



OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2016-22F

-April 8, 2016

Honorable Delegates and Members,

There has been another official legally binding opinion requested. The question submitted is “who dictates the time and location of the proposed special sessions, and does the dictation of location and time of special session vary by how special session is called?”

My opinion is that it does in fact depend on who calls the special session.

Let me begin by stating, clearly, the two different ways that a “Special Session” may be called.

The first, and in my opinion easiest, way to issue a call for a “Special Session” is stated under Article Five, Section Two of the Constitution. This article states that “The Governor shall have the power to convene the Legislature or the Senate only upon extraordinary occasions.” This has been the way that the only two previous “Special Sessions” have been called. Since the Governor called the session, the Governor had the ability to establish all logistics concerning the session, including the time, place, and membership of the session.

Now, the second, and more complicated way, of calling a special session is laid out under Article Four, Section Four of the Constitution, which states that “...the Legislature may call itself in special session by a written call for such purposes as may be specifically set forth in the call, signed by two-thirds (2/3) of the eligible delegates of each House of the previous regular session.”

If a “Special Session” were ever called under the “2/3 clause”, we would need to refer to the Statutes on who has the authority to handle the logistics of planning such a session. Title Eight, Chapter One, Section 101 reads as follows:

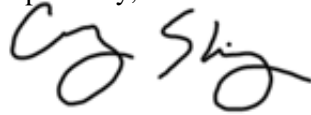
- SECTION 101: A. The membership of the Organization may meet at such other times as may be determined by the Steering Committee for the purpose of hearing speakers, lectures, conducting seminars, social gatherings, or similar such purposes.

- B. This section shall not be construed to allow the conduct of internal or external legislative business, unless the Governor calls the Legislature, or the Legislature calls itself into special session under such rules and restrictions the Constitution may impose.

Since the word “unless” is used under Sub-Section B, it would be in my opinion that the Steering Committee as a whole would be in charge of handling all logistics of planning a “Special Session” if it was called under this “2/3 clause”.

I will say though, that I would highly encourage the legislature to pass Internal Legislation to clarify this issue.

Respectfully,

A handwritten signature in black ink, appearing to read 'Corey Shirey', written in a cursive style.

Corey Shirey

Attorney General