

EHB 3311

THE STATE SENATE  
Monday, April 5, 2010

ENGROSSED

House Bill No. 3311

As Amended

ENGROSSED HOUSE BILL NO. 3311 - By: Martin (Scott), Faught, Dorman and Murphey of the House and Sparks of the Senate.

( statutes and reports - amending 75 O.S., Section 308 -  
Administrative Procedures Act -  
effective date )

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

SECTION 1. AMENDATORY 75 O.S. 2001, Section 308, is amended to read as follows:

A. Upon receipt of any adopted rules, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall assign such rules to the appropriate committees of each such house of the Legislature for review. Except as otherwise provided by this section, upon receipt of such rules, the Legislature shall have thirty (30) legislative days to review such rules.

B. 1. ~~By the adoption of a joint resolution,~~ Either house of the Legislature may disapprove any rule, waive the thirty- legislative-day review period and approve any rule which has been submitted for review, or otherwise approve any rule.

2. a. (1) ~~The~~ Either house of the Legislature may by ~~concurrent~~ resolution disapprove a proposed rule

1 or a proposed amendment to a rule submitted to  
2 the Legislature or an emergency rule prior to  
3 such rule having the force and effect of law.

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

9 (3) Any such ~~concurrent~~ resolution shall not require  
10 the approval of the Governor, and any such rule  
11 so disapproved shall be invalid and of no effect  
12 regardless of the approval of the Governor of  
13 such rule.

14 b. By adoption of a ~~concurrent~~ resolution, either house  
15 of the Legislature may waive the thirty-legislative-  
16 day review period for any rule which has been  
17 submitted for review.

18 C. Unless otherwise authorized by the Legislature by ~~concurrent~~  
19 resolution, or by law, whenever a rule is disapproved as provided in  
20 subsection B of this section, the agency adopting such rules shall  
21 not have authority to resubmit an identical rule, except during the  
22 first sixty (60) calendar days of the next regular legislative  
23 session. Any effective emergency rule which would have been

1 superseded by a disapproved permanent rule shall be deemed null and  
2 void on the date the Legislature disapproves the permanent rule.  
3 Rules may be disapproved in part or in whole by the Legislature.  
4 Any resolution enacted disapproving a rule shall be filed with the  
5 Secretary for publication in "The Oklahoma Register".

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

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

- 16 a. the Legislature is in regular session and has failed  
17 to disapprove such rule within thirty (30) legislative  
18 days after such rule has been submitted pursuant to  
19 Section 303.1 of this title, or  
20 b. the Legislature has adjourned before the expiration of  
21 said thirty (30) legislative days of submission of  
22 such rules, and has failed to disapprove such rule.

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

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

21           G. Except as otherwise provided by Sections 253, 250.4 and  
22 250.6 of this title or as otherwise specifically provided by the  
23 Legislature, no agency shall promulgate any rule unless reviewed by

1 the Legislature pursuant to this section. An agency may promulgate  
2 an emergency rule only pursuant to Section 253 of this title.

3 H. Any rights, privileges, or interests gained by any person by  
4 operation of an emergency rule, shall not be affected by reason of  
5 any subsequent disapproval or rejection of such rule by either house  
6 of the Legislature.

7 SECTION 2. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-10 - DO  
9 PASS, As Amended.