

SENATE FLOOR VERSION

February 13, 2024

SENATE BILL NO. 1649

By: Gollihare of the Senate

and

Echols of the House

An Act relating to the Attorney General; amending 74 O.S. 2021, Section 18b, as amended by Section 1, Chapter 100, O.S.L. 2022 (74 O.S. Supp. 2023, Section 18b), which relates to duties of Attorney General; adding certain duties; repealing 74 O.S. 2021, Section 18b, as last amended by Section 1, Chapter 296, O.S.L. 2022 (74 O.S. Supp. 2023, Section 18b), which relates to duties of Attorney General; repealing duplicate section; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 18b, as amended by Section 1, Chapter 100, O.S.L. 2022 (74 O.S. Supp. 2023, 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;

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 14. To keep a register or docket of all actions, demands and
12 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 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 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 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 18. To respond to any request for an opinion of the Attorney
6 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 19. To convene multicounty grand juries in such manner and for
10 such purposes as provided by law; provided, such grand juries are
11 composed of citizens from each of the counties on a pro rata basis
12 by county;

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

23 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;

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

7 24. 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~~ Acts of Congress to
11 determine if such actions are in violation of the Tenth Amendment to
12 the Constitution of the United States; ~~and~~

13 25. To cross-deputize police officers of the police department
14 of any municipality or any officer deputized by the county sheriff
15 or a designee subject to an interlocal governmental agreement with
16 the Attorney General's Office in an effort to combine city, county,
17 and state law enforcement efforts and to encourage cooperation
18 between city, county, and state law enforcement officials.

19 Liability for the conduct of any municipal police officer cross-
20 deputized under the terms and conditions of an interlocal
21 governmental agreement or any officer deputized by the county
22 sheriff under the terms and conditions of an interlocal governmental
23 agreement shall remain the responsibility of the respective employer
24 for that officer;

1 26. To maintain data related to human trafficking and to assist
2 law enforcement, social service agencies, and victim services
3 programs in identifying and supporting victims of human trafficking;

4 27. To enter into memoranda of understanding with any state
5 agency, district attorney, or law enforcement entity as necessary to
6 perform the duties and responsibilities of the Attorney General; and

7 28. To initiate and prosecute criminal actions by information
8 or indictment with all authority and responsibility otherwise
9 provided by statute to district attorneys.

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

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

1 SECTION 2. REPEALER 74 O.S. 2021, Section 18b, as last
2 amended by Section 1, Chapter 296, O.S.L. 2022, (74 O.S. Supp. 2023,
3 Section 18b) is hereby repealed.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
9 February 13, 2024 - DO PASS
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