

ENROLLED HOUSE  
BILL NO. 1241

BY: HAMILTON (James),  
STEIDLEY and GLOVER of  
the HOUSE

and

TAYLOR and HANEY of the  
SENATE

AN ACT RELATING TO THE OFFICE OF THE ATTORNEY GENERAL; AMENDING SECTION 8 OF ENROLLED SENATE BILL NO. 414 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE; MODIFYING APPROPRIATIONS; MAKING APPROPRIATIONS THERETO; STATING PURPOSES; REAPPROPRIATING AND REDESIGNATING CERTAIN FUNDS APPROPRIATED TO THE OFFICE OF ATTORNEY GENERAL; REQUIRING APPROVAL FROM CONTINGENCY REVIEW BOARD FOR CERTAIN EXPENDITURES; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY LIMITATIONS; CREATING REVOLVING FUND; AMENDING SECTION 8, CHAPTER 203, O.S.L. 1987, AS LAST AMENDED BY SECTION 2, CHAPTER 270, O.S.L. 1990 (74 O.S. SUPP. 1990, SECTION 18 1), WHICH RELATES TO CERTAIN FEES COLLECTED BY THE OFFICE OF THE ATTORNEY GENERAL FROM CERTAIN STATE AGENCIES; AMENDING SECTIONS 1, 2 AND 4 OF ENROLLED HOUSE BILL NO. 1244 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATE TO DISTRICT ATTORNEYS AND THE DISTRICT ATTORNEYS COUNCIL; MODIFYING APPROPRIATIONS; MODIFYING EXPENDITURE LIMITATIONS; REQUIRING REPORTS OF EXPENDITURES FROM CERTAIN FUNDS; REPEALING SECTION 8, CHAPTER 203, O.S.L. 1987, AS LAST AMENDED BY SECTION 7, CHAPTER 264, O.S.L. 1990 (74 O.S. SUPP. 1990, SECTION 18 1), WHICH IS A DUPLICATE SECTION RELATING TO FEES COLLECTED BY THE ATTORNEY GENERAL FROM CERTAIN AGENCIES; PROVIDING LAPSE DATE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 8 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature is amended to read as follows:

Section 8. There is hereby appropriated to the Office of the Attorney General from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of ~~Four Million Forty-one Thousand Seven Hundred Forty-five Dollars (\$4,041,745.00)~~ Three Million Eight Hundred Ninety-five Thousand Nine Hundred Sixty-four Dollars (\$3,895,964.00) or so much thereof as may be required to perform the duties imposed upon the Office of the Attorney General by law.

SECTION 2. There is hereby appropriated to the Office of the Attorney General from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Forty Thousand Dollars (\$40,000.00) or so much thereof as may be required to provide legal services as required by the Public Employees Relation Board. The appropriation made in this section shall be expended exclusively for the purpose so stated and shall not be transferable.

SECTION 3. There is hereby appropriated to the Attorney General's Evidence Fund provided for in Section 19 of Title 74 of the Oklahoma Statutes from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) or so much thereof as may be necessary for expenses relative to any pending case or other matter within the official responsibility of the Attorney General.

SECTION 4. REAPPROPRIATION AND REDESIGNATION The amount of Six Thousand Dollars (\$6,000.00) of the amount of Fifty Thousand Dollars (\$50,000.00) originally appropriated to the Attorney General by Section 5, Chapter 264, O.S.L. 1990 from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991 for legal services for the indigent and the amount of One Hundred Seventy-two Thousand Eight Hundred Thirty-seven Dollars (\$172,837.00) of the amount of Three Million One Hundred Eighty Thousand Eleven Dollars (\$3,180,011.00) originally appropriated for Personal Services and the amount of Seventy-six Thousand One Hundred Sixty-three Dollars (\$76,163.00) of the amount of Six Hundred Thirty-one Thousand Seven Hundred Thirty-four Dollars (\$631,734.00) originally appropriated for Other Operating Expenses by Section 1, Chapter 29, O.S.L. 1990, as amended by Section 3, Chapter 264, O.S.L. 1990, from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, for Personal Services and Other Operating Expenses is hereby reappropriated to the Office of the Attorney General and redesignated for the following purposes:

Financial Fraud and Special Investigations	\$ 80,000.00
Dare Program	25,000.00
Census Litigation	<u>150,000.00</u>
TOTAL	\$255,000.00

If on July 1, 1991 any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, that redesignated amount shall be reduced to the unencumbered balance.

SECTION 5. No expenditure shall be made from any funds available to the Attorney General for census litigation until such time as the Attorney General has made a report to the Contingency Review Board detailing planned expenditures to include contractual expenditures, source of funding, and probable total costs and obtained approval for such expenditures.

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of the Attorney General by law shall be set by the Attorney General. The Office of the Attorney General for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations, on full-time-equivalent employees and expenditures, excluding expenditures for capital and special

projects, 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	102.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$3,754,845.00
Professional and Personal Services Contracts	\$258,600.00
Lease-Purchase Agreements	\$20,875.00
Purchase of Equipment	\$170,000.00
Expenditure of Federal Funds	\$999,000.00
Total Expenditures for Operations	\$5,917,234.00
Passenger Vehicles, as defined by the Office of Public Affairs Fleet Management Division	5

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "Attorney General's Law Enforcement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies received from the sale of confiscated property, the seizure and forfeiture of confiscated monies, property, gifts, bequests, revises or contributions, public or private, including federal funds unless otherwise provided by federal law or regulation. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Attorney General for the purposes of investigation, enforcement and prosecution of cases involving criminal and forfeiture laws of this state and the United States of America or to match federal grants. 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 8. AMENDATORY Section 8, Chapter 203, O.S.L. 1987, as last amended by Section 2, Chapter 270, O.S.L. 1990 (74 O.S. Supp. 1990, Section 18 l), is amended to read as follows:

Section 18 l. The Office of the Attorney General may levy and collect a reasonable fee from the Department of Consumer Credit, the Office of Personnel Management, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the Oklahoma Development Finance Authority, the Oklahoma Industrial Finance Authority, the Oklahoma Student Loan Authority, the Oklahoma State Regents for Higher Education, the Department of Mental Health and Substance Abuse Services, the State Department of Vocational and Technical Education, the Oklahoma Department of Veterans Affairs, the State Fire Marshal Commission, the Commission on Children and Youth, the State Department of Agriculture, the Oklahoma Human Rights Commission, the Oklahoma Law Enforcement Retirement System, and the Oklahoma Police Pension and Retirement System, and the Oklahoma Tourism and Recreation Department for the purpose of

providing legal services requested by such entities. All fees collected in accordance with the provisions of this section shall be deposited in the Attorney General's Revolving Fund created pursuant to Section 20 of this title.

SECTION 9. AMENDATORY Section 1 of Enrolled House Bill No. 1244 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1. There is hereby appropriated to the Office of the Attorney General from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amounts, or so much thereof as may be necessary for the indicated purposes:

To perform the duties imposed upon the offices of the district attorneys and the District Attorneys Council by law	<del>\$23,686,112.00</del> <u>\$24,302,336.00</u>
To be transferred to the District Attorneys Evidence Fund	<u>25,000.00</u>
TOTAL	<del>\$23,711,112.00</del> <u>\$24,327,336.00</u>

SECTION 10. AMENDATORY Section 2 of Enrolled House Bill No. 1244 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 2. The district attorneys and the District Attorneys Council for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations, on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects, 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	567.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	<del>\$18,525,905.00</del> <u>\$18,876,121.00</u>
Professional and Personal Services Contracts	\$75,000.00
Lease-Purchase Agreements	\$2,000.00
Purchase of Equipment	\$20,000.00
Expenditure of Federal Funds	\$14,076,973.00
Total Expenditures for Operations	<del>\$23,761,112.00</del> <u>\$24,327,336.00</u>

SECTION 11. AMENDATORY Section 4 of Enrolled House Bill No. 1244 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 4. Personnel employed by district attorneys and paid only from nonappropriated funds shall not be subject to any budgetary limitations on full-time-equivalent employees or expenditures. The Executive Coordinator of the District Attorneys Council shall submit to the Director of State Finance a monthly

report identifying the number of personnel paid from nonappropriated funds. These employees shall include, but are not limited to, those funded through the IV-D Child Support Enforcement Program, the Bogus Check Restitution Program, federal grant programs, and those employees funded solely by county funds. The Executive Coordinator of the District Attorneys Council shall submit to the Director of State Finance a monthly report on forms approved by the Director of State Finance detailing expenditures from nonappropriated funds. These funds include, but are not limited to, the IV-D Child Support Enforcement Program, the Bogus Check Restitution Program, federal grant programs, and county funds.

SECTION 12. The Executive Director of the District Attorneys Council shall submit to the Director of State Finance by October 1, 1991, a report on forms approved by the Director of State Finance, detailing expenditures from all nonappropriated funds for the fiscal year ending June 30, 1991.

SECTION 13. REPEALER Section 8, Chapter 203, O.S.L. 1987, as last amended by Section 7, Chapter 264, O.S.L. 1990 (74 O.S. Supp. 1990, Section 18 l), is hereby repealed.

SECTION 14. The appropriations made by this act and the reappropriation made by Section 4 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 15. This act shall become effective July 1, 1991.

SECTION 16. 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 23rd day of May, 1991.

Speaker of the House of  
Representatives

Passed the Senate the 23rd day of May, 1991.

President of the Senate