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THE STATE SENATE  
Thursday, February 20, 2003

Senate Bill No. 299

SENATE BILL NO. 299 - By: TAYLOR of the Senate and TOURE of the House.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 2024, which relates to intervention; making language gender neutral; updating language; requiring Attorney General to provide certain information to Legislature under certain circumstances; authorizing Legislature to intervene in certain proceedings; specifying that intervention does not constitute waiver; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 2024, is amended to read as follows:

Section 2024.

INTERVENTION

A. INTERVENTION OF RIGHT. Upon timely application anyone shall be permitted to intervene in an action:

1. When a statute confers an unconditional right to intervene; or

2. When the applicant claims an interest relating to the property or transaction which is the subject of the action and ~~he~~ the applicant is so situated that the disposition of the action may as a practical matter impair or impede ~~his~~ the applicant's ability to protect that interest.

1           B. PERMISSIVE INTERVENTION. Upon timely application anyone may  
2 be permitted to intervene in an action:

3           1. When a statute confers a conditional right to intervene; or

4           2. When an applicant's claim or defense and the main action  
5 have a question of law or fact in common.

6 When a party to an action relies for ground of claim or defense upon  
7 any statute or executive order administered by a federal or state  
8 governmental officer or agency or upon any regulation, order,  
9 requirement or agreement issued or made pursuant to the statute or  
10 executive order, the officer or agency upon timely application may  
11 be permitted to intervene in the action. In exercising its  
12 discretion the court shall consider whether the intervention will  
13 unduly delay or prejudice the adjudication of the rights of the  
14 original parties.

15           C. PROCEDURE. A person desiring to intervene shall serve a  
16 motion to intervene upon the parties as provided in Section 5 2005  
17 of this ~~act~~ title. The motion shall state the grounds therefor and  
18 shall be accompanied by a pleading setting forth the claim or  
19 defense for which intervention is sought. If the motion to  
20 intervene is granted, the plaintiff or defendant, or both, may  
21 respond to the pleading of the intervenor within twenty (20) days  
22 after the date that the motion was granted unless the court  
23 prescribes a shorter time.

1 D. INTERVENTION BY STATE OF OKLAHOMA.

2 1. In any action, suit, or proceeding to which the State of  
3 Oklahoma or any agency, officer, or employee thereof is not a party,  
4 wherein the constitutionality of any statute of ~~Oklahoma~~ this state  
5 affecting the public interest is drawn in question, the court shall  
6 certify such fact to the Attorney General ~~of Oklahoma~~, and shall  
7 permit the State of Oklahoma to intervene for presentation of  
8 evidence, if evidence is otherwise admissible in the case, and for  
9 argument on the question of constitutionality. The State of  
10 Oklahoma shall, subject to the applicable provisions of law, have  
11 all the rights of a party and be subject to all liabilities of a  
12 party as to court costs to the extent necessary for a proper  
13 presentation of the facts and law relating to the question of  
14 constitutionality.

15 2. Upon receipt of notice pursuant to paragraph 1 of this  
16 subsection or other actual notice that the constitutionality of any  
17 statute of this state affecting the public interest is drawn in  
18 question, the Attorney General shall immediately deliver a copy of  
19 the proceeding to the Speaker of the House of Representatives and  
20 the President Pro Tempore of the Senate who may intervene on behalf  
21 of their respective house of the Legislature and who shall be  
22 entitled to be heard. Intervention by the Speaker of the House of

1 Representatives or President Pro Tempore of the Senate shall not  
2 constitute waiver of legislative immunity.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-18-03 - DO  
8 PASS, As Coauthored.