

By: Mickle of the Senate  
and  
Thomas of the House

An Act relating to certain governmental tort claims;  
amending 51 O.S. 1991, Section 157, which relates  
to denial of claims; clarifying language; requiring  
notice of approval or denial of claim by state or  
political subdivision within certain time;  
providing for failure to give notice; requiring  
legislative approval of certain settlements of  
lawsuits against the state; providing exemptions;  
requiring certain state entities to notify the  
Attorney General of all actions and claims against  
the state; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 157, is amended to read as follows:

Section 157. A. A person may not initiate a suit against the state or a political subdivision unless the claim has been denied in whole or in part. A claim is deemed denied if the state or political subdivision fails to approve the claim in its entirety within ninety (90) days, unless the ~~interested parties have~~ state or political subdivision has denied the claim or reached a settlement with the claimant before the expiration of that period. ~~A person may not initiate a suit against the state or a political subdivision unless the claim has been denied in whole or in part.~~ If the state or a political subdivision approves or denies the claim in ninety (90) days or less, the state or political subdivision shall give notice within five (5) days of such action to the claimant at the address listed in the claim. If the state or political subdivision fails to give the notice required by this subsection, the period for commencement of an action in subsection B of this section shall not begin until the expiration of the ninety-day period for approval. The claimant and the state or political subdivision may continue attempts to settle a claim, however, settlement negotiations do not extend the date of denial.

B. No action for any cause arising under this act, Section 151 et seq. of this title, shall be maintained unless valid notice has been given and the action is commenced within one hundred eighty (180) days after denial of the claim as set forth in this section. Neither the claimant nor the state or political subdivision may extend the time to commence an action by continuing to attempt settlement of the claim.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200 of Title 51 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. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall notify their respective membership of the default or agreed judgment, consent decree or other settlement of litigation or claim. 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 3. This act shall become effective September 1, 1994.  
Passed the Senate the 5th day of May, 1994.

President of the Senate

Passed the House of Representatives the 23rd day of May, 1994.

Speaker of the House of  
Representatives