

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2120

By: Hilliard, Seikel, Claunch  
and Ramsey of the House

and

Maddox, Campbell and  
Martin of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to administrative procedures; providing short title; creating Oklahoma Regulatory Review Act; defining terms; requiring agencies to review and list certain regulations by certain date; providing certain extension; requiring agencies to repeal or rescind certain regulations; requiring certain recommendations; requiring certain reports by certain date; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 401 of Title 75, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Regulatory Review Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 402 of Title 75, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Regulatory Review Act:

1. "Agency" means any board, commission, committee, department, or other instrumentality or entity of the executive branch of state government whether established under the constitution or statutes of this state and shall include any entity established by such board, commission, committee, department, or other instrumentality or entity of the executive

branch. The term "agency" shall not exclude executive branch agencies that are exempt from the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, but shall exclude licensing or governing boards as set forth in Chapters 1 through 14 of Title 59 of the Oklahoma Statutes;

2. "Person" means any individual or business;

3. "Public protection" shall be narrowly construed to mean protection of the health or safety of members of the public and protection of members of the public against fraud or harm; the term "public protection" shall not mean the protection of businesses against competition; and

4. "Regulation" means any rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, procedural requirement, policy, fee, test requirement, permit, or other administrative practice or provision affecting the conduct of business which has not been promulgated under the Administrative Procedures Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 403 of Title 75, unless there is created a duplication in numbering, reads as follows:

A. By December 31, 1998, each agency shall review every regulation within its jurisdiction and shall list all regulations within its jurisdiction.

B. Any agency with more than one hundred pages of rules in the Oklahoma Administrative Code that is unable to meet the December 1, 1998, deadline may have until December 1, 2000, if the agency develops, files, and publishes a schedule for compliance. The schedule shall be filed with the House Administrative Rule Review Committee and shall be published in "The Oklahoma Register" by February 1, 1998.

C. To the extent that an agency finds any unnecessary regulation or provision thereof the agency shall:

1. Pursuant, where applicable, to the Administrative Procedures Act, repeal or rescind the regulation or amend or

otherwise modify the regulation, if taking such action is within the agency's authority; or

2. If such action is not within the agency's authority, recommend to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives such action be accomplished.

D. By July 1, 1999, each agency shall file a report with the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the House Administrative Rule Review Committee summarizing the actions taken to comply with this act and shall publish the report in "The Oklahoma Register".

SECTION 4. This act shall become effective November 1, 1997.

46-1-7485

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