STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2044

By: Mitchell and Bonny of the House

and

Morgan and Robinson of the Senate

AS INTRODUCED

An Act relating to the Department of Mental Health and Substance Abuse Services; making an appropriation; stating purpose; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; making certain funds exempt from certain expenditure limitations; providing limitations for certain reimbursements; stating legislative intent; requiring certain funds be set aside for certain purposes; requiring certain reports; providing for certain exemptions; specifying contents of reports; providing for certain revisions to be completed; authorizing certain employees to be placed in unclassified service; requiring certain employees to be in the classified service; providing exceptions; requiring certain budget procedures; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

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

SECTION 1. There is hereby appropriated to the Department of Mental Health and Substance Abuse 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 _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 2. For the fiscal year ending June 30, 2005, the Department of Mental Health and Substance Abuse Services shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Central Administration	$0.00	$0.00
Inpatient Hospital	0.00	0.00
Community-based Programs	0.00	0.00
Substance Abuse Programs	0.00	0.00
Co-Occurring Programs	0.00	0.00
Domestic Violence Programs	0.00	0.00
Residential Care Programs	0.00	0.00
TOTAL	$0.00	$0.00

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed _____ Dollars ($0.00) per annum, payable biweekly for the fiscal year ending June 30, 2005. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2005, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2005, shall set the reimbursement rate for residential care facilities at a level not to exceed _____ Dollars ($0.00) per mental health resident per day.

Receipt and expenditures of unanticipated federal funds awarded the Oklahoma Department of Mental Health and Substance Abuse 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. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of _____ Dollars ($0.00) for purchase of newer generation medications. On or before April 1, 2005, the Department of Mental Health and Substance Abuse Services shall prepare and submit a written report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures for such medications.

SECTION 5. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of _____ Dollars ($0.00) for Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall work with the Oklahoma Health Care Authority to establish and submit any revisions to policies and rules needed to maximize Medicaid funding for the services provided by Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall deliver a progress and evaluation report on Programs for Assertive Community Treatment (PACT) teams to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before April 1, 2005.

SECTION 6. Full-time-equivalent employees utilized at the Central Office of the Department of Mental Health and Substance Abuse Services may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

SECTION 7. Appropriations made by this act, 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 8. This act shall become effective July 1, 2004.

SECTION 9. 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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