

Professional and Personal Services Contracts	\$200,000.00
Lease-Purchase Agreements	\$25,400.00
Purchase of Equipment	\$30,000.00
Expenditure of Revolving Funds	\$5,000.00
Expenditure of Federal Funds	\$10,000.00
Total Expenditures for Operations	\$2,376,754.00

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SECTION 15. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of One Hundred One Million One Hundred Ninety-five Thousand Five Hundred Sixty-seven Dollars (\$101,195,567.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 16. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, the sum of Three Million Dollars (\$3,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 17. Expenditures by the Department of Mental Health and Substance Abuse Services from all sources of revenue during the fiscal year ending June 30, 1993, excluding expenditures for capital and special projects, shall not exceed the following:

<u>Budget Activity</u>	<u>State Funds</u>	<u>Total Funds</u>
1. Central Office		

Administration	\$ 3,438,454.00	\$
4,911,982.00		
2. State Hospitals, the Oklahoma Youth Center and the State-Operated Crisis Center	\$46,158,636.00	
\$67,130,386.00		
3. State-Operated Community Mental Health Centers	\$14,170,597.00	
\$18,061,849.00		
4. State-Operated Alcohol and Drug Facilities	\$5,522,365.00	
\$6,562,127.00		
5. Private Community Mental Health Centers and Other Community Programs	\$25,319,523.00	
\$31,560,476.00		
6. Private Community Alcohol and Drug Programs	\$5,939,147.00	
\$16,195,047.00		
7. Domestic Violence Programs	\$1,875,520.00	
\$2,152,955.00		
8. Data Processing	\$1,771,325.00	
\$3,155,441.00		

Receipt and expenditure of discretionary federal grant funds, exclusive of block grant funds, awarded after July 1, 1992, shall be exempt from the above expenditure limitations and from budgetary limitations provided for in Section 18 of this act, provided that any such funds used for operations shall be included in the agency's budget work programs.

For the purposes of the limitations on the transfer of funds between accounts specified in Section 41.12 of Title 62 of the Oklahoma Statutes, said limitations shall relate only to the line items specified in this section, and shall not be construed to be limitations on budgetary subdivisions included in the Department's budget work program.

SECTION 18. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed Eighty-eight Thousand Seven Hundred Eight Dollars (\$88,708.00) per annum, payable biweekly for the fiscal year ending June 30, 1993. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, excluding expenditures for capital, intra-agency payments and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	
2,699.0	
Payroll, Salaries or Wages, Including	
Tax-sheltered Deferment Contracts	
and Longevity Payments Authorized	
by State Statute	
\$65,764,528.00	
Professional and Personal Services Contracts	
\$2,900,000.00	
Lease-Purchase Agreements	
\$580,000.00	

Purchase of Equipment

\$2,000,000.00

Expenditure of Revolving Funds

\$22,000,000.00

Expenditure of Federal Funds

\$18,800,000.00

Total Expenditures for Operations

\$149,995,567.00

SECTION 19. Full-time-equivalent employees utilized at the Central Office may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Sections 840.8 and 840.10 of Title 74 of the Oklahoma Statutes.

SECTION 20. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Mental Health and Substance Abuse Services shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1993, to include the following budgetary entities and activities:

Central Office Administration

Central State Hospital

Eastern State Hospital

Western State Hospital

Oklahoma Youth Center

Norman Alcohol and Drug Treatment Center

Vinita Alcohol and Drug Treatment Center

Fort Supply Alcohol and Drug Treatment Center

Oklahoma City Crisis Center

Carl Albert Community Mental Health Center

Jim Taliaferro Community Mental Health Center

Central Oklahoma Community Mental Health Center

Bill Willis Community Mental Health Center

Northwest Community Mental Health Center
Private Community Mental Health Centers
Private Community Alcohol and Drug Programs
Domestic Violence Programs
Other Community Programs
Data Processing

The budgets for the above activities shall include all direct and indirect costs, except for those included in the Central Office Administration and Data Processing activities, associated with each activity.

SECTION 21. The appropriations made by Sections 10, 12, 15 and 16 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1993. Any unexpended funds remaining after November 15, 1993, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 22. The appropriation made by Section 1 of this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the effective date of this act.

SECTION 23. This act shall become effective July 1, 1992.

SECTION 24. It being immediately necessary for the preservation of the public peace, health and 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 25th day of February, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate