

ENGROSSED SENATE
BILL NO. 902

BY: HENDRICK of the SENATE

and

SETTLE of the HOUSE

AN ACT RELATING TO THE OKLAHOMA PUBLIC WELFARE
COMMISSION; AMENDING 56 O.S. 1991, SECTION 236,
WHICH RELATES TO THE LEGAL DIVISION; PROHIBITING
CERTAIN ACTION BY THE COMMISSION EXCEPT UNDER
CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 236, is
amended to read as follows:

Section 236. A. The Oklahoma Public Welfare Commission shall establish or provide for a legal division or unit in the Department of Public Welfare, and the Director of Public Welfare shall employ attorneys as needed, which may be on full-time and part-time basis, which attorneys, in addition to advising the Commission, Director and Department personnel on legal matters, may appear for and represent the Commission, Director and Department in legal actions and proceedings. Provided, that it shall continue to be the duty of the Attorney General to give his official opinion to the Commission, Director or Department, and to prosecute and defend actions therefor, if requested to do so.

B. The Commission shall not contract for private legal counsel without first requesting the services of the Attorney General. If

the Attorney General refuses to represent the Commission, his refusal shall be in writing to the Commission stating with specificity the reasons for his refusal to represent the Commission. Only after the Attorney General refuses to represent the Commission may the Commission contract for private legal counsel, which counsel shall be approved by the Attorney General.

SECTION 2. 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 Senate the 4th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives