

(2ND EXTRAORDINARY SESSION
OF THE 50TH LEGISLATURE)
ENROLLED SENATE
BILL NO. 42XX

By: Crutchfield and Rabon of
the Senate

and

Benge and Newport of the
House

An Act relating to the Department of Human Services; 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; and prohibiting certain budget procedures.

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

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

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Children and Family Services	\$ 86,814,184.00	\$ 176,777,235.00
Division of Child Care	2,154,474.00	38,248,400.00

Developmental Disabilities Services	135,342,598.00	272,246,676.00
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	46,071,005.00	151,000,189.00
Family Support Services	2,633,272.00	41,449,569.00
Field Operations	77,884,983.00	241,527,370.00
Child Support Enforcement	7,442,155.00	62,243,929.00
Aging Services	67,017,009.00	107,395,981.00
Administration and Data Services	29,046,837.00	119,588,635.00
Food Stamps	<u>0.00</u>	<u>471,600,000.00</u>
TOTAL	\$535,797,324.00	\$1,799,706,304.00

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, 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 2. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Nine Million Two Hundred Thousand Dollars (\$9,200,000.00) 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 3. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Two Million Dollars (\$2,000,000.00) shall be used to provide services for persons with developmental disabilities. These funds shall be used to provide additional services 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 4. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Six Hundred Ninety-nine Thousand One Dollars (\$699,001.00) shall be used for 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.

SECTION 5. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Three Million Dollars (\$3,000,000.00) 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 seventy percent (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 6. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Three Million Four Hundred Eighty-four Thousand Five Hundred Fourteen Dollars (\$3,484,514.00) shall be used to hire one hundred additional Child Welfare Specialists.

SECTION 7. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Two Hundred Sixty-six Thousand Dollars (\$266,000.00) shall be used to provide a rate increase for Developmental Disability Services Division foster care providers.

SECTION 8. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of One Million Four Hundred Thousand Dollars (\$1,400,000.00) shall be used to replace federal funding for therapeutic foster care rates.

SECTION 9. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Sixteen Thousand Dollars (\$16,000.00)

shall be used to provide a rate increase for contracted emergency shelters.

SECTION 10. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Three Million Dollars (\$3,000,000.00) shall be used to provide an increase for foster care and adoption assistance rates.

SECTION 11. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) shall be used to provide a rate increase for Level D+ and Level E group homes.

SECTION 12. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) shall be used for administrative operations within the Child Support Enforcement Division.

SECTION 13. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of One Million Two Hundred Ninety-seven Thousand Six Hundred Eleven Dollars (\$1,297,611.00) shall be used for debt service for the Laura Dester shelter and the DHS county office in Sapulpa.

SECTION 14. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Three Hundred Thousand Dollars (\$300,000.00) shall be used for purposes of establishing three additional 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 call centers in Lawton, Bartlesville, and Tishomingo, Oklahoma. 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 15. From the funds appropriated to the Department of Human Services in Sections 36, 37 and 38 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be used to provide additional support for Area Agencies on Aging and senior nutrition centers.

SECTION 16. 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, 2007, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, outstationed medical workers and school-based social workers, 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	7,704.0
Lease-Purchase Agreements	\$4,000,000.00

SECTION 17. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2007, 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 18. 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 2008 until the end of the 2nd Session of the 50th Oklahoma Legislature.

B. In addition, the Commission shall not change rates for fiscal year 2007 after January 1, 2007, 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 19. 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 20. 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, 2007, may be transferred to these disbursing funds for the fiscal year ending June 30, 2006, 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, 2006, to the disbursing funds for the fiscal year ending June 30, 2007, 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 21. Appropriations made by Sections 36, 37 and 38 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.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives