

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 547

By: Pugh

AS INTRODUCED

An Act relating to veterans; amending 74 O.S. 2021, Section 18b, as last amended by Section 1, Chapter 296, O.S.L. 2022 (74 O.S. Supp. 2022, Section 18b), which relates to duties of the Attorney General; establishing duty of Attorney General to represent and protect veterans in the enforcement of federal benefits; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 18b, as last amended by Section 1, Chapter 296, O.S.L. 2022 (74 O.S. Supp. 2022, 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, 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;

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~~ on behalf of the state. The register or docket shall
12 give the style of the case or investigation, where pending, court
13 number, office number, the gist of the matter, result and the names
14 of the 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 represent and protect the collective interests of
2 military veterans in this state in the enforcement of all applicable
3 federal benefits and programs for eligible veterans and their
4 dependents before federal agencies including but not limited to the
5 United States Department of Veterans Affairs and the Veterans
6 Benefits Administration, or in any federal courts to recover
7 illegally withheld or denied benefits and breaches of trust in the
8 administration of the funds;

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

13 ~~24.~~ 25. To monitor and evaluate any action by the federal
14 government including, but not limited to, executive orders by the
15 President of the United States, rules or regulations promulgated by
16 an agency of the federal government or acts of Congress to determine
17 if such actions are in violation of the Tenth Amendment to the
18 Constitution of the United States; and

19 ~~25.~~ 26. To maintain data related to human trafficking and to
20 assist law enforcement, social service agencies, and victim services
21 programs in identifying and supporting victims of human trafficking.

22 B. Nothing in this section shall be construed as requiring the
23 Attorney General to appear and defend or prosecute in any court any
24 cause or proceeding for or on behalf of the Oklahoma Tax Commission,

1 the Board of Managers of the State Insurance Fund, or the
2 Commissioners of the Land Office.

3 C. In all appeals from the Corporation Commission to the
4 Supreme Court of Oklahoma in which the state is a party, the
5 Attorney General shall have the right to designate counsel of the
6 Corporation Commission as the Attorney General's legally appointed
7 representative in such appeals, and it shall be the duty of the
8 Corporation Commission counsel to act when so designated and to
9 consult and advise with the Attorney General regarding such appeals
10 prior to taking action therein.

11 SECTION 2. This act shall become effective November 1, 2023.

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