

LS*****ENROLLED SENATE

BILL NO. 724

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (James) and
STEIDLEY of the HOUSE

AN ACT RELATING TO VARIOUS HEALTH SERVICES AGENCIES; MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH; STATING PURPOSE; SPECIFYING CERTAIN CATEGORIES AND AMOUNTS; REQUIRING THE SUBMISSION OF CERTAIN FINANCIAL REPORTS; CREATING ELDERCARE REVOLVING FUND; MAKING FUNDS NONFISCAL; PROVIDING FOR DEPOSIT AND EXPENDITURE OF FUNDS; TRANSFERRING CERTAIN APPROPRIATED FUNDS TO THE ELDERCARE REVOLVING FUND; TRANSFERRING CERTAIN APPROPRIATED FUNDS TO THE CHILD ABUSE PREVENTION FUND; STATING LEGISLATIVE INTENT; DIRECTING UTILIZATION OF CERTAIN FUNDS FOR CERTAIN PURPOSES; PROVIDING FOR CERTAIN DEMONSTRATION PROJECTS; REQUIRING THE PREPARATION AND SUBMISSION OF CERTAIN REPORTS; SPECIFYING CONTENTS; CREATING VACCINE REVOLVING FUND; MAKING FUNDS NONFISCAL; PROVIDING FOR DEPOSIT AND EXPENDITURE OF FUNDS; TRANSFERRING CERTAIN APPROPRIATED FUNDS TO THE VACCINE REVOLVING FUND; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE STATE COMMISSIONER OF HEALTH; PROVIDING BUDGETARY LIMITATIONS; REQUIRING THE BUDGET WORK PROGRAM TO INCLUDE CERTAIN ACTIVITIES OR SUB-ACTIVITIES; AUTHORIZING THE EXPENDITURE OF CERTAIN FUNDS RELATING TO WASTEWATER; MAKING APPROPRIATIONS TO THE BOARD OF MEDICOLEGAL INVESTIGATIONS; STATING PURPOSE; PROVIDING EXPENDITURE LIMITATIONS; REAPPROPRIATING AND REDESIGNATING CERTAIN FUNDS; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE CHIEF MEDICAL EXAMINER; PROVIDING BUDGETARY LIMITATIONS; MAKING AN APPROPRIATION TO THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; STATING PURPOSE; REAPPROPRIATING AND REDESIGNATING CERTAIN FUNDS; PROVIDING EXPENDITURE LIMITATIONS; EXEMPTING CERTAIN FEDERAL FUNDS FROM EXPENDITURE AND BUDGETARY LIMITATIONS; REQUIRING CERTAIN FUNDS TO BE INCLUDED IN THE BUDGET WORK PROGRAM; AMENDING SECTION 5, CHAPTER 301, O.S.L. 1991, AS AMENDED BY SECTION 18 OF ENROLLED HOUSE BILL NO. 2426 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO CERTAIN BUDGETARY LIMITATIONS; 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; PROVIDING LAPSE DATE; PROVIDING FOR
CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

STATE DEPARTMENT OF HEALTH

SECTION 1. There is hereby appropriated to the State Department of Health 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 Million Five Hundred Three Thousand Six Hundred Eight Dollars (\$1,503,608.00) or so much thereof as may be required to perform the duties imposed upon the State Department of Health by law.

SECTION 2. From the funds appropriated to the State Department of Health in Section 56 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature in Section 1 of this act, the following categories and amounts shall be expended:

Contractual services of the Margaret Hudson Program for School Age Parents	\$ 42,977.00
Contractual services of the Mary Mahoney Memorial Health Center	172,910.00
Contractual services of the Southeast Area Health Center	172,910.00
Contractual services of the Morton Comprehensive Health Services, Incorporated	311,902.00
Contractual services of the Sickle Cell Research Foundation, Incorporated	70,000.00
Contractual services of the Emerson Teen Parent Program	135,360.00
Contractual services of the Alzheimer's Research Advisory Council	55,475.00
Contractual services of the Oklahoma County Chapter of the National Association of Black Social Workers	<u>46,599.00</u>
TOTAL	\$1,008,133.00

A quarterly financial report specifying how funds have been expended shall be submitted by each of the above entities as part of all contracts with the State Department of Health.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-107.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a Revolving Fund for the State Department of Health to be designated the "Eldercare

Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for operation of Eldercare programs. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. The State Department of Health shall transfer the sum of Six Million Six Hundred Nineteen Thousand Nine Hundred Ninety-five Dollars (\$6,619,995.00) from the funds appropriated to the State Department of Health in Section 56 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature and in Section 1 of this act to the Eldercare Revolving Fund, established in Section 3 of this act. A quarterly financial report for the Eldercare Program specifying how funds have been expended shall be submitted to the State Department of Health by each Eldercare contractor.

SECTION 5. The State Department of Health shall transfer the sum of One Million Four Hundred Eighty-one Thousand Two Hundred Twenty-one Dollars (\$1,481,221.00) from the funds appropriated to the State Department of Health in Section 56 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature and in Section 1 of this act to the Child Abuse Prevention Fund, established pursuant to Section 1-227.8 of Title 63 of the Oklahoma Statutes, to be expended in accordance with law.

SECTION 6. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section 56 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature and in Section 1 of this act, the amount of Two Million Seven Hundred Seventy-five Thousand Two Hundred Twenty-seven Dollars (\$2,775,227.00) shall be utilized for the provision of perinatal services for low-income women statewide.

Of said amount, Two Million Five Hundred One Thousand Four Hundred Fifty-five Dollars (\$2,501,455.00) is intended to provide direct services for unserved or underserved counties and to encourage early entry of high-risk clients into the health care system; Two Hundred Nine Thousand Six Hundred Ninety-seven Dollars (\$209,697.00) is intended to provide for contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine; and Sixty-four Thousand Seventy-five Dollars (\$64,075.00) is intended to provide for a demonstration project with a full complement of prevention and comprehensive perinatal services, including ambulatory care, community organizing and case management, social work and nutrition, public education and follow-up services, which shall be located in a select county with a high teen pregnancy rate.

On or before January 1 of each year, the State Department of Health shall prepare and submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing receipts and expenditures of any local, state and federal funds spent for perinatal services by county as defined above. It is the intent of the Legislature that perinatal health services shall be defined as prenatal care, postnatal care and infant care up to one (1) year of age. The report shall be more inclusive than time and effort information and shall include a list of contractors, number of clients served, and full-time-equivalent employees for the

following categories: Maternity Services, Child Health, immunizations, family planning and WIC.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-107.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Vaccine Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purchase of vaccines. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 8. The State Department of Health shall transfer the sum of One Million Seven Hundred Ninety-two Thousand Five Hundred Dollars (\$1,792,500.00) from the funds appropriated to the State Department of Health in Section 56 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature and in Section 1 of this act to the Vaccine Revolving Fund, established in Section 7 of this act.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed Ninety-three Thousand Two Hundred Eighty-eight Dollars (\$93,288.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The State Department of Health 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	2,556.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferral Contracts and Longevity Payments Authorized by State Statutes	\$63,900,000.00
Professional and Personal Services Contracts	\$19,000,000.00
Lease-Purchase Agreements	\$500,000.00
Purchase of Equipment	\$2,500,000.00
Expenditure of Revolving Funds	\$42,000,000.00
Expenditure of Federal Funds	\$91,700,000.00
Total Expenditures for Operations	\$176,156,497.00

SECTION 10. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the State Department of Health 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 district activities or sub-activities:

Administration
 Environmental Health Services
 Personal Health Services
 AIDS Information and Prevention Program
 Special Health Services
 Women, Infants and Children Program
 Local Health Service
 Eldercare Program
 Child Abuse Prevention Program
 Health Planning
 Vaccine Program
 Maternal and Child Health Service
 Child Guidance Service
 Vital Records Division
 Air Quality Service
 Consumer Protection Service
 General Environmental Services
 Hazardous Waste Management Service
 Occupational Licensing Service
 State Environmental Laboratory Service
 Water Quality Service
 Data Processing

SECTION 11. For the fiscal year ending June 30, 1993, the State Department of Health is authorized to expend from the Wastewater Facility Construction Revolving Loan Account an amount not to exceed Two Hundred Sixty-five Thousand One Hundred Eleven Dollars (\$265,111.00) and the Oklahoma Water Resources Board is authorized to expend from the Wastewater Facility Construction Revolving Loan Account an amount not to exceed Sixty-six Thousand Two Hundred Seventy-eight Dollars (\$66,278.00) for the administration of the State Wastewater Facility Construction Loan Program pursuant to Section 1085.51 et seq. of Title 82 of the Oklahoma Statutes.

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, 1991, the sum of One Hundred Ten Thousand Three Hundred Ninety-three Dollars (\$110,393.00) or so much thereof as may be necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law.

SECTION 13. REAPPROPRIATION AND REDESIGNATION The amount of Twenty-four Thousand Eight Hundred Seven Dollars (\$24,807.00), appropriated by Section 1, Chapter 246, O.S.L. 1991, to the Oklahoma Human Rights Commission from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, is hereby reappropriated and redesignated for general roof repairs at the Board of Medicolegal Investigation's Central Office.

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>
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Full-time-equivalent Employees	52.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$1,527,375.00	
Professional and Personal Services Contracts	\$200,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$35,000.00
Expenditure of Revolving Funds	\$3,000.00
Expenditure of Federal Funds	\$25,000.00
Total Expenditures for Operations	\$2,650,457.00

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 Three Million Three Hundred Eighty-four Thousand Six Hundred Nine Dollars (\$3,384,609.00) 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. REAPPROPRIATION AND REDESIGNATION The amount of Sixteen Thousand Ninety Dollars (\$16,090.00) appropriated by Section 55, Chapter 265, O.S.L. 1990, to the Department of Mental Health and Substance Abuse Services from the Cash-Flow Reserve Fund designated by the Office of State Finance as the "089" Fund, for the Sprinkler System at the Oklahoma Youth Center Phil Smalley Building, is hereby reappropriated and redesignated for general capital maintenance and renovation at the Oklahoma Youth Center.

SECTION 17. REDESIGNATION The amount of Twenty-eight Thousand Nine Hundred Ten Dollars (\$28,910.00) appropriated by Section 49, Chapter 265, O.S.L. 1990, to the Department of Mental Health and Substance Abuse Services from any monies in the Special Cash Fund of the State Treasury, for transfer to the Capital Outlay Fund of the Department of Mental Health and Substance Abuse Services, for the Sprinkler System at the Oklahoma Youth Center Phil Smalley Building, is hereby redesignated for general capital maintenance and renovation at the Oklahoma Youth Center.

SECTION 18. The funds appropriated to the Department of Mental Health and Substance Abuse Services in Section 15 of this act and Sections 63 and 64 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature, excluding expenditures for capital and special projects, shall not exceed the following:

Budget Activity

1. Central Office Administration	\$3,881,189.00
2. State Hospitals, the Oklahoma Youth Center and the State-Operated Crisis Center	\$49,673,068.00

3. State-Operated Community Mental Health Centers	\$15,910,443.00
4. State-Operated Alcohol and Drug Facilities	\$5,764,575.00
5. Private Community Mental Health Centers and Other Community Programs	\$26,841,513.00
6. Private Community Alcohol and Drug Programs	\$6,355,419.00
7. Domestic Violence Programs	\$2,220,556.00
8. Data Processing	\$2,417,391.00

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 19. AMENDATORY Section 5, Chapter 301, O.S.L. 1991, as amended by Section 18 of Enrolled House Bill No. 2426 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

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, 1992. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1992, 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	\$21,000,000.00 <u>\$21,300,000.00</u>
Expenditure of Federal Funds	\$20,000,000.00
Total Expenditures for Operations	\$151,679,545.00 <u>\$151,979,545.00</u>

SECTION 20. 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	2,720.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute \$66,364,528.00	
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 \$20,000,000.00	
Expenditure of Federal Funds \$23,600,000.00	
Total Expenditures for Operations \$156,664,154.00	

SECTION 21. 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 22. 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 23. The appropriations made by 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 24. Sections 1 through 15, 18, and 20 through 23 of this act shall become effective July 1, 1992.

SECTION 25. 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 Senate the 20th day of May, 1992.

President of the Senate

Passed the House of Representatives the 21st day of May, 1992.

Speaker of the House of Representatives