

1 ENGROSSED SENATE
2 BILL NO. 1389

By: Jolley of the Senate

3 and

4 Cox of the House

5
6 An Act relating to state government; amending 74 O.S.
7 2001, Section 18c, as last amended by Section 8,
8 Chapter 405, O.S.L. 2005 (74 O.S. Supp. 2009, Section
9 18c), which relates to the employment of attorneys;
10 permitting the State Board of Pharmacy to appoint
11 attorneys; clarifying language; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 18c, as last
15 amended by Section 8, Chapter 405, O.S.L. 2005 (74 O.S. Supp. 2009,
16 Section 18c), is amended to read as follows:

17 Section 18c. A. 1. Except as otherwise provided by this
18 subsection, no state officer, board or commission shall have
19 authority to employ or appoint attorneys to advise or represent said
20 officer, board or commission in any matter.

21 2. The provisions of this subsection shall not apply to the
22 Corporation Commission, the Council on Law Enforcement Education and
23 Training, the Consumer Credit Commission, the Board of Managers of
24 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

1 State Board of Corrections, the Oklahoma Health Care Authority, the
2 Department of Public Safety, the Oklahoma State Bureau of Narcotics
3 and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement
4 Commission, the Transportation Commission, the Oklahoma Energy
5 Resources Board, the Department of Central Services, the Oklahoma
6 Merit Protection Commission, the Office of Personnel Management, the
7 Oklahoma Water Resources Board, the Department of Labor, the ~~State~~
8 Department of Agriculture, Food, and Forestry, the Northeast
9 Oklahoma Public Facilities Authority, the Oklahoma Firefighters
10 Pension and Retirement System, the Oklahoma Public Employees
11 Retirement System, the Uniform Retirement System for Justices and
12 Judges, the Oklahoma Conservation Commission ~~and~~, the Office of
13 Juvenile Affairs, and the State Board of Pharmacy.

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

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

- 20 a. the Governor shall have authority to employ special
21 counsel to protect the rights or interest of the state
22 as provided in Section 6 of this title, and
23 b. liquidation agents of banks shall have the authority
24 to employ local counsel, with the consent of the Bank

1 Commissioner and the Attorney General and the approval
2 of the district court.

3 B. At the request of any state officer, board or commission,
4 except the Corporation Commission, the Board of Managers of the
5 CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners
6 of the Land Office, the Grand River Dam Authority, the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
8 Beverage Laws Enforcement Commission, the Oklahoma Firefighters
9 Pension and Retirement System, the Oklahoma Public Employees
10 Retirement System, the Uniform Retirement System for Justices and
11 Judges and the Interstate Oil and Gas Compact Commission, the
12 Attorney General shall defend any action in which they may be sued
13 in their official capacity. At the request of any such state
14 officer, board or commission, the Attorney General shall have
15 authority to institute suits in the name of the State of Oklahoma on
16 their relation, if after investigation the Attorney General is
17 convinced there is sufficient legal merit to justify the action.

18 C. Any officer, board, or commission which has the authority to
19 employ or appoint attorneys may request that the Attorney General
20 defend any action arising pursuant to the provisions of the
21 Governmental Tort Claims Act.

22 D. Nothing in this section shall be construed to repeal or
23 affect the provisions of the statutes of this state pertaining to
24 attorneys and legal advisors of the several commissions and

1 departments of state specified in subsection B of this section, and
2 all acts and parts of acts pertaining thereto shall be and remain in
3 full force and effect.

4 SECTION 2. This act shall become effective November 1, 2010.

5 Passed the Senate the 8th day of March, 2010.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,

10 2010.

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Presiding Officer of the House
of Representatives

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