

EHB 1102

THE STATE SENATE  
Monday, April 6, 2009

ENGROSSED

House Bill No. 1102

As Amended

ENGROSSED HOUSE BILL NO. 1102 - By: Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

[ Oklahoma Health Care Authority - appropriations - effective date - emergency ]

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

SECTION 1. There is hereby appropriated to the Oklahoma Health Care Authority 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 \_\_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 2. There is hereby appropriated to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the Tobacco Settlement Fund of the State Treasury for the fiscal year ending June 30, 2010, the sum of \_\_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

1 SECTION 3. For the fiscal year ending June 30, 2010, the  
2 Oklahoma Health Care Authority shall budget all funds in the  
3 following categories and amounts:

4	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
5	Operations	\$0.00	\$0.00
6	Medicaid Payments	0.00	0.00
7	Medicaid Contracted Services	0.00	0.00
8	Premium Assistance Program	0.00	0.00
9	Rehabilitation Services	0.00	0.00
10	OSA Non-Title-XIX Medical	0.00	0.00
11	Non-Title-XIX Medical	<u>0.00</u>	<u>0.00</u>
12	TOTAL	\$0.00	\$0.00

13 SECTION 4. A. The duties and compensation of employees, not  
14 otherwise prescribed by law, necessary to perform the duties imposed  
15 upon the Oklahoma Health Care Authority by law shall be set by the  
16 Administrator of the Oklahoma Health Care Authority.

17 B. The salary of the Administrator shall not exceed \_\_\_\_\_  
18 Dollars (\$0.00) per annum, payable monthly for the fiscal year  
19 ending June 30, 2010.

20 C. The Oklahoma Health Care Authority is authorized to:

21 1. Pay professional expenses of the Administrator of the  
22 Authority, including dues, licenses, professional memberships,

1 continuing medical education classes conducted in the State of  
2 Oklahoma, and medical malpractice insurance;

3 2. Pay professional expenses of any Oklahoma licensed  
4 physician, including dues, licenses, professional memberships,  
5 continuing medical education classes conducted in the State of  
6 Oklahoma, and medical malpractice insurance, provided the physician  
7 is a full-time employee of the Authority in accordance with  
8 subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or  
9 paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the  
10 Oklahoma Statutes and utilizing those professional skills in the  
11 performance of their job duties; and

12 3. Employ six (6) full-time-equivalent attorneys. This  
13 authorization shall not increase the budgetary limits in this  
14 section.

15 D. The Oklahoma Health Care Authority for the fiscal year  
16 ending June 30, 2010, shall be subject to the following budgetary  
17 limitations, except as may be authorized pursuant to the provisions  
18 of Section 3603 of Title 74 of the Oklahoma Statutes:

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

1 Full-time-equivalent employees solely paid by grant funds will  
2 not count against the agency's budgetary limitations as specified in  
3 this section.

4 SECTION 5. A. The Administrator of the Oklahoma Health Care  
5 Authority may request in the manner provided in this section that  
6 receipt and expenditure of unanticipated federal funds awarded after  
7 July 1, 2009, be exempt from expenditure limitations and from  
8 budgetary limitations.

9 1. The Administrator shall make a request for exemption to the  
10 Director of State Finance in writing and file a revised budget  
11 program.

12 2. The Administrator shall also file copies of the request for  
13 exemption and budget work program revisions with the Oklahoma House  
14 of Representatives Appropriations and Budget Committee Chair and the  
15 Oklahoma State Senate Appropriations Committee Chair. The Oklahoma  
16 House of Representatives Appropriations and Budget Committee Chair  
17 and/or the Oklahoma State Senate Appropriations Committee Chair  
18 shall notify the Director of State Finance of any noncompliance of  
19 the request with legislative intent within twelve (12) calendar days  
20 of their receipt of the exemption request.

21 B. The Director of State Finance shall approve the request for  
22 exemption unless both the Chair and Vice Chair of the Joint  
23 Legislative Committee on Budget and Program Oversight provide

1 written notification to the Director of State Finance within twelve  
2 (12) calendar days of the Committee's receipt of the exemption  
3 request that the exemption subverts the intention and objectives of  
4 the Legislature in establishing the original limit. The Director of  
5 State Finance shall give written notice of approval or disapproval  
6 of each exemption to the agency, the Governor and the Chair of the  
7 Oklahoma House of Representatives Appropriations and Budget  
8 Committee and the Chair of the Oklahoma State Senate Appropriations  
9 Committee within eighteen (18) calendar days of receiving the  
10 request.

11 SECTION 6. The Director of State Finance shall transfer monies  
12 appropriated from the General Revenue Fund to the Oklahoma Health  
13 Care Authority disbursing funds in the amounts and ratios requested  
14 by the Authority except that the cumulative amount transferred shall  
15 not exceed the cumulative amount of equal monthly allotments of the  
16 appropriation from the General Revenue Fund. Monies appropriated or  
17 collected for the fiscal year ending June 30, 2010, may be  
18 transferred to these disbursing funds for the fiscal year ending  
19 June 30, 2009, to satisfy encumbrances and obligations of said  
20 fiscal year; provided, that monies equal in amount are transferred  
21 from appropriations or collections for the fiscal year ending June  
22 30, 2009, to the disbursing fund for the fiscal year ending June 30,  
23 2010, to satisfy encumbrances and obligations of said fiscal year.

1 All transfer requests shall be in writing to the Director of State  
2 Finance. The Oklahoma Health Care Authority shall maintain record  
3 of the interyear transfers.

4 SECTION 7. The Director of the Oklahoma Health Care Authority  
5 may request through the Director of State Finance the early transfer  
6 by the Oklahoma Tax Commission of tax collections to the General  
7 Revenue Fund for the purpose of early allocation to the agency's  
8 disbursing funds to alleviate cash-flow problems.

9 SECTION 8. The appropriations made by Sections 1 and 2 of this  
10 act shall not be subject to fiscal year limitations and shall be  
11 available for encumbrance and expenditure purposes for a period of  
12 thirty (30) months from the effective date of this act.

13 SECTION 9. This act shall become effective July 1, 2009.

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

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO  
19 PASS, As Amended.