STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 1979

By: Jolley and Justice of the Senate

and

Sears and Martin (Scott) of the House

COMMITTEE SUBSTITUTE

An Act relating to the Department of Human Services; requiring that portions of certain appropriated funds be used for certain purposes; specifying that certain funding shall be considered additional funding; stating legislative intent; directing certain transfer; specifying funds to be distributed; appropriating certain federal monies; stating purpose; prohibiting the finalization of certain rates; authorizing early transfers of certain funds for specific purposes; directing certain 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. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount

of Twenty-five Million Dollars ($25,000,000.00) shall be used for implementing Phase One of the Pinnacle Plan.

SECTION 2. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) shall be used to provide an increase in reimbursement rates for the ADvantage waiver program.

SECTION 3. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) shall be used to provide an increase in reimbursement rates for the Developmental Disabilities Services Division (DDSD) programs.

SECTION 4. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount of One Million Dollars ($1,000,000.00) shall be used for providing services for persons with developmental disabilities. These funds shall be used to provide additional services and programs for persons with developmental disabilities to reduce the size of the Developmental Disabilities Services Division waiting list and shall be used to supplement rather than replace existing resources and programs for developmental disabilities.

SECTION 5. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount of Four Million Dollars ($4,000,000.00) shall be used for legal expenses related to the D.G., by Next Friend G. Gail Strickland et al., v. Brant Yarbrough, Chairman of the Oklahoma Commission for Human Services, et al. lawsuit.

SECTION 6. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the amount of Five Hundred Twenty-two Thousand Dollars ($522,000.00) shall be used to provide Adult Day Services.

SECTION 7. Notwithstanding the provisions of Sections 3 and 4 of this act, it is the intent of the Oklahoma Legislature that the Commission for Human Services fully fund the Developmental Disability Services Division (DDSD) within the Department of Human Services in FY-2013 with all of the state, federal, and other existing financial resources available to the Commission, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2013 is no less than FY-2012. It is further the Oklahoma Legislature's intent that services to current DDSD clients and related provider rates to such clients not be cut in FY-2013.

SECTION 8. Not withstanding the provisions of Section 2 of this act, it is the intent of the Oklahoma Legislature that the Commission for Human Services fully fund in its entirety the Advantage Home and Community-based Waiver Program, Money Follows the Person, Homeward Bound Waiver, In-Home Supports, Advantage Waiver, Personal Care, and Targeted Case Management within the Department of Human Services in FY-2013 with all of the state, federal, and other existing financial resources available to the Commission, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2013 is no less than FY-2012. It is further the Oklahoma Legislature's intent that services to clients and related provider rates within the Advantage Home and Community-based Waiver Program, Money Follows the Person, Homeward Bound Waiver, In-Home Supports, Advantage Waiver, Personal Care, and Targeted Case Management not be cut in FY-2013.

SECTION 9. Notwithstanding the provisions of Section 6 of this act, it is the intent of the Oklahoma Legislature that the Commission for Human Services fully fund the Adult Day Services within the Department of Human Services in FY-2013 with all of the state, federal, and other existing financial resources available to the Commission, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2013 is no less than FY-2012. It is further the Oklahoma Legislature's intent

that services to current Adult Day Services clients and related provider rates to such clients not be cut in FY-2013.

SECTION 10. It is the intent of the Oklahoma Legislature that the Commission for Human Services fund in its entirety the Senior Nutrition Program within the Aging Services Division of the Department of Human Services in FY-2013 with all of the state, federal, and other existing financial resources available to the Commission.

SECTION 11. It is the intent of the Oklahoma Legislature that the Commission for Human Services fund in its entirety the Foster and Adoption Program within the Department of Human Services in FY-2013 with all of the state, federal, and other existing financial resources available to the Commission.

SECTION 12. From the funds appropriated to the Department of Human Services in Sections 92 through 95 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, the Department of Human Services shall transfer Two Million Eight Hundred Thousand Dollars ($2,800,000.00) to the credit of the Child Abuse Multidisciplinary Account established in Section 1-9-103 of Title 10A of the Oklahoma Statutes, which shall be distributed according to Section 1-9-104 of Title 10A of the Oklahoma Statutes.

SECTION 13. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2013, 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 14. The Director of the Department of Human Services may request through the Director of the Office of State Finance the early transfer by the Oklahoma Tax Commission of tax collections 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 the Office of State Finance shall transfer monies appropriated from the General Revenue Fund and Special Cash 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 Special Cash Fund.

B. Monies appropriated or collected for the fiscal year ending June 30, 2013, may be transferred to these disbursing funds for the fiscal year ending June 30, 2012, 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, 2012, to the disbursing funds for the fiscal year ending June 30, 2013, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of the Office of State Finance.

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

SECTION 16. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2013 (hereafter FY-13), or may be budgeted for the fiscal year ending June 30, 2014 (hereafter FY-14). Funds budgeted for FY-13 may be encumbered only through June 30, 2013, and must be expended by November 15, 2013. Any funds remaining after November 15, 2013, and not budgeted for FY-14, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-14 may be encumbered only through June 30, 2014. Any funds remaining after November 15, 2014, 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-13, and not required to pay obligations for that fiscal year, may be budgeted for FY-14, 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-13 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, 2012.

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.

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