

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 848

By: David and Fields of the
Senate

6 and

7 Osborn (Leslie) and Wallace
8 of the House

9
10 An Act relating to the Department of Human Services;
11 requiring certain appropriated funds to be used for
12 certain purposes; providing legislative intent;
13 requiring certain transfer; providing certain
14 construction; appropriating certain federal monies to
15 the Department of Human Services; stating purpose;
16 authorizing early allocation and establishing
17 procedure; providing lapse dates; requiring certain
18 budget procedures; prohibiting certain budget
19 procedures; providing an effective date; and
20 declaring an emergency.

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

22 SECTION 1. From the funds appropriated to the Department of
23 Human Services in Enrolled Senate Bill No. 860 of the 1st Session of
24 the 56th Oklahoma Legislature, the amount of One Hundred Thirty-one
25 Million One Hundred Thirty-two Thousand Fifty-three Dollars
26 (\$131,132,053.00) shall be used for implementing Phase One, Two,

1 Three and Four of the Pinnacle Plan, including child welfare
2 services.

3 SECTION 2. From the funds appropriated to the Department of
4 Human Services in Enrolled Senate Bill No. 860 of the 1st Session of
5 the 56th Oklahoma Legislature, the amount of Two Hundred Fifty
6 Thousand Dollars (\$250,000.00) shall be used to support the 2-1-1
7 Oklahoma program.

8 SECTION 3. It is the intent of the Oklahoma Legislature that
9 the Department of Human Services fully fund the Developmental
10 Disabilities Services programs and services within the Department of
11 Human Services in FY-2018 with all of the state, federal and other
12 existing financial resources available to the Department, including
13 increasing state funds to make up for the loss of Federal FMAP funds
14 so that total spending in FY-2018 is no less than FY-2017. It is
15 further the Oklahoma Legislature's intent that services to current
16 DDSD clients and related provider rates to such clients not be cut
17 in FY-2018.

18 SECTION 4. It is the intent of the Oklahoma Legislature that
19 the Department of Human Services fully fund in its entirety the
20 Advantage Home and Community-based Waiver Program, Money Follows the
21 Person, Homeward Bound Waiver, In-home Supports, Advantage Waiver,
22 Personal Care and state-funded community residential and vocational
23 services within the Department of Human Services in FY-2018 with all
24 of the state, federal, and other existing financial resources

1 available to the Department, including increasing state funds to
2 make up for the loss of Federal FMAP funds so that total spending in
3 FY-2018 is no less than FY-2017. It is further the Oklahoma
4 Legislature's intent that services to clients and related provider
5 rates within the Advantage Home and Community-based Waiver Program,
6 Money Follows the Person, Homeward Bound Waiver, In-home Supports,
7 Advantage Waiver, Personal Care and state-funded community
8 residential and vocational services not be reduced below FY-2017
9 contracted rates.

10 SECTION 5. It is the intent of the Oklahoma Legislature that
11 the Department of Human Services fully fund the Adult Day Services
12 in FY-2018 with all of the state, federal, and other existing
13 financial resources available to the Department of Human Services,
14 including increasing state funds to make up for the loss of Federal
15 FMAP funds so that total spending in FY-2018 is no less than FY-
16 2017. It is further the Oklahoma Legislature's intent that services
17 to current Adult Day Services clients and related provider rates to
18 such clients not be reduced below FY-2017 contracted rates.

19 SECTION 6. From the funds appropriated to the Department of
20 Human Services in Enrolled Senate Bill No. 860 of the 1st Session of
21 the 56th Oklahoma Legislature, the Department of Human Services
22 shall transfer Two Million Five Hundred Fifty Thousand Dollars
23 (\$2,550,000.00) to the credit of the Child Abuse Multidisciplinary
24 Account established in Section 1-9-103 of Title 10A of the Oklahoma

1 Statutes, which shall be distributed according to Section 1-9-104 of
2 Title 10A of the Oklahoma Statutes.

3 SECTION 7. It is the intent of the Oklahoma Legislature that
4 the total spending for salaries within the Child Welfare Services
5 Division of the Department of Human Services in FY-2018 be no more
6 than the total spent in FY-2017. Provided, this limitation on
7 salaries shall not be construed to prevent the Department of Human
8 Services from hiring additional employees as necessary to continue
9 the implementation of the Pinnacle Plan.

10 SECTION 8. It is the intent of the Oklahoma Legislature that
11 the Department of Human Services for FY-2018 set foster care,
12 residential, group home care and adoption subsidy rates at the same
13 level or higher than were set in FY-2017.

14 SECTION 9. It is the intent of the Oklahoma Legislature that
15 the Department of Human Services fund the Senior Nutrition Program
16 within the Aging Services Division in FY-2018 with all of the state,
17 federal, and other existing financial resources available to the
18 Department at or above the same amount as in FY-2017.

19 SECTION 10. It is the intent of the Oklahoma Legislature that
20 total spending for child care subsidies within the Department of
21 Human Services including all of the state, federal and other
22 existing financial resources available to the Department in FY-2018
23 is no more than in FY-2017.

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1 SECTION 11. It is the intent of the Oklahoma Legislature that
2 total spending for child support services within the Department of
3 Human Services including all of the state, federal and other
4 existing financial resources available to the Department in FY-2018
5 is ten percent (10%) lower than in FY-2017.

6 SECTION 12. It is the intent of the Oklahoma Legislature that,
7 if the Department of Human Services finds it necessary to reduce
8 expenditures in FY-2018, that the Department reduce the agency
9 administrative budget before taking any action that would reduce
10 services provided to clients.

11 SECTION 13. There is hereby appropriated to the Department of
12 Human Services all federal monies received by the state during the
13 fiscal year ending June 30, 2018, from the Temporary Assistance to
14 Needy Families Block Grant and the Child Care and Development Fund
15 Block Grant to meet the provisions of federal law relating to such
16 grants.

17 SECTION 14. The Director of the Department of Human Services
18 may request through the Director of the Office of Management and
19 Enterprise Services the early transfer by the Oklahoma Tax
20 Commission of tax collections to the General Revenue Fund for the
21 purpose of early allocation to the Department's disbursing funds to
22 alleviate cash-flow problems.

23 SECTION 15. A. The Director of the Office of Management and
24 Enterprise Services shall transfer monies appropriated from the

1 General Revenue Fund and Special Cash Fund to the Department of
2 Human Services' disbursing funds in the amounts and ratios requested
3 by the agency except that the cumulative amounts transferred shall
4 not exceed the cumulative amounts of equal monthly allotments of the
5 appropriations from the General Revenue Fund and Special Cash Fund.

6 B. Monies appropriated or collected for the fiscal year ending
7 June 30, 2018, may be transferred to these disbursing funds for the
8 fiscal year ending June 30, 2017, to satisfy encumbrances and
9 obligations of said fiscal year; provided, that monies equal in
10 amount are transferred from appropriations or collections for the
11 fiscal year ending June 30, 2017, to the disbursing funds for the
12 fiscal year ending June 30, 2018, to satisfy encumbrances and
13 obligations of said fiscal year. All transfer requests shall be in
14 writing to the Director of the Office of Management and Enterprise
15 Services.

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

18 SECTION 16. Appropriations made by Enrolled Senate Bill No. 860
19 of the 1st Session of the 56th Oklahoma Legislature, not including
20 appropriations made for capital outlay purposes, may be budgeted for
21 the fiscal year ending June 30, 2018 (hereafter FY-18), or may be
22 budgeted for the fiscal year ending June 30, 2019 (hereafter FY-19).
23 Funds budgeted for FY-18 may be encumbered only through June 30,
24 2018, and must be expended by November 15, 2018. Any funds

1 remaining after November 15, 2018, and not budgeted for FY-19, shall
2 lapse to the credit of the proper fund for the then current fiscal
3 year. Funds budgeted for FY-19 may be encumbered only through June
4 30, 2019. Any funds remaining after November 15, 2019, shall lapse
5 to the credit of the proper fund for the then current fiscal year.
6 These appropriations may not be budgeted in both fiscal years
7 simultaneously. Funds budgeted in FY-18, and not required to pay
8 obligations for that fiscal year, may be budgeted for FY-19, after
9 the agency to which the funds have been appropriated has prepared
10 and submitted a budget work program revision removing these funds
11 from the FY-18 budget work program and after such revision has been
12 approved by the Office of Management and Enterprise Services.

13 SECTION 17. This act shall become effective July 1, 2017.

14 SECTION 18. It being immediately necessary for the preservation
15 of the public peace, health or 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.

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19 DIRECT TO CALENDAR.

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