

1 ENGROSSED HOUSE
2 BILL NO. 3311

By: Martin (Scott), Faught,
Dorman and Murphey of the
House

3
4 and

5 Sparks of the Senate

6
7
8 (statutes and reports - amending 75 O.S., Section

9 308 - Administrative Procedures Act -

10 effective date)

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

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SECTION 1. AMENDATORY 75 O.S. 2001, Section 308, is

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amended to read as follows:

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A. Upon receipt of any adopted rules, the Speaker of the House

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of Representatives and the President Pro Tempore of the Senate shall

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assign such rules to the appropriate committees of each such house

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of the Legislature for review. Except as otherwise provided by this

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section, upon receipt of such rules, the Legislature shall have

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thirty (30) legislative days to review such rules.

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B. 1. ~~By the adoption of a joint resolution,~~ Either house of

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the Legislature may disapprove any rule, waive the thirty-

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1 legislative-day review period and approve any rule which has been
2 submitted for review, or otherwise approve any rule.

3 2. a. (1) ~~The~~ Either house of the Legislature may by
4 ~~concurrent~~ resolution disapprove a proposed rule
5 or a proposed amendment to a rule submitted to
6 the Legislature or an emergency rule prior to
7 such rule having the force and effect of law.

8 (2) Any such proposed rule or proposed amendment to a
9 permanent rule ~~shall~~ may be disapproved by ~~both~~
10 ~~houses~~ either house of the Legislature prior to
11 the termination of the legislative review period
12 specified by this section.

13 (3) Any such ~~concurrent~~ resolution shall not require
14 the approval of the Governor, and any such rule
15 so disapproved shall be invalid and of no effect
16 regardless of the approval of the Governor of
17 such rule.

18 b. By adoption of a ~~concurrent~~ resolution, either house
19 of the Legislature may waive the thirty-legislative-
20 day review period for any rule which has been
21 submitted for review.

22 C. Unless otherwise authorized by the Legislature by ~~concurrent~~
23 resolution, or by law, whenever a rule is disapproved as provided in
24 subsection B of this section, the agency adopting such rules shall

1 not have authority to resubmit an identical rule, except during the
2 first sixty (60) calendar days of the next regular legislative
3 session. Any effective emergency rule which would have been
4 superseded by a disapproved permanent rule shall be deemed null and
5 void on the date the Legislature disapproves the permanent rule.
6 Rules may be disapproved in part or in whole by the Legislature.
7 Any resolution enacted disapproving a rule shall be filed with the
8 Secretary for publication in "The Oklahoma Register".

9 D. Unless otherwise provided by specific vote of the
10 Legislature, resolutions introduced for purposes of disapproving or
11 approving a rule shall not be subject to regular legislative cutoff
12 dates, shall be limited to such provisions as may be necessary for
13 disapproval or approval of a rule, and any such other direction or
14 mandate regarding the rule deemed necessary by the Legislature. The
15 resolution shall contain no other provisions.

16 E. 1. Transmission of a rule for legislative review on or
17 before April 1 of each year shall result in the approval of such
18 rule by the Legislature if:

19 a. the Legislature is in regular session and has failed
20 to disapprove such rule within thirty (30) legislative
21 days after such rule has been submitted pursuant to
22 Section 303.1 of this title, or

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1 b. the Legislature has adjourned before the expiration of
2 said thirty (30) legislative days of submission of
3 such rules, and has failed to disapprove such rule.

4 2. After April 1 of each year, transmission of a rule for
5 legislative review shall result in the approval of such rule by the
6 Legislature only if the Legislature is in regular session and has
7 failed to disapprove such rule within thirty (30) legislative days
8 after such rule has been so transmitted. In the event the
9 Legislature adjourns before the expiration of such thirty (30)
10 legislative days, such rule shall carry over for consideration by
11 the Legislature during the next regular session and shall be
12 considered to have been originally transmitted to the Legislature on
13 the first day of said next regular session for review pursuant to
14 this section. As an alternative, an agency may request direct
15 legislative approval of such rules or waiver of the thirty-
16 legislative-day review provided by subsection B of this section. An
17 agency may also adopt emergency rules under the provisions of
18 Section 253 of this title.

19 F. Prior to final adoption of a rule, an agency may withdraw a
20 rule from legislative review. Notice of such withdrawal shall be
21 given to the Governor, the Speaker of the House of Representatives,
22 the President Pro Tempore of the Senate, and to the Secretary for
23 publication in "The Oklahoma Register".

