

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1549

6 By: McCullough

7 COMMITTEE SUBSTITUTE

8 An Act relating to statutes and reports; creating the
9 Medicaid and Human Services Accountability and
10 Prevention of Federal Overreach Act; amending 75 O.S.
11 2011, Section 308, which relates to the
12 Administrative Procedures Act; requiring approval of
13 certain rules; providing for noncodification; and
14 providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as the "Medicaid and
19 Human Services Accountability and Prevention of Federal Overreach
20 Act".

21 SECTION 2. AMENDATORY 75 O.S. 2011, Section 308, is
22 amended to read as follows:

23 Section 308. A. Upon receipt of any adopted rules, the Speaker
24 of the House of Representatives and the President Pro Tempore of the

1 Senate shall assign such rules to the appropriate committees of each
2 such house of the Legislature for review. Except as otherwise
3 provided by this section, upon receipt of such rules, the
4 Legislature shall have thirty (30) legislative days to review such
5 rules.

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

10 2. a. (1) The Legislature may by concurrent resolution
11 disapprove a proposed rule or a proposed
12 amendment to a rule submitted to the Legislature
13 or an emergency rule prior to such rule having
14 the force and effect of law.

15 (2) Any such proposed rule or proposed amendment to a
16 permanent rule shall be disapproved by both
17 houses of the Legislature prior to the
18 termination of the legislative review period
19 specified by this section.

20 (3) Any such concurrent resolution shall not require
21 the approval of the Governor, and any such rule
22 so disapproved shall be invalid and of no effect
23 regardless of the approval of the Governor of
24 such rule.

1 b. By adoption of a concurrent resolution, the
2 Legislature may waive the thirty-legislative-day
3 review period for any rule which has been submitted
4 for review.

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

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

23 E. 1. Except as provided by subsection F of this section,
24 transmission of a rule for legislative review on or before April 1

1 of each year shall result in the approval of such rule by the
2 Legislature if:

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

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

10 2. After April 1 of each year, transmission of a rule for
11 legislative review shall result in the approval of such rule by the
12 Legislature only if the Legislature is in regular session and has
13 failed to disapprove such rule within thirty (30) legislative days
14 after such rule has been so transmitted. In the event the
15 Legislature adjourns before the expiration of such thirty (30)
16 legislative days, such rule shall carry over for consideration by
17 the Legislature during the next regular session and shall be
18 considered to have been originally transmitted to the Legislature on
19 the first day of said next regular session for review pursuant to
20 this section. As an alternative, an agency may request direct
21 legislative approval of such rules or waiver of the thirty-
22 legislative-day review provided by subsection B of this section. An
23 agency may also adopt emergency rules under the provisions of
24 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 56, 59 or 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 3. This act shall become effective November 1, 2013.

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23 54-1-7200 LRB 02/20/13

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