

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 728

By: Shortey

4
5
6 AS INTRODUCED

7 An Act relating to the Attorney General; amending 74
8 O.S. 2011, Section 18b, which relates to duties of
9 Attorney General; adding certain duty; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 74 O.S. 2011, 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 said 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 keep and file copies of all opinions, contracts, forms
20 and letters of the office, and to keep an index of all opinions,
21 contracts and forms according to subject and section of the law
22 construed or applied;

23 13. To keep a register or docket of all actions, demands and
24 investigations prosecuted, defended or conducted by the Attorney

1 General in behalf of the state. Said register or docket shall give
2 the style of the case or investigation, where pending, court number,
3 office number, the gist of the matter, result and the names of the
4 assistants who handled the matter;

5 14. To keep a complete office file of all cases and
6 investigations handled by the Attorney General on behalf of the
7 state;

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

11 16. To institute civil actions against members of any state
12 board or commission for failure of such members to perform their
13 duties as prescribed by the statutes and the Constitution and to
14 prosecute members of any state board or commission for violation of
15 the criminal laws of this state where such violations have occurred
16 in connection with the performance of such members' official duties;

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

21 18. To convene multicounty grand juries in such manner and for
22 such purposes as provided by law; provided, such grand juries are
23 composed of citizens from each of the counties on a pro rata basis
24 by county;

1 19. To investigate any report by the State Auditor and
2 Inspector filed with the Attorney General pursuant to Section 223 of
3 this title and prosecute all actions, civil or criminal, relating to
4 such reports or any irregularities or derelictions in the management
5 of public funds or property which are violations of the laws of this
6 state;

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

11 21. To represent and protect the collective interests of
12 insurance consumers of this state in rate-related proceedings before
13 the Insurance Property and Casualty Rate Board or in any other state
14 or federal judicial or administrative proceeding; ~~and~~

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

19 23. To investigate and prosecute any criminal action occurring
20 in the State Capitol Building or Oklahoma Capitol Complex, if in the
21 opinion of the Attorney General a criminal prosecution is warranted,
22 or to refer such matters to the appropriate district attorney.

23 B. Nothing in this section shall be construed as requiring the
24 Attorney General to appear and defend or prosecute in any court any

1 cause or proceeding for or on behalf of the Oklahoma Tax Commission,
2 the Board of Managers of the State Insurance Fund, or the
3 Commissioners of the Land Office.

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

12 SECTION 2. This act shall become effective November 1, 2015.

13
14 55-1-1096 TEK 1/22/2015 8:22:23 PM

15
16
17
18
19
20
21
22
23
24