

(2ND EXTRAORDINARY SESSION  
OF THE 50TH LEGISLATURE)  
ENROLLED SENATE  
BILL NO. 36XX

By: Crutchfield and Rabon of  
the Senate

and

Benge and Newport of the  
House

An Act relating to the Department of Mental Health and Substance Abuse Services; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting the maximum salary of the Commissioner; providing budgetary limitations; setting reimbursement rate; authorizing certain transfers; making certain funds exempt from certain expenditure limitations; stating legislative intent; requiring certain funds be set aside for certain purposes; requiring certain reports; 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; and providing lapse dates.

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

SECTION 1. For the fiscal year ending June 30, 2007, the Department of Mental Health and Substance Abuse Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Central Administration	\$ 6,562,288.00	\$ 12,633,667.00
Inpatient Hospital	39,209,297.00	54,250,321.00
Community-based Programs	102,890,184.00	136,780,545.00
Substance Abuse Programs	39,393,898.00	81,471,071.00
Co-Occurring Programs	1,689,841.00	3,689,841.00
Residential Care Programs	4,958,292.00	5,612,228.00
Behavioral Health Medicaid	0.00	9,032,500.00

Domestic Violence	<u>0.00</u>	<u>50,000.00</u>
TOTAL	\$194,703,800.00	\$303,520,173.00

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

SECTION 2. 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 One Hundred Thirty-three Thousand Four Hundred Fifty-five Dollars (\$133,455.00) per annum, payable bi-weekly for the fiscal year ending June 30, 2007. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2007, 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:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,575.0
Lease-Purchase Agreements	\$1,800,000.00

The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2007, shall set the reimbursement rate for residential care facilities at Ten Dollars (\$10.00) per mental health resident per day.

In order to facilitate cash management of federal grant receipts and disbursements, the Director of State Finance shall transfer monies between the Department of Mental Health and Substance Abuse Services federal and revolving funds in amounts requested by the Department of Mental Health and Substance Abuse Services.

Receipt and expenditures of unanticipated federal funds awarded the Oklahoma Department of Mental Health and Substance Abuse Services after July 1, 2006, 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 3. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Six Million Five Hundred Two Thousand One Hundred Sixty-three Dollars (\$6,502,163.00) for purchase of newer generation medications. On or before April 1, 2007, 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 4. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Five Million Three Hundred Thousand Dollars

(\$5,300,000.00) for 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, 2007.

SECTION 5. 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 6. The appropriation made by Section 43 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07), or may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-08). Funds budgeted for FY-07 may be encumbered only through June 30, 2007, and must be expended by November 15, 2007. Any funds remaining after November 15, 2007, and not budgeted for FY-08, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-08 may be encumbered only through June 30, 2008. Any funds remaining after November 15, 2008, 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-07, and not required to pay obligations for that fiscal year, may be budgeted for FY-08, 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-07 budget work program and after such revision has been approved by the Office of State Finance.

Passed the Senate the 21st day of June, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of June, 2006.

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Presiding Officer of the House  
of Representatives

