SECOND ENROLLED HOUSE
BILL NO. 1002

By: Askins, Vaughn and Braddock of the House

and

Brown of the Senate

An Act relating to the Attorney General; amending 74 O.S. 1991, Section 19, as last amended by Section 1, Chapter 350, O.S.L. 1999 (74 O.S. Supp. 1999, Section 19), which relates to the Attorney General's Evidence Fund; providing exception to certain deposits; creating the Tobacco Settlement Fund in the State Treasury; providing for deposits and expenditures; prohibiting payment from fund unless authorized by Legislature; requiring transfer of certain funds; providing for codification; providing for noncodification; 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, Chapter 350, O.S.L. 1999 (74 O.S. Supp. 1999, Section 19), 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 the balance on deposit in such 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50 of Title 62, unless there is created a duplication in numbering, reads as follows:

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 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. 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. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

On the effective date of this act, the Director of the Office of State Finance shall transfer the sum of Two Million Nine Hundred Ninety-one Thousand Six Hundred Thirty-two Dollars ($2,991,632.00) received by the Attorney General after December 1, 1999, pursuant to the Master Settlement Agreement between states and participating tobacco product manufacturers, from the Attorney General's Revolving Fund to the Tobacco Settlement Fund.

SECTION 4. 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 12th day of April, 2000.

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Speaker of the House of Representatives

Passed the Senate the 12th day of April, 2000.

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President of the Senate