

ENGROSSED HOUSE
BILL NO. 2120

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

and

Maddox of the Senate

(administrative procedures - Oklahoma Regulatory Review
Act - codification - 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;

2. "Person" means any individual or business;

3. "Public protection" shall be narrowly construed to mean 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 statutory provision, rule, procedural requirement, policy, fee, test requirement, permit, or other administrative practice or provision affecting the conduct of business or the practice of a profession or occupation.

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. Regulations shall be limited to those demonstrably necessary and carefully tailored to fulfill specific, legitimate public health, safety, or other public protection objectives.

B. By December 31, 1998, each agency shall review every regulation within its jurisdiction and shall:

1. Articulate with specificity the public health, safety, or other public protection objective or objectives served by the regulation; and

2. Articulate the reason or reasons why the regulation is necessary to serve the specified objective or objectives.

C. To the extent that an agency finds any regulation that does not satisfy the standard set forth in subsection A of this section, the agency shall:

1. Pursuant, where applicable, to the Administrative Procedures Act, Section 250 et seq. and Section 302 et seq. of Title 75 of the Oklahoma Statutes, repeal or rescind the regulation or amend or otherwise modify the regulation to conform to the standard, 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, and the Speaker of the House of Representatives summarizing the actions taken to comply with this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 404 of Title 75, unless there is created a duplication in numbering, reads as follows:

A. On or after September 1, 1999, any person may petition in writing any agency to repeal, rescind, amend, or otherwise modify any regulation affecting a business or profession within that agency's jurisdiction. Where the Administrative Procedures Act, Section 250 et seq. and Section 302 et seq. of Title 75 of the Oklahoma Statutes is applicable, the petition shall be filed pursuant to Section 305 of Title 75 of the Oklahoma Statutes. Nothing herein shall be construed as precluding the filing of petitions pursuant to Section 305 of Title 75 of the Oklahoma Statutes prior to September 1, 1999.

B. Within ninety (90) days of the filing of a petition, the agency shall either take the action petitioned for or state the basis for concluding that the regulation is in compliance with the standard stated in subsection A of Section 3 of this act.

C. If the agency fails to take action pursuant to subsection B of this section, the petitioner shall have recourse to the district court in whose jurisdiction the main office of the agency is located.

SECTION 5. This act shall become effective November 1, 1997.

Passed the House of Representatives the 4th day of March, 1997.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President

of the Senate