

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2464

6 By: Wright

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to statutes and reports; amending 75
9 O.S. 2001, Sections 25, as amended by Section 1,
10 Chapter 125, O.S.L. 2005 and 26 (75 O.S. Supp. 2007,
11 Section 25), which relate to emergency laws;
12 modifying distribution to court clerks; modifying
13 duty of court clerks; amending 75 O.S. 2001, Section
14 303.1, which relates to the Administrative Procedures
15 Act; providing time limit to adopt certain rules;
16 providing time limit to file certain rules; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 75 O.S. 2001, Section 25, as
20 amended by Section 1, Chapter 125, O.S.L. 2005 (75 O.S. Supp. 2007,
21 Section 25), is amended to read as follows:

22 Section 25. It shall be the duty of the Secretary of State, as
23 soon as possible after receipt by his or her office of any act or
24 resolution, any Civil, Probate or Criminal Procedure Act passed by
25 the Oklahoma Legislature as an emergency measure, to provide access
26 by ~~the~~ one of the following means:

27 1. The United States mail, ~~facsimile, or electronic;~~

1 2. Facsimile;

2 3. Electronic mail transmission; or

3 4. Internet accessibility

4 to the court clerk of each county of this state a copy of such act
5 or resolution. If the court clerk requests a paper copy of an
6 emergency measure, the expense shall be paid by the county.

7 SECTION 2. AMENDATORY 75 O.S. 2001, Section 26, is
8 amended to read as follows:

9 Section 26. Immediately upon receipt from the Secretary of
10 State of the acts and resolutions referred to in Section ~~1 hereof~~ 25
11 of this title, it shall be the duty of the court clerk of each
12 county to ~~place the same in a binder~~ provide instruction on
13 accessing requested information by electronic means, which shall be
14 ~~available~~ accessible for examination by the public.

15 SECTION 3. AMENDATORY 75 O.S. 2001, Section 303.1, is
16 amended to read as follows:

17 Section 303.1 A. Within ten (10) days after adoption of a
18 permanent rule, the agency shall file two copies of the following
19 with the Governor, the Speaker of the House of Representatives and
20 the President Pro Tempore of the Senate: all such new rules or
21 amendments; revisions or revocations to an existing rule proposed by
22 an agency; and the agency rule report as required by subsection E of
23 this section. Beginning January 1, 2009, rules containing fee
24 changes shall be adopted in the first calendar quarter by the

1 members of the governing board, and any rules filed pursuant to this
2 section containing fee changes shall be submitted no later than
3 April 1 of each year.

4 B. If the agency determines in the rule impact statement
5 prepared as part of the agency rule report that the proposed rule
6 will have an economic impact on any political subdivisions or
7 require their cooperation in implementing or enforcing a proposed
8 permanent rule, a copy of the proposed rule and rule report shall be
9 filed within ten (10) days after adoption of the permanent rule with
10 the Oklahoma Advisory Committee on Intergovernmental Relations for
11 its review. Said Committee may communicate any recommendations that
12 it may deem necessary to the Governor, the Speaker of the House of
13 Representatives and President Pro Tempore of the Senate during the
14 period that the permanent rules are being reviewed.

15 C. When the rules have been submitted to the Governor, the
16 Speaker of the House of Representatives and the President Pro
17 Tempore of the Senate, the agency shall also submit to the Office of
18 Administrative Rules for publication in "The Oklahoma Register", a
19 statement that the adopted rules have been submitted to the Governor
20 and the Legislature.

21 D. The text of the adopted rules shall be submitted to the
22 Governor, the Speaker of the House of Representatives and the
23 President Pro Tempore of the Senate in the same format as required
24 by the Secretary pursuant to Section 251 of this title.

1 E. The report required by subsection A of this section shall
2 include:

3 1. The date the notice of the intended rulemaking action was
4 published in "The Oklahoma Register" pursuant to Section 255 of this
5 title;

6 2. The name and address of the agency;

7 3. The title and number of the rule;

8 4. A citation to the statutory authority for the rule;

9 5. A brief summary of the content of the adopted rule;

10 6. A statement explaining the need for the adopted rule;

11 7. The date and location of the meeting, if held, at which such
12 rules were adopted or the date and location when the rules were
13 adopted if the rulemaking agency is not required to hold a meeting
14 to adopt rules;

15 8. A summary of the comments and explanation of changes or lack
16 of any change made in the adopted rules as a result of testimony
17 received at all hearings or meetings held or sponsored by an agency
18 for the purpose of providing the public an opportunity to comment on
19 the rules or of any written comments received prior to the adoption
20 of the rule. The summary shall include all comments received about
21 the cost impact of the proposed rules;

22 9. A list of persons or organizations who appeared or
23 registered for or against the adopted rule at any public hearing
24

1 held by the agency or those who have commented in writing before or
2 after the hearing;

3 10. A rule impact statement if required pursuant to Section 303
4 of this title;

5 11. An incorporation by reference statement if the rule
6 incorporates a set of rules from a body outside the state, such as a
7 national code;

8 12. The members of the governing board of the agency adopting
9 the rules and the recorded vote of each member;

10 13. The proposed effective date of the rules, if an effective
11 date is required pursuant to paragraph 1 of subsection B of Section
12 304 of this title; and

13 14. Any other information requested by the Governor, the
14 Speaker of the House of Representatives, the President Pro Tempore
15 of the Senate or either rule review committee.

16 SECTION 4. This act shall become effective January 1, 2009.

17

18 51-2-10146 LRB 02/19/08

19

20

21

22

23

24