

OKLAHOMA HOUSE OF REPRESENTATIVES  
COMMITTEE REPORT

5/16/2011 5:58:30 PM

JOINT APPROPRIATIONS AND BUDGET COMMITTEE

HB2183

By: Sears et al of the House  
Myers et al of the Senate

Title: Department of Human Services; appropriation and limitations bill;  
effective date; emergency.

Coauthored By:

Recommendation: **DO PASS**

Amendments:



\_\_\_\_\_  
Chr.  
Representative Earl Sears

YEAS: 15

Armes, Cox, Dorman, Peters, Billy, Dank, Hoskin, Sears, Blackwell, Denney, Liebmann, Walker,  
Brown, DeWitt, Martin,, Sc

NAYS: 0

CONSTITUTIONAL PRIVILEGE: 0

OKLAHOMA STATE SENATE  
JOINT  
COMMITTEE REPORT

May 16, 2011

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

HB 2183

By: Sears of the House and Myers of the Senate

Title: Department of Human Services; appropriation and limitations bill; effective date; emergency.

Co-Authored By:

Recommendation: **DO PASS**

Aye: Brinkley, Burrage, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

Nay:

Pass:

A handwritten signature in black ink, appearing to read "David Myers", with a long horizontal line extending to the right.

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Senator David Myers, Chair

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 2183

By: Sears and Martin (Scott) of  
the House

4 and

5 Myers and Jolley of the  
6 Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to the Department of Human Services;  
11 requiring that portions of certain appropriated funds  
12 be used for certain purposes; specifying certain  
13 funding shall be considered additional funding;  
14 stating legislative intent; directing Department to  
15 disburse certain funds; specifying funds to be  
16 distributed; appropriating certain federal monies;  
17 stating purpose; prohibiting the finalization of  
18 certain rates; providing exception; prohibiting the  
19 changing of certain rates; providing exception;  
20 authorizing certain rate changes; directing  
21 Commission for Human Services to make certain changes  
22 effective on certain date; requiring Director of  
23 Department to provide certain notice; requiring  
24 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.

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

2 SECTION 1. From the funds appropriated to the Department of  
3 Human Services in Sections 86 through 88 of Enrolled House Bill No.  
4 2170 of the 1st Session of the 53rd Oklahoma Legislature, the amount  
5 of One Hundred Seventy-eight Thousand Dollars (\$178,000.00) shall be  
6 used for providing hearing services to deaf or hard of hearing  
7 children statewide. Funding related to this section shall be  
8 considered additional funding above the base funding amount included  
9 in the Department of Human Services FY-12 Budget Work Plan to the  
10 Oklahoma Partnership for School Readiness.

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

15 SECTION 3. It is the intent of the Oklahoma Legislature that  
16 the Commission for Human Services fully fund the Developmental  
17 Disability Services Division (DDSD) within the Department of Human  
18 Services in FY-2012 with all of the state, federal, and other  
19 existing financial resources available to the Commission, including  
20 increasing state funds to make up for the loss of Federal FMAP funds  
21 so that total spending in FY12 is no less than FY11. It is further  
22 the Oklahoma Legislature's intent that services to current DDSD  
23 clients and related provider rates to such clients not be cut in FY-  
24 2012.

1           SECTION 4. It is the intent of the Oklahoma Legislature that  
2 the Commission for Human Services fully fund in its entirety the  
3 Advantage Home and Community-based Waiver Program, Money Follows the  
4 Person, Homeward Bound Waiver, In-Home Supports, Advantage Waiver,  
5 Personal Care, and Targeted Case Management within the Department of  
6 Human Services in FY-2012 with all of the state, federal, and other  
7 existing financial resources available to the Commission, including  
8 increasing state funds to make up for the loss of Federal FMAP funds  
9 so that total spending in FY12 is no less than FY11. It is further  
10 the Oklahoma Legislature's intent that services to clients and  
11 related provider rates within the Advantage Home and Community-based  
12 Waiver Program, Money Follows the Person, Homeward Bound Waiver, In-  
13 Home Supports, Advantage Waiver, Personal Care, and Targeted Case  
14 Management not be cut in FY-2012.

15           SECTION 5. It is the intent of the Oklahoma Legislature that  
16 the Commission for Human Services fund in its entirety the Senior  
17 Nutrition Program within the Aging Services Division of the  
18 Department of Human Services in FY-2012 with all of the state,  
19 federal, and other existing financial resources available to the  
20 Commission.

21           SECTION 6. It is the intent of the Oklahoma Legislature that  
22 the Commission for Human Services fund in its entirety the Foster  
23 and Adoption Program within the Department of Human Services in FY-  
24

1 2012 with all of the state, federal, and other existing financial  
2 resources available to the Commission.

3 SECTION 7. The Department of Human Services shall disburse the  
4 total balance of funds that are available in the Child Abuse  
5 Multidisciplinary Account fund for distribution as of January 1,  
6 2012, pursuant to the allocation procedures which were collected  
7 October 1, 2009, through September 30, 2011, established in Section  
8 1-9-104 of Title 10A of the Oklahoma Statutes.

9 SECTION 8. There is hereby appropriated to the Department of  
10 Human Services all federal monies received by the state during the  
11 fiscal year ending June 30, 2012, from the Temporary Assistance to  
12 Needy Families Block Grant and the Child Care and Development Fund  
13 Block Grant to meet the provisions of federal law relating to such  
14 grants.

15 SECTION 9. A. The Commission for Human Services, except in  
16 cases of emergency or when required by state or federal law, shall  
17 not finalize provider rates for fiscal year 2012 until the end of  
18 the 2nd Session of the 53rd Oklahoma Legislature.

19 B. In addition, the Commission shall not change rates for  
20 fiscal year 2011 after January 1, 2012, except in cases of emergency  
21 or when required by state or federal law.

22 C. If, in the opinion of the Commission, an emergency situation  
23 or legal mandate exists, the Commission may make appropriate  
24 provider rate changes.

1 D. The Commission shall make the rate changes effective on the  
2 effective date of any such legal requirement.

3 E. 1. Prior to final approval of rate changes due to an  
4 emergency or legal mandate, the Director of the Department of Human  
5 Services shall provide written notification of the intended actions  
6 and reasons for such actions to the Governor, the Speaker of the  
7 House of Representatives, and the President Pro Tempore of the  
8 Senate.

9 2. Following final approval of the changes by the Commission,  
10 the Director shall further provide the Governor, the Speaker of the  
11 House of Representatives, and the President Pro Tempore of the  
12 Senate with a written explanation of the methodology and assumptions  
13 made in arriving at the emergency rate change.

14 F. The provisions of this section shall be subject to the  
15 provisions of The Oklahoma Central Purchasing Act.

16 SECTION 10. The Director of the Department of Human Services  
17 may request through the Director of the Office of State Finance the  
18 early transfer by the Oklahoma Tax Commission of tax collection to  
19 the General Revenue Fund for the purpose of early allocation to the  
20 Department's disbursing funds to alleviate cash-flow problems.

21 SECTION 11. A. The Director of the Office of State Finance  
22 shall transfer monies appropriated from the General Revenue Fund and  
23 Tobacco Settlement Fund to the Department of Human Services'  
24 disbursing funds in the amounts and ratios requested by the agency

1 except that the cumulative amounts transferred shall not exceed the  
2 cumulative amounts of equal monthly allotments of the appropriations  
3 from the General Revenue Fund and Tobacco Settlement Fund.

4 B. Monies appropriated or collected from the fiscal year ending  
5 June 30, 2012, may be transferred to these disbursing funds for the  
6 fiscal year ending June 30, 2011, to satisfy encumbrances and  
7 obligations of said fiscal year; provided, that monies equal in  
8 amount are transferred from appropriations or collections for the  
9 fiscal year ending June 30, 2011, to the disbursing funds for the  
10 fiscal year ending June 30, 2012, to satisfy encumbrances and  
11 obligations of said fiscal year. All transfer requests shall be in  
12 writing to the Director of the Office of State Finance.

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

15 SECTION 12. Appropriations made by this act, not including  
16 appropriations made for capital outlay purposes, may be budgeted for  
17 the fiscal year ending June 30, 2012 (hereafter FY-12) or may be  
18 budgeted for the fiscal year ending June 30, 2013 (hereafter FY-13).  
19 Funds budgeted for FY-12 may be encumbered only through June 30,  
20 2012, and must be expended by November 15, 2012. Any funds  
21 remaining after November 15, 2012, and not budgeted for FY-13, shall  
22 lapse to the credit of the proper fund for the then current fiscal  
23 year. Funds budgeted for FY-13 may be encumbered only through June  
24 30, 2013. Any funds remaining after November 15, 2013, shall lapse

1 to the credit of the proper fund for the then current fiscal year.  
2 These appropriations may not be budgeted in both fiscal years  
3 simultaneously. Funds budgeted in FY-12, and not required to pay  
4 obligations for that fiscal year, may be budgeted for FY-13, after  
5 the agency to which the funds have been appropriated has prepared  
6 and submitted a budget work program revision removing these funds  
7 from the FY-12 budget work program and after such revision has been  
8 approved by the Office of State Finance.

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

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

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15 53-1-7779 SDR 05/13/11

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