

ENROLLED HOUSE
BILL NO. 3035

By: Hamilton and Settle of
the House

and

Haney and Hobson of the
Senate

An Act relating to various Human Services agencies; making appropriations to the Department of Human Services; stating purposes; specifying expenditures from the Welfare Reform Initiative Fund; stating purposes; requiring certain expenditures; providing for duties and compensation of employees; providing for budgetary limitations; setting certain budgetary categories; providing for exemptions from certain expenditure limitations; requiring transfer of certain monies; specifying amounts and ratios; providing exceptions; requiring certain procedures; prohibiting certain finalization or changes of certain rates; providing exception; requiring written notification and explanation; authorizing certain early transfers of tax collections for specific purpose; making an appropriation to the State Department of Rehabilitation Services; stating purpose; providing for duties and compensation of employees; limiting salary of the Director; providing for budgetary limitations; providing for certain budgetary categories; providing for exemptions from certain budgetary limitations under certain conditions; making certain employee positions exempt from FTE limitations; requiring and authorizing certain transfers; authorizing requests for certain transfers of funds to the General Revenue Fund; making an appropriation to the Office of Juvenile Affairs; stating purpose; directing expenditure of certain appropriation; providing for duties and compensation of employees; limiting the salary of the Director; authorizing certain attorney position; providing for budgetary limitations; providing for certain budgetary categories; providing exemption from certain expenditure limitation; prohibiting certain finalization or changes of certain rates; providing exemption; requiring written notification and explanation; authorizing certain requests for exemptions from expenditure limitations and budgetary limitations; requiring certain procedures; requiring certain filings; requiring certain approvals; requiring written notice; providing lapse dates; providing for the budgeting and expenditure of certain funds; limiting budgeting of appropriations for certain fiscal years; authorizing certain budgeting under

certain conditions; and providing an effective date.

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, 1999, the sum of One Million One Hundred Eighty-five Thousand Five Hundred Sixty-five Dollars (\$1,185,565.00) or so much thereof as may be necessary for senior nutrition services for the senior citizens of Oklahoma.

SECTION 2. 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, 1999, the sum of Four Hundred Nine Thousand Seventy-five Dollars (\$409,075.00) or so much thereof as may be necessary to provide Geriatric Day Care Services to the senior citizens of Oklahoma.

SECTION 3. 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, 1999, the sum of Four Hundred Thousand Dollars (\$400,000.00) or so much thereof as may be necessary to provide in home Non-technical Medical Care (NTMC) services to the frail elderly citizens of Oklahoma.

SECTION 4. 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, 1999, the sum of One Million Eight Hundred Sixty-seven Thousand Nine Hundred Ninety-seven Dollars (\$1,867,997.00) or so much thereof as may be necessary to provide case management, personal care and skilled nursing services to Oklahoma's elderly senior citizens.

SECTION 5. 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, 1999, the sum of Seven Million One Hundred Thirty-four Thousand Nine Hundred Sixty-two Dollars (\$7,134,962.00) or so much thereof as may be necessary for salary, health insurance, and other benefit increases to the employees of the Department of Human Services.

SECTION 6. 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, 1999, the sum of Seven Hundred Eighty-seven Thousand Three Hundred Sixty-three Dollars (\$787,363.00) or so much thereof as may be necessary to provide services to developmentally disabled children in Oklahoma.

SECTION 7. In order to meet the minimum of seventy-five percent (75%) maintenance of effort required by the provisions of the Federal Temporary Assistance to Needy Families block grant, the Department of Human Services shall expend Eleven Million One Hundred Thousand Dollars (\$11,100,000.00) or so much thereof as may be necessary for literacy services, transportation services, training programs, including, but not limited to, STRIVE, InDex, vocational-

technical education and employment services for recipients of the Temporary Assistance to Needy Families (TANF) program from the funds in the Welfare Reform Initiative Fund created pursuant to Section 72 of Enrolled House Bill No. 3050 of the 2nd Session of the 46th Oklahoma Legislature.

SECTION 8. 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, 1999, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, 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>
Average Full-time-equivalent Employees	7,885.3
Lease-Purchase Agreements	\$4,000,000.00

SECTION 9. For the fiscal year ending June 30, 1999, the Department of Human Services shall budget all appropriated funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>
Child and Family Services	\$ 35,059,380.00
Developmental Disabilities Services	81,640,124.00
TANF and Cash Assistance	22,733,503.00
Work Activities	8,148,160.00
AABD State Supplemental Payments	32,370,872.00
Day Care Payments	22,118,374.00
Family Support Services	3,784,469.00
Field Operations	81,996,117.00
Child Support Enforcement	7,260,584.00
Aging Services	16,325,599.00
Administration and Data Services	36,575,368.00
TOTAL	\$348,012,550.00

For the fiscal year ending June 30, 1999, the Department of Human Services, excluding expenditures for capital and special projects, shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Total</u>
Child and Family Services	\$ 94,452,277.00
Developmental Disabilities Services	193,262,164.00
TANF Cash Assistance	76,855,774.00
Work Activities	39,466,938.00
AABD State Supplemental Payments	38,609,346.00
Day Care Payments	93,522,446.00
Family Support Services	27,221,783.00
Field Operations	181,834,731.00
Child Support Enforcement	30,764,786.00
Aging Services	49,627,740.00
Administration and Data Services	75,830,789.00
Electronic Benefits Transfer	260,000,000.00
TOTAL	\$1,161,448,774.00

Receipt and expenditure of unanticipated federal funds awarded the Department of Human Services after July 1, 1998, shall be exempt from expenditure limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 10. The Director of State Finance shall transfer monies apportioned from the General Revenue Fund and the Welfare Reform Initiative Fund created in Section 72 of Enrolled House Bill No. 3050 of the 2nd Session of the 46th Oklahoma Legislature to the Department of Human Services' disbursing funds in the amounts and ratios requested by the agency except that the cumulative amounts

transferred shall not exceed the cumulative amounts of equal monthly allotments of the appropriations from the General Revenue Fund and the Welfare Reform Initiative Fund.

Monies appropriated or collected from the fiscal year ending June 30, 1999, may be transferred to these disbursing funds for the fiscal year ending June 30, 1998, 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, 1998, to the disbursing funds for the fiscal year ending June 30, 1999, 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 11. There is hereby appropriated to the State Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 1999 from the Temporary Assistance to Needy Families Block Grant and the Child Care and Development Fund Block Grant to meet the provisions of federal law relating to such grants.

SECTION 12. 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 2000 until the end of the 1st Session of the 47th Oklahoma Legislature. Further, the Commission shall not change rates for fiscal year 1999 after January 1, 1999, 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 on 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.

SECTION 13. The Director of the Department 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's disbursing funds to alleviate cash-flow problems.

STATE DEPARTMENT OF REHABILITATION SERVICES

SECTION 14. There is hereby appropriated to the State Department of Rehabilitation Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1999, the sum of Seven Hundred Fifty Thousand Six Hundred Four Dollars (\$750,604.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Rehabilitation Services by law.

SECTION 15. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Rehabilitation Services by law shall be set by the Commission for Rehabilitation Services. The salary of the Director shall not exceed Sixty-seven Thousand Dollars (\$67,000.00)

per annum, payable monthly for the fiscal year ending June 30, 1999. The Department of Rehabilitation Services for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, 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	780.0
Lease-Purchase Agreements	\$100,000.00

SECTION 16. For the fiscal year ending June 30, 1999, the Department of Rehabilitation Services shall budget all appropriated funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>
Rehabilitative and Visual Services	\$12,270,013.00
Oklahoma School for the Blind	4,835,003.00
Oklahoma School for the Deaf	6,263,735.00
Disability Determination Division	0.00
TOTAL	\$23,368,751.00

For the fiscal year ending June 30, 1999, the Department of Rehabilitation Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Total</u>
Rehabilitative and Visual Services	\$52,001,289.00
Oklahoma School for the Blind	5,150,000.00
Oklahoma School for the Deaf	6,700,000.00
Disability Determination Division	20,000,000.00
TOTAL	\$83,851,289.00

Receipt and expenditure of unanticipated federal funds awarded the Department of Rehabilitation Services after July 1, 1998, shall be exempt from expenditure limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 17. Any employees of the Disability Determination Unit in the Department of Rehabilitation Services whose salaries are funded in whole by federal funds shall be exempted from the agency FTE limit.

SECTION 18. The Director of State Finance shall transfer monies apportioned from the General Revenue Fund to the Department of Rehabilitation Services' disbursing funds in the amounts and ratios requested by either agency except that the cumulative amounts transferred shall not exceed the cumulative amounts of equal monthly allotments of the appropriations from the General Revenue Fund.

Monies appropriated or collected from the fiscal year ending June 30, 1999, may be transferred to these disbursing funds for the fiscal year ending June 30, 1998, 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, 1998, to the disbursing funds for the fiscal year ending June 30, 1999, 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 Rehabilitation Services shall maintain records of the interyear transfers.

SECTION 19. The Director of the Department of Rehabilitation 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's disbursing fund to alleviate cash-flow problems.

OFFICE OF JUVENILE AFFAIRS

SECTION 20. There is hereby appropriated to the Office of Juvenile Affairs from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1999, the sum of Seven Million Seven Hundred Fifty-three Thousand Nine Hundred Ninety-four Dollars (\$7,753,994.00) or so much thereof as may be necessary to perform the duties imposed upon the Office of Juvenile Affairs by law.

SECTION 21. Of the funds appropriated in Section 76 of Enrolled House Bill No. 3050 of the 2nd Session of the 46th Oklahoma Legislature and Section 23 of this act, the Office of Juvenile Affairs shall expend One Million Four Hundred Thousand Dollars (\$1,400,000.00) for the Delinquency and Youth Gang Intervention Program.

SECTION 22. Of the funds appropriated in Section 23 of this act, the Office of Juvenile Affairs shall expend Two Hundred Sixteen Thousand Six Hundred Sixty-seven Dollars (\$216,667.00) for the state match for the Violent Offender and Truth in Sentencing Act.

SECTION 23. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of Juvenile Affairs by law shall be set by the Board of Juvenile Affairs. The salary of the Director shall not exceed Sixty-eight Thousand Nine Hundred Fifty Dollars (\$68,950.00) per annum, payable monthly for the fiscal year ending June 30, 1999. The Office of Juvenile Affairs is hereby authorized one (1) FTE for an attorney position. This shall be in addition to the position of General Counsel. The Office of Juvenile Affairs for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, 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	1,184.5
Lease-Purchase Agreements	\$315,142.00

SECTION 24. For the fiscal year ending June 30, 1999, the Office of Juvenile Affairs shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
OJJDP	\$ 80,840.00	\$ 1,686,088.00
Santa Claus	0.00	16,252.00
Administration	5,810,949.00	5,946,680.00
Residential Services	43,230,611.00	48,786,010.00
Nonresidential Services	32,323,915.00	35,745,924.00
Community Youth Service Agencies	<u>16,383,822.00</u>	<u>16,383,822.00</u>
TOTAL	\$97,830,137.00	\$108,564,776.00

SECTION 25. The Office of Juvenile Affairs, except in cases of emergency or when required by state or federal law, shall not finalize provider rates for fiscal year 1999 until the end of the 2nd Regular Session of the 46th Oklahoma Legislature. Further, the Board of Juvenile Affairs shall not change rates for fiscal year 1999 after January 1, 1999, except in cases of emergency or when required by state or federal law. If, in the opinion of the Board of Juvenile Affairs, an emergency situation or legal mandate exists, the Board of Juvenile Affairs may make appropriate provider rate changes. The Board of Juvenile Affairs shall make these rate changes effective on 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 Office of Juvenile Affairs 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 Board of Juvenile Affairs, 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, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 26. A. The Director of the Office of Juvenile Affairs may request that receipt and expenditure of unanticipated federal funds awarded after July 1, 1998, be exempt from expenditure limitations and from budgetary limitations.

1. The Director shall make a request for exemption to the Director of State Finance in writing and file a revised budget work program.

2. The Director shall also file copies of the request for exemption and budget work program revisions with the Joint Legislative Committee on Budget and Program Oversight created by Section 41.47 of Title 62 of the Oklahoma Statutes. The Committee shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of the Committee's receipt of the exemption request.

B. The Director of State Finance shall approve the request for exemption unless both the Chair and Vice Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Director of State Finance within twelve (12) calendar days of the Committee's receipt of the exemption request that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Director of State Finance shall give written notice of approval or disapproval of each exemption to the agency, the Governor and the Chair and Vice Chair of the Joint Legislative Committee on Program and Budget Oversight within eighteen (18) calendar days of receiving the request.

SECTION 27. Appropriations made by this act, may be budgeted for the fiscal year ending June 30, 1999 (hereafter FY-99) or may be budgeted for the fiscal year ending June 30, 2000 (hereafter FY-00). Funds budgeted for FY-99 may be encumbered only through June 30, 1999, and must be expended by November 15, 1999. Any funds remaining after November 15, 1999, and not budgeted for FY-00, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-00 may be encumbered only through June 30, 2000. Any funds remaining after November 15, 2000, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-99, and not required to pay obligations for that fiscal year, may be budgeted for FY-00, after the agencies have prepared and submitted a budget work program revision removing these funds from the FY-99 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 28. This act shall become effective September 1, 1998.

Passed the House of Representatives the 20th day of May, 1998.

Speaker of the House of
Representatives

Passed the Senate the 21st day of May, 1998.

President of the Senate