

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1855

By: Fetgatter

5  
6 COMMITTEE SUBSTITUTE

7 An Act relating to state government; amending 74 O.S.  
8 2011, Section 450.1, which relates to creation of the  
9 Legislative Service Bureau; authorizing and directing  
10 the Legislative Service Bureau to enter into  
11 contracts with persons or entities for certain  
12 purposes; stating qualifications; amending 74 O.S.  
13 2011, Section 464, which relates to electronic filing  
14 of certain documents and reports; directing the  
15 electronic filing of impact statements; directing  
16 legislative staff to flag criminal justice  
17 legislation under certain circumstances; stating  
18 requirements for community impact statements;  
19 directing legislative staff to present copy of  
20 legislation to contracted party; directing contracted  
21 party to promulgate community impact statement;  
22 requiring assignment of criminal justice legislation  
23 to certain committee; prohibiting the reporting out  
24 or adoption of legislation unless community impact  
statement is provided; directing submission of  
amendments to legislation to contracted party for  
review; providing an exception; stating guidelines  
for certifying amendments to legislation; authorizing  
withdrawal of amendments; directing committee chair  
to provide copies of community impact statements;  
making community impact statements available to the  
public; providing procedures for amending legislation  
that has adverse impact on minority persons, certain  
communities or neighborhoods; defining term;  
providing for codification; and providing an  
effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2011, Section 450.1, is  
2 amended to read as follows:

3 Section 450.1 A. The Legislative Fiscal Office and Joint Bill  
4 Processing Department are hereby abolished.

5 B. There is hereby created the Legislative Service Bureau which  
6 shall serve both the House of Representatives and the Senate. The  
7 Speaker of the House of Representatives and the President Pro  
8 Tempore of the Senate shall employ a Director of the Legislative  
9 Service Bureau, who shall employ such personnel as necessary to  
10 implement the responsibilities imposed upon the Bureau by the  
11 Legislature by concurrent resolution.

12 C. 1. The Legislative Service Bureau shall be responsible for  
13 such services as directed by the Speaker of the House of  
14 Representatives and the President Pro Tempore of the Senate; and any  
15 area of production of proposed legislation as directed by the  
16 Speaker of the House of Representatives and President Pro Tempore of  
17 the Senate.

18 2. The Legislative Service Bureau shall be a clearinghouse for  
19 the Legislature for all budgetary forms, research reports and  
20 information.

21 3. Any reference in the Oklahoma Statutes to the Legislative  
22 Fiscal Office or the Joint Bill Processing Department shall be a  
23 reference to the Legislative Service Bureau.

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1        D. The Legislative Service Bureau is authorized and directed to  
2 enter into a contract with a person, firm or public institution for  
3 higher education for the purpose of providing community impact  
4 statements as required in Section 3 of this act. The person, firm  
5 or public institution of higher education selected by the  
6 Legislative Service Bureau to promulgate community impact statements  
7 shall have substantial research and data analysis experience in the  
8 fields of sociology or criminology.

9        SECTION 2.        AMENDATORY        74 O.S. 2011, Section 464, is  
10 amended to read as follows:

11        Section 464. Whenever any provision of law directs that a  
12 report, administrative rule, budget work program, budget request,  
13 impact statement or any other document be filed with the Governor,  
14 President Pro Tempore of the Senate or the Speaker of the House of  
15 Representatives, such documents shall be filed electronically,  
16 except as otherwise provided in this section. The Governor,  
17 President Pro Tempore of the Senate and Speaker of the House of  
18 Representatives shall each create or cause to be created on the  
19 official websites for the Governor, Senate and House of  
20 Representatives, respectively, a mechanism for such filings to be  
21 made, with an electronic return receipt provided to the person  
22 making the filing. If for any reason the person required to file  
23 such document determines that it cannot be filed electronically, the  
24 person shall file a printed copy in lieu of such electronic filing

1 and shall include an explanation of the reason that the document  
2 could not be filed electronically.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 464.1 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Any criminal justice legislation:

7 1. Creating a new misdemeanor or felony crime;

8 2. Increasing the sentence range of any existing misdemeanor or  
9 felony crime;

10 3. Instituting or increasing a mandatory minimum sentence for  
11 any misdemeanor or felony crime; or

12 4. Creating new fees or raising fees associated with any phase  
13 of the prosecution or sentencing of any existing or new misdemeanor  
14 or felony crime,

15 shall, prior to introduction of the legislation, be flagged by  
16 applicable legislative staff as requiring a community impact  
17 statement.

18 B. A community impact statement shall estimate the following  
19 effects of the criminal justice legislation:

20 1. Any increase in revenues or expenditures;

21 2. The present and future fiscal implications of the  
22 legislation for any state, county or municipal agencies involved in  
23 prosecuting, detaining or supervising persons charged or convicted  
24 of a crime;

1 3. The sources of any revenue raised by the legislation;

2 4. The beneficiaries of any revenue raised by the legislation;

3 5. Any disproportionately deleterious effect upon minority  
4 persons as such term is defined in subsection I of this section; and

5 6. The present and future implications for economically or  
6 historically disadvantaged communities and neighborhoods.

7 C. As a condition precedent to the introduction of any criminal  
8 justice legislation, the applicable legislative staff, on behalf of  
9 the member of the Legislature who intends to be the primary author  
10 of the legislation, shall present an exact copy of the proposed  
11 legislation to the person, firm or public institution for higher  
12 education that contracted with the Legislative Service Bureau  
13 pursuant to Section 1 of this act. The person, firm or public  
14 institution for higher education shall then promulgate a community  
15 impact statement providing the information required by subsection B  
16 of this section.

17 D. When criminal justice legislation that proposes to affect  
18 any change listed in subsection A of this section is introduced, the  
19 legislation shall be assigned to the respective Senate or House of  
20 Representatives standing committee or subcommittee that is primarily  
21 responsible for the consideration of criminal justice legislation.  
22 No criminal justice legislation may be reported out of the committee  
23 to which it is assigned or may be considered or adopted by the  
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1 Senate or House of Representatives unless a community impact  
2 statement is provided.

3 E. Any amendment to criminal justice legislation shall be  
4 submitted to the person, firm or public institution for higher  
5 education that contracted with the Legislative Service Bureau  
6 pursuant to Section 1 of this act by the chair of the committee, by  
7 the presiding officer of the Senate or House of Representatives if  
8 the amendment was made by the Senate or the House of Representatives  
9 or by the author of such legislation when the legislation is  
10 assigned to a conference committee. An amendment with the sole  
11 purpose to strike or restore the title or the enacting clause shall  
12 not be submitted to the person, firm or public institution for higher  
13 education. If the person, firm or public institution for higher  
14 education certifies in writing that the amendment does not  
15 materially alter the community impact statement of the legislation,  
16 the legislation, as amended, may continue in the legislative process  
17 as any other legislation. If the person, firm or public institution  
18 for higher education will not issue such a certification for the  
19 amendment and the committee chair, presiding officer or author of  
20 the legislation does not request an updated community impact  
21 statement reflecting the material changes affected by the amendment,  
22 the progress of the legislation in the legislative process shall end  
23 and the legislation shall not be considered further by either the  
24 Senate or the House of Representatives.

1 F. An amendment to noncriminal justice legislation which causes  
2 the legislation to then become criminal justice legislation that has  
3 a community impact may be withdrawn by the committee which made the  
4 amendment, if a committee amendment, or by the Senate or House of  
5 Representatives, whichever body made the amendment, or by the author  
6 of the legislation, if the amendment was made during the conference  
7 committee process. If the amendment is withdrawn, the legislation  
8 may continue in the legislative process as any other legislation,  
9 unless it is subsequently amended and, in that event, the provision  
10 of this subsection shall apply to the subsequent amendment. If the  
11 amendment is not withdrawn, the legislation shall be considered  
12 criminal justice legislation for purposes of this section and shall  
13 be subject to the community impact statement requirements provided  
14 herein.

15 G. The chair of the committee to which criminal justice  
16 legislation is assigned shall cause a copy of the community impact  
17 statement to be attached to all copies of the version of legislation  
18 submitted to the person, firm or public institution for higher  
19 education that promulgated said statement. The original community  
20 impact statement shall be attached to the original version of the  
21 substitute legislation, as amended by the committee under subsection  
22 E of this section, if applicable, or to the original version of the  
23 legislation as introduced if the legislation was not changed by the  
24 committee prior to its submission to the person, firm or public

1 institution for higher education responsible for promulgating the  
2 community impact statement. The community impact statement shall be  
3 made available to the public in the same manner as the legislation  
4 itself.

5 H. If the community impact statement finds that the proposed  
6 criminal justice legislation will likely have a disproportionately  
7 deleterious impact on minority persons as such term is defined in  
8 subsection I of this section or upon economically or historically  
9 disadvantaged communities or neighborhoods, the primary legislative  
10 author shall offer an amendment, according to the process provided  
11 for in subsection E of this section, rectifying the  
12 disproportionately deleterious impact or shall attach to the  
13 legislation a detailed explanation of why the legislator believes  
14 the legislation should continue to advance despite such impact.

15 I. As used in this section, "minority person" means a person  
16 who is a lawful resident of the State of Oklahoma and who is:

17 1. Black, a person having origins in any of the black racial  
18 groups of Africa;

19 2. Hispanic, a person of Mexican, Puerto Rican, Cuban, Central  
20 or South American descent;

21 3. Asian American, a person having origins in any of the  
22 original peoples of the Far East, Southeast Asia, the Indian  
23 subcontinent or the Pacific Islands; or

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1       4. American Indian and Alaskan Native, a person having origins  
2 in any of the original peoples of North America.

3       SECTION 4. This act shall become effective November 1, 2019.

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5       57-1-7936       LRB       02/13/19

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