

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2423

BY: HAMILTON (James) and  
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the  
SENATE

AS INTRODUCED

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 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 BUDGETARY WORK PROGRAMS; 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 \_\_\_\_\_ Dollars (\$\_\_\_\_\_.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</u>
	<u>Funds</u>	
1. Services to Children and Youth	\$_____.00	\$_____.00
2. Youth Service Agencies	\$_____.00	\$_____.00
3. Services to the Mentally Retarded		

and Developmentally Disabled	_____	.00	_____	.00
4. Rehabilitative and Visual Services	_____	.00	_____	.00
5. School for the Blind	_____	.00	_____	.00
6. Services for the Deaf and Hearing Impaired	_____	.00	_____	.00
7. Disability Determination (Federal)	_____	.00	_____	.00
8. Title XIX Medical Payments	_____	.00	_____	.00
9. Medical Services Administration and Claims Processing	_____	.00	_____	.00
10. AFDC Entitlements	_____	.00	_____	.00
11. AABD State Supplement Payments	_____	.00	_____	.00
12. Day Care Payments	_____	.00	_____	.00
13. Family Support Services	_____	.00	_____	.00
14. Child Support Enforcement	_____	.00	_____	.00
15. Field Operations	_____	.00	_____	.00
16. Aging Services	_____	.00	_____	.00
17. Administration	_____	.00	_____	.00
18. Management Information Division	_____	.00	_____	.00
19. Oklahoma Medical Center	_____	.00	_____	.00
TOTAL	\$ _____	.00	\$ _____	.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	_____.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute, and Excluding Medical Residents	\$ _____.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	\$ _____.00
Lease-Purchase Agreements	\$ _____.00
Purchase of Equipment	\$ _____.00
Expenditure of Federal Funds	\$ _____.00
Total Expenditures for Operations	\$ _____.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 sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indian Affairs Commission by law.

SECTION 11. Expenditures by the Oklahoma Indian Affairs

Commission 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>Program Activity</u>	<u>State Funds</u>	<u>Total</u>
<u>Funds</u>		
1. Tribal Economic Development	\$_____.00	\$_____.00
2. Children Services	_____.00	_____.00
3. Indian Tourism	_____.00	_____.00
4. Indian Education (Higher Ed)	_____.00	_____.00
5. Indian Film Registry	_____.00	_____.00
6. Indian Religious Freedom Act	_____.00	_____.00
TOTAL	\$_____.00	_____.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 12 of this act, provided that any such funds used for operations shall be included in the agency's budget work programs.

SECTION 12. 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 \_\_\_\_\_ Dollars (\$\_\_\_\_\_.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	0.0

Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$_____.	00
Professional and Personal Services Contracts	\$_____.	00
Lease-Purchase Agreements	\$_____.	00
Purchase of Equipment	\$_____.	00
Expenditure of Revolving Funds	\$_____.	00
Expenditure of Federal Funds	\$_____.	00
Total Expenditures for Operations	\$_____.	00

BOARD OF MEDICOLEGAL INVESTIGATIONS

SECTION 13. 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 \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00) or so much thereof as may be necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law.

SECTION 14. 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	\$_____.	\$_____.
2. Tulsa Office	_____.	_____.
3. Data Processing	_____.	_____.
TOTAL	\$_____.	\$_____.

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 15 of this act, provided that any such funds used for operations shall be included in the agency's budget work programs.

SECTION 15. 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 \_\_\_\_\_ Dollars (\$\_\_\_\_\_.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	0.0
Payroll, Salaries or Wages, Including	
Tax-sheltered Deferment Contracts and Longevity Payments	
Authorized by State Statutes \$_____.	.00
Professional and Personal Services Contracts	\$_____.
Lease-Purchase Agreements	\$_____.
Purchase of Equipment	\$_____.
Expenditure of Revolving Funds	\$_____.
Expenditure of Federal Funds	\$_____.
Total Expenditures for Operations	\$_____.

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

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, 1993, the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_.) 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. 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 \_\_\_\_\_ Dollars (\$\_\_\_\_\_.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 18. 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	\$_____.00	
\$_____.00		
2. State Hospitals, the		
Oklahoma Youth		
Center and the		
State-Operated		
Crisis Center	_____.00	
_____.00		
3. State-Operated Community		
Mental Health Centers	_____.00	
_____.00		
4. State-Operated Alcohol		
and Drug Facilities	_____.00	
_____.00		
5. Private Community Mental		
Health Centers and Other		
Community Programs	_____.00	
_____.00		
6. Private Community Alcohol		

and Drug Programs	_____	.00
_____		.00
7. Domestic Violence Programs	_____	.00
_____		.00
8. Data Processing	_____	.00
_____		.00
TOTAL	\$ _____	.00
	\$ _____	.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 19 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. 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 \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ .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	
____.0	
Payroll, Salaries or Wages, Including	
Tax-sheltered Deferment Contracts	
and Longevity Payments Authorized	
by State Statute	\$ _____ .00
Professional and Personal Services Contracts	\$ _____ .00
Lease-Purchase Agreements	\$ _____ .00
Purchase of Equipment	\$ _____ .00
Expenditure of Revolving Funds	\$ _____ .00
Expenditure of Federal Funds	\$ _____ .00
Total Expenditures for Operations	\$ _____ .00

SECTION 20. 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 21. 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 22. The appropriations made by Sections 10, 13, 16 and 17 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 23. 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 24. 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.

43-2-9431

SB