

An Act

ENROLLED SENATE
BILL NO. 1120

By: Jolley and Justice of the
Senate

and

Martin (Scott) and Newell
of the House

An Act relating to the Department of Human Services; requiring budgeting in certain categories and amounts; requiring certain performance measures; 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; 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.

SUBJECT: Department of Human Services

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

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

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

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

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

SECTION 3. From the funds appropriated to the Department of Human Services in Sections 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount of Eight Million Dollars (\$8,000,000.00) shall be used to provide an increase in reimbursement rates for home- and community-based services administered by Developmental Disabilities Services Division (DDSD) and Aging Services Division (ASD) for the fiscal year beginning July 1, 2013. The rate increase will be effective July 1, 2013. It is the intent of the Oklahoma Legislature that at a minimum, seventy percent (70%) of the rate increase for home- and community-based services shall be provided to direct care staff for the following costs: wages and benefits which include payroll taxes, workers' compensation, overtime, health insurance, liability insurance and retirement plans. The Department will measure compliance related to this section regarding the rate increase on an annual basis.

SECTION 4. From the funds appropriated to the Department of Human Services in Sections 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th 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.

SECTION 5. From the funds appropriated to the Department of Human Services in Sections 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount of Two Million Dollars (\$2,000,000.00) shall be used for legal expenses related to the D.G., by Next Friend G. Gail Stricklin et al., v. Brad 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 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th Oklahoma Legislature, the amount of Four Hundred Thousand Dollars (\$400,000.00) 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 Department of Human Services fully fund the Developmental Disabilities Services Division (DDSD) within the Department of Human Services in FY-2014 with all of the state, federal, and other existing financial resources available to the Department, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2014 is no less than FY-2013. 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-2014.

SECTION 8. Notwithstanding the provisions of Section 3 of this act, it is the intent of the Oklahoma Legislature that the Department of 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-2014 with all of the state, federal, and other existing financial resources available to the Department, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2014 is no less than FY-2013. 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-2014.

SECTION 9. Notwithstanding the provisions of Section 6 of this act, it is the intent of the Oklahoma Legislature that the Department of Human Services fully fund the Adult Day Services in FY-2014 with all of the state, federal, and other existing financial resources available to the Department of Human Services, including increasing state funds to make up for the loss of Federal FMAP funds so that total spending in FY-2014 is no less than FY-2013. 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-2014.

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

SECTION 11. From the funds appropriated to the Department of Human Services in Sections 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th 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 12. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2014, 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 13. The Director of the Department of Human Services may request through the Director of the Office of Management and Enterprise Services 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 14. A. The Director of the Office of Management and Enterprise Services 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, 2014, may be transferred to these disbursing funds for the

fiscal year ending June 30, 2013, 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, 2013, to the disbursing funds for the fiscal year ending June 30, 2014, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of the Office of Management and Enterprise Services.

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

SECTION 15. Appropriations made by Sections 72 through 75 of Enrolled House Bill No. 2301 of the 1st Session of the 54th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2014 (hereafter FY-14), or may be budgeted for the fiscal year ending June 30, 2015 (hereafter FY-15). Funds budgeted for FY-14 may be encumbered only through June 30, 2014, and must be expended by November 15, 2014. Any funds remaining after November 15, 2014, and not budgeted for FY-15, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-15 may be encumbered only through June 30, 2015. Any funds remaining after November 15, 2015, 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-14, and not required to pay obligations for that fiscal year, may be budgeted for FY-15, 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-14 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

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

SECTION 17. 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 Senate the 16th day of May, 2013.

C. B. Johnson
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2013.

Mike Jack
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 10:18 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 31st

day of May, 20 13, at 11:27 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 31st

day of May, 20 13, at 1:12 o'clock P. M.

By: Chris Davis