STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2333

By: Benge and Newport of the House

and

Crutchfield and Kerr of the Senate

AS INTRODUCED

An Act relating to the Department of Human Services; providing for duties and compensation of employees; limiting the number of full-time-equivalent employees; 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 The Oklahoma Central Purchasing Act; authorizing certain early transfers of certain funds for specific purposes; authorizing transfer of appropriated funds in requested amounts and ratios; specifying purposes; 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. 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, 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

SECTION 2. 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 3. 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 1st Session of the 51st 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 4. 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 5. 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 6. Appropriations made by this act, 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.

SECTION 7. This act shall become effective July 1, 2006.

SECTION 8. 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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