

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1389

By: Jolley

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5
6 AS INTRODUCED

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

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

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

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

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

1 b. liquidation agents of banks shall have the authority
2 to employ local counsel, with the consent of the Bank
3 Commissioner and the Attorney General and the approval
4 of the district court.

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

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

1 D. Nothing in this section shall be construed to repeal or
2 affect the provisions of the statutes of this state pertaining to
3 attorneys and legal advisors of the several commissions and
4 departments of state specified in subsection B of this section, and
5 all acts and parts of acts pertaining thereto shall be and remain in
6 full force and effect.

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

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