

ENROLLED SENATE
BILL NO. 903

By: Taylor and Haney of the
Senate

and

Hamilton (James) and
Steidley of the House

An Act relating to state government and counties and county officers, amending 19 O.S. 1991, Sections 215.34 and 215.35A, which relate to salaries and qualifications of assistant district attorneys and investigators for district attorneys; amending 22 O.S. 1991, Section 116, which relates to the bogus check restitution program; creating certain Task Force; providing for termination of Task Force; providing for membership and qualifications of members; requiring certain study and stating contents; requiring the Attorney General to assist Task Force; providing for staffing of the Task Force; providing for reimbursement of the Task Force; requiring certain report and stating contents; modifying salary range for assistant district attorneys; prohibiting district attorneys from engaging in certain employment; stating that certain investigators shall be considered peace officers and have such powers; requiring certain annual report and stating contents; requiring certain distribution of such report; directing District Attorneys Council to develop certain criteria and make certain recommendations; directing District Attorneys Council to reexamine and revise certain formula; requiring submission of certain formula to the Legislature; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. A. There is hereby created until January 1, 1997, the "Task Force on State Agency Legal Services" which shall be composed of the following fifteen (15) members:

1. Five members to be appointed by the President Pro Tempore of the Senate, who shall include:
 - a. three members of the Senate with no more than two members of the three from one political party,
 - b. an attorney appointed from a list prepared and submitted by the Oklahoma Bar Association consisting of the names of five attorneys who have substantial experience and knowledge of legal service needs of state agencies, and

- c. a person who is not an attorney;
2. Five members to be appointed by the Speaker of the House of Representatives, who shall include:
 - a. three members of the House of Representatives with no more than two members of the three from one political party,
 - b. an attorney appointed from a list prepared and submitted by the Oklahoma Bar Association consisting of the names of five attorneys who have substantial experience and knowledge of legal service needs of state agencies, and
 - c. a person who is not an attorney;
3. Two members to be appointed by the Governor, who shall be administrative heads of agencies of this state, one of whom may be a person who is not an attorney but who has knowledge and experience in administrative law; and
4. The Attorney General of the State of Oklahoma, or designee; and
5. The Chief of the Criminal Division of the Office of Attorney General, or designee; and
6. The Chief of the Civil Division of the Office of Attorney General, or designee.

The members of the Task Force shall be appointed not later than July 1, 1994.

The President Pro Tempore of the Senate shall appoint the chair of the Task Force and the Speaker of the House of Representatives shall appoint the vice-chair of the Task Force from their respective lists of membership appointments.

B. The Task Force shall conduct a comprehensive study on the legal service needs of state officers and agencies or the administrative heads or governing entities thereof. The study shall include, but not be limited to:

- a. a review of agencies which have specific statutory authorization to employ attorneys or contract for legal services,
- b. a determination of the advisability of establishing an office of Solicitor General,
- c. a determination of which types of legal services are general in nature and may be adequately addressed by a new executive department and which legal services may need specialized qualifications,
- d. a determination of the advisability of establishing an administrative law judge unit which will serve all state agencies,
- e. development of a schedule of agencies for the transfer of legal services to a new executive department and cost of implementation, and
- f. a review of such other information as deemed necessary by the Task Force.

C. The Attorney General, or designee, shall assist the Task Force in initiating and organizing the study, reviewing information received by the Task Force, receiving input from agencies, and formulating recommendations and strategies for implementation by the state. The final report required by subsection F of this section shall reflect and include the Attorney General's recommendations.

D. Staff assistance to the Task Force shall be provided by the Oklahoma State Senate and the Oklahoma House of Representatives.

E. Members of the Task Force shall serve without compensation, but legislative members of the Task Force shall be reimbursed for travel expenses incurred in the performance of their duties in

accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes. Nonlegislative members of the Task Force who are not employees of this state shall be reimbursed by their respective appointing authority for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Members of the Task Force who are employees of this state shall be reimbursed pursuant to the State Travel Reimbursement Act for travel expenses for any meetings or hearings of the Task Force not held in Oklahoma City.

F. The Task Force shall prepare a written report on its findings and recommendations and shall submit the report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 1996.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 215.34, is amended to read as follows:

Section 215.34 A. Effective January 1, 1983, full-time assistants with less than one (1) year of experience in the general practice of law or experience as a Supreme Court licensed full-time intern in an internship with an Oklahoma district attorney's office shall receive a salary of not more than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over one (1) but less than two (2) years of experience shall receive not more than seventy percent (70%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over two (2) years of experience but less than three (3) years of experience shall receive not more than eighty percent (80%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over three (3) years of experience shall receive a salary of not more than ninety percent (90%) and not less than fifty percent (50%) of the salary of the district attorney of the district; except that the designated first assistant with over three (3) years of experience may receive up to ninety-five percent (95%) of the salary of the district attorney. All assistant district attorneys who are paid in excess of fifty percent (50%) of the salary of the district attorney shall not engage in the private practice of law, but may complete pending cases of a civil nature, not in conflict with the interest of any county of the district in which he is appointed. No assistant district attorney permitted to practice law shall accept employment in a case investigated by the office of the district attorney.

Effective July 1, 1994, any full-time assistants hired, promoted or reclassified with less than two (2) years of experience in the general practice of law or experience as a licensed intern in an internship with an Oklahoma District Attorney's office shall receive a salary of not more than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over two (2) but less than three (3) years of experience shall receive not more than fifty-five percent (55%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over three (3) years of experience but less than four (4) years of experience shall receive not more than sixty percent (60%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over four (4) years of experience but less than five (5) years of experience shall receive not more than sixty-five percent (65%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over five (5) years of experience but less than six (6) years of experience shall receive

not more than seventy percent (70%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over six (6) years of experience but less than seven (7) years of experience shall receive not more than seventy-five percent (75%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over seven (7) years of experience but less than eight (8) years of experience shall receive not more than eighty percent (80%) nor less than fifty percent (50%) of the salary of the District Attorney of the district. Full-time assistants with over eight (8) years of experience but less than nine (9) years of experience shall receive not more than eighty-five percent (85%) of the salary of the District Attorney of the district. Full-time assistants with over nine (9) years of experience shall receive a salary of not more than ninety percent (90%) and not less than fifty percent (50%) of the salary of the District Attorney of the district; except that the designated first assistant with over three (3) years of experience may receive up to ninety-five percent (95%) of the salary of the District Attorney. All Assistant District Attorneys who are paid in excess of fifty percent (50%) of the salary of the District Attorney shall not engage in the private practice of law, but may complete pending cases of a civil nature, not in conflict with the interests of any county of the district in which appointed. No assistant district attorney permitted to practice law shall accept employment in a case investigated by the Office of the District Attorney.

B. Part-time assistants with less than one (1) year of experience in the general practice of law or experience as a ~~Supreme Court~~ licensed full-time intern in an internship with an Oklahoma district attorney's office shall receive forty percent (40%) prorated against the actual hours worked of the salary of the ~~district attorney~~ District Attorney of the district. Part-time assistants with more than one (1) year of experience shall receive not more than a prorated fifty percent (50%) nor less than a prorated forty percent (40%) of the salary of the ~~district attorney~~ District Attorney of the district.

C. Each county in ~~the~~ a district shall have at least one ~~assistant district attorney~~ Assistant District Attorney who shall reside in the county.

D. Each assistant district attorney shall: be at least twenty-one (21) years of age; be a resident of the district, if required by the ~~district attorney~~ District Attorney; and have a license to practice law in the courts of record of this state at the time of his appointment. All ~~assistant district attorneys~~ Assistant District Attorneys shall serve at the pleasure of the ~~district attorney~~ District Attorney.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 215.35A, is amended to read as follows:

Section 215.35A A. Investigators for ~~the district attorney~~ a District Attorney shall perform such services as are necessary in the investigation of criminal activity or preparation of civil litigation within the district and at the direction of the district attorney.

~~Should any such investigator be certified as a peace officer by the Council on Law Enforcement Education and Training, such investigator shall have jurisdiction in any portion of the state where the aforesaid duties may take him and shall be considered a peace officer and have the powers now or hereafter vested by law in peace officers.~~

B. If the District Attorney's investigator is certified as a peace officer by the Council on Law Enforcement Education and

Training the investigator shall be considered a peace officer and shall have the powers now or hereafter vested by law in peace officers.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 116, is amended to read as follows:

Section 116. A. District attorneys will Attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Bogus Check Restitution Program.

B. By September 15 of each year, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Bogus Check Restitution Program. A copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the Oklahoma House of Representatives and the chairmen of the House and Senate Appropriations Committees. Each District Attorney shall submit information requested by the District Attorneys Council regarding the Bogus Check Restitution Program. This report shall include the number of checks processed and the total dollar amount of such checks, the number of checks for which some restitution was made and the total amount of the restitution, the total amount of fees collected, the total cost of the program, and such other information as required by the District Attorneys Council. The report shall provide totals by county and district.

SECTION 5. A. The District Attorneys Council is hereby directed to develop criteria and make recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for recommended legislation establishing minimum qualifications for district attorney investigators and Victim-Witness coordinators no later than February 1, 1995.

B. The District Attorneys Council is hereby directed to reexamine and revise the allocation formula used for district attorneys for the fiscal year ending June 30, 1995, for distribution of funds to district attorneys' districts to provide greater weight to:

1. Population; and
2. Crime rate.

The District Attorneys Council shall submit the revised formula for approval by the Legislature by February 1, 1995.

SECTION 6. Sections 1 and 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. Sections 2, 3, and 4 shall become effective July 1, 1994.

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 Senate the 27th day of May, 1994.

President of the Senate

Passed the House of Representatives the 27th day of May, 1994.

Speaker of the House of
Representatives

