

1 ENGROSSED HOUSE
2 BILL NO. 1415

By: Hall and Murphey of the
House

3 and

4 Holt of the Senate
5
6

7 An Act relating to state government; declaring
8 legislative intent; creating the Modernization of
9 Agency Creation Process and Sunrise Act; defining
10 terms; prohibiting introduction of certain bill;
11 requiring number be printed on certain bill;
12 providing for certain time for introduction and
13 passing of bill; providing for consideration of
14 certain factors; requiring certain information be
15 provided in writing upon request; requiring
16 legislative staff provide certain information;
17 providing for determination of proposed legislation;
18 requiring production of report; providing for
19 codification; providing for noncodification; and
20 providing an effective date.

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

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

24 It is the intent of the Legislature: That no profession or
occupation be subject to regulation by the state unless the
regulation is necessary to protect the public health, safety, or
welfare from significant and discernible harm or damage and that the
police power of the state be exercised only to the extent necessary

1 for that purpose and that no profession or occupation be regulated
2 by the state in a manner that unnecessarily restricts entry into the
3 practice of the profession or occupation or adversely affects the
4 availability of the professional or occupational services to the
5 public.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3950 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 This act shall be known and may be cited as the "Modernization
10 of Agency Creation Process and Sunrise Act".

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3951 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 As used in the Modernization of Agency Creation Process and
15 Sunrise Act:

16 1. "Amendment" means any amendment, including a substitute
17 bill, made to a bill by any committee of the House or Senate, any
18 conference committee of the House or Senate or by the House or
19 Senate;

20 2. "SR number" means that number preceded by the letters "SR"
21 assigned to a bill by the respective staffs of the Oklahoma State
22 Senate and the Oklahoma House of Representatives when the respective
23 staff office prepares a bill for a member of the Legislature; and
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1 3. "Sunrise bill" means any bill or joint resolution introduced
2 or any bill or joint resolution amended by a member of the Oklahoma
3 Legislature which proposes the creation of a new state agency.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3952 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. No sunrise bill shall be introduced by any member of the
8 Legislature unless, at the time of its introduction, the bill has
9 printed thereon in the upper right portion of each page of the bill
10 an SR number.

11 B. A measure that is not a sunrise bill when introduced, but
12 becomes amended to become a sunrise bill shall have printed thereon
13 in the upper right corner of each page of the bill an SR number at
14 the time the measure is deemed to be a sunrise bill.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3953 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 Any sunrise bill may be introduced according to the applicable
19 deadlines established by the Oklahoma State Senate and the Oklahoma
20 House of Representatives only in any odd-numbered year during the
21 regular session. Any such sunrise bill may be passed by the
22 Legislature only during an even-numbered year of the regular
23 session.

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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3954 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. In determining whether to regulate a profession or
5 occupation through the approval of a sunrise bill, a legislative
6 committee shall consider the following factors over the course of
7 not less than twelve (12) months' time:

8 1. Whether the unregulated practice of the profession or
9 occupation will substantially harm or endanger the public health,
10 safety, or welfare, and whether the potential for harm is
11 recognizable and not remote;

12 2. Whether the practice of the profession or occupation
13 requires specialized skill or training, and whether that skill or
14 training is readily measurable or quantifiable so that examination
15 or training requirements would reasonably assure initial and
16 continuing professional or occupational ability;

17 3. Whether the regulation will have an unreasonable effect on
18 job creation or job retention in the state or will place
19 unreasonable restrictions on the ability of individuals who seek to
20 practice or who are practicing a given profession or occupation to
21 find employment;

22 4. Whether the public is or can be effectively protected by
23 other means; and
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1 5. Whether the overall cost-effectiveness and economic impact
2 of the proposed regulation, including the indirect costs to
3 consumers, will be favorable.

4 B. The proponents of legislation that provides for the creation
5 of a new state agency or regulation of a profession or occupation
6 not already expressly subject to state regulation shall provide,
7 upon request, the following information in writing to the state
8 agency that is proposed to have jurisdiction over the regulation and
9 to the legislative committees to which the legislation is referred:

10 1. The number of individuals or businesses that would be
11 subject to the regulation;

12 2. The name of each association that represents members of the
13 profession or occupation, together with a copy of its codes of
14 ethics or conduct;

15 3. Documentation of the nature and extent of the harm to the
16 public caused by the unregulated practice of the profession or
17 occupation, including a description of any complaints that have been
18 lodged against persons who have practiced the profession or
19 occupation in this state during the preceding three (3) years;

20 4. A list of states that regulate the profession or occupation,
21 and the dates of enactment of each law providing for such regulation
22 and a copy of each law;

23 5. A list and description of state and federal laws that have
24 been enacted to protect the public with respect to the profession or

1 occupation and a statement of the reasons why these laws have not
2 proven adequate to protect the public;

3 6. A description of the voluntary efforts made by members of
4 the profession or occupation to protect the public and a statement
5 of the reasons why these efforts are not adequate to protect the
6 public;

7 7. A copy of any federal legislation mandating regulation;

8 8. An explanation of the reasons why other types of less
9 restrictive regulation would not effectively protect the public;

10 9. The cost, availability, and appropriateness of training and
11 examination requirements;

12 10. The cost of regulation, including the indirect cost to
13 consumers, and the method proposed to finance the regulation;

14 11. The cost imposed on applicants or practitioners or on
15 employers of applicants or practitioners as a result of the
16 regulation;

17 12. The details of any previous efforts in this state to
18 implement regulation of the profession or occupation; and

19 13. Any other information the agency or the committee considers
20 relevant to the analysis of the proposed legislation.

21 C. Legislative staff shall provide the committee with
22 information concerning the effect of proposed legislation that
23 provides for new regulation of a profession or occupation regarding:
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1 1. State resources necessary to implement and enforce the
2 proposed regulation;

3 2. The technical sufficiency of the proposal for regulation,
4 including its consistency with the regulation of other professions
5 and occupations under existing law; and

6 3. If applicable, any alternatives to the proposed regulation
7 which may result in a less restrictive or more cost-effective
8 regulatory scheme.

9 D. When making a recommendation concerning proposed legislation
10 providing for new regulation of a profession or occupation, a
11 legislative committee shall determine:

12 1. The least restrictive and most cost-effective regulatory
13 scheme that will adequately protect the public; and

14 2. The technical sufficiency of the proposed legislation,
15 including its consistency with the regulation of other professions
16 and occupations under existing law.

17 E. Upon recommending passage of sunrise legislation, the
18 chairman of the legislative committee shall cause to be produced a
19 report documenting that each criteria required by this section was
20 examined and shall detail the committee's findings.

21 SECTION 7. This act shall become effective November 1, 2013.

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1 Passed the House of Representatives the 14th day of March, 2013.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2013.

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9 Presiding Officer of the Senate