

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1488

By: Haney and Hobson of the
Senate

and

Mass and Bonny of the
House

AS INTRODUCED

An Act relating to social services; providing for budgetary limitations for the Oklahoma Commission on Children and Youth; requiring performance measures; exempting certain funds from expenditure limitations; making an appropriation to the Office of Juvenile Affairs for the purpose of increasing contractual responsibilities relating to public safety; requiring budgeting in certain categories and amounts; requiring performance measures; requiring funds specifically appropriated for Youth Services Agency programs to be made available through certain contracting procedures; providing criteria and procedure for designation of Youth Services Agencies; designating the Department of Juvenile Justice as the sole administrator of Youth Services Agency contracts; requiring a cooperative agreement between the Department of Juvenile Justice and the Department of Human Services; authorizing specific contracts between the Office of Juvenile Affairs and the Oklahoma Association of Youth Services; making an appropriation to the Department of Rehabilitation Services for the purpose of health and medical assistive technology; modifying certain budgetary categories and amounts; making an appropriation to the Department of Human Services for the purpose of education-related after school services; requiring budgeting in certain categories and amounts; exempting certain funds from expenditure limitations; making an appropriation to the Department of Human Services; stating purpose; providing for limitation on encumbrances; requiring and prohibiting certain budget practices; providing lapse dates; providing for codification; repealing Section 2, Chapter 228, O.S.L. 2001, as amended by Section 52, Chapter 433, O.S.L. 2001, Section 15, Chapter 229, O.S.L. 2001, as amended by Section 60, Chapter 433, O.S.L. 2001, Section 17, Chapter 395, O.S.L. 2000, as amended by Section 62, Chapter 433, O.S.L. 2001, 10 O.S. 2001, Section 7302-3.6 (Section 64, Chapter 433, O.S.L. 2001), and Sections 61, 63 and 103, Chapter 433, O.S.L. 2001; and declaring an emergency.

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

SECTION 1. For the fiscal year ending June 30, 2002, the Oklahoma Commission on Children and Youth shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 263,769.00	\$ 289,269.00
Office of Juvenile Systems		
Oversight	369,183.00	502,422.00
Office of Planning and		
Coordination	836,080.00	2,257,715.00
Court-appointed Special Advocate	365,317.00	415,317.00
Juvenile System Training	168,033.00	323,033.00
Oklahoma Areawide Information		
System	70,384.00	70,384.00
Board of Child Abuse Medical		
Examination	53,917.00	53,917.00
Child Death Review Board	<u>82,723.00</u>	<u>102,723.00</u>
TOTAL	\$2,209,406.00	\$4,014,780.00

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

Receipt and expenditures of unanticipated federal funds awarded the Oklahoma Commission on Children and Youth after July 1, 2001, 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 2. 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, 2002, the sum of Twenty-three Thousand Thirty-two Dollars (\$23,032.00) or so much thereof as may be necessary to provide increased contractual services from the Duncan Community Intervention Center by law, less any amounts disbursed or allocated

prior to the effective date of this act pursuant to the appropriation made by Section 63, Chapter 433, O.S.L. 2001.

SECTION 3. For the fiscal year ending June 30, 2002, 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	\$ 5,800,147.00	\$ 5,988,147.00
Santa Claus	0.00	16,252.00
OJJDP	115,653.00	1,720,901.00
JAIBG	8,925.00	4,412,553.00
Residential Services	46,079,029.00	52,285,180.00
Nonresidential Services	35,853,204.00	43,191,930.00
Community Youth Services		
Agencies	<u>17,986,882.00</u>	<u>17,986,882.00</u>
TOTAL	\$105,843,840.00	\$125,601,845.00

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-3.6a of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Funds specifically appropriated to the Office of Juvenile Affairs for designated Youth Services Agency programs for both the Department of Juvenile Justice and the Department of Human Services shall be made available through contracts negotiated by the Department of Juvenile Justice, to organizations designated by the Department of Juvenile Justice as "Youth Services Agencies". Such designations shall be granted based on need, as indicated in the State Plan for Services to Children and Youth, and in accordance with criteria approved by the Board of Juvenile Affairs after full consideration of any recommendations of the Department of Human Services and the Oklahoma Association of Youth Services. Until the criteria is established by the Board, the criteria established by

the Commission for Human Services shall remain in effect. The criteria for designation of Youth Services Agencies shall include but shall not be limited to:

1. Capability to deliver all or part of the compensable services enumerated in Section 7302-3.3 of Title 10 of the Oklahoma Statutes, if the Youth Services Agency is to provide such services;

2. Capability to deliver all or part of the compensable children's services that the Department of Human Services is authorized to provide for by contract with a private agency, if the Youth Services Agency is to provide such services;

3. Adequate and qualified staff who are available as needed, within a reasonable time after being contacted for services in each county served by the agency;

4. Adequate services in each county served by the agency;

5. Financial viability; and

6. A documented need for the local services to be offered.

B. The criteria for designation of Youth Services Agencies also may include:

1. Successful completion of peer review processes by the Oklahoma Association of Youth Services; and

2. Such other criteria as the Board of Juvenile Affairs determines appropriate.

C. Each Youth Services Agency receiving, by grant or contract from the Department of Human Services on June 30, 1995, state funds specifically appropriated for community-based youth services programs, is hereby automatically designated a "Youth Services Agency".

D. The Department of Juvenile Justice, after the opportunity for an administrative hearing, may terminate the designation of a Youth Services Agency that:

1. Is seriously deficient in the administration of its program;

2. Loses financial viability; or

3. Fails to successfully complete the peer review process by the Oklahoma Association of Youth Services.

Any applicant organization denied designation as a Youth Services Agency may request an administrative hearing from the Department. The Board of Juvenile Affairs shall establish an administrative hearing and appeal process. Until the administrative hearing and appeal process is established, the hearing and appeal process established for this section by the Commission for Human Services shall remain in effect.

E. The Department of Juvenile Justice shall be the sole administrator of Youth Services Agency contracts. Any contracting procedure shall include a procedure for converting all contracts to a system of payment which will be structured in a manner that will allow for the receipt of all available federal funds.

F. The Department of Juvenile Justice and the Department of Human Services shall enter into a cooperative agreement that establishes procedures to ensure the continuation of services provided for in paragraph 2 of subsection A of this section by Youth Services Agencies. The Department of Juvenile Justice shall consult with the Department of Human Services when assessing the capability of a Youth Services Agency to deliver services pursuant to paragraph 2 of subsection A of this section.

G. The Office of Juvenile Affairs is authorized to contract with the Oklahoma Association of Youth Services for evaluation, training and materials for the First Time Offender Program and for statewide office support, including rental of office space and general technical assistance for Youth Services Agencies with which the Office of Juvenile Affairs has contracts.

SECTION 5. 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, 2002, the sum of One Hundred

Thousand Dollars (\$100,000.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Rehabilitation Services by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 61, Chapter 433, O.S.L. 2001.

SECTION 6. For the fiscal year ending June 30, 2001, 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	\$12,320,221.00
Oklahoma School for the Blind	5,285,645.00
Oklahoma School for the Deaf	6,677,340.00
Disability Determination Division	<u>0.00</u>
TOTAL	\$24,283,206.00

For the fiscal year ending June 30, 2001, the State Department of Rehabilitation Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Total</u>
Rehabilitative and Visual Services	\$54,650,000.00
Oklahoma School for the Blind	5,500,000.00
Oklahoma School for the Deaf	7,000,000.00
Disability Determination Division	<u>16,100,000.00</u>
TOTAL	\$83,250,000.00

Receipt and expenditure of unanticipated federal funds awarded the State Department of Rehabilitation Services after July 1, 2000, 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 7. 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, 2002, the sum of Twenty-five Thousand Dollars

(\$25,000.00) for after school services, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 103, Chapter 433, O.S.L. 2001.

SECTION 8. Budgetary and employee limitations otherwise imposed upon agencies by law shall not apply to expenditures by state agencies made from appropriations and transfers made by this act.

SECTION 9. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02), or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, 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-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, 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-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 10. REPEALER Section 2, Chapter 228, O.S.L. 2001, as amended by Section 52, Chapter 433, O.S.L. 2001, Section 15, Chapter 229, O.S.L. 2001, as amended by Section 60, Chapter 433, O.S.L. 2001, Section 17, Chapter 395, O.S.L. 2000, as amended by Section 62, Chapter 433, O.S.L. 2001, 10 O.S. 2001, Section 7302-3.6 (Section 64, Chapter 433, O.S.L. 2001), and Sections 61, 63 and 103, Chapter 433, O.S.L. 2001, are hereby repealed.

SECTION 11. 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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