

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2775

By: McCall of the House

4 and

5 Treat of the Senate

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7  
8 AS INTRODUCED

9 An Act relating to state government; amending 74 O.S.  
10 2011, Section 18b, as amended by Section 1, Chapter  
11 18, O.S.L. 2017 (74 O.S. Supp. 2018, Section 18b),  
12 which relates to the Attorney General; modifying  
provisions related to disposition of certain funds  
with respect to litigation; and declaring an  
emergency.

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

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

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

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

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

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

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

19           5. To give an opinion in writing upon all questions of law  
20 submitted to the Attorney General by the Legislature or either  
21 branch thereof, or by any state officer, board, commission or  
22 department, provided, that the Attorney General shall not furnish  
23 opinions to any but district attorneys, the Legislature or either  
24 branch thereof, or any other state official, board, commission or

1 department, and to them only upon matters in which they are  
2 officially interested;

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

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

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

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

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

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

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

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

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

17        ~~14.~~ 15. To keep a complete office file of all cases and  
18 investigations handled by the Attorney General on behalf of the  
19 state;

20        ~~15.~~ 16. To report to the Legislature or either branch thereof  
21 whenever requested upon any business relating to the duties of the  
22 Attorney General's office;

23        ~~16.~~ 17. To institute civil actions against members of any state  
24 board or commission for failure of such members to perform their

1 duties as prescribed by the statutes and the Constitution and to  
2 prosecute members of any state board or commission for violation of  
3 the criminal laws of this state where such violations have occurred  
4 in connection with the performance of such members' official duties;

5 ~~17.~~ 18. To respond to any request for an opinion of the  
6 Attorney General's office, submitted by a member of the Legislature,  
7 regardless of subject matter, by written opinion determinative of  
8 the law regarding such subject matter;

9 ~~18.~~ 19. To convene multicounty grand juries in such manner and  
10 for such purposes as provided by law; provided, such grand juries  
11 are composed of citizens from each of the counties on a pro rata  
12 basis by county;

13 ~~19.~~ 20. To investigate any report by the State Auditor and  
14 Inspector filed with the Attorney General pursuant to Section 223 of  
15 this title and prosecute all actions, civil or criminal, relating to  
16 such reports or any irregularities or derelictions in the management  
17 of public funds or property which are violations of the laws of this  
18 state;

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

23 ~~21.~~ 22. To represent and protect the collective interests of  
24 insurance consumers of this state in rate-related proceedings before

1 the Insurance Commissioner or in any other state or federal judicial  
2 or administrative proceeding; and

3 ~~22.~~ 23. To investigate and prosecute any criminal action  
4 relating to insurance fraud, if in the opinion of the Attorney  
5 General a criminal prosecution is warranted, or to refer such  
6 matters to the appropriate district attorney.

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

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

20 SECTION 2. It being immediately necessary for the preservation  
21 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.

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4 57-1-8959 MAH 05/16/19

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