

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1168

By: Allen and Ivester of the
Senate

and

Murphey of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to administrative rules; amending 75
13 O.S. 2011, Section 308, as amended by Section 4,
14 Chapter 357, O.S.L. 2013 and Section 6, Chapter 357,
15 O.S.L. 2013 (75 O.S Supp. 2013, Sections 308 and
16 308.3), which relate to legislative review of
17 administrative rules; requiring resolutions relating
18 to rules to include certain text of such rules;
19 requiring certain availability prior to vote;
20 clarifying references; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 75 O.S. 2011, Section 308, as
24 amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2013,
Section 308), is amended to read as follows:

Section 308. A. Upon receipt of any adopted rules, the Speaker
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 house of the Legislature for review. Except as otherwise provided
3 by this section:

4 1. If such rules are received on or before April 1, the
5 Legislature shall have until the last day of the regular legislative
6 session of that year to review such rules; and

7 2. If such rules are received after April 1, the Legislature
8 shall have until the last day of the regular legislative session of
9 the next year to review such rules.

10 B. By the adoption of a joint resolution during the review
11 period specified in subsection A of this section, the Legislature
12 may disapprove or approve any rule.

13 C. Unless otherwise authorized by the Legislature, whenever a
14 rule is disapproved as provided in subsection B of this section, the
15 agency adopting such rules shall not have authority to resubmit an
16 identical rule, except during the first sixty (60) calendar days of
17 the next regular legislative session. Any effective emergency rule
18 which would have been superseded by a disapproved permanent rule
19 shall be deemed null and void on the date the Legislature
20 disapproves the permanent rule. Rules may be disapproved in part or
21 in whole by the Legislature. Upon enactment of any joint resolution
22 disapproving a rule, the agency shall file notice of such
23 legislative disapproval with the Secretary for publication in "The
24 Oklahoma Register".

1 D. Unless otherwise provided by specific vote of the
2 Legislature, joint resolutions introduced for purposes of
3 disapproving or approving a rule or the omnibus joint resolution
4 described in Section ~~6~~ 308.3 of this ~~act~~ title shall not be subject
5 to regular legislative cutoff dates, shall be limited to such
6 provisions as may be necessary for disapproval or approval of a
7 rule, and any such other direction or mandate regarding the rule
8 deemed necessary by the Legislature. The resolution shall contain
9 no other provisions. Any such resolution shall include or have
10 attached thereto or made available electronically the text of the
11 changes to any amendatory rules and the full text of any new rules
12 referenced therein and shall be made available electronically at
13 least forty-eight (48) hours prior to any vote thereon to the public
14 and the members of the committee or house of the Legislature taking
15 such vote.

16 E. A proposed permanent rule shall be deemed finally adopted
17 if:

18 1. Approved by the Legislature pursuant to Section ~~6~~ 308.3 of
19 this ~~act~~ title, provided that any such joint resolution becomes law
20 in accordance with Section 11 of Article VI of the Oklahoma
21 Constitution;

22 2. Approved by the Governor pursuant to subsection D of Section
23 ~~6~~ 308.3 of this ~~act~~ title;

24

1 3. Approved by a joint resolution pursuant to subsection B of
2 this section, provided that any such resolution becomes law in
3 accordance with Section 11 of Article VI of the Oklahoma
4 Constitution; or

5 4. Disapproved by a joint resolution pursuant to subsection B
6 of this section or Section ~~6~~ 308.3 of this ~~act~~ title which has been
7 vetoed by the Governor in accordance with Section 11 of Article VI
8 of the Oklahoma Constitution and the veto has not been overridden.

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

14 G. An agency may promulgate an emergency rule only pursuant to
15 Section 253 of this title.

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

20 SECTION 2. AMENDATORY Section 6, Chapter 357, O.S.L.
21 2013 (75 O.S. Supp. 2013, Section 308.3), is amended to read as
22 follows:

23 Section 308.3 A. The Legislature shall have an omnibus joint
24 resolution prepared for consideration each session.

1 B. The joint resolution shall be substantially in the following
2 form: "All proposed permanent rules of Oklahoma state agencies
3 filed on or before April 1 are hereby approved except for the
4 following:". Any such resolution shall include or have attached
5 thereto or made available electronically the text of any and all
6 rules referenced therein and shall be made available electronically
7 at least forty-eight (48) hours prior to any vote thereon to the
8 public and the members of the committee or house of the Legislature
9 taking such vote.

10 C. For the purpose of this section, a proposed permanent rule
11 may be disapproved, in whole or in part, in the omnibus joint
12 resolution considered by the Legislature.

13 D. 1. If an agency believes that a rule has not been approved
14 by the Legislature pursuant to this section and should be approved
15 and finally adopted, the agency may seek the Governor's declaration
16 approving the rule.

17 2. In seeking the approval of a proposed permanent rule, the
18 agency shall submit a petition to the Governor that affirmatively
19 states:

20 a. the rule is necessary, and
21 b. a citation to the source of its authority to make the
22 rule.

23 3. a. If the Governor finds that the necessity does exist,
24 and that the agency has the authority to make the

1 rule, the Governor may declare the rule to be approved
2 and finally adopted by publishing that declaration in
3 "The Oklahoma Register" on or before July 17 of that
4 year.

5 b. The declaration shall set forth the rule to be
6 approved, the reasons the approval is necessary, and a
7 citation to the source of the agency's authority to
8 make the rule.

9 4. If the omnibus joint resolution fails to pass both houses of
10 the Legislature and be signed by the Governor or is found by the
11 Governor to have a technical legal defect preventing approval of
12 administrative rules intended to be approved by the Legislature, the
13 Governor may declare all rules to be approved and finally adopted by
14 publishing a single declaration in "The Oklahoma Register" on or
15 before July 17 without meeting requirements of paragraphs 2 and 3 of
16 this subsection. If the Governor finds that the joint resolution
17 has a technical legal defect, the Governor shall make the finding in
18 writing and submit the finding to the Legislature.

19 SECTION 3. This act shall become effective November 1, 2014.
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21 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, GOVERNMENT
22 OVERSIGHT AND REPEALER, dated 04/10/2014 - DO PASS, As Amended.
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