

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1849

By: Hamilton and Settle of
the House

and

Haney and Hobson of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Section 18c, as amended by Section 18, Chapter 3, O.S.L. 1996 (74 O.S. Supp. 1996, Section 18c), which relates to employment of attorneys; exempting the State Department of Agriculture from restrictions regarding employment of attorneys; authorizing Oklahoma State Department of Agriculture to purchase equipment or vehicles for certain purpose; providing procedures and conditions therefor; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 18c, as amended by Section 18, Chapter 3, O.S.L. 1996 (74 O.S. Supp. 1996, Section 18c), is amended to read as follows:

Section 18c. A. 1. Except as otherwise provided by this subsection, no state officer, board or commission 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, the Department of Central Services, the Oklahoma Merit Protection Commission, the Office of Personnel Management, the Oklahoma Water Resources Board, the Department of Labor, the State Department of Agriculture and the Office of Juvenile Affairs.

3. The provisions of paragraph 2 of this subsection shall not be construed to authorize the Office of Juvenile Affairs to employ any attorneys that are not specifically authorized by law.

4. 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, and
- 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. 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, if after investigation the Attorney General is convinced there is sufficient legal merit to justify the action.

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.

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 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.9F of Title 74, unless there is created a duplication in numbering, reads as follows:

As funds become available to the Oklahoma State Department of Agriculture for the purposes set forth in Section 85.9C of Title 74 of the Oklahoma Statutes, the Oklahoma State Department of Agriculture shall be authorized to purchase equipment or vehicles for the purpose of offering the equipment or vehicles to rural fire departments located in this state at no cost to the departments for use in improving local fire capabilities. Rural fire departments accepting equipment or vehicles from the Department shall agree to use the equipment and vehicles primarily for fire protection purposes and keep the equipment or vehicles for a minimum of twenty-four (24) months. In consideration of the economic benefit to be provided to the State of Oklahoma, its citizens and their property, by the continued use of the fire protection equipment or vehicles, the State Department of Agriculture shall transfer title to the equipment or vehicles to rural fire departments at the end of the twenty-four-month period. The Department shall promulgate rules for the dispersion of the equipment or vehicles.

SECTION 3. This act shall become effective September 1, 1997.

46-1-10181 MNA