

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1404

By: Taylor, Leftwich and Monson
of the Senate

and

Benson, Askins and Cox of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to tobacco settlement monies; amending 74 O.S. 1991, Section 19, as last amended by Section 1 of Enrolled House Bill No. 1002 of the 2nd Session of the 47th Oklahoma Legislature and Section 2 of Enrolled House Bill No. 1002 of the 2nd Session of the 47th Oklahoma Legislature, which relate to the Office of the Attorney General and the Tobacco Settlement Fund; modifying provisions applicable to deposit of certain monies; modifying monies deposited to Tobacco Settlement Fund; transferring certain sum to Tobacco Settlement Endowment Trust Fund; providing effective dates; providing a conditional effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 19, as last amended by Section 1 of Enrolled House Bill No. 1002 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 19. A. 1. Out of all money received or collected by the Attorney General on behalf of the state or any department or agency thereof, and ~~by him~~ paid into the State Treasury, twenty-five percent (25%) thereof shall be deposited as follows: three-fourths (3/4) in a special agency account fund in the State Treasury, designated the Attorney General's Evidence Fund, which fund shall be a continuing fund, not subject to fiscal year limitations, and one-fourth (1/4) in the Attorney General's Revolving Fund created by

Section 20 of this title. Provided, however, the provisions for deposits into the Attorney General's Revolving Fund ~~and the Attorney General's Evidence Fund~~ shall not apply to any monies paid to the State of Oklahoma as a result of the settlement of the lawsuit filed by the State of Oklahoma against the tobacco industry.

2. All money paid to the Attorney General for reimbursement of court costs, fees and other expenses and appropriated monies authorized to be transferred to the agency special account shall be deposited in the Attorney General's Evidence Fund. Such fund shall be used by the Attorney General for necessary expenses relative to any pending case or other matter within the official responsibility of the Attorney General. ~~Provided, that~~

3. Notwithstanding other provisions of this section, the balance on deposit in ~~such fund~~ the Attorney General's Evidence Fund shall never exceed the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00).

B. All money received or credited by the Attorney General on behalf of the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Oklahoma Law Enforcement Retirement System or the Uniform Retirement System for Justices and Judges shall be paid to the State Treasurer of the state and by him distributed to the appropriate fund of the respective retirement system as directed by the board of trustees of said respective retirement system. The Attorney General shall invoice the respective retirement system and the respective retirement system shall pay for reasonable attorney's fee for actual legal services rendered by the Attorney General's office related to the money received or credited on behalf of the respective retirement system based on an hourly rate determined by the Attorney General. The hourly rate charged by the Attorney General to a retirement system for services related to the

collection of money received or credited on behalf of the respective retirement system shall be based on the labor, time and problems involved, the skill and expertise called for in the performance of the services and the standing of the specific attorney or attorneys involved. The hourly rate charged by the Attorney General to a retirement system shall not be based on the value of the property at issue or recovered. The Attorney General shall not separately invoice a retirement system for the work performed by an attorney employed by the Attorney General's office whose salary and other related costs are paid in part or in whole by said retirement system pursuant to an agreement entered into between the Attorney General and the retirement system for legal services.

C. From any monies paid to the State of Oklahoma representing attorney fees, paralegal fees and other costs of litigating the lawsuit filed by the State of Oklahoma against the tobacco industry, the Attorney General shall make such deposits as are appropriate pursuant to subsection A of this section. The balance of any such monies shall be deposited in the General Revenue Fund of the State Treasury.

SECTION 2. AMENDATORY Section 2 of Enrolled House Bill No. 1002 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 2. There is hereby created in the State Treasury a revolving fund to be known and designated as the Tobacco Settlement Fund, into which fund shall be deposited ~~all~~:

1. All monies received by the state or any official, agency or department of the state in settlement of claims by the state against tobacco manufacturers during the month of April, 2000;

2. All monies received by the state or any official, agency or department of the state in settlement of claims by the state against tobacco manufacturers during fiscal year 2001;

3. That portion of monies received by the state or any official, agency or department of the state in settlement of claims by the state against tobacco manufacturers which is not otherwise apportioned in the Oklahoma Constitution during fiscal year 2002 and subsequent fiscal years; and

4. Such other monies as may be appropriated or otherwise directed thereto by law.

The Tobacco Settlement Fund shall be a continuing fund, not subject to fiscal year limitations. No monies shall be paid out of such fund except pursuant to authorization by the Legislature.

SECTION 3. TRANSFER The Director of State Finance shall transfer the sum of Fifty Million Dollars (\$50,000,000.00), from any monies in the Tobacco Settlement Fund of the State Treasury for the fiscal year ending June 30, 2001, not otherwise appropriated, to the Tobacco Settlement Endowment Trust Fund of the State Treasury.

SECTION 4. Section 1 of this act shall become effective July 1, 2001.

SECTION 5. Section 2 of this act shall become effective July 1, 2000.

SECTION 6. Section 3 of this act shall become effective January 1, 2001, contingent upon certification of election returns favoring passage of the Constitutional Amendment proposed in House Bill No. 2022 of the 2nd Session of the 47th Oklahoma Legislature.

SECTION 7. 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.