

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1120

By: Jolley and Justice of the
Senate

6 and

7 Martin (Scott) and Newell
8 of the House

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to the Department of Human Services;
12 requiring budgeting in certain categories and
13 amounts; requiring certain performance measures;
14 requiring that portions of certain appropriated funds
15 be used for certain purposes; specifying that certain
16 funding shall be considered additional funding;
17 stating legislative intent; directing certain
18 transfer; specifying funds to be distributed;
19 appropriating certain federal monies; stating
20 purpose; authorizing early transfers of certain funds
21 for specific purposes; directing certain transfer of
22 appropriated funds in requested amounts and ratios;
23 specifying purposes; requiring certain records;
24 authorizing certain interyear transfers; providing
lapse dates; requiring certain budget procedures;
prohibiting certain budget procedures; providing an
effective date; and declaring an emergency.

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

22 SECTION 1. For the fiscal year ending June 30, 2014, the
23 Department of Human Services shall budget all appropriated and other
24 funds in the following categories and amounts:

1	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
2	Child Welfare Services	\$171,330,982.00	\$ 352,096,898.00
3	Child Care Services	2,127,364.00	24,931,010.00
4	Developmental Disabilities		
5	Service	137,823,953.00	270,401,982.00
6	Temporary Assistance to Needy		
7	Families (TANF) Cash		
8	Assistance	17,640,904.00	22,664,592.00
9	Temporary Assistance to Needy		
10	Families (TANF) Work		
11	Activities	21,561,105.00	27,667,353.00
12	Aid to Aged, Blind and Disabled		
13	(ABD) State Supplemental		
14	Payments	38,602,040.00	39,202,040.00
15	Child Care Subsidy Payments	29,560,580.00	139,140,000.00
16	Adult and Family Services	67,345,046.00	202,625,247.00
17	Child Support Services	9,334,745.00	66,658,618.00
18	Aging Services	94,944,890.00	127,534,685.00
19	Administration and Data		
20	Services	32,687,055.00	125,898,501.00
21	SNAP Benefits	0.00	960,000,000.00
22	Developmental Disabilities and		
23	ADvantage Rates	<u>8,000,000.00</u>	<u>8,000,000.00</u>
24	TOTAL	\$630,958,664.00	\$2,366,820,926.00

1 The agency shall develop outcome-based performance measures for
2 each budget category.

3 SECTION 2. From the funds appropriated to the Department of
4 Human Services in Sections 72 through 75 of Enrolled House Bill No.
5 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount
6 of Fifty-seven Million Dollars (\$57,000,000.00) shall be used for
7 implementing Phase One and Two of the Pinnacle Plan.

8 SECTION 3. From the funds appropriated to the Department of
9 Human Services in Sections 72 through 75 of Enrolled House Bill No.
10 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount
11 of Eight Million Dollars (\$8,000,000.00) shall be used to provide an
12 increase in reimbursement rates for home- and community-based
13 services administered by Developmental Disabilities Services
14 Division (DDSD) and Aging Services Division (ASD) for the fiscal
15 year beginning July 1, 2013. The rate increase will be effective
16 July 1, 2013. It is the intent of the Oklahoma Legislature that the
17 rate increase for home- and community-based services shall be
18 provided to direct care staff for the following costs: wages and
19 benefits which include payroll taxes, workers' compensation,
20 overtime, health insurance, liability insurance and retirement
21 plans. The Department will measure compliance related to this
22 section regarding the rate increase on an annual basis.

23 SECTION 4. From the funds appropriated to the Department of
24 Human Services in Sections 72 through 75 of Enrolled House Bill No.

1 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount
2 of One Million Dollars (\$1,000,000.00) shall be used for providing
3 services for persons with developmental disabilities. These funds
4 shall be used to provide additional services and programs for
5 persons with developmental disabilities to reduce the size of the
6 Developmental Disabilities Services Division waiting list and shall
7 be used to supplement rather than replace existing resources and
8 programs.

9 SECTION 5. From the funds appropriated to the Department of
10 Human Services in Sections 72 through 75 of Enrolled House Bill No.
11 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount
12 of Two Million Dollars (\$2,000,000.00) shall be used for legal
13 expenses related to the D.G., by Next Friend G. Gail Stricklin et
14 al., v. Brad Yarbrough, Chairman of the Oklahoma Commission for
15 Human Services, et al. lawsuit.

16 SECTION 6. From the funds appropriated to the Department of
17 Human Services in Sections 72 through 75 of Enrolled House Bill No.
18 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount
19 of Four Hundred Thousand Dollars (\$400,000.00) shall be used to
20 provide Adult Day Services.

21 SECTION 7. Notwithstanding the provisions of Sections 3 and 4
22 of this act, it is the intent of the Oklahoma Legislature that the
23 Department of Human Services fully fund the Developmental
24 Disabilities Services Division (DDSD) within the Department of Human

1 Services in FY-2014 with all of the state, federal, and other
2 existing financial resources available to the Department, including
3 increasing state funds to make up for the loss of Federal FMAP funds
4 so that total spending in FY-2014 is no less than FY-2013. It is
5 further the Oklahoma Legislature's intent that services to current
6 DDS clients and related provider rates to such clients not be cut
7 in FY-2014.

8 SECTION 8. Notwithstanding the provisions of Section 3 of this
9 act, it is the intent of the Oklahoma Legislature that the
10 Department of Human Services fully fund in its entirety the
11 Advantage Home and Community-based Waiver Program, Money Follows the
12 Person, Homeward Bound Waiver, In-Home Supports, Advantage Waiver,
13 Personal Care, and Targeted Case Management within the Department of
14 Human Services in FY-2014 with all of the state, federal, and other
15 existing financial resources available to the Department, including
16 increasing state funds to make up for the loss of Federal FMAP funds
17 so that total spending in FY-2014 is no less than FY-2013. It is
18 further the Oklahoma Legislature's intent that services to clients
19 and related provider rates within the Advantage Home and Community-
20 based Waiver Program, Money Follows the Person, Homeward Bound
21 Waiver, In-Home Supports, Advantage Waiver, Personal Care, and
22 Targeted Case Management not be cut in FY-2014.

23 SECTION 9. Notwithstanding the provisions of Section 6 of this
24 act, it is the intent of the Oklahoma Legislature that the

1 Department of Human Services fully fund the Adult Day Services in
2 FY-2014 with all of the state, federal, and other existing financial
3 resources available to the Department of Human Services, including
4 increasing state funds to make up for the loss of Federal FMAP funds
5 so that total spending in FY-2014 is no less than FY-2013. It is
6 further the Oklahoma Legislature's intent that services to current
7 Adult Day Services clients and related provider rates to such
8 clients not be cut in FY-2014.

9 SECTION 10. It is the intent of the Oklahoma Legislature that
10 the Department of Human Services fund in its entirety the Senior
11 Nutrition Program within the Aging Services Division in FY-2014 with
12 all of the state, federal, and other existing financial resources
13 available to the Department.

14 SECTION 11. From the funds appropriated to the Department of
15 Human Services in Sections 72 through 75 of Enrolled House Bill No.
16 2301 of the 1st Session of the 54th Oklahoma Legislature, the
17 Department of Human Services shall transfer Two Million Eight
18 Hundred Thousand Dollars (\$2,800,000.00) to the credit of the Child
19 Abuse Multidisciplinary Account established in Section 1-9-103 of
20 Title 10A of the Oklahoma Statutes, which shall be distributed
21 according to Section 1-9-104 of Title 10A of the Oklahoma Statutes.

22 SECTION 12. There is hereby appropriated to the Department of
23 Human Services all federal monies received by the state during the
24 fiscal year ending June 30, 2014, from the Temporary Assistance to

1 Needy Families Block Grant and the Child Care and Development Fund
2 Block Grant to meet the provisions of federal law relating to such
3 grants.

4 SECTION 13. The Director of the Department of Human Services
5 may request through the Director of the Office of Management and
6 Enterprise Services the early transfer by the Oklahoma Tax
7 Commission of tax collections to the General Revenue Fund for the
8 purpose of early allocation to the Department's disbursing funds to
9 alleviate cash-flow problems.

10 SECTION 14. A. The Director of the Office of Management and
11 Enterprise Services shall transfer monies appropriated from the
12 General Revenue Fund and Special Cash Fund to the Department of
13 Human Services' disbursing funds in the amounts and ratios requested
14 by the agency except that the cumulative amounts transferred shall
15 not exceed the cumulative amounts of equal monthly allotments of the
16 appropriations from the General Revenue Fund and Special Cash Fund.

17 B. Monies appropriated or collected for the fiscal year ending
18 June 30, 2014, may be transferred to these disbursing funds for the
19 fiscal year ending June 30, 2013, to satisfy encumbrances and
20 obligations of said fiscal year; provided, that monies equal in
21 amount are transferred from appropriations or collections for the
22 fiscal year ending June 30, 2013, to the disbursing funds for the
23 fiscal year ending June 30, 2014, to satisfy encumbrances and
24 obligations of said fiscal year. All transfer requests shall be in

1 writing to the Director of the Office of Management and Enterprise
2 Services.

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

5 SECTION 15. Appropriations made by this act, not including
6 appropriations made for capital outlay purposes, may be budgeted for
7 the fiscal year ending June 30, 2014 (hereafter FY-14), or may be
8 budgeted for the fiscal year ending June 30, 2015 (hereafter FY-15).
9 Funds budgeted for FY-14 may be encumbered only through June 30,
10 2014, and must be expended by November 15, 2014. Any funds
11 remaining after November 15, 2014, and not budgeted for FY-15, shall
12 lapse to the credit of the proper fund for the then current fiscal
13 year. Funds budgeted for FY-15 may be encumbered only through June
14 30, 2015. Any funds remaining after November 15, 2015, shall lapse
15 to the credit of the proper fund for the then current fiscal year.
16 These appropriations may not be budgeted in both fiscal years
17 simultaneously. Funds budgeted in FY-14, and not required to pay
18 obligations for that fiscal year, may be budgeted for FY-15, after
19 the agency to which the funds have been appropriated has prepared
20 and submitted a budget work program revision removing these funds
21 from the FY-14 budget work program and after such revision has been
22 approved by the Office of State Finance.

23 SECTION 16. This act shall become effective July 1, 2013.
24

1 SECTION 17. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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