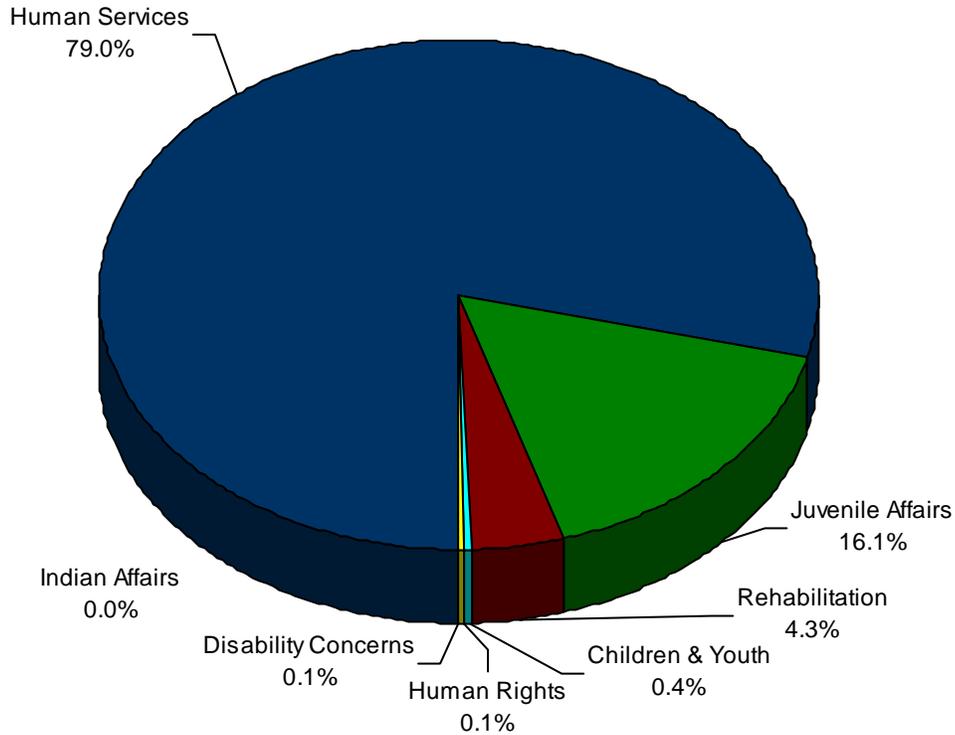


Human Services Subcommittee Distribution of FY-11 Appropriations



Department of Human Services	\$543,110,884
Juvenile Affairs	99,162,067
Rehabilitation Services	30,453,770
Children and Youth	2,156,561
Human Rights	571,258
Disability Concerns	341,513
Indian Affairs	<u>206,781</u>
Committee Total	\$676,002,834

Excludes supplemental appropriations, reappropriations, and Rainy Day spillover transfers.
Includes capital and one-time expenditures.

Human Services Subcommittee

- Distribution of FY-10 Appropriations
- Oklahoma Commission on Children and Youth
- Office of Handicapped Concerns
- Human Rights Commission
- Department of Human Services
- Indian Affairs Commission
- Office of Juvenile Affairs
- Department of Rehabilitation Services

Oklahoma Commission On Children and Youth

Lisa Smith, Director
Agency #127

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$2,480,232	33.5
a. FY-10 Budget Base Cut	(<u>\$186,017</u>)	
FY-10 Final Appropriation	\$2,294,215	
Percent Change from FY-10 Original Appropriation	-7.5%	
FY-11 Base Appropriation	\$2,294,215	
b. FY-11 Budget Base Cut	(<u>\$137,653</u>)	
Total Adjustments	(<u>\$137,653</u>)	
FY-11 Appropriation and FTE Authorization	\$2,156,562	33.5**
Percent Change from FY-10 Final Appropriation	-6.0%	

*The original FY-10 appropriation was an increase of 6.5 % from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriations is decreased by 6.0 percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10 Policy Issues

HB 1734 moves the certification process of two Department of Human Services (DHS) state operated shelters from DHS to Office of Juvenile System Oversight (OJSO) under the Oklahoma Commission on Children and Youth (OCCY) and modifies the child protective system monitored by OJSO.

HB 2032 provides OJSO with discretion in conducting state operated visits between annually and semi-annually, strengthens oversight regarding interviewing facility residents and adds a systemic provision for the oversight of private facilities.

SB 659 allows current Post-Adjudication Advisory Review Board (PARB) members to attend board reviews to assist in training members, allows the Director of OCCY to designate temporary local PARBS and provides civil immunity for PARB members when performing duties.

IV. FY-11 Policy Issues

HB 3394 increases Commission member terms from six years to eight years. Commissioners currently serving whose terms are near expiration and be eligible for appointment for two additional years effective November 1, 2010.

IV. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$2,605,321	\$2,480,232	-4.8%
Carryover	337,585	351,218	4.0%
Revolving Funds	135,000	247,723	83.5%
Federal Funds	936,359	717,495	-23.4%
Total	\$4,014,265	\$3,796,668	-5.4%

V. FY-11 Budget Resources

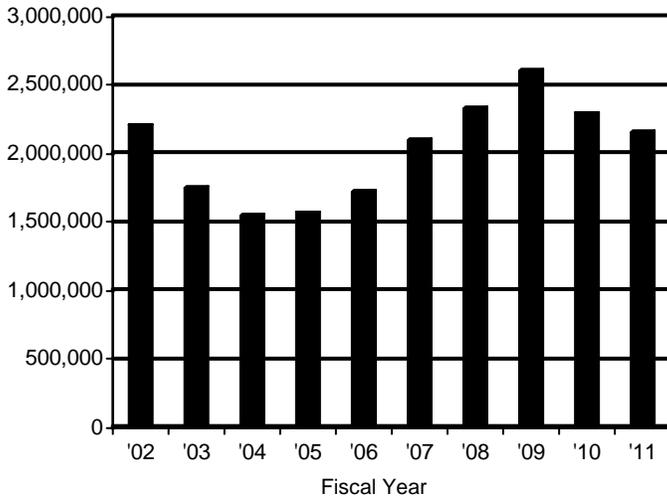
	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$2,480,232	\$2,156,561	-13.1%
Carryover	523,848	125,000	-76.1%
Revolving Funds	247,723	127,000	-48.7%
Federal Funds	844,311	1,219,773	44.5%
Total	\$4,096,114	\$3,628,334	-11.4%

VI. Budget References

a. FY-10: SB 216, Section 74, SB 125, Sections 1 through 5

b. FY-11: SB 1561, Section 80

VII. Ten Year Appropriation History



FY-02	\$2,209,406	FY-07	\$2,101,609
FY-03	\$1,751,885	FY-08	\$2,334,473
FY-04	\$1,550,000	FY-09	\$2,608,473
FY-05	\$1,569,789	FY-10	\$2,294,215
FY-06	\$1,725,018	FY-11	\$2,156,561

Notes:

1. The original FY-10 appropriation to the Oklahoma Commission on Children and Youth was \$2,480,232.

Office of Disability Concerns

Steve Stokes, Director

Agency # 326

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$392,769	8.0
a. FY-10 Budget Base Cut	<u>(\$29,458)</u>	
FY-10 Final Appropriation	\$363,311	
Percent Change from FY-10 Original Appropriation	-7.5%	
FY-11 Base Appropriation	\$363,311	
b. FY-11 Budget Base Cut	<u>(\$21,798)</u>	
Total Adjustments	<u>(\$21,798)</u>	
FY-11 Appropriation and FTE Authorization	\$341,513	8.0**
Percent Change from FY-10 Final Appropriation	-6.0%	

*The original FY-10 appropriation was an increase of 4.8% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriation is decreased by 6.0 percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10/11 Policy Issues

None.

IV. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$412,769	\$392,769	-4.8%
Carryover (Federal)	2,602.00		NA
Federal Funds	135,000	140,000	3.7%
Total	\$550,371	\$532,769	-3.2%

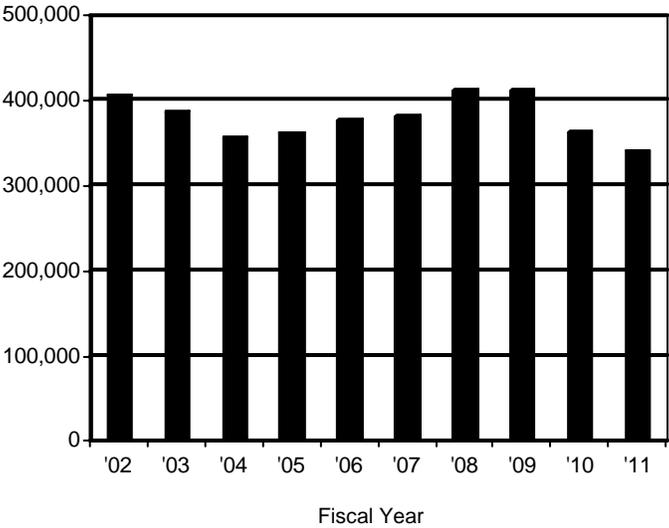
V. FY-11 Budget Resource

	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$363,311	\$341,513	-6.0%
Carryover	499	-	-100.0%
Revolving Funds	125,000	128,000	2.4%
Total	\$488,810	\$469,513	-3.9%

VI. Budget References

- a. FY-10: SB 216, Section 75, SB 127, Sections 1 through 5
- b. FY-11: SB 1561, Section 81

VII. Ten Year Appropriation History



FY-02	\$406,608	FY-07	\$381,813
FY-03	\$386,278	FY-08	\$412,769
FY-04	\$356,000	FY-09	\$412,769
FY-05	\$362,128	FY-10	\$363,311
FY-06	\$376,944	FY-11	\$341,513

Notes:

1. The original FY-10 appropriation to the Office of Disability Concerns was \$392,769.

Human Rights Commission

Ken Kendricks, Director

Agency # 355

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$664,061	28.0
a. FY-10 Budget Base Cut	(\$49,805)	
FY-10 Final Appropriation	\$614,256	
Percent Change from FY-10 Original Appropriation	-7.5%	
FY-11 Base Appropriation	\$614,256	
b. FY-11 Budget Base Cut	(\$42,998)	
Total Adjustments	(\$42,998)	
FY-11 Appropriation and FTE Authorization	\$571,258	28.0**
Percent Change from FY-10 Final Appropriation	-7.0%	

*The original FY-10 appropriation was an increase of 6.5% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriation is decreased by seven percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10 Policy Issues

None.

IV. FY-11 Policy Issues

SB 1961, vetoed by the Governor, would have required that a cause of action for employment based on discrimination may only have standing in court if the action is filed within 300 days from the date of alleged discrimination. The filing of a charge of discrimination in employment must be made with Equal Employment Opportunity Commission or the Oklahoma Human Rights Commission. Upon completion of an investigation the Commission would have issued the complaining party a Notice of a Right to Sue. In his veto message the Governor asserted the legislation would impair the Commission's ability to amicably resolve employment-related disputes leading to unnecessary litigation, as well as jeopardizing the agency's federal funding.

V. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$710,226	\$664,061	-6.5%
Carryover (State)	6,037	\$5,000	NA
Federal Funds	315,000	315,000	0.0%
Carryover (Federal)	280,000	365,000	30.4%
Total	\$1,311,263	\$1,349,061	2.9%

VI. FY-11 Budget Resources

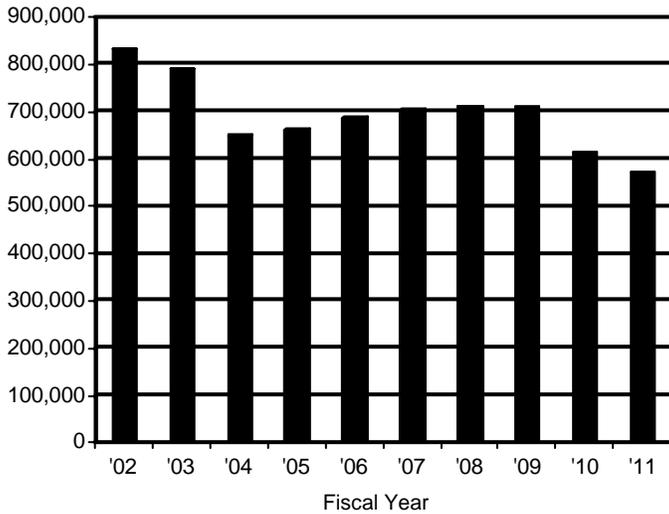
	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$614,250	\$571,258	-7.0%
Carryover (State)	5,000	7,000	40.0%
Federal Funds	315,000	315,000	0.0%
Carryover (Federal)	365,000	333,728	-8.6%
Total	\$934,250	\$893,258	-4.4%

VII. Budget References

a. FY-10: SB 216, Section 76, SB 133, Sections 1 through 5

b. FY-11: SB 1561, Section 82

VIII. Ten Year Appropriation History



FY-02	\$831,973	FY-07	\$704,310
FY-03	\$790,374	FY-08	\$710,226
FY-04	\$650,000	FY-09	\$710,226
FY-05	\$662,762	FY-10	\$614,256
FY-06	\$686,563	FY-11	\$571,258

Notes:

1. The original FY-10 appropriation to the Human Rights Commission was \$664,061.

Department of Human Services

Howard Hendrick, Director

Agency #830

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$550,712,113	7,919.0
a. FY-10 Budget Base Cut	<u>(\$28,451,744)</u>	
FY-10 Final Appropriation	\$522,260,369	
Percent Change from FY-10 Original Appropriation	-5.2%	
FY-11 Base Appropriation	\$522,260,369	
b. FY-11 Budget Base Adjustment	\$20,850,515	
Total Adjustments	<u>\$20,850,515</u>	
FY-11 Appropriation and FTE Authorization	\$543,110,884	7919.0**
Percent Change from FY-10 Final Appropriation	4.0%	

*The original FY-10 appropriation was an increase of 1.5% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriation is increased by 4.0 percent to maximize service delivery to the clients of the Department of Human Services.
- c. **HB 2367**, the DHS appropriation reconciliation bill, includes provisions:
 - Directing DHS use \$5.0 million in appropriation to fund the state over match in the congregate and home-delivered meals of the senior nutrition program.
 - Directing the agency to use \$2.8 million to fund the Child Abuse Multidisciplinary Account (CAMA).
 - Providing for distribution of CAMA funds and subjects participating organizations to be subject to the Open Records Act.

- d. **SB 1561**, the general appropriation bill, appropriates to DHS a total of \$543,110,884 from combination of General Revenue, American Recovery and Reinvestment Act of 2009, Tobacco Settlement Fund and Special Cash.

III. FY-10 Policy Issues

HB 1216, the FY-10 appropriation reconciliation bill, contains policy issues including:

- Directing \$194,000 be used to administer the agency's autism program as required in SB 135.
- Directing \$300,000 for the one-time reconstruction of a swimming pool and roof at the Northern Oklahoma Resource Center (NORCE) in Enid.
- Directing \$1,150,000 to administer certain recommendations in the House of Representatives performance audit of the agency. Funds are to be expended to establish a new statewide child abuse hotline, create medical passport program for foster children and to update the child safety assessment program.
- Prohibiting DHS from proceeding with the Mosaic IT Project beyond the initial planning phase without legislative authorization.
- Prohibiting the agency from expending more than FY-09 amounts for online training classes of the developmentally disabled direct support staff.
- Providing legislative intent that the Commission for Human Services continue to fully fund the Advantage Waiver Program within the Aging Services Division in FY-10 with all state, federal and other existing financial resources available to the Commission

HB 1138 expands the definition of child endangerment to include permitting a child to ride in a vehicle when the parent or guardian has knowledge or a reasonable belief that the driver is impaired by alcohol or other substance or when the parent or guardian drives under the influence with the child in the vehicle.

HB 1734, based on House performance audit recommendations, seeks to reduce the number of children in state custody, strengthen families in crisis or need of services, improve cooperation between parties involved in child welfare issues, assist foster families and to align resources, responsibility, and accountability more efficiently.

HB 1738 requires all health care professionals to provide, upon request, copies of the results of exams in alleged child abuse and neglect cases to law enforcement conducting criminal investigations and to DHS employees conducting assessments or investigations of alleged abuse or neglect.

HB 1739 provides that in custody disputes of a minor child determination by a court that domestic violence, stalking or harassment has occurred raises a rebuttable presumption that it is not in the best interest of the child to reside with the perpetrator. The legislation provides for safety measures to be in place in any visitation orders, provides that a parent who, in good faith and with a reasonable belief supported by fact, determines that the child is a victim of child abuse or suffers from the effects of domestic violence may take necessary actions to protect the child, including refusing to permit visitation. The measure further provides for a suspension of visitation when there is evidence to substantiate abuse or neglect.

HB 1742 amends the Oklahoma Child Care Facilities Licensing Act into three separate and distinct areas covering child care licensing, residential program licensing and child placing agency regulations to provide for clear and consistent requirements. The measure exempts hospitals and psychiatric treatment facilities from background check requirements, as background checks are already required on employees as part of their hospital licensure by national accreditation organizations. The act also modifies background checks for child care facility employees by directing the facilities to submit a criminal history search, documentation of records searched in the Oklahoma child care worker registry and a request for the agency to search the Oklahoma Supreme Court Network (OSCN).

HB 1893 enables the Aging Services Division to establish an Aging and Disability Resource Consortium (ADRC), providing a single point of entry for the elderly, persons with disabilities and caregivers into the service delivery system. Enabling language signals the federal government that the state fully supports the implementation of a single point of entry system.

HB 2028 recodifies statutes related to child welfare by incorporating the recommendations of the Oklahoma Children and Juvenile Law Reform Committee, charged with restructuring Title 10 of the Oklahoma Statutes to reconcile conflicting sections, eliminate duplications, delete obsolete language, reorder into chronological sequences and simplify numbering. The measure further clarifies definitions, court

proceedings, time frames, jurisdiction issues, medical and behavioral health references and updates state agency references.

HB 2030 creates a Silver Alert system (similar to the Amber Alert system) for missing vulnerable adults to be implemented in cooperation with the Department of Transportation, DHS, local law enforcement agencies, the Oklahoma Association of Broadcasters and other state or local agencies. The Commissioner of Public Safety is designated as the statewide coordinator, charged with the adoption of rules and the issuance of directives to ensure proper implementation.

HB 2032 expands the duties of the Office of Juvenile System Oversight within the Oklahoma Commission on Children and Youth (OCCY) to monitor agencies providing children and youth services to include those not licensed by DHS, thus eliminating duplication in investigating and monitoring duties among agencies.

SB 135 provides licensing requirements for Board Certified Behavior Analyst (BCBA) and Board Certified Assistant Behavior Analyst based on the National Behavior Analyst Certification Board criteria. The measure establishes the Developmental Disabilities Services Division (DDSD) as the licensing authority for BCBA providers and directs DDSD to serve as the authority in determining the qualifying field of study requirements for licensure candidates, establish a license renewal fee and investigate complaints.

SB 292 eliminates the paper voucher system for baby products for the mothers receiving Temporary Assistance for Needy Families (TANF) and returns to an increased electronic incremental cash benefit. Receipt of TANF is time limited to five years, regardless of the number of children added to the TANF benefit.

SB 337 authorizes the agency to sell the Laura Dester Shelter in Tulsa and requires the shelter be consistent with the Pearl District neighborhood revitalization plan and the Sixth Street Infill Plan as adopted by the Tulsa City Council in 2006.

SB 339 brings the state into compliance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, requiring states to improve practices promoting educational stability, joint sibling placements, increased kinship placements and assistance for youth transitioning to adulthood.

SB 478 requires child care facilities to carry insurance covering injury to a child due to negligence. Insurance verification forms are available for review by child care licensing officials. The act removes requirements that parents be notified when a facility is uninsured and instead requires posting a notice of no insurance and notification when

coverage lapses. The measure also removes lack of insurance as grounds for child care license suspension or revocation and specifies which facilities are subject to the posting requirement.

SB 794 directs the publishing of adoption statistics to include statistics on adoption dissolutions, the average number of months between the finalization of adoptions and the effective date of dissolution. "Adoption dissolution" is defined as those adoptions that dissolve after the adoption is finalized and prior to the time the child reaches 18 years of age.

SB 796 limits site restrictions of transitional living facilities in proximity to schools or residential neighborhood to those housing sex offenders or persons convicted of a capital offense, provides that prior to the location of any facility an operator is required to obtain permission from a municipality and requires notification be made to each elected official with jurisdiction over the location not less than 30 days prior to any public hearing.

IV. FY-11 Policy Issues

HB 1741 authorizes district courts to establish and operate family drug court programs. The measure establishes psychotropic medications as routine and ordinary treatment for children in custody of DHS. Prior to enactment of HB 1741, psychotropic medication administration was considered extraordinary care, requiring court approval.

HB 1964 serves as a technical clean-up bill to HB 2028 from the 2009 legislative session. The measure provides that the mother of a child born out-of-wedlock is presumed to have custody when paternity has not yet been established, provides that once paternity is established parents are each presumed to have custody until further order of the court and mediated agreements between parents in the absence of a court order are encouraged in the section. The bill establishes psychotropic medications as routine and ordinary medical care and treatment for children in custody of DHS (see HB 1741). An exception is provided for reporting abandonment to the abuse and neglect hotline in actions commonly known as "custody by abandonment." The measure restores custody by abandonment provisions, allowing custody by a relative after a parent has abandoned the child and provides protections through affidavits and judicial action oversight. The Adoption Review Task Force is created to produce a report of findings and recommendations on adoption policy to the Legislature by January 1, 2011.

HB 2777 renames the Self-Directed Care Pilot Program the Self-Directed Care Option and provides for statewide implementation by the Oklahoma Health Care Authority (OHCA) and DHS. DHS is to appoint a Self-Directed Care Advisory Committee to assist in the development of waivers and rules for self-directed services. The measure authorizes OHCA to obtain electronic data from Oklahoma Tax Commission, Oklahoma Employment Securities Commission, and (OCSS) for financial information.

HB 2828 creates the Home-Based Quality Assurance Fund funded by revenue collected from 5.5 percent of total annual Medicaid gross receipts for all services rendered by contracted community-based service providers. Gross receipts include annual revenue received for services rendered by contracted community-based service providers, but does not include amounts received by contracted service providers as a charitable contribution or amounts received by providers as non-reimbursed compensation. Providers impacted serve both the DHS ADvantage program and Developmental Disabilities Services Division community-based services. OHCA is directed to promulgate rules for the implementation of the Home-Based Quality Assurance Fund.

HB 2999 includes provisions resulting in the agency expanding. The impact is from increasing the number of specific reporters from ten to 11 by requiring municipal employees to provide reports on abused, neglected, or exploited adults to DHS or local law enforcement.

HB 3267 addresses the *Fent v. State ex rel Department of Human Services* decision which found the collection of civil court filing fees supporting Child Advocacy Centers (CACs) of Oklahoma, Domestic Violence at Attorney General's Office and Voluntary & Confidential Intermediary Program & Mutual Consent Registry to be unconstitutional. The court held that the fees may not be used to support the CACs and other related programs.

HB 3292 clarifies eligibility requirements for Independent Living services and tuition waivers. The measure expedites the adoption process by not requiring de-identified social and medical history when a child is adopted by a relative or foster parent who has cared for the child at least two years, supports adoptive placements by continuing adoption assistance agreements signed before October 1, 2009 and, allows the Director of DHS to approve adoption assistance payments on behalf of a child subject to the

jurisdiction of this state, but residing in another state, up to the maximum foster care maintenance payment allowable in the state of residence. The bill also broadens the pool of potential parent participants on the Interagency Child Abuse Task Force. Further, the bill brings state statutes into compliance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 to assure educational stability for children in foster care by requiring DHS to verify that any child subject to compulsory school attendance and eligible for an adoption assistance payment is:

- enrolled in an institution which provides elementary or secondary education;
- instructed in elementary or secondary education in any legally authorized education program;
- in an independent study elementary or secondary education program; or
- incapable of attending school on a full-time basis resulting from a documented medical condition.

HB 3323, "Kelley's Law," directs DHS/DDSD to require all authorized persons accessing service recipient information within a home record certify that they have been informed and understand the penalties for misuse of confidential and protected information within the home record.

SB 1280 modifies the definition of employment and certain exemptions for DHS personal care programs. It excludes in-home services performed in a medical care program such as personal care services programs, social services programs certified by DHS or the Center for Medicare and Medicaid Services or participants in a work program administered by DHS from the term "employment." Prior to enactment federal unemployment tax was paid by DHS personal care programs, requiring a higher cost for unemployment if state unemployment taxes were not paid. SB 1280 allows employers to comply with state unemployment compensation requirements in-lieu of federal guidelines, resulting in a four percent (4.0%) payroll cost savings.

SB 1601 allows expungement of confidential Adult Protective Services records when in the best interest of an incapacitated adult. Expungement of records is permitted when a person is found to have been the subject of bad faith allegations of abuse, neglect, or financial exploitation/neglect of an incapacitated adult. The bill establishes the Vulnerable Adult Intervention Task Force, composed of eleven members to study interdisciplinary community assistance, intervention, and referral services for persons with mental or physical illnesses or disabilities, dementia or other related diseases.

SB 1679 provides that failure by a child care facility to comply with mandatory liability insurance coverage requirements is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

SB 1771 exempts employees and providers for the Developmental Disabilities Services and Children and Family Services Divisions of DHS who provide therapeutic recreation services in state facilities or children in state custody from licensure under Therapeutic Recreation Practice Act.

SB 1830 this removes child abuse or neglect investigations related to juveniles in the Office of Juvenile Affairs (OJA) custody from DHS/Office of Client Advocacy authority. The bill authorizes the OJA Advocate General to establish a system for investigating allegations of misconduct by a person responsible for a child in the custody of OJA and placed in an OJA secure juvenile facility.

SB 2064 extends safety zone area from 300 feet to 500 feet around schools playgrounds, parks and child care centers and places additional requirements on persons required to register under the Sex Offenders Registration Act.

IV. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$529,107,190	\$419,356,473	-20.7%
Special Cash	20,000,000	60,000,000	200.0%
Tobacco Settlement Fund	10,000,000	-	NA
ARRA Enhanced FMAP	-	71,355,640	NA
Carryover (State)	52,119,609	56,707,365	8.8%
Federal Funds	1,162,073,047	1,453,786,418	25.1%
Total	\$1,773,299,846	\$2,061,205,896	16.2%

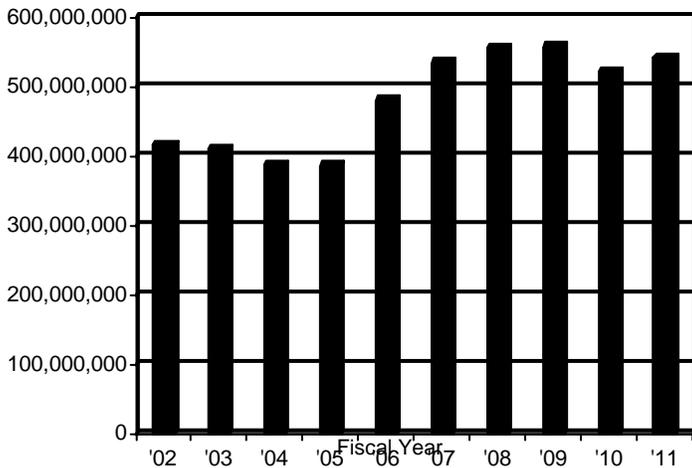
V. FY-11 Budget Resources

	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$479,356,473	\$500,110,884	4.3%
Carryover (State)	56,707,365	12,151,120	-78.6%
ARRA Funding Estimate	71,355,640	43,000,000	-39.7%
Federal Funds	1,453,786,418	1,390,266,636	-4.4%
Total	\$2,061,205,896	\$1,945,528,640	-5.6%

VI. Budget References

- a. FY-10: SB 216, Sections 77-79, HB 1216, Sections 1 through 18
- b. FY-11: SB 1561, Sections 83-86, HB 2367, Sections 1 through 10

VII. Ten Year Appropriation History



FY-02	\$416,396,819	FY-07	\$535,797,324
FY-03	\$410,923,039	FY-08	\$557,107,190
FY-04	\$387,923,039	FY-09	\$559,107,190
FY-05	\$387,455,619	FY-10	\$522,260,369
FY-06	\$481,991,177	FY-11	\$543,110,884

Notes:

1. The original FY-10 appropriation to the Department of Human Services was \$550,712,113.

Indian Affairs Commission

Barbara Warner, Director

Agency # 360

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$240,373	6.0
a. FY-10 Budget Base Cut	<u>(\$18,028)</u>	
FY-10 Final Appropriation	\$222,345	
Percent Change from FY-10 Original Appropriation	-7.5%	
FY-11 Base Appropriation	\$222,345	
b. FY-11 Budget Base Cut	<u>(\$15,564)</u>	
Total Adjustments	<u>(\$15,564)</u>	
FY-11 Appropriation and FTE Authorization	\$206,781	6.0**
Percent Change from FY-10 Final Appropriation	-7.0%	

*The original FY-10 appropriation was an increase of 7% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriation is decreased by 7.0 percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10/11 Policy Issues

None.

IV. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$258,446	\$240,373	-7.0%
Carryover	76,350	50,000	-34.5%
Total	\$334,796	\$290,373	-13.3%

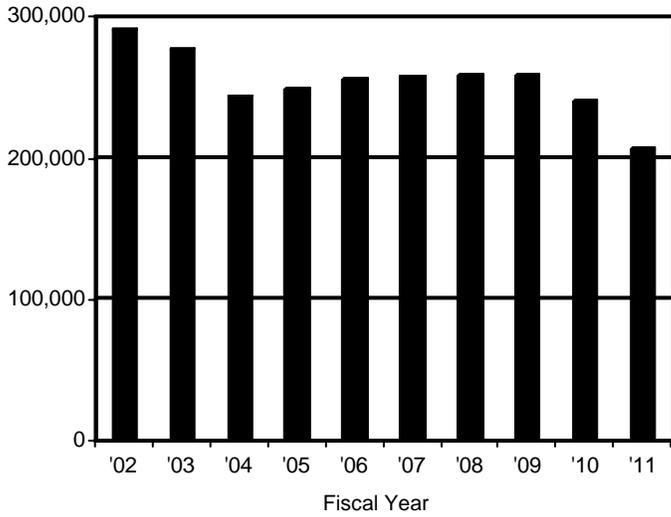
V. FY-11 Budget Resource

	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$222,345	\$206,781	-7.0%
Carryover	50,302	34,211	-32.0%
Total	\$272,647	\$240,992	-11.6%

VI. Budget References

- a. FY-10: SB 216, Section 81, SB 137, Sections 1 through 6
- b. FY-11: SB 1561, Section 88

VII. Ten Year Appropriation History



FY-02	\$291,247	FY-07	\$257,732
FY-03	\$276,685	FY-08	\$258,466
FY-04	\$244,000	FY-09	\$258,466
FY-05	\$248,942	FY-10	\$222,345
FY-06	\$255,530	FY-11	\$206,781

Notes:

1. The original FY-10 appropriation to the Indian Affairs Commission was \$240,373.

Office of Juvenile Affairs

Gene Christian, Executive Director

Agency #400

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$112,388,578	1,055.0
a. FY-10 Budget Base Cut	<u>(\$8,226,743)</u>	
FY-10 Final Appropriation	\$104,161,835	
Percent Change from FY-10 Original Appropriation	-7.3%	
FY-11 Base Appropriation	\$104,161,835	
c. FY-11 Budget Base Cut	<u>(\$4,999,768)</u>	
Total Adjustments	<u>(\$4,999,768)</u>	
FY-11 Appropriation and FTE Authorization	\$99,162,067	1055.0**
Percent Change from FY-10 Final Appropriation	-4.8%	

*The original FY-10 appropriation was an increase of 0.1% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. The FY-11 base appropriation is decreased by 4.8 percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10 Policy Issues

HB 2028 recodifies statutes related to child welfare by incorporating the recommendations of the Oklahoma Children and Juvenile Law Reform Committee by reconciling conflicting sections, deleting obsolete language and reordering into sections chronological sequences. The measure further clarifies court procedures, jurisdiction issues, medical and behavioral health references and updates agency references.

HB 2029 recodifies statutes related to juvenile delinquency by incorporating the recommendations of the Oklahoma Children and Juvenile Law Reform Committee by reconciling conflicting sections, deleting obsolete language, reordering into sections chronological sequences to the Oklahoma Children's Code.

HB 2032 eliminates duplication in investigation and monitoring duties among agencies by directing one and two periodic unannounced inspections of state-operated children's institutions and facilities. The act also allows interviews, subpoenas, public hearings and mediation programs for and of residents of children and youth facilities.

SB 270 modifies conditions by which a pre-sentenced youthful offender is to be held in the custody of the Office of Juvenile Affairs (OJA). Youthful offender custody procedures are clarified related to the return of an 18-year-old youthful offender to sentencing court.

SB 339 requires each foster child in OJA custody to be provided an education.

SB 411 authorizes an agency appointee to serve on the Domestic Violence Fatality Review Board.

SB 595, the Juvenile Justice Public Works Act, requires the licensing of secure facilities and provides penalties associated with contraband in the secure facilities. The agency is required to implement guidelines on selection, assignment, duties, civil rights, employee consideration, workers' compensation exemptions, tort liability exemptions and property maintenance. OJA is required to certify all secure facilities and establish to penalties for persons knowingly and willfully bringing tobacco products into a facility.

SB 659 clarifies Postadjudication Review Board procedures and creates a rebuttable presumption that persons participating in judicial proceedings are acting in good faith and are immune from civil liability.

SB 730 provides an exception for placing convicted felons, delinquent children or youthful offenders otherwise prohibited from being in proximity of firearms to be placed in a home with CLEET certified officers.

SB 789 prohibits false statements during investigations, making a misdemeanor knowingly making false statements in state internal agency investigations. The measure specifies that false statements must be a materially false and persons be informed prior to an interview that providing a false statement will result in a criminal prosecution.

SB 110, Juli's Law, requires individuals found guilty of certain offenses to submit to DNA testing for inclusion in the Oklahoma State Bureau of Investigation (OSBI) combined DNA index system database.

IV. FY-11 Policy Issues

SB 1486 stipulates that OJA is to initiate separate requests for proposals for the construction of a juvenile facility to replace a facility with capacity in excess of 125 beds, for the razing of property and for management and operation of the new facility. The bill also authorizes the Board of Juvenile Affairs to enter into a lease-purchase agreement for the construction or acquisition of a facility, to enter into a contract for the razing and for the management and operation of a facility.

SB 1771 provides legislative intent stating that youthful offenders will not remain in custody or under the supervision of OJA beyond the maximum age of 18 years and 5 months. The measure modifies language related to runaways or those absent without leave (AWOL) custody. Individuals providing services in a state facility or to children in state custody are made exempt from the prohibition that no person may practice therapeutic recreation or provide therapeutic recreation services in this state unless the person is licensed under the Therapeutic Recreation Practice Act.

SB 1830 requires the Department of Human Services (DHS) to make referrals to law enforcement agencies for possible criminal investigation when DHS determines that abuse or neglect is alleged involving a child at a secure juvenile facility. The bill exempts the DHS from responsibility for further investigation once the referral is made. The measure modifies provisions related to the OJA advocate defender in establishing a system for investigating allegations of misconduct by persons responsible for a child in the custody of OJA. The advocate defender is required to monitor the system to ensure appropriate reporting to DHS of allegations of abuse and neglect.

SB 1928 clarifies procedures and penalties regarding escapes by juveniles and youthful offenders who are in juvenile detention facilities, while escorted by a transportation officer or while permitted to be on an authorized pass or work program outside the facility, reducing the maximum penalty from not more than seven years to be not more than three years.

SB 1936 authorizes the sale of agency real estate located in Talihina, LeFlore County.

HB 2729 authorizes the Board of Juvenile Affairs to promulgate rules related to the use of chemical agents and electroshock weapons in secure facilities operated by or through contract with OJA.

HB 2753 authorizes the agency to apply for one charter school before July 1, 2016 and authorizes the State Department of Education to sponsor OJA for a charter school to provide education services to youth in the custody or supervision of OJA. The charter school will be located within an OJA facility.

HJR 1065 establishes the Oklahoma Juvenile Justice Reform Committee to study Oklahoma’s juvenile justice system and to provide recommendations to reforming the Oklahoma Juvenile Code and other statutes pertaining to juveniles. The final report with recommendations shall be submitted to the Legislature no later than December 1, 2011.

IV. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$112,129,258	\$111,689,909	-0.4%
Carryover (State)	1,116,286	898,985	-19.5%
Revolving Funds	1,519,212	2,205,890	45.2%
Federal Funds	8,619,416	12,456,006	44.5%
Total	\$123,384,172	\$127,250,790	3.1%

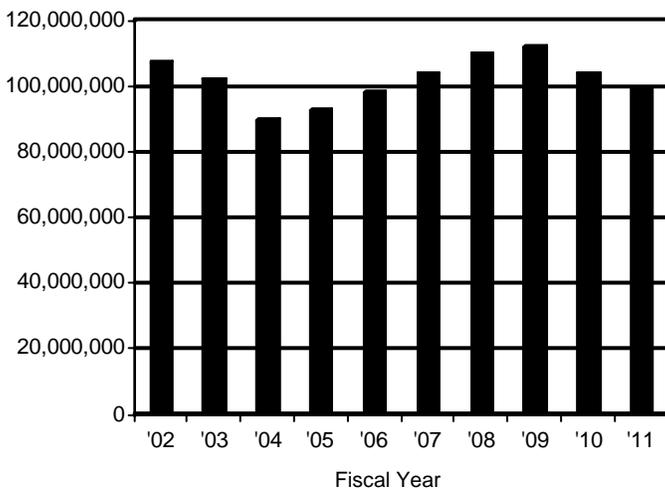
V. FY-11 Budget Resources

	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$102,550,701	\$97,663,872	-4.8%
Carryover (State)	932,338	1,000,000	7.3%
Revolving Funds	2,209,044	1,223,409	-44.6%
Projected Stimulus Funds	698,669	1,498,195	114.4%
Federal Funds	12,454,321	10,022,040	-19.5%
Total	\$118,845,073	\$111,407,516	-6.3%

VI. Budget References

- a. FY-10: SB 216, Section 82-83, HB 1220, Sections 1 through 9
- b. FY-11: SB 1561, Section 89-90

VII. Ten Year Appropriation History



FY-02	\$107,466,872	FY-07	\$104,219,585
FY-03	\$102,368,528	FY-08	\$110,060,812
FY-04	\$90,000,000	FY-09	\$112,294,258
FY-05	\$92,858,160	FY-10	\$104,161,835
FY-06	\$98,323,348	FY-11	\$99,162,067

Notes:

1. The original FY-10 appropriation to the Office of Juvenile Affairs was \$112,388,578.

Department of Rehabilitation Services

Mike O'Brien, Director

Agency #805

I. FY-10/FY-11 Appropriations Adjustments

	<u>Funding</u>	<u>FTE</u>
FY-10 Appropriation and FTE Authorization*	\$30,453,770	784.0
a. FY-10 Budget Base Cut	<u>(\$2,284,033)</u>	
b. FY-10 Supplemental	\$1,200,000	
FY-10 Final Appropriation	\$29,369,737	
Percent Change from FY-10 Original Appropriation	-7.5%	
FY-11 Base Appropriation	\$29,369,737	
c. FY-11 Budget Base Adjustment	\$1,084,033	
Total Adjustments	<u>\$1,084,033</u>	
FY-11 Appropriation and FTE Authorization	\$30,453,770	784.0**
Percent Change from FY-10 Final Appropriation	3.7%	

*The original FY-10 appropriation was an increase of 1.3% from the FY-09 appropriation level.

**The FY-11 FTE authorization contained in HB 2370 was vetoed by the Governor.

II. FY-10/FY-11 Appropriations Adjustments Detail

- a. State agencies experienced cuts in monthly General Revenue Fund allocations averaging 7.5 percent as a result of a 15.1 percent revenue shortfall.
- b. FY-10 supplemental funding is provided to satisfy the federal maintenance of effort requirements allowing the agency to receive a federal-to-state match ratio of 4:1.
- c. The FY-11 base appropriation is increased by 3.7 percent, reflecting the ongoing negative effect of the nation-wide economic recession on state revenue sources available for appropriation.

III. FY-10 Policy Issues

None.

IV. FY-11 Policy Issues

HB 2462 provides FY-11 budget limitations, setting the salary of the agency director, exempting federally funded employees from the annual full-time-equivalent limit and authorizing the agency to request the Oklahoma State Bureau of Investigation (OSBI) to conduct background checks on all persons seeking employment with the department. The measure also authorizes the director to request, through the Office of State Finance (OSF), early allocation to the department's disbursing funds to alleviate cash-flow problems, authorizes the transfer of funds from the Rehabilitation Services Federal Fund to the Rehabilitation Services Disbursing Fund and to the Medical and Assistance Funds for client services, supported employment and independent living programs.

V. FY-10 Budget Resources

	<u>FY-09</u>	<u>FY-10</u>	<u>% Change</u>
General Revenue Fund	\$30,053,770	\$30,453,770	1.3%
Revolving Funds	3,185,400	3,167,100	-0.6%
Carryover (State)	723,668	575,000	-20.5%
Carryover (Federal)	6,000,000	9,000,000	50.0%
Federal Stimulus Funds	0	8,331,874	NA
Federal Funds	99,760,830	104,099,256	4.3%
Total	\$139,723,668	\$155,627,000	11.4%

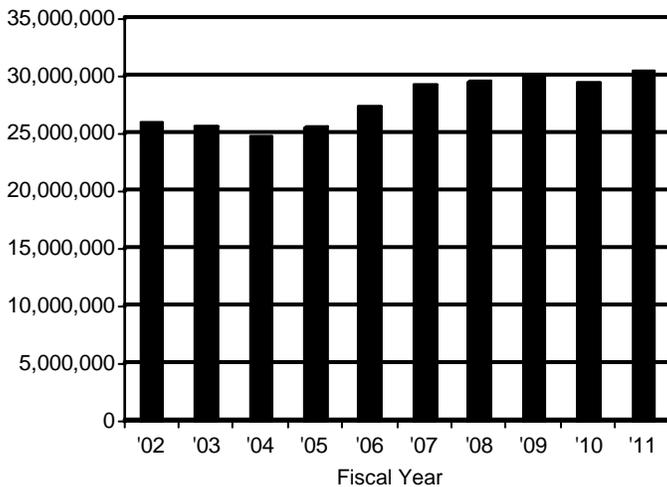
VI. FY-11 Budget Resources

	<u>FY-10</u>	<u>FY-11</u>	<u>% Change</u>
General Revenue Fund	\$29,369,737	\$30,453,770	3.7%
Revolving Funds	3,167,100	4,168,800	31.6%
Carryover (State)	575,000	516,215	-10.2%
Carryover (Federal)	9,000,000	16,000,000	77.8%
Federal Stimulus Funds	8,331,874	0	-100.0%
Federal Funds	104,099,256	109,997,302	5.7%
Total	\$154,542,967	\$161,136,087	4.3%

VII. Budget References

- a. FY-10: SB 216, Section 80, HB 1222, Sections 1 through 11
- b. FY-11: SB 1561, Section 87, HB 2462, Sections 1 through 9

VIII. Ten Year Appropriation History



FY-02	\$25,953,544	FY-07	\$29,213,250
FY-03	\$25,576,817	FY-08	\$29,474,679
FY-04	\$24,750,000	FY-09	\$30,053,770
FY-05	\$25,479,628	FY-10	\$29,369,737
FY-06	\$27,365,925	FY-11	\$30,453,770

Notes:

1. The original FY-10 appropriation to the Department of Rehabilitation Services was \$30,453,770.