

ENROLLED HOUSE  
BILL NO. 2048

By: Mitchell and Bonny of the  
House

and

Morgan and Robinson of the  
Senate

An Act relating to the Department of Human Services; making appropriations; stating purposes; requiring budgeting in certain categories and amounts; requiring certain 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 certain budgetary limitation; requiring certain expenditures; specifying certain expenditures; appropriating certain federal monies to the Department of Human Services; stating purpose; requiring depletion of disbursing funds before reduction of services; providing procedure for approval of service reduction; prohibiting certain finalization or changes of certain rates until certain date; providing exceptions; providing for rate changes; providing for effective date; requiring written notification and explanation; making certain changes subject to Oklahoma Central Purchasing Act; authorizing certain early transfers of tax collections for specific purpose; requiring transfer of certain funds in requested amounts and ratios; specifying purpose; requiring certain records; authorizing certain interyear transfers; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; and providing an effective date.

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

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, 2005, the sum of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 2. There is hereby appropriated to the Department of Human Services from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury, the sum of Three Hundred Fifty-four Thousand Dollars (\$354,000.00) or so much thereof as may

be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 3. For the fiscal year ending June 30, 2005, the Department of Human Services shall budget all appropriated and other funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Children and Family Services	\$ 64,792,945.00	\$ 149,127,415.00
Division of Child Care	2,109,582.00	36,970,302.00
Developmental Disabilities Services	104,256,954.00	239,906,855.00
Temporary Assistance to Needy Families (TANF) Cash Assistance	32,219,319.00	44,151,141.00
Temporary Assistance to Needy Families (TANF) Work Activities	10,482,142.00	32,787,833.00
Aid to Aged, Blind and Disabled (ABD) State Supplemental Payments	38,609,346.00	40,609,346.00
Child Care Subsidy Payments	21,871,005.00	147,000,189.00
Family Support Services	1,864,013.00	36,696,607.00
Field Operations	62,836,268.00	203,525,528.00
Child Support Enforcement	3,070,941.00	48,209,150.00
Aging Services	41,076,672.00	83,372,341.00
Administration and Data Services	25,141,662.00	104,268,731.00
Food Stamps	<u>0.00</u>	<u>428,600,000.00</u>
TOTAL	\$408,330,849.00	\$1,595,225,438.00

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, 2004, 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 4. 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, 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	7,755.0
Lease-Purchase Agreements	\$4,000,000.00

SECTION 5. From the funds appropriated to the Department of Human Services in Sections 77, 78 and 79 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, the amount of Ten Million Dollars (\$10,000,000.00) shall be used for providing child care subsidy payments. These funds shall be used to supplement rather than replace existing resources for child care subsidy payments.

SECTION 6. From the funds appropriated to the Department of Human Services in Sections 77, 78 and 79 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, and in Section 2 of this act, the amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000.00) shall be used for providing services for persons with developmental disabilities in the amounts set forth in this section. These funds shall be used to provide additional services and programs for persons with developmental disabilities and shall be used to supplement rather than replace existing resources for services and programs for persons with developmental disabilities.

Home and Community Based Waiver services for persons on the Waiver waiting list	\$1,700,000.00
Group Homes and/or services for mentally retarded persons charged with dangerous crimes, but found incompetent to stand trial, as directed in the provisions of Enrolled Senate Bill No. 1583 of the 2nd Session of the 49th Oklahoma Legislature	\$300,000.00
Services for persons with Prader-Willi syndrome	\$250,000.00

SECTION 7. From the funds appropriated to the Department of Human Services in Section 2 of this act, the amount of One Hundred Four Thousand Dollars (\$104,000.00) shall be used to provide four additional beds in the Level E Group Home for children with behavioral disorders located in Chickasha, Oklahoma.

SECTION 8. From the funds appropriated to the Department of Human Services in Section 1 of this act, the amount of Two Million Dollars (\$2,000,000.00) shall be used for the Partnership for School Readiness. These funds will be used for community grants, community training, public engagement and operating expenses. These funds shall be used to provide additional school readiness services and programs and shall be used to supplement rather than replace existing resources for school readiness services and programs.

SECTION 9. From the funds appropriated to the Department of Human Services in Section 1 of this act, the amount of One Million Three Hundred Thousand Dollars (\$1,300,000.00) shall be used to

provide an increase in payments for foster care families and therapeutic foster care service providers. Upon approval of the proposed increase in foster care family payments by the Human Services Commission, and approval of the proposed rate increase for therapeutic foster care providers by the Oklahoma Health Care Authority, the Department of Human Services shall spend these funds in the following manner: Seven Hundred Ten Thousand Dollars (\$710,000.00), or so much thereof as may be necessary to provide a fifty cent (\$0.50) increase per child per day to foster care families; Five Hundred Ninety Thousand Dollars (\$590,000.00), or so much thereof as may be necessary to provide a Four Dollar Sixty-one cent (\$4.61) increase per child per day to therapeutic foster care service providers.

SECTION 10. There is hereby appropriated to the Department of Human Services from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 11. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2005, 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 Department of Human Services shall spend the full amount of funds in all Department of Human Services' disbursing funds before reducing the level or delivery of services that relate to the health and safety of the Department's clients or that of the general public. It is the intent of the Oklahoma State Legislature that the Department of Human Services shall continue to provide essential services, so long as funding is available. In the event of a departmental funding shortfall requiring reduction of services, such proposed reduction shall be submitted to the Legislative Oversight Committee on State Budget Performance for determination of compliance with legislative intent, pursuant to the provisions of Section 41.47 of Title 62 of the Oklahoma Statutes. Upon submission, the Department of Human Services shall also provide copies of the proposed reduction to the Chair and Vice Chair of the Senate Appropriations Committee and the Chair and Vice Chair of the House Appropriations and Budget Committee. No such reduction of services shall take place unless and until such determination has been made and a report has been issued. Nothing in this section shall be construed to amend, alter or supersede the present application of Section 23 of Article X of the Oklahoma Constitution.

SECTION 13. A. 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 2006 until the end of the 1st Session of the 50th Oklahoma Legislature.

B. In addition, the Commission shall not change rates for fiscal year 2005 after January 1, 2005, except in cases of emergency or when required by state or federal law.

C. If, in the opinion of the Commission, an emergency situation or legal mandate exists, the Commission may make appropriate provider rate changes.

D. The Commission shall make the rate changes effective on the effective date of any such legal requirement.

E. 1. 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.

2. 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.

F. The provisions of this section shall be subject to the provisions of the Oklahoma Central Purchasing Act.

SECTION 14. 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 15. A. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund and Jobs and Growth Tax Relief 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 Jobs and Growth Tax Relief Fund.

B. Monies appropriated or collected from the fiscal year ending June 30, 2005, may be transferred to these disbursing funds for the fiscal year ending June 30, 2004, 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, 2004, to the disbursing funds for the fiscal year ending June 30, 2005, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance.

C. The Department of Human Services shall maintain records of the interyear transfers.

SECTION 16. Appropriations made by this act and Sections 77, 78 and 79 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 17. This act shall become effective July 1, 2004.

Passed the House of Representatives the 26th day of May, 2004.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the 27th day of May, 2004.

\_\_\_\_\_  
Presiding Officer of the Senate