

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1296

By: Miller

AS INTRODUCED

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

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

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

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

2. The provisions of this subsection shall not apply to the Corporation Commission, the Council on Law Enforcement Education and Training, the Consumer Credit Commission, the Board of Managers of

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

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

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