

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1238

By: Miller and Martin (Scott)  
of the House

4 and

5 Johnson (Mike) and Myers of  
6 the Senate

7  
8 AS INTRODUCED

9  
10 An Act relating to the Oklahoma Indigent Defense  
11 System; making an appropriation; stating purpose;  
12 requiring budgeting in certain categories and  
13 amounts; providing budgetary limitations; providing  
14 for duties and compensation of employees; limiting  
15 the salary of the Executive Director; exempting  
16 certain employees from budgetary limitations on full-  
17 time-equivalent employees; providing lapse dates;  
18 requiring and prohibiting certain budget practices;  
19 providing an effective date; and declaring an  
20 emergency.

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

22 SECTION 1. There is hereby appropriated to the Oklahoma  
23 Indigent Defense System from any monies not otherwise appropriated  
24 from the General Revenue Fund of the State Treasury for the fiscal  
year ending June 30, 2010, the sum of \_\_\_\_\_ Dollars (\$0.00)  
or so much thereof as may be necessary to perform the duties imposed  
upon the Oklahoma Indigent Defense System by law.

1 SECTION 2. For the fiscal year ending June 30, 2010, the  
2 Oklahoma Indigent Defense System shall budget all funds in the  
3 following categories and amounts:

4	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
5	Trial Services	\$0.00	\$0.00
6	Appellate Services	0.00	0.00
7	General Operations	0.00	0.00
8	Non-Capital Contracts	0.00	0.00
9	Regional Offices	0.00	0.00
10	Forensic Testing	<u>0.00</u>	<u>0.00</u>
11	TOTAL	\$0.00	\$0.00

12 SECTION 3. The duties and compensation of employees, not  
13 otherwise prescribed by law, necessary to perform the duties imposed  
14 upon the Oklahoma Indigent Defense System by law shall be set by the  
15 Executive Director of the Oklahoma Indigent Defense System. The  
16 salary of the Executive Director of the Oklahoma Indigent Defense  
17 System shall not exceed \_\_\_\_\_ Dollars (\$0.00) per annum,  
18 payable monthly for the fiscal year ending June 30, 2010. The  
19 Oklahoma Indigent Defense System for the fiscal year ending June 30,  
20 2010, shall be subject to the following budgetary limitations on  
21 full-time-equivalent employees and expenditures excluding  
22 expenditures for capital and special projects, except as may be  
23 authorized pursuant to the provisions of Section 3603 of Title 74 of  
24 the Oklahoma Statutes:

	<u>Budgetary Limitation</u>	<u>Amount</u>
2	Full-Time-Equivalent Employees	0.0
3	Lease-Purchase Agreements	\$0.00

4 SECTION 4. Appropriations made by this act, not including  
 5 appropriations made for capital outlay purposes, may be budgeted for  
 6 the fiscal year ending June 30, 2010 (hereafter FY-10) or may be  
 7 budgeted for the fiscal year ending June 30, 2011 (hereafter FY-11).  
 8 Funds budgeted for FY-10 may be encumbered only through June 30,  
 9 2010, and must be expended by November 15, 2010. Any funds  
 10 remaining after November 15, 2010, and not budgeted for FY-11, shall  
 11 lapse to the credit of the proper fund for the then current fiscal  
 12 year. Funds budgeted for FY-11 may be encumbered only through June  
 13 30, 2011. Any funds remaining after November 15, 2011, shall lapse  
 14 to the credit of the proper fund for the then current fiscal year.  
 15 These appropriations may not be budgeted in both fiscal years  
 16 simultaneously. Funds budgeted in FY-10, and not required to pay  
 17 obligations for that fiscal year, may be budgeted for FY-11, after  
 18 the agency to which the funds have been appropriated has prepared  
 19 and submitted a budget work program revision removing these funds  
 20 from the FY-10 budget work program and after such revision has been  
 21 approved by the Office of State Finance.

22 SECTION 5. This act shall become effective July 1, 2009.

23 SECTION 6. It being immediately necessary for the preservation  
 24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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