

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1102

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers of
6 the Senate

7
8
9 AS INTRODUCED

10 An Act relating to the Oklahoma Health Care
11 Authority; making appropriations to the Oklahoma
12 Health Care Authority; stating purpose; requiring
13 budgeting in certain categories and amounts;
14 providing for duties and compensation of employees;
15 limiting salary of the Administrator; authorizing
16 payment of certain expenses; authorizing the
17 employing of certain attorneys; prohibiting certain
18 increases in budgetary limits; providing budgetary
19 limitations; providing procedures for exempting
20 certain funds from expenditure and budgetary
21 limitations; requiring certain filings and approvals;
22 specifying certain funding requirements; authorizing
23 transfers of certain funds; providing procedures;
24 authorizing the expenditure of previously
appropriated funds for certain purpose; requiring
recordkeeping; authorizing certain requests relating
to early transfers; exempting certain funds from
fiscal year limitations; 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 Oklahoma Health
Care Authority from any monies not otherwise appropriated from the

1 General Revenue Fund of the State Treasury for the fiscal year
2 ending June 30, 2010, the sum of _____ Dollars (\$0.00) or so
3 much thereof as may be necessary to perform the duties imposed upon
4 the Oklahoma Health Care Authority by law.

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

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

| 14 | <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|----|------------------------------|----------------------|--------------|
| 15 | Operations | \$0.00 | \$0.00 |
| 16 | Medicaid Payments | 0.00 | 0.00 |
| 17 | Medicaid Contracted Services | 0.00 | 0.00 |
| 18 | Premium Assistance Program | 0.00 | 0.00 |
| 19 | Rehabilitation Services | 0.00 | 0.00 |
| 20 | OSA Non-Title-XIX Medical | 0.00 | 0.00 |
| 21 | Non-Title-XIX Medical | <u>0.00</u> | <u>0.00</u> |
| 22 | TOTAL | \$0.00 | \$0.00 |

23 SECTION 4. A. The duties and compensation of employees, not
24 otherwise prescribed by law, necessary to perform the duties imposed

1 upon the Oklahoma Health Care Authority by law shall be set by the
2 Administrator of the Oklahoma Health Care Authority.

3 B. The salary of the Administrator shall not exceed _____
4 Dollars (\$0.00) per annum, payable monthly for the fiscal year
5 ending June 30, 2010.

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

7 1. Pay professional expenses of the Administrator of the
8 Authority, including dues, licenses, professional memberships,
9 continuing medical education classes conducted in the State of
10 Oklahoma, and medical malpractice insurance;

11 2. Pay professional expenses of any Oklahoma licensed
12 physician, including dues, licenses, professional memberships,
13 continuing medical education classes conducted in the State of
14 Oklahoma, and medical malpractice insurance, provided the physician
15 is a full-time employee of the Authority in accordance with
16 subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or
17 paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the
18 Oklahoma Statutes and utilizing those professional skills in the
19 performance of their job duties; and

20 3. Employ six (6) full-time-equivalent attorneys. This
21 authorization shall not increase the budgetary limits in this
22 section.

23 D. The Oklahoma Health Care Authority for the fiscal year
24 ending June 30, 2010, shall be subject to the following budgetary

1 limitations, except as may be authorized pursuant to the provisions
2 of Section 3603 of Title 74 of the Oklahoma Statutes:

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

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

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

14 1. The Administrator shall make a request for exemption to the
15 Director of State Finance in writing and file a revised budget
16 program.

17 2. The Administrator shall also file copies of the request for
18 exemption and budget work program revisions with the Oklahoma House
19 of Representatives Appropriations and Budget Committee Chair and the
20 Oklahoma State Senate Appropriations Committee Chair. The Oklahoma
21 House of Representatives Appropriations and Budget Committee Chair
22 and/or the Oklahoma State Senate Appropriations Committee Chair
23 shall notify the Director of State Finance of any noncompliance of
24

1 the request with legislative intent within twelve (12) calendar days
2 of their receipt of the exemption request.

3 B. The Director of State Finance shall approve the request for
4 exemption unless both the Chair and Vice Chair of the Joint
5 Legislative Committee on Budget and Program Oversight provide
6 written notification to the Director of State Finance within twelve
7 (12) calendar days of the Committee's receipt of the exemption
8 request that the exemption subverts the intention and objectives of
9 the Legislature in establishing the original limit. The Director of
10 State Finance shall give written notice of approval or disapproval
11 of each exemption to the agency, the Governor and the Chair of the
12 Oklahoma House of Representatives Appropriations and Budget
13 Committee and the Chair of the Oklahoma State Senate Appropriations
14 Committee within eighteen (18) calendar days of receiving the
15 request.

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

1 fiscal year; provided, that monies equal in amount are transferred
2 from appropriations or collections for the fiscal year ending June
3 30, 2009, to the disbursing fund for the fiscal year ending June 30,
4 2010, to satisfy encumbrances and obligations of said fiscal year.
5 All transfer requests shall be in writing to the Director of State
6 Finance. The Oklahoma Health Care Authority shall maintain record
7 of the inter-year transfers.

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

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

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

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

22

23 52-1-15003 MN 12/17/08

24