

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1137

By: Sharp

AS INTRODUCED

An Act relating to Attorney General; amending 74 O.S. 2011, Section 18b, as last amended by Section 1, Chapter 444, O.S.L. 2019 (74 O.S. Supp. 2019, Section 18b), which relates to duties of Attorney General; requiring issuance of Attorney General opinions within specified time period; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 18b, as last amended by Section 1, Chapter 444, O.S.L. 2019 (74 O.S. Supp. 2019, Section 18b), is amended to read as follows:

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

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

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

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

11        4. To consult with and advise district attorneys, when  
12 requested by them, in all matters pertaining to the duties of their  
13 offices, when the district attorneys shall furnish the Attorney  
14 General with a written opinion supported by citation of authorities  
15 upon the matter submitted;

16        5. To give an opinion in writing upon all questions of law  
17 submitted to the Attorney General by the Legislature or either  
18 branch thereof, or by any state officer, board, commission or  
19 department, within ninety (90) days of submission of such request;  
20 provided, that the Attorney General shall not furnish opinions to  
21 any but district attorneys, the Legislature or either branch  
22 thereof, or any other state official, board, commission or  
23 department, and to them only upon matters in which they are  
24 officially interested;

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

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

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

13       9. To enforce the proper application of monies appropriated by  
14 the Legislature and to prosecute breaches of trust in the  
15 administration of such funds;

16       10. To institute actions to recover state monies illegally  
17 expended, to recover state property and to prevent the illegal use  
18 of any state property, upon the request of the Governor or the  
19 Legislature;

20       11. To pay into the State Treasury, immediately upon its  
21 receipt, all monies received by the Attorney General belonging to  
22 the state;

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

5 13. To keep and file copies of all opinions, contracts, forms  
6 and letters of the office, and to keep an index of all opinions,  
7 contracts and forms according to subject and section of the law  
8 construed or applied;

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

15 15. To keep a complete office file of all cases and  
16 investigations handled by the Attorney General on behalf of the  
17 state;

18 16. To report to the Legislature or either branch thereof  
19 whenever requested upon any business relating to the duties of the  
20 Attorney General's office;

21 17. To institute civil actions against members of any state  
22 board or commission for failure of such members to perform their  
23 duties as prescribed by the statutes and the Constitution and to  
24 prosecute members of any state board or commission for violation of

1 the criminal laws of this state where such violations have occurred  
2 in connection with the performance of such members' official duties;

3 18. To respond to any request for an opinion of the Attorney  
4 General's office, submitted by a member of the Legislature,  
5 regardless of subject matter, by written opinion determinative of  
6 the law regarding such subject matter;

7 19. To convene multicounty grand juries in such manner and for  
8 such purposes as provided by law; provided, such grand juries are  
9 composed of citizens from each of the counties on a pro rata basis  
10 by county;

11 20. To investigate any report by the State Auditor and  
12 Inspector filed with the Attorney General pursuant to Section 223 of  
13 this title and prosecute all actions, civil or criminal, relating to  
14 such reports or any irregularities or derelictions in the management  
15 of public funds or property which are violations of the laws of this  
16 state;

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

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

1        23. To investigate and prosecute any criminal action relating  
2 to insurance fraud, if in the opinion of the Attorney General a  
3 criminal prosecution is warranted, or to refer such matters to the  
4 appropriate district attorney.

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

10        C. In all appeals from the Corporation Commission to the  
11 Supreme Court of Oklahoma in which the state is a party, the  
12 Attorney General shall have the right to designate counsel of the  
13 Corporation Commission as the Attorney General's legally appointed  
14 representative in such appeals, and it shall be the duty of the  
15 Corporation Commission counsel to act when so designated and to  
16 consult and advise with the Attorney General regarding such appeals  
17 prior to taking action therein.

18        SECTION 2. This act shall become effective November 1, 2020.  
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