

An Act

ENROLLED HOUSE
BILL NO. 2183

By: Sears and Martin (Scott) of
the House

and

Myers and Jolley of the
Senate

An Act relating to the Department of Human Services; requiring that portions of certain appropriated funds be used for certain purposes; specifying certain funding shall be considered additional funding; stating legislative intent; directing Department to disburse certain funds; specifying funds to be distributed; appropriating certain federal monies; stating purpose; prohibiting the finalization of certain rates; providing exception; prohibiting the changing of certain rates; providing exception; authorizing certain rate changes; directing Commission for Human Services to make certain changes effective on certain date; requiring Director of Department to provide certain notice; requiring Director to provide certain explanation; making certain changes subject to The Oklahoma Central Purchasing Act; authorizing 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.

SUBJECT: Department of Human Services

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 86 through 88 of Enrolled House Bill No. 2170 of the 1st Session of the 53rd Oklahoma Legislature, the amount of One Hundred Seventy-eight Thousand Dollars (\$178,000.00) shall be used for providing hearing services to deaf or hard of hearing children statewide. Funding related to this section shall be considered additional funding above the base funding amount included in the Department of Human Services FY-12 Budget Work Plan to the Oklahoma Partnership for School Readiness.

SECTION 2. It is the intent of the Oklahoma Legislature that the Commission for Human Services to the greatest extent possible provide Developmental Disability Services Division (DDSD) juvenile offender services to reduce the DDSD Waiting List.

SECTION 3. 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-2012 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 FY12 is no less than FY11. 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-2012.

SECTION 4. 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-2012 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 FY12 is no less than FY11. 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-2012.

SECTION 5. 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-2012 with all of the state, federal, and other existing financial resources available to the Commission.

SECTION 6. 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-2012 with all of the state, federal, and other existing financial resources available to the Commission.

SECTION 7. The Department of Human Services shall disburse the total balance of funds that are available in the Child Abuse Multidisciplinary Account fund for distribution as of January 1, 2012, pursuant to the allocation procedures which were collected October 1, 2009, through September 30, 2011, established in Section 1-9-104 of Title 10A of the Oklahoma Statutes.

SECTION 8. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2012, 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 9. 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 2012 until the end of the 2nd Session of the 53rd Oklahoma Legislature.

B. In addition, the Commission shall not change rates for fiscal year 2011 after January 1, 2012, 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 10. 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 collection to the General Revenue Fund for the purpose of early allocation to the Department's disbursing funds to alleviate cash-flow problems.

SECTION 11. A. The Director of the Office of State Finance shall transfer monies appropriated from the General Revenue Fund and Tobacco Settlement 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 Tobacco Settlement Fund.

B. Monies appropriated or collected from the fiscal year ending June 30, 2012, may be transferred to these disbursing funds for the fiscal year ending June 30, 2011, 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, 2011, to the disbursing funds for the fiscal year ending June 30, 2012, 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 12. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2012 (hereafter FY-12) or may be budgeted for the fiscal year ending June 30, 2013 (hereafter FY-13). Funds budgeted for FY-12 may be encumbered only through June 30, 2012, and must be expended by November 15, 2012. Any funds

remaining after November 15, 2012, and not budgeted for FY-13, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-13 may be encumbered only through June 30, 2013. Any funds remaining after November 15, 2013, 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-12, and not required to pay obligations for that fiscal year, may be budgeted for FY-13, 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-12 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 13. This act shall become effective July 1, 2011.

SECTION 14. 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 17th day of May, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of May, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____