

# An Act

ENROLLED HOUSE  
BILL NO. 1231

By: Bengé, Miller and McAffrey  
of the House

and

Crutchfield, Johnson  
(Mike), Adelson, Myers and  
Johnson (Constance) of the  
Senate

An Act relating to the Department of Mental Health and Substance Abuse Services; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; providing limitations for certain reimbursements; authorizing certain transfers; stating legislative intent; requiring certain funds be set aside for certain purposes; requiring certain report; making certain funds exempt from certain expenditure limitations; providing for certain exemptions; specifying contents of reports; authorizing certain employees to be placed in unclassified service; requiring certain employees to be in the classified service; providing exceptions; requiring and prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

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

SECTION 1. For the fiscal year ending June 30, 2008, the Department of Mental Health and Substance Abuse Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
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Central Administration	\$7,091,586.00	\$13,874,239.00
Inpatient Hospital	43,422,139.00	58,377,847.00
Community-based Programs	108,464,154.00	145,858,867.00
Substance Abuse Programs	41,857,013.00	83,844,977.00
Co-Occurring Programs	1,735,945.00	3,703,000.00
Residential Care Programs	<u>4,958,292.00</u>	<u>5,612,228.00</u>
TOTAL	\$207,529,129.00	\$311,271,158.00

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed One Hundred Thirty-three Thousand Four Hundred Fifty-five Dollars (\$133,455.00) per annum, payable biweekly for the fiscal year ending June 30, 2008. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2008, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,575.0
Lease-Purchase Agreements	\$1,418,429.00

The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2008, shall set the minimum reimbursement rate for residential care facilities at Ten Dollars (\$10.00) per mental health resident per day.

In order to facilitate cash management of federal grant receipts and disbursements, the Director of State Finance shall transfer monies between the Department of Mental Health and Substance Abuse Services federal and revolving funds in amounts requested by the Department of Mental Health and Substance Abuse Services.

Receipt and expenditures of unanticipated federal funds awarded the Oklahoma Department of Mental Health and Substance Abuse Services after July 1, 2007, shall be exempt from expenditure and budgetary limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 3. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Six Million Five Hundred Two Thousand One Hundred Sixty-three Dollars (\$6,502,163.00) for the purchase of newer generation medications. On or before April 1, 2008, the Department of Mental Health and Substance Abuse Services shall prepare and submit a written report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures for such medications.

SECTION 4. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Five Million Three Hundred Thousand Dollars (\$5,300,000.00) for Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall work with the Oklahoma Health Care Authority to establish and submit any revisions to policies and rules needed to maximize Medicaid funding for the services provided by Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall deliver a progress and evaluation report on Programs for Assertive Community Treatment (PACT) teams to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before April 1, 2008.

SECTION 5. Full-time-equivalent employees utilized at the Central Office of the Department of Mental Health and Substance Abuse Services may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

SECTION 6. Appropriations made by Section 79 of Enrolled Senate Bill No. 334 of the 1st Session of the 51st Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-

08) or may be budgeted for the fiscal year ending June 30, 2009 (hereafter FY-09). Funds budgeted for FY-08 may be encumbered only through June 30, 2008, and must be expended by November 15, 2008. Any funds remaining after November 15, 2008, and not budgeted for FY-09, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-09 may be encumbered only through June 30, 2009. Any funds remaining after November 15, 2009, 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-08, and not required to pay obligations for that fiscal year, may be budgeted for FY-09, 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-08 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 7. This act shall become effective July 1, 2007.

SECTION 8. 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 22nd day of May, 2007.

Gus Blackburn   
Presiding Officer of the House of  
Representatives

Passed the Senate the 23rd day of May, 2007.

Rudy Brooks   
Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this  24   
day of  May , 20  07 ,  
at  1:30  o'clock  P  M.

By:  Blain Yaddis

Approved by the Governor of the State of Oklahoma the  4  day of  
 June , 20  07 , at  11:32  o'clock  A  M.

Brad Owen   
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  4<sup>th</sup>   
day of  June , 20  07 ,  
at  2:20  o'clock  P  M.

By:  M. Susan Lovejoy