

STATE OF OKLAHOMA

1st Extraordinary Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL3x

By: Taylor of the Senate

and

Benson of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public finance; 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; amending Section 81 of Enrolled Senate Bill No. 965 of the 2nd Session of the 47th Oklahoma Legislature, which relates to an appropriation to the Department of Transportation; modifying year for which certain appropriation made; making appropriation to The 1921 Tulsa Race Riot Commission Revolving Fund; stating purpose; amending Section 56 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, which relates to an appropriation to the Legislative Service Bureau; modifying appropriation amount; appropriating certain amount to Legislative Service Bureau; stating purpose; amending Section 20 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, as amended by Section 1 of Enrolled House Bill No. 2249 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the Oklahoma State Regents for Higher Education; modifying appropriation amount; amending Section 27 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the Oklahoma State Regents for Higher Education; modifying appropriation amount; stating legislative intent regarding certain provisions relating to the Oklahoma Health Care Authority; specifying certain requirements for budget work program; requiring certain reports; 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. Except as provided in Section 19 of Title 74 of the Oklahoma Statutes, 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. AMENDATORY Section 81 of Enrolled Senate Bill No. 965 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 81. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending ~~June 30, 2000~~ June 30, 2001, the sum of Five Hundred Thousand Dollars (\$500,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. The appropriation set forth in this section shall be transferred to the Public Transit Revolving Fund.

SECTION 5. There is hereby appropriated to The 1921 Tulsa Race Riot Commission Revolving Fund created in Section 4 of Enrolled House Bill No. 2468 of the 2nd Session of the 47th Oklahoma Legislature from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2001, the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) or so much thereof as may be necessary for the purpose of completing the study of the 1921 Tulsa Race Riot and to perform the duties imposed upon The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee by law.

SECTION 6. AMENDATORY Section 56 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 56. There is hereby appropriated to the Legislative Service Bureau from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2001, the sum of ~~One Million Five Hundred Fifty-seven Thousand Eight Hundred Ninety-nine Dollars (\$1,557,899.00)~~ One Million Fifty-seven Thousand Eight Hundred Ninety-nine Dollars (\$1,057,899.00) or so much thereof as may be necessary to perform the duties imposed upon the Legislative Service Bureau by law.

SECTION 7. There is hereby appropriated to the Legislative Service Bureau from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury for the fiscal year ending

June 30, 2001, the sum of Five Hundred Thousand Dollars (\$500,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Legislative Service Bureau by law.

SECTION 8. AMENDATORY Section 20 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, as amended by Section 1 of Enrolled House Bill No. 2249 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 20. There is hereby appropriated to the Oklahoma State Regents for Higher Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2001, the sum of ~~Six Hundred Eighteen Million Two Hundred Fifty-seven Thousand Nine Hundred Seventy-six Dollars (\$618,257,976.00)~~ Six Hundred Eighteen Million Six Hundred Fifty-five Thousand Five Hundred Sixteen Dollars (\$618,655,516.00) or so much thereof as may be necessary for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education.

SECTION 9. AMENDATORY Section 27 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 27. There is hereby appropriated to the Oklahoma State Regents for Higher Education from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of ~~Four Million Five Hundred Seventy-two Thousand Five Hundred Four Dollars (\$4,572,504.00)~~ Four Million One Hundred Seventy-four Thousand Nine Hundred Sixty-four Dollars (\$4,174,964.00) or so much thereof as may be necessary for allocation by the Oklahoma State

Regents for Higher Education pursuant to the provisions of Article XIII-A of the Constitution of the State of Oklahoma for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education.

SECTION 10. It is the intent of the Legislature that the Oklahoma Health Care Authority submit its budget work program for the fiscal year ending June 30, 2001, to reflect the full implementation of the provisions of Enrolled House Bill No. 2019 of the 2nd Session of the 47th Oklahoma Legislature. The budget work program shall reflect the total anticipated cost of the implementation of the provisions of Enrolled House Bill No. 2019 of the 2nd Session of the 47th Oklahoma Legislature and continuing obligations of the Medicaid program. Should the total cost of such implementation exceed the appropriations made for that purpose during the 47th Oklahoma Legislature, it is the intent of the Legislature to make supplemental appropriations to fully fund such implementation and the Medicaid program.

The Oklahoma Health Care Authority shall report on a monthly basis the costs of implementing the provisions of Enrolled House Bill No. 2019 of the 2nd Session of the 47th Oklahoma Legislature and the Medicaid program and the status of funding for such purposes. The reports shall be made in writing to the Governor, Speaker of the House of Representatives and the President Pro Tempore of the Senate or their designees.

SECTION 11. Section 1 of this act shall become effective July 1, 2001.

SECTION 12. Sections 2, 4, 5, 6, 7, 8, 9 and 10 of this act shall become effective July 1, 2000.

SECTION 13. 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

Enrolled House Bill No. 2022 of the 2nd Session of the 47th Oklahoma Legislature.

SECTION 14. 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.

47-1EX-5038

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