

THE HOUSE OF REPRESENTATIVES
Wednesday, March 24, 2010

ENGROSSED
Senate Bill No. 1389

ENGROSSED SENATE BILL NO. 1389 - By: JOLLEY of the Senate and COX of the House.

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

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

- 1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 18c, as last amended by
2 Section 8, Chapter 405, O.S.L. 2005 (74 O.S. Supp. 2009, Section 18c), is amended to read
3 as follows:
- 4 Section 18c. A. 1. Except as otherwise provided by this subsection, no state officer,
5 board or commission shall have authority to employ or appoint attorneys to advise or
6 represent said officer, board or commission in any matter.
- 7 2. The provisions of this subsection shall not apply to the Corporation Commission,
8 the Council on Law Enforcement Education and Training, the Consumer Credit
9 Commission, the Board of Managers of the State Insurance Fund, the Oklahoma Tax
10 Commission, the Commissioners of the Land Office, the Oklahoma Public Welfare
11 Commission also known as the Commission for Human Services, the State Board of

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

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

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

17 a. the Governor shall have authority to employ special counsel to protect
18 the rights or interest of the state as provided in Section 6 of this title,
19 and

20 b. liquidation agents of banks shall have the authority to employ local
21 counsel, with the consent of the Bank Commissioner and the Attorney
22 General and the approval of the district court.

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

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

16 D. Nothing in this section shall be construed to repeal or affect the provisions of the
17 statutes of this state pertaining to attorneys and legal advisors of the several
18 commissions and departments of state specified in subsection B of this section, and all
19 acts and parts of acts pertaining thereto shall be and remain in full force and effect.

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

21 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 03-
22 23-10 - DO PASS.