

By: Mitchell and Bonny of the
House

and

Morgan and Robinson of the
Senate

An Act relating to the Office of Juvenile Affairs; requiring budgeting in certain categories and amounts; providing certain restrictions for certain funds; providing exceptions; providing for and requiring the implementation of a Medicaid organized health care delivery system; requiring certain uses of specifying program funding and certain providers; providing for duties and compensation of employees; limiting the salary of the Director; authorizing certain attorney position; providing certain budgetary limitation; authorizing certain requests for exemptions from expenditure limitations and budgetary limitations; requiring certain procedures; requiring certain filings; requiring certain approvals; providing exemptions; requiring written notice; providing procedures; 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:

SECTION 1. For the fiscal year ending June 30, 2005, 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	\$ 5,013,198.00	\$ 5,400,000.00
Santa Claus	0.00	20,000.00
OJJDP	117,709.00	2,000,000.00
JAIBG	12,648.00	3,700,000.00
Residential Services	37,507,324.00	44,900,000.00
Nonresidential Services	25,750,758.00	31,600,000.00
Community Youth Services		
Agencies	<u>21,598,750.00</u>	<u>22,400,000.00</u>

TOTAL \$90,000,387.00 \$110,020,000.00

No amount of the funds budgeted pursuant to this section for Community Youth Services Agencies may be reallocated, reduced or expended for any other purpose except as provided herein. Provided, in the event of a revenue failure, only funds budgeted for the Community At Risk Services (CARS) Program, may be reduced in the same proportion as the total revenue reduction experienced by the Office of Juvenile Affairs.

SECTION 2. During the fiscal year beginning July 1, 2004, the Office of Juvenile Affairs shall implement a Medicaid organized health care delivery system to provide rehabilitation services to juveniles. The system shall be developed in consultation with the Oklahoma Health Care Authority and Oklahoma Association of Youth Services. The new system shall use the existing Community At Risk Services (CARS) program funding. Existing CARS service providers shall be used as the delivery system providers. The CARS system providers shall be required to provide performance-based outcome and quality assurance data.

SECTION 3. 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, 2005. 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, 2005, 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	1,206.5
Lease-Purchase Agreements	\$0.00

SECTION 4. A. The Director of the Office of Juvenile Affairs may request that receipt and expenditure of unanticipated federal funds awarded after July 1, 2004, 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 their 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 Budget and Program Oversight within eighteen (18) calendar days of receiving the request.

SECTION 5. Appropriations made by Sections 79 and 80 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, not including appropriations made for capital outlay

purposes, may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05) or may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06). Funds budgeted for FY-05 may be encumbered only through June 30, 2005, and must be expended by November 15, 2005. Any funds remaining after November 15, 2005, and not budgeted for FY-06, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-06 may be encumbered only through June 30, 2006. Any funds remaining after November 15, 2006, 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-05, and not required to pay obligations for that fiscal year, may be budgeted for FY-06, 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-05 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 6. This act shall become effective July 1, 2004.

SECTION 7. 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 House of Representatives the 10th day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate