

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2751

By: Wallace, Hilbert and  
**O'Donnell** of the House

and

Thompson and Rader of the  
Senate

11                               COMMITTEE SUBSTITUTE

12           An Act relating to state government; amending 74 O.S.  
13           2011, Section 18b, as amended by Section 1, Chapter  
14           18, O.S.L. 2017 (74 O.S. Supp. 2018, Section 18b),  
15           which relates to the Attorney General; modifying  
16           provisions related to disposition of certain funds  
17           with respect to litigation; and declaring an  
18           emergency.

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

19           SECTION 1.           AMENDATORY           74 O.S. 2011, Section 18b, as  
20           amended by Section 1, Chapter 18, O.S.L. 2017 (74 O.S. Supp. 2018,  
21           Section 18b), is amended to read as follows:

22           Section 18b. A. The duties of the Attorney General as the  
23           chief law officer of the state shall be:

1        1. To appear for the state and prosecute and defend all actions  
2 and proceedings, civil or criminal, in the Supreme Court and Court  
3 of Criminal Appeals in which the state is interested as a party;

4        2. To appear for the state and prosecute and defend all actions  
5 and proceedings in any of the federal courts in which the state is  
6 interested as a party;

7        3. To initiate or appear in any action in which the interests  
8 of the state or the people of the state are at issue, or to appear  
9 at the request of the Governor, the Legislature, or either branch  
10 thereof, and prosecute and defend in any court or before any  
11 commission, board or officers any cause or proceeding, civil or  
12 criminal, in which the state may be a party or interested; and when  
13 so appearing in any such cause or proceeding, the Attorney General  
14 may, if the Attorney General deems it advisable and to the best  
15 interest of the state, take and assume control of the prosecution or  
16 defense of the state's interest therein;

17        4. To consult with and advise district attorneys, when  
18 requested by them, in all matters pertaining to the duties of their  
19 offices, when the district attorneys shall furnish the Attorney  
20 General with a written opinion supported by citation of authorities  
21 upon the matter submitted;

22        5. To give an opinion in writing upon all questions of law  
23 submitted to the Attorney General by the Legislature or either  
24 branch thereof, or by any state officer, board, commission or

1 department, provided, that the Attorney General shall not furnish  
2 opinions to any but district attorneys, the Legislature or either  
3 branch thereof, or any other state official, board, commission or  
4 department, and to them only upon matters in which they are  
5 officially interested;

6 6. At the request of the Governor, State Auditor and Inspector,  
7 State Treasurer, or either branch of the Legislature, to prosecute  
8 any official bond or any contract in which the state is interested,  
9 upon a breach thereof, and to prosecute or defend for the state all  
10 actions, civil or criminal, relating to any matter connected with  
11 either of their Departments;

12 7. Whenever requested by any state officer, board or  
13 commission, to prepare proper drafts for contracts, forms and other  
14 writing which may be wanted for the use of the state;

15 8. To prepare drafts of bills and resolutions for individual  
16 members of the Legislature upon their written request stating the  
17 gist of the bill or resolution desired;

18 9. To enforce the proper application of monies appropriated by  
19 the Legislature and to prosecute breaches of trust in the  
20 administration of such funds;

21 10. To institute actions to recover state monies illegally  
22 expended, to recover state property and to prevent the illegal use  
23 of any state property, upon the request of the Governor or the  
24 Legislature;

1        11. To pay into the State Treasury, immediately upon its  
2 receipt, all monies received by the Attorney General belonging to  
3 the state;

4        12. To settle, compromise and dispose of an action in which the  
5 Attorney General represents the interests of the state, so long as  
6 the consideration negotiated for such settlement, compromise or  
7 disposition is payable to the state or one of its agencies which is  
8 a named party of the action and any monies, any property or other  
9 item of value is paid first to the State Treasury;

10       13. To keep and file copies of all opinions, contracts, forms  
11 and letters of the office, and to keep an index of all opinions,  
12 contracts and forms according to subject and section of the law  
13 construed or applied;

14       ~~13.~~ 14. To keep a register or docket of all actions, demands  
15 and investigations prosecuted, defended or conducted by the Attorney  
16 General in behalf of the state. The register or docket shall give  
17 the style of the case or investigation, where pending, court number,  
18 office number, the gist of the matter, result and the names of the  
19 assistants who handled the matter;

20       ~~14.~~ 15. To keep a complete office file of all cases and  
21 investigations handled by the Attorney General on behalf of the  
22 state;  
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1       ~~15.~~ 16. To report to the Legislature or either branch thereof  
2 whenever requested upon any business relating to the duties of the  
3 Attorney General's office;

4       ~~16.~~ 17. To institute civil actions against members of any state  
5 board or commission for failure of such members to perform their  
6 duties as prescribed by the statutes and the Constitution and to  
7 prosecute members of any state board or commission for violation of  
8 the criminal laws of this state where such violations have occurred  
9 in connection with the performance of such members' official duties;

10       ~~17.~~ 18. To respond to any request for an opinion of the  
11 Attorney General's office, submitted by a member of the Legislature,  
12 regardless of subject matter, by written opinion determinative of  
13 the law regarding such subject matter;

14       ~~18.~~ 19. To convene multicounty grand juries in such manner and  
15 for such purposes as provided by law; provided, such grand juries  
16 are composed of citizens from each of the counties on a pro rata  
17 basis by county;

18       ~~19.~~ 20. To investigate any report by the State Auditor and  
19 Inspector filed with the Attorney General pursuant to Section 223 of  
20 this title and prosecute all actions, civil or criminal, relating to  
21 such reports or any irregularities or derelictions in the management  
22 of public funds or property which are violations of the laws of this  
23 state;

1       ~~20.~~ 21. To represent and protect the collective interests of  
2 all utility consumers of this state in rate-related proceedings  
3 before the Corporation Commission or in any other state or federal  
4 judicial or administrative proceeding;

5       ~~21.~~ 22. To represent and protect the collective interests of  
6 insurance consumers of this state in rate-related proceedings before  
7 the Insurance Commissioner or in any other state or federal judicial  
8 or administrative proceeding; and

9       ~~22.~~ 23. To investigate and prosecute any criminal action  
10 relating to insurance fraud, if in the opinion of the Attorney  
11 General a criminal prosecution is warranted, or to refer such  
12 matters to the appropriate district attorney.

13       B. Nothing in this section shall be construed as requiring the  
14 Attorney General to appear and defend or prosecute in any court any  
15 cause or proceeding for or on behalf of the Oklahoma Tax Commission,  
16 the Board of Managers of the State Insurance Fund, or the  
17 Commissioners of the Land Office.

18       C. In all appeals from the Corporation Commission to the  
19 Supreme Court of Oklahoma in which the state is a party, the  
20 Attorney General shall have the right to designate counsel of the  
21 Corporation Commission as the Attorney General's legally appointed  
22 representative in such appeals, and it shall be the duty of the  
23 Corporation Commission counsel to act when so designated and to  
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1 consult and advise with the Attorney General regarding such appeals  
2 prior to taking action therein.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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8 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS  
9 AND BUDGET, dated 05/20/2019 - DO PASS, As Amended and Coauthored.  
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