

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2241

 By: Faught

7 AS INTRODUCED

8 An Act relating to statutes and reports; amending 75
9 O.S. 2011, Section 308, which relates to the
10 Administrative Procedures Act; requiring approval of
 certain rules; and providing an effective date.

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

14 SECTION 1. AMENDATORY 75 O.S. 2011, Section 308, is
15 amended to read as follows:

16 Section 308. A. Upon receipt of any adopted rules, the Speaker
17 of the House of Representatives and the President Pro Tempore of the
18 Senate shall assign such rules to the appropriate committees of each
19 such house of the Legislature for review. Except as otherwise
20 provided by this section, upon receipt of such rules, the
21 Legislature shall have thirty (30) legislative days to review such
22 rules.

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

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

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

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

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

1 C. Unless otherwise authorized by the Legislature by concurrent
2 resolution, or by law, whenever a rule is disapproved as provided in
3 subsection B of this section, the agency adopting such rules shall
4 not have authority to resubmit an identical rule, except during the
5 first sixty (60) calendar days of the next regular legislative
6 session. Any effective emergency rule which would have been
7 superseded by a disapproved permanent rule shall be deemed null and
8 void on the date the Legislature disapproves the permanent rule.
9 Rules may be disapproved in part or in whole by the Legislature.
10 Any resolution enacted disapproving a rule shall be filed with the
11 Secretary for publication in "The Oklahoma Register".

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

19 E. 1. Except as provided by subsection F of this section,
20 transmission of a rule for legislative review on or before April 1
21 of each year shall result in the approval of such rule by the
22 Legislature if:

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- 1 a. the Legislature is in regular session and has failed
2 to disapprove such rule within thirty (30) legislative
3 days after such rule has been submitted pursuant to
4 Section 303.1 of this title, or
- 5 b. the Legislature has adjourned before the expiration of
6 said thirty (30) legislative days of submission of
7 such rules, and has failed to disapprove such rule.

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

1 F. Any rule which establishes or increases fees or any rule by
2 an agency, board, or commission created by or that receives its
3 authority from Title 59 or Title 63 of the Oklahoma Statutes shall
4 require approval by the Legislature by joint resolution. If the
5 Legislature fails to approve the rule on or before the last day of
6 the legislative session, the rule shall be deemed disapproved.

7 G. Prior to final adoption of a rule, an agency may withdraw a
8 rule from legislative review. Notice of such withdrawal shall be
9 given to the Governor, the Speaker of the House of Representatives,
10 the President Pro Tempore of the Senate, and to the Secretary for
11 publication in "The Oklahoma Register".

12 H. Except as otherwise provided by Sections 253, 250.4 and
13 250.6 of this title or as otherwise specifically provided by the
14 Legislature, no agency shall promulgate any rule unless reviewed by
15 the Legislature pursuant to this section. An agency may promulgate
16 an emergency rule only pursuant to Section 253 of this title.

17 I. Any rights, privileges, or interests gained by any person by
18 operation of an emergency rule, shall not be affected by reason of
19 any subsequent disapproval or rejection of such rule by either house
20 of the Legislature.

21 SECTION 2. This act shall become effective November 1, 2012.

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23 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES AND
24 GOVERNMENT OVERSIGHT, dated 02/29/2012 - DO PASS.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.