

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

2ND CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1548

By: Mass and Bonny of the House

and

Haney and Hobson of the  
Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state legal and judicial services; creating the Forensic Testing Revolving Fund; stating purpose of fund; amending 19 O.S. 1991, Section 215.34, as last amended by Section 1, Chapter 235, O.S.L. 1995 (19 O.S. Supp. 2000, Section 215.34), which relates to assistant district attorneys' salaries and qualifications; deleting provisions for minimum and maximum salaries; amending 20 O.S. 1991, Section 106.9, as last amended by Section 7, Chapter 37, O.S.L. 2000 (20 O.S. Supp. 2000, Section 106.9), which relates to court reporter salaries; modifying base salary; repealing 19 O.S. 1991, Section 215.35, which relates to salaries of investigators and support staff in the office of district attorney; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1370.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Indigent Defense System, to be designated the "Forensic Testing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all funds appropriated by the Legislature to the fund or monies received from any political subdivision of the State of Oklahoma as reimbursements or recovery for forensic testing. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Indigent Defense System for

the purpose of providing forensic testing. Expenditures shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 215.34, as last amended by Section 1, Chapter 235, O.S.L. 1995 (19 O.S. Supp. 2000, 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 licensed full-time intern in an internship with an Oklahoma district attorney's office shall receive forty percent (40%) prorated salary based on the pay scale limits provided in subsection A of this section against the actual hours worked. Part-time assistants with more than one (1) year of experience shall receive not more than a prorated fifty percent (50%) salary based on the pay scale limits provided in subsection A of this section nor less than a prorated forty percent (40%) salary based on the pay scale limits provided in subsection A of this section.~~

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

~~D.~~ C. 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; and have a license to practice law in the courts of record of this state at the time of appointment. All assistant district attorneys shall serve at the pleasure of the district attorney.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 106.9, as last amended by Section 7, Chapter 37, O.S.L. 2000 (20 O.S. Supp. 2000, Section 106.9), is amended to read as follows:

Section 106.9 A. ~~The~~ Until January 1, 2002, the salaries of all court reporters regularly engaged by the district court, the Workers' Compensation Court, or the Corporation Commission, shall be paid by the state, except as otherwise provided ~~herein~~ in this section. Full-time court reporters, regularly engaged by the Workers' Compensation Court and the Corporation Commission, who are certified shorthand reporters shall be paid Twenty-nine Thousand Seven Hundred Fifty-eight Dollars (\$29,758.00) per year, payable monthly. Effective January 1, 2002, the salaries of all court reporters regularly engaged by the district court, the Workers' Compensation Court, or the Corporation Commission shall be paid by the state, except as otherwise provided in this section. Full-time court reporters regularly engaged by the district court, the Workers' Compensation Court and the Corporation Commission who are certified shorthand reporters shall be paid Thirty-three Thousand Five Hundred Dollars (\$33,500.00) per year, payable monthly.

B. In addition to their base salaries, official court reporters who are certified or licensed shorthand reporters and those acting shorthand reporters pursuant to paragraph c of Section 106.3B of this title shall be paid annually the sum of Four Hundred Dollars (\$400.00) for each year of service to the district court, the Workers' Compensation Court and the Corporation Commission, with a maximum of twenty (20) years of service only to be used for the purpose of longevity, not to exceed Eight Thousand Dollars (\$8,000.00) per year, payable monthly. For the purpose of payment for longevity, "years of service" is defined as all years served as a certified or licensed court reporter in the district court, the Workers' Compensation Court and, the Corporation Commission after June 30, 1978. Such longevity payments shall begin on July 1 of

each year following completion of one (1) year's service as defined herein.

C. In addition to their base salaries, official court reporters who are certified shorthand reporters shall be paid the following:

1. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a holder of a certificate of proficiency, as certified by the State Board of Examiners of Certified Shorthand Reporters. To qualify for a certificate of proficiency, an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred twenty-five (225) words per minute in taking a question-and-answer-type dictation, two hundred (200) words per minute in taking a jury charge and one hundred eighty (180) words per minute in taking literary material all as determined by an examination administered by the Board or recognized by the Board;

2. The sum of Three Thousand Dollars (\$3,000.00) per year, payable monthly, to any official court reporter who is a Registered Merit Reporter (RMR), as certified by the State Board of Examiners of Certified Shorthand Reporters. To qualify as a Registered Merit Reporter (RMR), an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred sixty (260) words per minute in taking a question-and-answer-type dictation, two hundred forty (240) words per minute in taking a jury charge and two hundred (200) words per minute in taking literary material, all as determined by an examination administered by the Board or recognized by the Board;

3. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Diplomat Reporter (RDR), as certified by the State Board of Examiners of Certified Shorthand Reporters;

4. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a

Certified Realtime Reporter (CRR), as certified by the State Board of Examiners of Certified Shorthand Reporters; or

5. Any official court reporter who is the holder of more than one certification shall be compensated in the additional amounts specified in paragraphs 1 through 4 of this subsection for each certification up to a maximum of Six Thousand Dollars (\$6,000.00) per year over and above the reporter's base salary, payable monthly.

D. Court reporters temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission shall be compensated by the court fund of the court which they serve at the rate of Fifty-seven Dollars and sixty cents (\$57.60) per day. In addition, court reporters temporarily employed pursuant to this subsection who are required by the terms of their employment to travel outside their county of residence, shall receive reimbursement for mileage actually and necessarily traveled to and from the place of attendance at a rate not to exceed the rate of reimbursement specified in the State Travel Reimbursement Act for state employees. Any travel reimbursement shall be paid from the court fund of the court where the service of the temporarily employed court reporter is provided.

SECTION 4. REPEALER 19 O.S. 1991, Section 215.35, is hereby repealed.

SECTION 5. Sections 2 through 4 of this act shall become effective July 1, 2001.

SECTION 6. 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.

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