

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2260

By: Bengé and Miller of the  
House

4 and

5 Crutchfield, Johnson  
6 (Mike), Adelson and Myers  
7 of the Senate

8  
9 AS INTRODUCED

10 An Act relating to the Department of Human Services;  
11 making an appropriation to the Department of Human  
12 Services; stating purpose; requiring budgeting in  
13 certain categories and amounts; requiring certain  
14 performance measures; providing for duties and  
15 compensation of employees; limiting the number of  
16 full-time-equivalent employees; appropriating certain  
17 federal monies to the Department of Human Services;  
18 stating purpose; prohibiting certain finalization or  
19 changes of certain rates until certain date;  
20 providing exceptions; providing for rate changes;  
21 providing for effective date; requiring written  
22 notification and explanation; making certain changes  
23 subject to The Oklahoma Central Purchasing Act;  
24 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:

1 SECTION 1. There is hereby appropriated to the Department of  
 2 Human Services from any monies not otherwise appropriated from the  
 3 General Revenue Fund of the State Treasury for the fiscal year  
 4 ending June 30, 2009, the sum of \_\_\_\_\_ Dollars (\$0.00) or  
 5 so much thereof as may be necessary to perform the duties imposed  
 6 upon the Department of Human Services by law.

7 SECTION 2. For the fiscal year ending June 30, 2009, the  
 8 Department of Human Services shall budget all appropriated funds in  
 9 the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Children and Family		
Services	\$0.00	\$ 0.00
Division of Child Care	0.00	0.00
Developmental Disabilities		
Services	0.00	0.00
Temporary Assistance to		
Needy Families (TANF)		
Cash Assistance	0.00	0.00
Temporary Assistance to		
Needy Families (TANF)		
Work Activities	0.00	0.00
Aid to Aged, Blind and		
Disabled (ABD) State		
Supplemental Payments	0.00	0.00

1	Child Care Subsidy		
2	Payments	0.00	0.00
3	Family Support Services	0.00	0.00
4	Field Operations	0.00	0.00
5	Child Support Enforcement	0.00	0.00
6	Aging Services	0.00	0.00
7	Office of Faith-Based		
8	Initiatives	0.00	0.00
9	Administration and Data		
10	Services	0.00	0.00
11	Food Stamps	<u>0.00</u>	<u>0.00</u>
12	TOTAL	\$0.00	\$0.00

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

15 Receipt and expenditure of unanticipated federal funds awarded  
16 the Department of Human Services after July 1, 2008, shall be exempt  
17 from expenditure limitations, provided that any such funds used for  
18 operations shall be included in the agency's budget work program.

19 SECTION 3. The duties and compensation of employees, not  
20 otherwise prescribed by law, necessary to perform the duties imposed  
21 upon the Department of Human Services by law shall be set by the  
22 Director of Human Services. The Department of Human Services for  
23 the fiscal year ending June 30, 2009, shall be subject to the  
24 following budgetary limitations on full-time-equivalent employees

1 and expenditures excluding expenditures for capital and special  
2 projects, except as may be authorized pursuant to the provisions of  
3 Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
4 Full-time-equivalent Employees	0.0
6 Lease-Purchase Agreements	\$0.00

7 SECTION 4. There is hereby appropriated to the Department of  
8 Human Services all federal monies received by the state during the  
9 fiscal year ending June 30, 2009, from the Temporary Assistance to  
10 Needy Families Block Grant and the Child Care and Development Fund  
11 Block Grant to meet the provisions of federal law relating to such  
12 grants.

13 SECTION 5. A. The Commission for Human Services, except in  
14 cases of emergency or when required by state or federal law, shall  
15 not finalize provider rates for fiscal year 2010 until the end of  
16 the 1st Session of the 52nd Oklahoma Legislature.

17 B. In addition, the Commission shall not change rates for  
18 fiscal year 2009 after January 1, 2009, except in cases of emergency  
19 or when required by state or federal law.

20 C. If, in the opinion of the Commission, an emergency situation  
21 or legal mandate exists, the Commission may make appropriate  
22 provider rate changes.

23 D. The Commission shall make the rate changes effective on the  
24 effective date of any such legal requirement.

1 E. 1. Prior to final approval of rate changes due to an  
2 emergency or legal mandate, the Director of the Department of Human  
3 Services shall provide written notification of the intended actions  
4 and reasons for such actions to the Governor, the Speaker of the  
5 House of Representatives, and the President Pro Tempore of the  
6 Senate.

7 2. Following final approval of the changes by the Commission,  
8 the Director shall further provide the Governor, the Speaker of the  
9 House of Representatives, and the President Pro Tempore of the  
10 Senate with a written explanation of the methodology and assumptions  
11 made in arriving at the emergency rate change.

12 F. The provisions of this section shall be subject to the  
13 provisions of The Oklahoma Central Purchasing Act.

14 SECTION 6. The Director of the Department of Human Services may  
15 request through the Director of State Finance the early transfer by  
16 the Oklahoma Tax Commission of tax collection to the General Revenue  
17 Fund for the purpose of early allocation to the Department's  
18 disbursing funds to alleviate cash-flow problems.

19 SECTION 7. A. The Director of State Finance shall transfer  
20 monies appropriated from the General Revenue Fund and Tobacco  
21 Settlement Fund to the Department of Human Services' disbursing  
22 funds in the amounts and ratios requested by the agency except that  
23 the cumulative amounts transferred shall not exceed the cumulative  
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1 amounts of equal monthly allotments of the appropriations from the  
2 General Revenue Fund and Tobacco Settlement Fund.

3 B. Monies appropriated or collected from the fiscal year  
4 ending June 30, 2009, may be transferred to these disbursing funds  
5 for the fiscal year ending June 30, 2008, to satisfy encumbrances  
6 and obligations of said fiscal year; provided, that monies equal in  
7 amount are transferred from appropriations or collections for the  
8 fiscal year ending June 30, 2008, to the disbursing funds for the  
9 fiscal year ending June 30, 2009, to satisfy encumbrances and  
10 obligations of said fiscal year. All transfer requests shall be in  
11 writing to the Director of State Finance.

12 C. The Department of Human Services shall maintain records of  
13 the interyear transfers.

14 SECTION 8. Appropriations made by this act, not including  
15 appropriations made for capital outlay purposes, may be budgeted for  
16 the fiscal year ending June 30, 2009 (hereafter FY-09) or may be  
17 budgeted for the fiscal year ending June 30, 2010 (hereafter FY-10).  
18 Funds budgeted for FY-09 may be encumbered only through June 30,  
19 2009, and must be expended by November 15, 2009. Any funds  
20 remaining after November 15, 2009, and not budgeted for FY-10, shall  
21 lapse to the credit of the proper fund for the then current fiscal  
22 year. Funds budgeted for FY-10 may be encumbered only through June  
23 30, 2010. Any funds remaining after November 15, 2010, shall lapse  
24 to the credit of the proper fund for the then current fiscal year.

1 These appropriations may not be budgeted in both fiscal years  
2 simultaneously. Funds budgeted in FY-09, and not required to pay  
3 obligations for that fiscal year, may be budgeted for FY-10, after  
4 the agency to which the funds have been appropriated has prepared  
5 and submitted a budget work program revision removing these funds  
6 from the FY-09 budget work program and after such revision has been  
7 approved by the Office of State Finance.

8 SECTION 9. This act shall become effective July 1, 2008.

9 SECTION 10. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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