STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 907

By: Haney and Hobson of the Senate

and

Hamilton and Settle of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state legal services; making an appropriation to the Attorney General; stating purposes; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; providing budgetary limitations; making an appropriation to the Attorney General for the benefit of the District Attorneys Council; stating purposes; requiring budgeting in certain categories and amounts; authorizing transfer of certain funds; requiring submission of certain report; providing for duties and compensation of employees; providing budgetary limitations; making appropriation to the Oklahoma Indigent Defense System; stating purposes; reappropriating and redesignating certain monies to the Oklahoma Indigent Defense System; stating purposes; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; and providing an effective date.

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

ATTORNEY GENERAL

SECTION 1. There is hereby appropriated to 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, 1999, the sum of Three Hundred Thirty Thousand Four Hundred Forty-five Dollars ($330,445.00) or so much thereof as may be necessary to perform the duties imposed upon the Attorney General by law.

SECTION 2. For the fiscal year ending June 30, 1999, the Attorney General shall budget all funds in the following categories and amounts:

| Category | Appropriation | Total |
|---|---|---|
| General Operations | $1,644,770.00 | $1,919,770.00 |
| Legal Services | 3,883,500.00 | 5,426,988.00 |
| Financial Fraud and Special Investigations | 452,360.00 | 532,360.00 |
| Medicaid Fraud Control | 242,616.00 | 1,009,225.00 |
| Workers' Compensation Fraud | 0.00 | 990,000.00 |
| TOTAL | $6,223,246.00 | $9,878,343.00 |

SECTION 3. 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, 1999, 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:

| Budgetary Limitation | Amount |
|---|---|
| Full-time-equivalent Employees | 157.0 |
| Lease-Purchase Agreements | $75,000.00 |

DISTRICT ATTORNEYS COUNCIL

SECTION 4. There is hereby appropriated to 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, 1999, the sum of One Million Seventy-eight Thousand Two Hundred Forty-seven Dollars ($1,078,247.00) or so much thereof as may be necessary to perform the duties imposed upon the District Attorneys Council by law.

SECTION 5. For the fiscal year ending June 30, 1999, the District Attorneys Council shall budget all funds in the following categories and amounts:

| Category | Appropriation | Total |
|---|---|---|
| Prosecutorial Services | $28,140,428.00 | $30,665,428.00 |
| General Administration | 959,511.00 | 1,044,511.00 |

| | | |
|---|---|---|
| Child Support Services | 0.00 | 12,700,000.00 |
| Bogus Check Enforcement and Restitution | 0.00 | 9,950,000.00 |
| Federal Grant Programs | 0.00 | 6,265,000.00 |
| Federal Pass-Through Grants | 0.00 | 23,972,127.00 |
| Drug Asset Forfeiture | 0.00 | 1,000,000.00 |
| Crime Victim Services | 0.00 | 4,402,000.00 |
| TOTAL | $29,099,939.00 | $89,999,066.00 |

SECTION 6. For the fiscal year ending June 30, 1999, the District Attorneys Council is authorized to transfer an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000.00), on an as-needed basis, from the Crime Victims Compensation Revolving Fund created by Section 142.17 of Title 21 of the Oklahoma Statutes to the Sexual Assault Examination Fund created by Section 142.20 of Title 21 of the Oklahoma Statutes.

SECTION 7. For the fiscal year ending June 30, 1999, up to One Hundred Sixty Thousand Dollars ($160,000.00) is authorized to be transferred from the Crime Victims Compensation Revolving Fund, created by Section 142.17 of Title 21 of the Oklahoma Statutes to the District Attorneys Council for two (2) employees, including related duties to support the Crime Victims Compensation Board.

SECTION 8. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the district attorneys and District Attorneys Council by law shall be set by the District Attorneys Council within the limits prescribed by Sections 215.30 and 215.34 of Title 19 of the Oklahoma Statutes. The district attorneys and District Attorneys Council for the fiscal year ending June 30, 1999, 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:

| Budgetary Limitation | Amount |
|---|---|
| Full-time-equivalent Employees | 1,183.00 |
| Temporary Full-time-equivalent Employees | 12.00 |
| TOTAL | 1,195.00 |

SECTION 9. The District Attorneys Council is hereby authorized to hire twenty (20) legal interns for the fiscal year ending June 30, 1999. Such interns shall be exempt from the budgetary limitations as provided in Section 8 of this act.

SECTION 10. Of the one thousand one hundred and eighty-three (1,183) full-time-equivalent employee positions authorized for the District Attorneys and District Attorneys council in Section 8 of this act, six hundred and fifty-three (653) full-time-equivalent employee positions shall be contingent on unappropriated funds and shall be eliminated when unappropriated funds for the positions are discontinued. If unappropriated funds are decreased then positions shall be decreased correspondingly.

OKLAHOMA INDIGENT DEFENSE SYSTEM

SECTION 11. There is hereby appropriated to the Oklahoma Indigent Defense System from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1999, the sum of Six Hundred Fifty-two Thousand Five Hundred Twenty-one Dollars ($652,521.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indigent Defense System by law.

SECTION 12. There is hereby appropriated to the Oklahoma Indigent Defense System from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury, the sum of Three Hundred Thousand Dollars ($300,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indigent Defense System by law.

SECTION 13. AMENDATORY Section 115 of Enrolled House Bill No. 3050 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 115. There is hereby appropriated to the Oklahoma Indigent Defense System from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1999, the sum of ~~Eleven Million One Hundred Five Thousand Forty-nine Dollars ($11,105,049.00)~~ <u>Ten Million Eight Hundred Five Thousand Forty-nine Dollars ($10,805,049.00)</u> or

so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indigent Defense System by law.

SECTION 14. REAPPROPRIATION AND REDESIGNATION The amount of Seven Hundred Ninety-five Thousand Nine Hundred Forty-one Dollars ($795,941.00), originally appropriated to the Oklahoma Indigent Defense System by Section 17, Chapter 3, O.S.L. 1997, from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1996, is hereby reappropriated to reimburse the Court Fund for expenses incurred by the Oklahoma Indigent Defense System in providing court-appointed attorneys for indigent defendants and to pay for court-appointed attorneys appointed in February 1997 and March 1997 and redesignated to include contracting with private attorneys across the state to provide legal representation for indigent defendants in noncapital criminal trial cases.

SECTION 15. REAPPROPRIATION The amount of One Million Three Hundred Fourteen Thousand One Hundred Thirty-four Dollars ($1,314,134.00), originally appropriated to the Oklahoma Indigent Defense System by Section 18, Chapter 3, O.S.L. 1997, from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1996, to contract with private attorneys across the state to provide legal representation for indigent defendants in noncapital criminal trial cases, is hereby reappropriated to Oklahoma Indigent Defense System.

SECTION 16. For the fiscal year ending June 30, 1999, the Oklahoma Indigent Defense System shall budget all funds in the following categories and amounts:

| Category | Appropriation | Total |
|---|---|---|
| Trial Services | $6,596,243.00 | $9,084,548.00 |
| Appellate Services | 3,318,996.00 | 3,318,996.00 |
| General Operations | 1,842,331.00 | 1,842,331.00 |
| TOTAL | $11,757,570.00 | $14,245,875.00 |

SECTION 17. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Indigent Defense System by law shall be

set by the Executive Director of the Oklahoma Indigent Defense System. The Oklahoma Indigent Defense System for the fiscal year ending June 30, 1999, 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:

| Budgetary Limitation | Amount |
|---|---|
| Full-time-equivalent Employees | 80.0 |

SECTION 18. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 1999 (hereafter FY-99) or may be budgeted for the fiscal year ending June 30, 2000 (hereafter FY-00). Funds budgeted for FY-99 may be encumbered only through June 30, 1999, and must be expended by November 15, 1999. Any funds remaining after November 15, 1999, and not budgeted for FY-00, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-00 may be encumbered only through June 30, 2000. Any funds remaining after November 15, 2000, 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-99, and not required to pay obligations for that fiscal year, may be budgeted for FY-00, 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-99 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 19. This act shall become effective September 1, 1998.

46-2-3241 KLF