

ENROLLED SENATE
BILL NO. 185

By: Morgan and Crutchfield of
the Senate

and

Benge and Newport of the
House

An Act relating to the Court of Criminal Appeals; making an appropriation; stating purpose; requiring budgeting in certain categories and amounts; authorizing employment of temporary employees; exempting temporary employees from budgetary limitations; providing for the duties and compensation of employees; providing budgetary limitations; providing lapse dates; requiring and prohibiting certain budget procedures; creating the Court of Criminal Appeals Revolving Fund; stating purpose; authorizing the transfer of funds to the Court of Criminal Appeals Revolving Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. There is hereby appropriated to the Court of Criminal Appeals from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of Two Million Eight Hundred Twenty-eight Thousand One Hundred Sixty Dollars (\$2,828,160.00) or so much thereof as may be required to perform the duties imposed upon the Court of Criminal Appeals by law.

SECTION 2. For the fiscal year ending June 30, 2006, the Court of Criminal Appeals shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Court Operations	\$2,828,160.00	\$3,178,160.00

SECTION 3. The Court of Criminal Appeals is authorized to employ temporary employees as may be necessary to maintain timely disposition of criminal appeal cases. Personnel employed pursuant to the provisions of this section shall be exempt from the limitation on full-time-equivalent employees provided in Section 4 of this act.

SECTION 4. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Court of Criminal Appeals by law shall be set by the Judges of the Court of Criminal Appeals. The Court of Criminal Appeals, for the fiscal year ending June 30, 2006, shall be subject to the following budgetary limitations on full-time-equivalent employees, 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	36.0
Lease-Purchase Agreements	\$0.00

SECTION 5. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06), or may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07). Funds budgeted for FY-06 may be encumbered only through June 30, 2006, and must be expended by November 15, 2006. Any funds remaining after November 15, 2006, and not budgeted for FY-07, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-07 may be encumbered only through June 30, 2007. Any funds remaining after November 15, 2007, 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-06, and not required to pay obligations for that fiscal year, may be budgeted for FY-07, 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-06 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61 of Title 20, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Court of Criminal Appeals to be designated the "Court of Criminal Appeals Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Court of Criminal Appeals from all other monies so designated for deposit thereto. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Court of Criminal Appeals for duties imposed upon the Court of Criminal Appeals by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 7. TRANSFER The Court of Criminal Appeals shall transfer the sum of Two Hundred Thousand Dollars (\$200,000.00) from the funds appropriated in Section 125 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature to the Court of Criminal Appeals Revolving Fund, to be expended in accordance with Section 6 of this act.

SECTION 8. This act shall become effective July 1, 2005.

SECTION 9. 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 25th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2005.

Presiding Officer of the House
of Representatives