

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 908

BY: HORNER

AS INTRODUCED

AN ACT RELATING TO THE OKLAHOMA HUMAN RIGHTS

COMMISSION; AMENDING 74 O.S. 1991, SECTIONS 18c, 18  
1 (SECTION 29, CHAPTER 335, O.S.L. 1991) AND 953,  
WHICH RELATE TO EMPLOYMENT OF ATTORNEYS, COLLECTION  
OF FEES FOR LEGAL SERVICES FROM CERTAIN AGENCIES  
AND PURPOSE AND DUTIES; EXPANDING LIST OF  
EXCEPTIONS TO ENTITIES WITH AUTHORITY TO EMPLOY OR  
APPOINT ATTORNEYS; ADDING THE OKLAHOMA HUMAN RIGHTS  
COMMISSION TO THE LIST OF AGENCIES FROM WHICH THE  
OFFICE OF THE ATTORNEY GENERAL MAY COLLECT CERTAIN  
FEES; REMOVING THE ATTORNEY GENERAL AS ATTORNEY FOR  
THE OKLAHOMA HUMAN RIGHTS COMMISSION; REPEALING 74  
O.S. 1991, SECTION 18 1 (SECTION 8, CHAPTER 282,  
O.S.L. 1991), WHICH RELATES TO COLLECTION OF FEES  
FOR LEGAL SERVICES FROM CERTAIN AGENCIES; AND  
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 18c, is  
amended to read as follows:

Section 18c. Subject to the exceptions hereinafter set out, no  
state officer, board or commission, except the Corporation

Commission, the Board of Managers of the State Insurance Fund, the Oklahoma Tax Commission, the Commissioners of the Land Office, the Oklahoma Public Welfare Commission also known as the Commission for Human Services, the Oklahoma Human Rights Commission, the Board of Corrections, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, the Transportation Commission and the Office of Public Affairs, shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission, in any matter, and all the legal duties of such officer, board or commission shall devolve upon and are hereby vested in the Attorney General; provided that the Governor shall have authority to employ special counsel to protect the rights or interest of the state as provided in Section 6 of this title; and provided further, that liquidation agents of banks shall have the authority to employ local counsel, with the consent of the Bank Commissioner and the Attorney General and the approval of the district court. At the request of any state officer, board or commission, except the Corporation Commission, the Board of Managers of the State Insurance Fund, Oklahoma Tax Commission and the Commissioners of the Land Office, the Grand River Dam Authority, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission and the Interstate Oil and Gas Compact Commission, the Attorney General shall defend any action in which they may be sued in their official capacity, and at their request the Attorney General shall have authority to institute suits in the name of the State of Oklahoma on their relation, provided after investigation he is convinced there is sufficient legal merit to justify the action. Provided however, any officer, board, or commission which has the authority to employ or appoint attorneys may request that the Attorney General defend any action arising pursuant to the provisions of the Governmental Tort Claims Act.

Provided further, that nothing in this section shall be construed to repeal or affect the provisions of the statutes of this state pertaining to attorneys and legal advisors of the several commissions and departments of state last hereinabove mentioned, and all acts and parts of acts pertaining thereto shall be and remain in full force and effect.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 18 1 (Section 29, Chapter 335, O.S.L. 1991), is amended to read as follows:

Section 18 1. The Office of the Attorney General may levy and collect a reasonable fee from the Department of Consumer Credit, the Office of Personnel Management, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the Oklahoma Development Finance Authority, the Oklahoma Industrial Finance Authority, the Oklahoma Student Loan Authority, the Department of Mental Health and Substance Abuse Services, the Board of Regents of Oklahoma Colleges, the Oklahoma State Regents for Higher Education, the Oklahoma Human Rights Commission, and the Oklahoma Tourism and Recreation Department for the purpose of providing legal services requested by such entities. All fees collected in accordance with the provisions of this section shall be deposited in the Attorney General's Revolving Fund created pursuant to Section 20 of this title.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 953, is amended to read as follows:

Section 953. It shall be the purpose of the Oklahoma Human Rights Commission to work toward removing friction, eliminating discrimination, and promoting unity and understanding among all the people of Oklahoma. In furtherance of such purpose, the Commission shall:

~~(a) annually~~ 1. Annually choose from among its number a Chairman, who shall be the presiding officer at all meetings of the

Commission and from time to time employ and fix the salaries of a Director, who shall attend and serve as secretary of all meetings of the Commission and shall be responsible for the execution and administration of the program and projects of the Commission authorized by law and adopted by the Commission in furtherance thereof, and who shall appoint other necessary part-time and full-time personnel; provided, the salaries of the Director and other personnel of the Commission shall not be more than, but may be less than, the amounts set forth in the appropriation to the agency-;i

~~(b) appoint~~ 2. Appoint an advisory committee or committees as it may deem advisable in furtherance of its purpose; provided, members of any such advisory committee, as such, shall receive no compensation-;i

~~(c) alone~~ 3. Alone and in cooperation with other organizations and agencies, public and private, discourage discrimination and encourage fair treatment of all persons regardless of race, color, creed, national origin, age, handicap, or ancestry-;i

~~(d) foster~~ 4. Foster, conduct, and contract for research projects and make studies into, and public reports on, discrimination in Oklahoma; and serve in a consultative capacity to communities, organizations, and businesses which desire the services of the Commission; prepare and disseminate to private businesses and industry its reports, findings and other pertinent facts and information that may assist business and industry in promoting full and open opportunity for all citizens-;i

~~(e) receive~~ 5. Receive and investigate complaints of discrimination and recommend ways of eliminating any injustices occasioned thereby and serve as a conciliator in regard thereto, and, in particular, shall receive and investigate complaints of violations of Section 954 of this title, relating to discrimination in state employment, and file its findings with the Oklahoma Merit

Protection Commission and the Governor and serve in an advisory capacity in regard to discrimination in state employment to the Governor and to said Commission with the right to appear before said Commission in regard thereto;

~~(f) have~~ 6. Have the power to hold hearings and request the appearance of witnesses; the Attorney General shall advise and represent the Commission in all legal matters ~~and serve as the attorney therefor.~~ upon the request of the Commission; and

~~(g) make~~ 7. Make a biennial report to the Governor and to the Legislature of its activities under this act and may make recommendations concerning needed additional legislation in the field of human rights.

SECTION 4. REPEALER 74 O.S. 1991, Section 18 1 (Section 8, Chapter 282, O.S.L. 1991), is hereby repealed.

SECTION 5. 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.

43-2-1891 CJ