

IC 4-6-5

Chapter 5. Deputies—Employment of Counsel by State Agencies
Forbidden Without Consent of Attorney General

IC 4-6-5-1

Power to appoint and assign deputy attorneys general; removal from office

Sec. 1. The attorney-general of the state of Indiana shall have the sole right and power to appoint all necessary deputy attorneys-general, and to assign any deputy so appointed to any agency of the state of Indiana to perform in behalf of such agency and the state any and all of the rights, powers or duties now or hereafter conferred by law or laws upon the attorney-general, or done by any attorney, counsellor, or deputy attorney-general for such agency. The attorney-general shall have the power and authority to remove any deputy at any time.

(Formerly: Acts 1943, c.70, s.1.)

IC 4-6-5-2

Qualifications; oath; direction and control

Sec. 2. No more deputies shall be appointed and assigned to any agency than may be required by the work of such assignment, nor shall any deputy be appointed who is not a competent attorney. Each deputy shall take and subscribe an oath of office to be administered in the usual form by an officer authorized to administer oaths, which oath shall be kept on file with the attorney-general. It shall be the duty of the attorney-general and such deputy to co-operate and advise with such agency concerning the duties and legal work to be performed, but such deputy shall be under the direction and control of the attorney-general.

(Formerly: Acts 1943, c.70, s.2.)

IC 4-6-5-3

Written consent; employment of attorneys or special general counsel

Sec. 3. No agency, except as provided in this chapter, shall have any right to name, appoint, employ, or hire any attorney or special or general counsel to represent it or perform any legal service in behalf of such agency and the state without the written consent of the attorney general.

(Formerly: Acts 1943, c.70, s.3.) As amended by P.L.5-1984, SEC.21.

IC 4-6-5-4

Repealed

(Repealed by Acts 1977, P.L.27, SEC.5.)

IC 4-6-5-5

(Repealed by Acts 1977, P.L.27, SEC.5.)

IC 4-6-5-6

Definitions; exemptions from act

Sec. 6. (a) The term "competent attorney", as used in this chapter, means a citizen of this state who has been duly licensed to practice law therein.

(b) The term "agency", whenever used in this chapter, means and includes any board, bureau, commission, department, agency, or instrumentality of the state of Indiana; provided, however, this chapter shall not be construed to apply where:

- (1) An appointee has by law duties of a quasi-judicial nature.
- (2) Counsel by law is required to represent the public, as distinguished from the state of Indiana, or its agencies.
- (3) A substantial part of the duties is in collecting and maintaining statistical information and a legislative reference library.
- (4) A constitutional officer of the state is by law made a board, bureau, commission, department, agency, or instrumentality of the state of Indiana.

(Formerly: Acts 1943, c.70, s.6; Acts 1965, c.293, s.1.) As amended by P.L.5-1984, SEC.22.