



OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2016-27F

-April 21, 2016

Honorable Delegates and Members,

There has been another official legally binding opinion requested. The individual requested to have their identity made public. The individual requesting this opinion is Governor Maxwell. This request is in multiple questions. The questions submitted are as follows:

1. “Do bills that passed both houses of the Legislature expire if they were not given to the AG for legal review?”
2. “Do bills that passed both houses of the Legislature expire if they were not given to the Governor for their approval or veto?”
3. “If the answer is no to the first two questions, what is the most appropriate way to obtain those bills?”
4. “What other, if any, executive remedies are there to obtaining these bills?”
5. “What other, if any, judicial remedies are there to obtaining these bills?”

I’m going to start with the first question. It is my opinion that the legislation does, in fact, not expire.

Article Five, Section Eight of the OIL Constitution states that “The Attorney General shall review all legislation that is passed by both legislative bodies, before it is presented to the Governor for signature or approval.” If the legislation was never delivered to the Attorney General, how could they review it? Therefore, it is in my opinion that the legislation is still in transit between the legislature and the Office of the Attorney General.

Similarly, my opinion on the second question is that the legislation does not expire.

Article Five, Section Three of the Constitution states that “Every measure intended to become law which shall have passed both Houses of the Legislature shall, before it becomes law, be presented to the Governor...” If the legislation has yet to be delivered to the Governor, how can they grant their signature or approval? It is in my opinion again, that the legislation would just be considered in transit.

Now onto the third question.

It is in my opinion that the legislative leadership shall provide the legislation immediately to the Attorney General, if it has yet to be provided to him or her. If it has already been delivered to the Attorney General, he or she shall immediately give their recommendation on the pending legislation, and send it directly to the Governor for their signature or approval.

Onto the fourth question. It is in my opinion that the Constitution and Statutes do not state any process to remedy the situation from the Executive Branch, except by an opinion from the Attorney General.

Finally onto the fifth question. If either the legislature is refusing to provide the legislation to the Attorney General, or the Attorney General is refusing to provide the legislation to the Governor, the Supreme Court may order that respective office or branch to immediately provide the legislation to the appropriate officer.

Respectfully,

A handwritten signature in black ink, appearing to read "Corey Shirey". The signature is written in a cursive, flowing style with a large initial "C" and "S".

Corey Shirey
Attorney General