

1 STATE OF OKLAHOMA

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

3 SENATE BILL 426

By: Floyd

4
5 AS INTRODUCED

6 An Act relating to state government; providing
7 procedure for analysis of legislative measures under
8 certain circumstances; prescribing required content
9 of analysis; prescribing procedures related to
10 availability of analysis during legislative process;
11 requiring certain distribution of analysis; providing
12 for codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 478 of Title 74, unless there is
16 created a duplication in numbering, reads as follows:

17 A. Any member of the Legislature may make a confidential
18 request that an amendment, bill or resolution be analyzed to
19 identify any provision of the Constitution of the United States or
20 the Oklahoma Constitution with respect to which the amendment, bill
21 or resolution may be subject to a challenge. Any such request shall
22 be made within two (2) legislative days of first reading of a bill
23 or submission of the amendment, bill or resolution for consideration
24 by either house of the Legislature.

1 B. Upon such request, the amendment, bill or resolution shall
2 be laid upon the table until such time as the analysis is returned
3 to the member of the Legislature making the request; provided, if so
4 laying the amendment, bill or resolution on the table would prohibit
5 the amendment, bill or resolution from proceeding under the
6 legislative procedure schedule set forth in Senate, House or Joint
7 Rules, the amendment, bill or resolution may be considered and acted
8 upon if the title or enacting clause is stricken. In such case, the
9 title or enacting clause shall not be restored until the analysis
10 has been performed. If such an amendment is added pursuant to a
11 conference committee report, the title or enacting clause may be
12 restored but the conference committee report shall not be considered
13 in either house of the Legislature until the analysis has been
14 performed.

15 C. The analysis shall indicate whether the amendment, bill or
16 resolution appears to create potential risk of litigation but shall
17 not be required to contain a specific estimate of the costs of such
18 litigation. The President Pro Tempore of the Senate and the Speaker
19 of the House of Representatives shall prescribe procedures for such
20 analysis to be obtained from a member of the legislative staff, or
21 from another source as designated by the President Pro Tempore or
22 Speaker.

23 D. The analysis shall be deemed to be a confidential protected
24 work product of the house of the Legislature of which the requestor

1 is a member and shall be provided to the requestor and the principal
2 author or authors of the amendment, bill or resolution. If the
3 amendment, bill or resolution is in possession of the Senate, the
4 analysis shall also be provided to the President Pro Tempore of the
5 Senate; and if the amendment, bill or resolution is in possession of
6 the House of Representatives, the analysis shall also be provided to
7 the Speaker of the House of Representatives.

8 E. If the analysis indicates that the amendment, bill or
9 resolution does not appear to create potential risk of possible
10 litigation, the amendment, bill or resolution may be further
11 considered or acted upon. If the analysis indicates that the
12 amendment, bill or resolution does appear to create potential risk
13 of litigation, the analysis shall be provided to:

14 1. The chair of the committee responsible for consideration of
15 appropriations in the house of the Legislature possessing the
16 amendment, bill or resolution;

17 2. The chair of the committee to which the amendment, bill or
18 resolution is or was assigned; and

19 3. Any other members of the house of the Legislature possessing
20 the amendment, bill or resolution that the President Pro Tempore of
21 the Senate or the Speaker of the House of Representatives deems
22 appropriate to enable the appropriate house of the Legislature to
23 fully consider the fiscal impact and other consequences of such risk
24 of litigation.

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

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