

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1430

By: Loring

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5
6 AS INTRODUCED

7 An Act relating to state government; providing
8 requirements for the introduction of bills and joint
9 resolutions by members of the Legislature; requiring
10 preparation of certain documents; requiring
11 attachment of documents to introduced measures;
12 requiring documents to be updated in certain
13 circumstances; requiring fiscal impact analysis in
14 certain circumstances; providing immunity to staff
15 for complying with requirements; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 452.16 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 A. As a condition precedent to the introduction of any bill or
22 joint resolution, the legislative staff person drafting the bill or
23 joint resolution shall prepare a written document addressing the
24 following items:

1. The likely judicial determination of the constitutionality
of the measure, if the measure were to be challenged;

1 2. The likelihood that the measure is subject to the voting
2 requirements of Section 33 of Article V of the Oklahoma
3 Constitution; and

4 3. If the measure is an appropriation from the Constitutional
5 Reserve Fund, whether or not it is an appropriation subject to
6 paragraph 8 of Section 23 of Article X of the Oklahoma Constitution.

7 B. If the bill or joint resolution is introduced, the document
8 required by subsection A of this section shall be attached thereto.
9 The measure shall not be accepted for introduction by the Clerk of
10 the House of Representatives or the Secretary of the Senate unless
11 the document is attached.

12 C. If the bill or joint resolution is amended by a legislative
13 committee, on the floor of the House of Representatives or Senate,
14 or by a legislative conference committee, the document required by
15 subsection A of this section shall be updated to reflect those
16 amendments and the revised document shall be attached to the
17 committee report and floor version of the measure, engrossed measure
18 and conference committee report, as applicable.

19 D. If the document required by subsection A of this section
20 indicates that a likely judicial determination would be that the
21 measure is unconstitutional, the fiscal staff of the house of origin
22 of the measure shall prepare a fiscal impact analysis of the costs
23 associated with litigation risks if the measure is enacted and
24 subsequently challenged in court. The analysis shall include

1 projected amounts for attorney fees, court costs and any other
2 likely potential fiscal impact.

3 E. The legislative staff preparing the document required by
4 subsection A of this section and the fiscal staff preparing the
5 analysis required by subsection D of this section shall be immune
6 from liability for preparing the document and the analysis. No
7 retaliatory action, including, but not limited to, termination of
8 employment, demotion, reduction in salary or negative entry in
9 personnel file shall be taken against a staff member for complying
10 with the provisions of this section.

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12 57-1-5673 SD 01/07/19
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