

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 902

BY: HENDRICK

AS INTRODUCED

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.

43-2-1437

CJ