

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1161

By: Haney and Hobson of the
Senate

and

Mass and Bonny of the
House

AS INTRODUCED

An Act relating to various Human Services agencies; making appropriations to the Department of Human Services; stating purposes; requiring budgeting in certain categories and amounts; requiring performance measures; providing for exemptions from certain expenditure limitations; providing for duties and compensation of employees; limiting the number of full-time-equivalent employees; providing budgetary limitation on lease-purchase agreements; appropriating certain federal monies to the Department of Human Services; stating purpose; 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; authorizing transfer of appropriated money in requested amounts and ratios; authorizing certain interyear transfers; making an appropriation to the State Department of Rehabilitation Services; stating purpose; requiring budgeting in certain categories and amounts; requiring performance measures; providing for exemptions from certain expenditures limitations; providing for duties and compensation of employees; limiting the salary of the Director and the number of full-time-equivalent employees; providing budgetary limitation on lease-purchase agreements; making certain employee positions exempt from FTE limitations; authorizing certain early transfers of tax collections for specific purpose; authorizing transfer of appropriated money in requested amounts and ratios; authorizing certain interyear transfers; making an appropriation to the Office of Juvenile Affairs; stating purpose; requiring budgeting in certain categories and amounts; requiring performance measures; providing for duties and compensation of employees; limiting the salary of the Director and the number of full-time-equivalent employees; authorizing certain attorney position; providing budgetary limitation on lease-purchase agreements; prohibiting certain finalization of changes of certain rates; providing exception; requiring written notice 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; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

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

THE 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, 2003, the sum of _____ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 2. For the fiscal year ending June 30, 2003, 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 | \$0.00 |
| Office of Child Care | 0.00 |
| Developmental Disabilities Services | 0.00 |
| TANF and Cash Assistance | 0.00 |
| Work Activities | 0.00 |
| AABD State Supplemental Payments | 0.00 |
| Day Care Payments | 0.00 |
| Family Support Services | 0.00 |
| Field Operations | 0.00 |
| Child Support Enforcement | 0.00 |
| Aging Services | 0.00 |
| Administration and Data Services | <u>0.00</u> |
| TOTAL | \$0.00 |

For the fiscal year ending June 30, 2003, 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 | \$0.00 |
| Office of Child Care | 0.00 |
| Developmental Disabilities Services | 0.00 |
| TANF and Cash Assistance | 0.00 |
| Work Activities | 0.00 |
| AABD State Supplemental Payments | 0.00 |
| Day Care Payments | 0.00 |
| Family Support Services | 0.00 |
| Field Operations | 0.00 |
| Child Support Enforcement | 0.00 |
| Aging Services | 0.00 |
| Administration and Data Services | 0.00 |
| Electronic Benefits Transfer | <u>0.00</u> |
| TOTAL | \$0.00 |

The agency shall develop outcome-based performance measures for each budget category.

Receipt and expenditure of unanticipated federal funds awarded the Department of Human Services after July 1, 2002, 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 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, 2003, 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 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 4. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2003, 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 5. 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 2004 until the end of the 1st Session of the 49th Oklahoma Legislature. Further, the Commission shall not change rates for fiscal year 2003 after January 1, 2003, 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 6. 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 collection to the General Revenue Fund for the purpose of early allocation to the Department's disbursing funds to alleviate cash-flow problems.

SECTION 7. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund and Tobacco Settlement Fund 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 Tobacco Settlement Fund.

Monies appropriated or collected from the fiscal year ending June 30, 2003, may be transferred to these disbursing funds for the fiscal year ending June 30, 2002, 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, 2002, to the disbursing funds for the fiscal year ending June 30, 2003, 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.

STATE DEPARTMENT OF REHABILITATION SERVICES

SECTION 8. 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, 2003, the sum of _____ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Rehabilitation Services by law.

SECTION 9. For the fiscal year ending June 30, 2003, the State 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 | \$0.00 |
| Oklahoma School for the Blind | 0.00 |
| Oklahoma School for the Deaf | 0.00 |
| Disability Determination Division | <u>0.00</u> |
| TOTAL | \$0.00 |

For the fiscal year ending June 30, 2003, 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 | \$0.00 |
| Oklahoma School for the Blind | 0.00 |
| Oklahoma School for the Deaf | 0.00 |
| Disability Determination Division | <u>0.00</u> |
| TOTAL | \$0.00 |

The agency shall develop outcome-based performance measures for each budget category.

Receipt and expenditure of unanticipated federal funds awarded the Department of Rehabilitation Services after July 1, 2002, 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 duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Rehabilitation Services by law shall be set by the Commission for Rehabilitation Services. The salary of the Director shall not exceed Seventy-five Thousand Dollars (\$75,000.00) per annum, payable monthly for the fiscal year ending June 30, 2003. The State Department of Rehabilitation Services for the fiscal year ending June 30, 2003, 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 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 11. 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 12. 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 collection to the General Revenue Fund for the purpose of early allocation to the Department's disbursing funds to alleviate cash-flow problems.

SECTION 13. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund to the Department of Rehabilitation 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.

Monies appropriated or collected from the fiscal year ending June 30, 2003, may be transferred to these disbursing funds for the fiscal year ending June 30, 2002, 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, 2002, to the disbursing funds for the fiscal year ending June 30, 2003, 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.

OFFICE OF JUVENILE AFFAIRS

SECTION 14. 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, 2003, the sum of _____ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Office of Juvenile Affairs by law.

SECTION 15. For the fiscal year ending June 30, 2003, the Office of Juvenile Affairs shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|-----------------------------------|----------------------|--------------|
| Administration | \$0.00 | \$0.00 |
| Santa Claus | 0.00 | 0.00 |
| OJJDP | 0.00 | 0.00 |
| JAIBG | 0.00 | 0.00 |
| Welfare to Work | 0.00 | 0.00 |
| Residential Services | 0.00 | 0.00 |
| Nonresidential Services | 0.00 | 0.00 |
| Community Youth Services Agencies | <u>0.00</u> | <u>0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

The agency shall develop outcome-based performance measures for each category.

SECTION 16. 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 Director. The salary of the Director shall not exceed Ninety Thousand Dollars (\$90,000.00) per annum, payable monthly for the fiscal year ending June 30, 2003. 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, 2003, 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 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 17. 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 2004 until the end of the 1st Session of the 49th Oklahoma Legislature. Further, the Board of Juvenile Affairs shall not change rates for fiscal year 2003 after January 1, 2003, except in cases of emergency or when required by state or federal law. If, in the opinion of the Board, an emergency situation or legal mandate exists, the Board may make appropriate provider rate changes. The Board 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 18. A. The Director of the Office of Juvenile Affairs may request that receipt and expenditure of unanticipated federal funds awarded after July 1, 2002, 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 Chair of the Senate Appropriations Committee and the Chair of the House of Representatives Appropriations and Budget Committee. The Chair of the Senate Appropriations Committee and the Chair of the House of Representatives Appropriations and Budget Committee shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of receipt of the exemption request.

B. The Director of State Finance shall approve the request for exemption unless either the Chair of the Senate Appropriations Committee or the Chair of the House of Representatives Appropriations and Budget Committee provides written notification to the Director of State Finance within twelve (12) calendar days of 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, the Chair of the Senate Appropriations Committee, and the Chair of the House of Representatives Appropriations and Budget Committee within eighteen (18) calendar days of receiving the request.

SECTION 19. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03), or may be budgeted for the fiscal year ending June 30, 2004 (hereafter FY-04). Funds budgeted for FY-03 may be encumbered only through June 30, 2003, and must be expended by November 15, 2003. Any funds remaining after November 15, 2003, and not budgeted for FY-04, shall

lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-04 may be encumbered only through June 30, 2004. Any funds remaining after November 15, 2004, 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-03, and not required to pay obligations for that fiscal year, may be budgeted for FY-04, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-03 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 20. This act shall become effective July 1, 2002.

SECTION 21. 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.

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