ENROLLED HOUSE
BILL NO. 1094

By: Benge and Newport of the House

and

Morgan and Crutchfield 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; requiring certain expenditures; specifying rate increase procedures; specifying certain expenditures; providing for duties and compensation of employees; limiting the number of full-time-equivalent employees; providing certain budgetary limitation; appropriating certain federal monies to the Department of Human Services; stating purpose; 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; 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 Human Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of Four Hundred Thirty-seven Million Six Hundred Forty-five Thousand Three Hundred Eighty-nine Dollars ($437,645,389.00) 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, the sum of Forty Million Dollars ($40,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 3. There is hereby appropriated to the Department of Human Services from any monies not otherwise appropriated from the Tobacco Settlement Fund of the State Treasury for the fiscal year ending June 30, 2005, the sum of Four Million Three Hundred Forty-five Thousand Seven Hundred Eighty-eight Dollars ($4,345,788.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 4. For the fiscal year ending June 30, 2006, the Department of Human Services shall budget all appropriated funds in the following categories and amounts:

Category	Appropriation	Total
Children and Family Services	$ 73,296,673.00	$ 158,910,392.00
Division of Child Care	2,142,005.00	37,432,242.00
Developmental Disabilities Services	126,006,273.00	259,708,488.00
Temporary Assistance to Needy Families (TANF) Cash Assistance	32,299,319.00	44,231,141.00
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	36,871,005.00	151,000,189.00
Family Support Services	2,252,786.00	36,932,403.00
Field Operations	70,709,897.00	218,424,744.00
Child Support Enforcement	5,692,614.00	53,440,333.00
Aging Services	55,660,726.00	96,243,491.00
Administration and Data Services	27,968,391.00	108,840,476.00
Food Stamps	0.00	441,600,000.00
TOTAL	$481,991,177.00	$1,680,161,078.00

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, 2005, 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 5. From the funds appropriated to the Department of Human Services in Sections 1, 2 and 3 of this act, the amount of Fifteen Million Dollars ($15,000,000.00) 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 1, 2 and 3 of this act, the amount of One Million Six Hundred Thirty-four Thousand Dollars ($1,634,000.00) shall be used for providing services for persons with developmental disabilities. These funds shall be used to provide additional services and programs for persons with developmental disabilities to reduce the size of the Developmental Disabilities Services Division waiting list and shall be used to supplement rather than replace existing resources and programs for developmental disabilities.

SECTION 7. From the funds appropriated to the Department of Human Services in Sections 1, 2 and 3 of this act, the amount of Six Million Three Hundred Thousand Dollars ($6,300,000.00) shall be used to provide an increase in the reimbursement rates for the following groups: Habilitation Training Specialist/Intensive Personnel Supports; Daily Living Support; Personal Care Services; and Job Coaching Services. It is the intent of the Oklahoma Legislature that 70% of the rate increase to habilitation training specialists and personal care assistants working in Aging and Developmental Disability Services Division home- and community-based services shall be provided to direct care staff for the following costs. These costs shall include wages and benefits which include payroll taxes, workers' compensation, overtime, health insurance, liability insurance, and retirement plans. The Department will measure compliance related to this section regarding the rate increase on an annual basis.

SECTION 8. From the funds appropriated to the Department of Human Services in Sections 1, 2 and 3 of this act, the amount of Six Hundred Thirty-two Thousand Two Hundred Eighty-one Dollars ($632,281.00) shall be used for providing services for Adult Day Care or Adult Day Care rate increases, as determined by the Commission for Human Services. These funds shall be used to supplement rather than replace existing resources for Adult Day Care services or Adult Day Care rate increases.

SECTION 9. From the funds appropriated to the Department of Human Services in Sections 1, 2 and 3 of this act, the amount of Six Hundred Sixty Thousand Dollars ($660,000.00) shall be used for purposes of establishing 2-1-1 Call Centers. These centers will provide a single central repository for individuals needing assistance to all community services, both public and private, available to assist them in their time of need. The Oklahoma 2-1-1 Advisory Collaborative shall administer the appropriation in this section for the purpose of the establishment, implementation, and maintenance of 2-1-1 telephone services to two metropolitan call centers (Tulsa and Oklahoma City areas) and to one rural call center that demonstrates the readiness to make the transition to 2-1-1. The allocations shall be based on each call center's total area population. The Department of Human Services shall not charge more than eight percent (8%) administrative costs to the Collaborative for indirect costs of services provided by the Department.

SECTION 10. From the funds appropriated to the Department of Human Services in Sections 1, 2 and 3 of this act, the amount of One Million Six Hundred Fifty Thousand Dollars ($1,650,000.00) shall be used for administrative operations within the Child Support Enforcement Division.

SECTION 11. 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, 2006, 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	7,655.0
Lease-Purchase Agreements	$4,000,000.00

SECTION 12. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2006, 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 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 2007 until the end of the 2nd Session of the 50th Oklahoma Legislature.

B. In addition, the Commission shall not change rates for fiscal year 2006 after January 1, 2006, 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 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.

B. Monies appropriated or collected from the fiscal year ending June 30, 2006, may be transferred to these disbursing funds for the fiscal year ending June 30, 2005, 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, 2005, to the disbursing funds for the fiscal year ending June 30, 2006, 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, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06) or may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07). Funds budgeted for FY-06 may be encumbered only through June 30, 2006, and must be expended by November 15, 2006. Any funds remaining after November 15, 2006, and not budgeted for FY-07, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-07 may be encumbered only through June 30, 2007. Any funds remaining after November 15, 2007, 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-06, and not required to pay obligations for that fiscal year, may be budgeted for FY-07, 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-06 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, 2005.

SECTION 18. 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 26th day of May, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the 26th day of May, 2005.

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Presiding Officer of the Senate