

1 ENGROSSED HOUSE
2 BILL NO. 1296

By: Miller and Luttrell of the
House

3 and

4 Rosino of the Senate

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7 An Act relating to state government; amending 74 O.S.
8 2011, Section 18c, as last amended by Section 1,
9 Chapter 31, O.S.L. 2016 (74 O.S. Supp. 2018, Section
10 18c), which relates to employment of attorneys by
11 state officials or entities; eliminating termination
12 date for employment of attorneys by the Oklahoma
Department of Veterans Affairs; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 18c, as last
15 amended by Section 1, Chapter 31, O.S.L. 2016 (74 O.S. Supp. 2018,
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 State 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 Oklahoma Merit Protection Commission, the Office of Management and Enterprise Services, the Oklahoma Water Resources Board, the Department of Labor, the Department of Agriculture, Food, and Forestry, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Public Employees Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Conservation Commission, the Office of Juvenile Affairs, the State Board of Pharmacy, and ~~until January 1, 2022,~~ the Oklahoma Department of Veterans 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:

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

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

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

23 C. Any officer, board, or commission which has the authority to
24 employ or appoint attorneys may request that the Attorney General

1 defend any action arising pursuant to the provisions of The
2 Governmental Tort Claims Act.

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

9 SECTION 2. This act shall become effective November 1, 2019.

10 Passed the House of Representatives the 19th day of February,
11 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate

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