

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2654

By: Cozort

COMMITTEE SUBSTITUTE

An Act relating to state government; prohibiting agencies, boards or commissions, public officers, officials or employees of the state from settling certain lawsuits and claims against the state without approval of Legislature or Contingency Review Board; providing for legislative approval by concurrent resolution; providing exceptions; requiring notification to Attorney General; authorizing review and intervention; providing for payment; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. 1. No agency, board or commission, public officer, official or employee of the State of Oklahoma shall, without the approval of the Oklahoma State Legislature when it is in regular session, or by the Contingency Review Board, when the Legislature is not in regular session, enter into any default or agreed judgment, consent decree or other settlement of any litigation or claim against this state which would require a settlement expenditure in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) or the creation, modification or implementation of a court-ordered or legislatively authorized plan or program which would necessitate an appropriation by the Legislature in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00). Approval of the Oklahoma Legislature pursuant to this section shall be by concurrent resolution. Any default or agreed judgment, consent

decree or other settlement entered into in violation of this section shall be void.

2. Any agreed judgment, consent decree or other settlement of litigation or claim against this state which shall be paid from the Risk Management Fund and any statutory condemnation proceeding shall be exempt from the provisions of this section.

B. The Attorney General shall be notified by any agency, board or commission, public officer, official or employee of this state of all lawsuits against said agency, board or commission, public officer, official or employee that seeks relief which would impose obligations requiring an agency to request a supplemental appropriation or to request an increase in appropriations to maintain the current level of services beyond the fiscal year in which the lawsuit is filed if said lawsuit was settled in favor of the plaintiff. The Attorney General shall review any such cases and may represent the interests of the state, if he considers it to be in the best interest of the state to do so. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the agency, board or commission, public officer, official or employee of this state as necessary to avoid conflicts of interest. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney's fee for such legal services from the agency, board or commission, public officer, official or employee of this state.

C. A copy of the service summons in all actions on claims against the state shall be made on the Attorney General of this state by the petitioner.

SECTION 2. This act shall become effective July 1, 1994.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-9150

SCE