

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 884

By: Anderson

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6 AS INTRODUCED

7 An Act relating to municipal finance and
8 administrative rules; requiring certain notice
9 relating to municipal fiscal impact statement;
10 modifying contents of municipal fiscal impact
11 statement and requiring inclusion of certain
12 information; modifying legislative process for
13 reviewing certain administrative rules by requiring
14 certain affirmative approval; establishing effective
15 date for certain administrative rules; amending 75
16 O.S. 2001, Section 308, which relates to the
17 Administrative Procedures Act; providing exception to
18 certain legislative procedures; providing for
19 codification; and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 17-302 of Title 11, unless there
28 is created a duplication in numbering, reads as follows:

29 When a fiscal impact statement is requested pursuant to Section
30 17-301 of Title 11 of the Oklahoma Statutes, notice of such request
31 shall be given to an organization representing a statewide nonprofit
32 organization, the membership of which consists primarily of
33 municipalities organized under the laws of the State of Oklahoma and
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1 which organization supports the functions of such municipalities.
2 The fiscal impact statement shall include a statement, if provided
3 by such organization, regarding the existence of a potential direct
4 adverse fiscal impact on municipalities in this state.
5 Notwithstanding the provisions of Section 308 of Title 75 of the
6 Oklahoma Statutes, if the fiscal impact statement concludes that
7 there will be an adverse fiscal impact due to an administrative
8 rule, the rule shall not become effective against municipalities
9 unless it is affirmatively approved by both houses of the
10 legislature and the Governor. If the rule is so approved, it shall
11 not go into effect until July 1 of the following calendar year.

12 SECTION 2. AMENDATORY 75 O.S. 2001, Section 308, is
13 amended to read as follows:

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

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

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

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

14 E. Except as provided in Section 1 of this act:

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

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

22 b. the Legislature has adjourned before the expiration of
23 said thirty (30) legislative days of submission of
24 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
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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 3. This act shall become effective November 1, 2011.

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