

ENROLLED HOUSE
BILL NO. 1743

By: Hamilton and Steidley of
the House

and

Haney and Hobson of the
Senate

An Act relating to state government; authorizing the Department of Labor to employ general counsel and assistant general counsel; amending 74 O.S. 1991, Section 18c, as last amended by Section 3 of Enrolled House Bill No. 1653 of the 1st Session of the 45th Oklahoma Legislature; adding to agencies exempt from restrictions on employing attorneys; repealing 74 O.S. 1991, Section 18c, as last amended by Section 29 of Enrolled House Bill No. 1012 of the 1st Session of the 45th Oklahoma Legislature, which is a duplicate section; 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 840-5.14 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. In addition to other positions authorized by law for the exempt unclassified service, the Department of Labor shall have the authority to employ general counsel and one assistant general counsel to advise or represent the Commissioner of Labor and the Department of Labor in the performance of its duties, according to law.

B. In addition to other positions authorized by law for the exempt unclassified service, the Department of Labor shall have the authority to employ a Deputy Commissioner for Enforcement and Safety and a Deputy Commissioner for Labor and Compliance.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 18c, as last amended by Section 3 of Enrolled House Bill No. 1653 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 18c. ~~Subject to the exceptions hereinafter set out~~ A. 1. Except as otherwise provided by this subsection, no state officer, board or commission, except shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission in any matter.

2. The provisions of this subsection shall not apply to 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 Board of Corrections, the Oklahoma Health Care Authority, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the

Alcoholic Beverage Laws Enforcement Commission, the Transportation Commission, the Oklahoma Energy Resources Board ~~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, the Department of Central Services, the Oklahoma Merit Protection Commission, the Office of Personnel Management, the Oklahoma Water Resources Board and all the Department of Labor.

3. All the legal duties of such officer, board or commission shall devolve upon and are hereby vested in the Attorney General; provided that:

a. 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 ~~7,~~ and ~~provided further, that~~

b. 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.

B. 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.~~ At the request of any such state officer, board or commission, the Attorney General shall have authority to institute suits in the name of the State of Oklahoma on their relation, ~~provided if~~ after investigation ~~he~~ the Attorney General is convinced there is sufficient legal merit to justify the action. ~~Provided however, any~~

C. 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~~

D. 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~~ specified in subsection B of this section, and all acts and parts of acts pertaining thereto shall be and remain in full force and effect.

SECTION 3. REPEALER 74 O.S. 1991, Section 18c, as last amended by Section 29 of Enrolled House Bill No. 1012 of the 1st Session of the 45th Oklahoma Legislature, is hereby repealed.

SECTION 4. This act shall become effective July 1, 1995.

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.

Passed the House of Representatives the 19th day of May, 1995.

Speaker of the House of Representatives

Passed the Senate the 19th day of May, 1995.

President of the Senate