



OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2016-28F

-April 22, 2016

Honorable Delegates and Members,

There has been another official legally binding opinion requested. The request is broken into several questions. The questions are as follows:

1. “If the attorney general is the author of any legislation to be reviewed by their office after passage through both houses, must the attorney general recuse themselves from the process of vetting said legislation before delivering the legislation to the governor?”
2. “If so, would this duty fall to a deputy attorney general, the court, or another position within the organization?”
3. “Would any legislation passed during session, but being reviewed and presented to the governor after sine die adjournment need to be presented to the governor that was in office at the time of the session in which it was passed, or can it be reviewed and signed by a governor sworn in at the close of session?”
4. “Would the answer to any of the above questions vary when considering internal legislation versus competition legislation?”

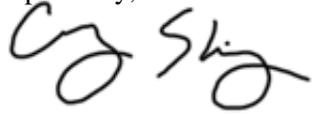
Let’s discuss the first question. Since under Attorney General Opinion 2016-17F the Attorney General may be a member of the legislature, he or she may author legislation, provided that they are registered delegates of the legislature. It would be in my opinion though, that since the Constitution specifically states under Article Five, Section Eight that “The Attorney General shall review all legislation that is passed by both legislative bodies...” that the Attorney General shall not recuse themselves when reviewing legislation. However, as I have stated before, I do not wish that the Attorney General be a member of the legislature. I would highly encourage internal legislation be written to place a restriction on the Attorney General from being a member of the legislature.

Now let’s tackle the second question. Since, in my opinion, the Attorney General shall not recuse themselves, the duty shall not fall on any other position.

Onto the third question. Since a new Governor is sworn in at the end of the Regular Spring Session, the new governor would be the one who would sign legislation after the legislature has adjourned Sine Die. The past governor has no further legal authority within the Organization after he or she has left office.

The fourth question is pretty simple. It is in my opinion that it does not in fact matter whether the legislation was internal or not. Since both internal and non-internal legislation goes through the same legislative process, that the system shall remain the same.

Respectfully,

A handwritten signature in black ink, appearing to read "Corey Shirey". The signature is written in a cursive, flowing style.

Corey Shirey

Attorney General