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AS AMENDED

By: Howard and Treat of the
Senate

McCall of the House

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

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;

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(Bold face denotes Committee Amendments)

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

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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

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;

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; ~~and~~

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

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

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

22 C. In all appeals from the Corporation Commission to the
23 Supreme Court of Oklahoma in which the state is a party, the
24 Attorney General shall have the right to designate counsel of the

1 Corporation Commission as the Attorney General's legally appointed
2 representative in such appeals, and it shall be the duty of the
3 Corporation Commission counsel to act when so designated and to
4 consult and advise with the Attorney General regarding such appeals
5 prior to taking action therein.

6 SECTION 2. AMENDATORY 80 O.S. 2021, Section 101, is
7 amended to read as follows:

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

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

3 C. Notwithstanding any other provision of law, the state,
4 county, political subdivision or any other publicly funded
5 organization shall not implement, adopt or enforce any order,
6 federal agency rule or federal congressional action declared
7 unconstitutional by a court of competent jurisdiction under
8 subsection A or B of this section including, but not limited to:

9 1. Pandemics or other health emergencies;

10 2. The regulation of natural resources, including oil and
11 natural gas;

12 3. The regulation of the agriculture industry;

13 4. The use of land;

14 5. The regulation of the financial sector as it relates to
15 environmental, social or governance standards;

16 6. The regulation of the constitutional right to keep and bear
17 arms;

18 7. The regulation of education;

19 8. The regulation of interscholastic, intramural or other
20 extracurricular sports sponsored by an institution of higher
21 education, a school district or a charter school;

22 9. The protection of religious liberties in the workplace; or

23 ~~9.~~ 10. Any other powers reserved by the State of Oklahoma or
24 the people of Oklahoma.

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

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 22, 2022 - DO PASS AS AMENDED