

1 ENGROSSED SENATE
2 BILL NO. 1711

By: Howard and Treat of the
Senate

3 and

4 McCall of the House

5
6
7 [Attorney General - monitor and evaluate certain
8 actions - effective date -
9 emergency]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 74 O.S. 2021, Section 18b, is
13 amended to read as follows:

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

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

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

22 3. To initiate or appear in any action in which the interests
23 of the state or the people of the state are at issue, or to appear
24 at the request of the Governor, the Legislature, or either branch

1 thereof, and prosecute and defend in any court or before any
2 commission, board or officers any cause or proceeding, civil or
3 criminal, in which the state may be a party or interested; and when
4 so appearing in any such cause or proceeding, the Attorney General
5 may, if the Attorney General deems it advisable and to the best
6 interest of the state, take and assume control of the prosecution or
7 defense of the state's interest therein;

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

13 5. To give an opinion in writing upon all questions of law
14 submitted to the Attorney General by the Legislature or either
15 branch thereof, or by any state officer, board, commission or
16 department, provided, that the Attorney General shall not furnish
17 opinions to any but district attorneys, the Legislature or either
18 branch thereof, or any other state official, board, commission or
19 department, and to them only upon matters in which they are
20 officially interested;

21 6. At the request of the Governor, State Auditor and Inspector,
22 State Treasurer, or either branch of the Legislature, to prosecute
23 any official bond or any contract in which the state is interested,
24 upon a breach thereof, and to prosecute or defend for the state all

1 actions, civil or criminal, relating to any matter connected with
2 either of their Departments;

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

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

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

12 10. To institute actions to recover state monies illegally
13 expended, to recover state property and to prevent the illegal use
14 of any state property, upon the request of the Governor or the
15 Legislature;

16 11. To pay into the State Treasury, immediately upon its
17 receipt, all monies received by the Attorney General belonging to
18 the state;

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

1 13. To keep and file copies of all opinions, contracts, forms
2 and letters of the office, and to keep an index of all opinions,
3 contracts and forms according to subject and section of the law
4 construed or applied;

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

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

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

17 17. To institute civil actions against members of any state
18 board or commission for failure of such members to perform their
19 duties as prescribed by the statutes and the Constitution and to
20 prosecute members of any state board or commission for violation of
21 the criminal laws of this state where such violations have occurred
22 in connection with the performance of such members' official duties;

23 18. To respond to any request for an opinion of the Attorney
24 General's office, submitted by a member of the Legislature,

1 regardless of subject matter, by written opinion determinative of
2 the law regarding such subject matter;

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

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

13 21. To represent and protect the collective interests of all
14 utility consumers of this state in rate-related proceedings before
15 the Corporation Commission or in any other state or federal judicial
16 or administrative proceeding;

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

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

1 24. To monitor and evaluate any action by the federal
2 government including, but not limited to, executive orders by the
3 President of the United States, rules or regulations promulgated by
4 an agency of the federal government or acts of Congress to determine
5 if such actions are in violation of the Tenth Amendment to the
6 Constitution of the United States; and

7 25. To monitor and evaluate any action by the federal
8 government including, but not limited to, executive orders by the
9 President of the United States, rules or regulations promulgated by
10 an agency of the federal government or acts of Congress, practice,
11 or policy that infringes on an individual's religious liberties in
12 the workplace.

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. AMENDATORY 80 O.S. 2021, Section 101, is
4 amended to read as follows:

5 Section 101. A. The Legislature may review any executive order
6 issued by the President of the United States, federal agency rule or
7 federal congressional action to determine the constitutionality of
8 such action. Upon recommendation from the Legislature, the Attorney
9 General, through the State Reserved Powers Protection Unit, shall
10 review such action by the federal government to determine the
11 constitutionality of the action and whether the state should seek an
12 exemption from the application of the action or seek to have the
13 action declared unconstitutional by a court of competent
14 jurisdiction and prevent, prohibit or enjoin enforcement of the
15 unconstitutional order, rule or action.

16 B. Should the Attorney General decline to pursue action based
17 upon the determination of the Legislature, the Legislature may by a
18 majority vote initiate an action to seek an exemption from the
19 application of the action or seek to have the action declared
20 unconstitutional by a court of competent jurisdiction and prevent,
21 prohibit or enjoin enforcement of the unconstitutional order, rule
22 or action.

23 C. Notwithstanding any other provision of law, the state,
24 county, political subdivision or any other publicly funded

1 organization shall not implement, adopt or enforce any order,
2 federal agency rule or federal congressional action declared
3 unconstitutional by a court of competent jurisdiction under
4 subsection A or B of this section including, but not limited to:

- 5 1. Pandemics or other health emergencies;
- 6 2. The regulation of natural resources, including oil and
7 natural gas;
- 8 3. The regulation of the agriculture industry;
- 9 4. The use of land;
- 10 5. The regulation of the financial sector as it relates to
11 environmental, social or governance standards;
- 12 6. The regulation of the constitutional right to keep and bear
13 arms;
- 14 7. The regulation of education;
- 15 8. The regulation of interscholastic, intramural or other
16 extracurricular sports sponsored by an institution of higher
17 education, a school district or a charter school;
- 18 9. The protection of religious liberties in the workplace; or
- 19 ~~9.~~ 10. Any other powers reserved by the State of Oklahoma or
20 the people of Oklahoma.

21 SECTION 3. This act shall become effective July 1, 2022.

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

3 Passed the Senate the 21st day of March, 2022.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2022.

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Presiding Officer of the House
of Representatives

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