

ENROLLED HOUSE
BILL NO. 1216

By: Miller and Martin (Scott)
of the House

and

Johnson (Mike) and Myers of
the Senate

An Act relating to the Department of Human Services; making an appropriation; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for exemptions for requiring certain expenditures; directing certain funds to be used in the child welfare program within the Children and Family Services Division; directing certain funds be used to administer certain autism program; directing certain funds be used for construction at the Northern Oklahoma Resource Center of Enid; directing certain funds be used to administer audit recommendations; prohibiting undertaking of Mosaic IT Project without legislative approval; limiting online training for developmentally disabled direct support staff; stating legislative intent for the Commission to fund in entirety the Advantage Waiver Program; authorizing certain expenditures; providing for duties and compensation of employees; limiting the number of full-time-equivalent employees; providing for budgetary limitations; 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; requiring written notification and explanation to certain persons; 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 transfer requests to be in writing; 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, 2010, the sum of One Million Dollars (\$1,000,000.00) or as much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 2. For the fiscal year ending June 30, 2010, 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	\$ 79,009,277.00	\$ 183,307,441.00
Division of Child Care	2,197,474.00	38,600,304.00
Developmental Disabilities Services	106,665,388.00	279,528,038.00
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	39,994,213.00	151,000,189.00
Family Support Services	2,868,463.00	82,686,309.00
Field Operations	68,312,769.00	251,930,677.00
Child Support Enforcement	6,540,105.00	63,870,119.00
Aging Services	66,933,389.00	129,543,688.00
Administration and Data Services	25,444,588.00	173,793,668.00
Food Stamps	<u>0.00</u>	<u>800,000,000.00</u>
TOTAL	\$479,356,473.00	\$2,271,888,753.00

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, 2009, 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. From the funds appropriated to the Department of Human Services in Section 1 of this act, the amount of One Million Dollars (\$1,000,000.00) shall be used in the child welfare program within the Children and Family Services Division.

SECTION 4. From the funds appropriated to the Department of Human Services in Sections 77, 78 and 79 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, the amount of One Hundred Ninety-four Thousand Dollars (\$194,000.00) shall be used for the Department's expenses related to administering the autism program in Enrolled Senate Bill No. 135 of the 1st Session of the 52nd Oklahoma Legislature.

SECTION 5. From the funds appropriated to the Department of Human Services in Sections 77, 78 and 79 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, the amount of Three Hundred Thousand Dollars (\$300,000.00) shall be used for the one-time construction at the Northern Oklahoma Resource Center of Enid (NORCE).

SECTION 6. From the funds appropriated to the Department of Human Services in Sections 77, 78 and 79 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, the amount of One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00) shall be used for administering the recommendations in the House of Representatives performance audit report of the Department related to establishing a centralized hotline, creating a medical Passport Program, and updating the agency's safety training.

SECTION 7. The Department of Human Services shall not proceed with undertaking of the Mosaic IT Project beyond the initial planning phase already approved by the federal government without the passage of a resolution by the Oklahoma Legislature to continue this project.

SECTION 8. The Developmental Disabilities Services Division of the Department of Human Services shall not expend more than the amount expended in the FY-2009 for online training classes of the developmentally disabled direct support staff.

SECTION 9. It is the intent of the 1st Session of the 52nd Oklahoma Legislature that the Commission for Human Services continue to fund in its entirety the Advantage Waiver Program within the Department of Human Services in FY-2010 with all of the state, federal, and other existing financial resources available to the Commission.

SECTION 10. The Department of Human Services is hereby authorized to expend from the American Recovery and Reinvestment Act Fund ("490 Fund"), the sum of Seventy-one Million Three Hundred Fifty-five Thousand Six Hundred Forty Dollars (\$71,355,640.00) of the available Federal Medical Assistance percentage funds for FY-2009 and FY-2010 or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

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, 2010, 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:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	7,919.0
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, 2010, 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 2011 until the end of the 2nd Session of the 52nd Oklahoma Legislature.

B. In addition, the Commission shall not change rates for fiscal year 2010 after January 1, 2010, 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 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.

B. Monies appropriated or collected from the fiscal year ending June 30, 2010, may be transferred to these disbursing funds for the fiscal year ending June 30, 2009, 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, 2009, to the disbursing funds for the fiscal year ending June 30, 2010, 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 Sections 77, 78 and 79 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2010 (hereafter FY-10) or may be budgeted for the fiscal year ending June 30, 2011 (hereafter FY-11). Funds budgeted for FY-10 may be encumbered only through June 30, 2010, and must be expended by November 15, 2010. Any funds remaining after November 15, 2010, and not budgeted for FY-11, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-11 may be encumbered only through June 30, 2011. Any funds remaining after November 15, 2011, 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-10, and not required to pay obligations for that fiscal year, may be budgeted for FY-11, 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-10 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, 2009.

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 21st day of May, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 26th day of May, 2009.

Presiding Officer of the Senate