

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1971

By: Jolley and Justice of the
Senate

6 and

7 Sears and Martin (Scott) of
8 the House

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to apportionment of tobacco
12 settlement monies; amending 62 O.S. 2011, Section 50,
13 which relates to the Tobacco Settlement Fund;
14 amending 74 O.S. 2011, Section 19, which relates to
15 funds of the Office of the Attorney General;
16 modifying apportionment of certain monies; providing
17 an effective date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 62 O.S. 2011, Section 50, is
20 amended to read as follows:

21 Section 50. A. There is hereby created in the State Treasury a
22 revolving fund to be known and designated as the Tobacco Settlement
23 Fund, into which fund shall be deposited:
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1 1. All monies received by the state or any official, agency or
2 department of the state in settlement of claims by the state against
3 tobacco manufacturers during the month of April 2000;

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

7 ~~3. Except as provided in Section 19 of Title 74 of the Oklahoma~~
8 ~~Statutes, that~~ That portion of monies received by the state or any
9 ~~official, agency or department of the state in settlement of claims~~
10 ~~by the state against tobacco manufacturers which is not otherwise~~
11 ~~apportioned pursuant to the provisions of Section 40 of Article X of~~
12 ~~the Oklahoma Constitution during fiscal year 2002 and subsequent~~
13 ~~fiscal years~~ apportioned to the Tobacco Settlement Fund pursuant to
14 the provisions of subsection B of this section; and

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

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

20 B. Monies received by the state or any official, agency or
21 department of the state in settlement of claims by the state against
22 tobacco manufacturers which is not otherwise apportioned pursuant to
23 the provisions of Section 40 of Article X of the Oklahoma
24 Constitution shall be apportioned as follows:

1 1. Seventy-five percent (75%) shall be apportioned to the
2 Tobacco Settlement Fund; and

3 2. Twenty-five percent (25%) shall be apportioned to the
4 Attorney General's Evidence Fund.

5 SECTION 2. AMENDATORY 74 O.S. 2011, Section 19, is
6 amended to read as follows:

7 Section 19. A. 1. Out of all money received or collected by
8 the Attorney General on behalf of the state or any department or
9 agency thereof, and paid into the State Treasury, twenty-five
10 percent (25%) thereof shall be deposited as follows: three-fourths
11 (3/4) in a special agency account fund in the State Treasury,
12 designated the Attorney General's Evidence Fund, which fund shall be
13 a continuing fund, not subject to fiscal year limitations, and one-
14 fourth (1/4) in the Attorney General's Revolving Fund created by
15 Section 20 of this title. Provided, however, ~~the provisions for~~
16 ~~deposits into the Attorney General's Revolving Fund~~ these provisions
17 shall not apply to any monies paid to the State of Oklahoma as a
18 result of the settlement of the lawsuit filed by the State of
19 Oklahoma against the tobacco industry.

20 2. All money paid to the Attorney General for reimbursement of
21 court costs, fees and other expenses and appropriated monies
22 authorized to be transferred to the agency special account shall be
23 deposited in the Attorney General's Evidence Fund. Such fund shall
24 be used by the Attorney General for necessary expenses relative to

1 any pending case or other matter within the official responsibility
2 of the Attorney General.

3 B. All money received or credited by the Attorney General on
4 behalf of the Teachers' Retirement System of Oklahoma, the Oklahoma
5 Public Employees Retirement System, the Oklahoma Firefighters
6 Pension and Retirement System, the Oklahoma Police Pension and
7 Retirement System, the Oklahoma Law Enforcement Retirement System or
8 the Uniform Retirement System for Justices and Judges shall be paid
9 to the State Treasurer of the state and distributed to the
10 appropriate fund of the respective retirement system as directed by
11 the board of trustees of said respective retirement system. The
12 Attorney General shall invoice the respective retirement system and
13 the respective retirement system shall pay for reasonable attorney's
14 fee for actual legal services rendered by the Attorney General's
15 office related to the money received or credited on behalf of the
16 respective retirement system based on an hourly rate determined by
17 the Attorney General. The hourly rate charged by the Attorney
18 General to a retirement system for services related to the
19 collection of money received or credited on behalf of the respective
20 retirement system shall be based on the labor, time and problems
21 involved, the skill and expertise called for in the performance of
22 the services and the standing of the specific attorney or attorneys
23 involved. The hourly rate charged by the Attorney General to a
24 retirement system shall not be based on the value of the property at

1 issue or recovered. The Attorney General shall not separately
2 invoice a retirement system for the work performed by an attorney
3 employed by the Attorney General's office whose salary and other
4 related costs are paid in part or in whole by said retirement system
5 pursuant to an agreement entered into between the Attorney General
6 and the retirement system for legal services.

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

14 SECTION 3. This act shall become effective July 1, 2012.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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