

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1296

 By: Miller

7 AS INTRODUCED

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

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 18c, as last
17 amended by Section 1, Chapter 31, O.S.L. 2016 (74 O.S. Supp. 2018,
18 Section 18c), is amended to read as follows:

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

23 2. The provisions of this subsection shall not apply to the
24 Corporation Commission, the Council on Law Enforcement Education and

1 Training, the Consumer Credit Commission, the Board of Managers of
2 the State Insurance Fund, the Oklahoma Tax Commission, the
3 Commissioners of the Land Office, the Oklahoma Public Welfare
4 Commission also known as the Commission for Human Services, the
5 State Board of Corrections, the Oklahoma Health Care Authority, the
6 Department of Public Safety, the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement
8 Commission, the Transportation Commission, the Oklahoma Energy
9 Resources Board, the Oklahoma Merit Protection Commission, the
10 Office of Management and Enterprise Services, the Oklahoma Water
11 Resources Board, the Department of Labor, the Department of
12 Agriculture, Food, and Forestry, the Northeast Oklahoma Public
13 Facilities Authority, the Oklahoma Firefighters Pension and
14 Retirement System, the Oklahoma Public Employees Retirement System,
15 the Uniform Retirement System for Justices and Judges, the Oklahoma
16 Conservation Commission, the Office of Juvenile Affairs, the State
17 Board of Pharmacy, ~~and until January 1, 2022,~~ the Oklahoma
18 Department of Veterans Affairs.

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

22 4. All the legal duties of such officer, board or commission
23 shall devolve upon and are hereby vested in the Attorney General;
24 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.

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11 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
12 dated 02/11/2019 - DO PASS.

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