

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 912

By: Loveless of the Senate

and

6 Faught of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Administrative Procedures Act;  
11 amending 75 O.S. 2011, Sections 251 and 303.1, which  
12 relate to administrative rules; requiring rules filed  
13 with Secretary of State, Governor, President Pro  
14 Tempore of the Senate and Speaker of the House of  
15 Representatives to include statement of the gist of  
the rule; and providing an effective date.

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

17 SECTION 1. AMENDATORY 75 O.S. 2011, Section 251, is  
18 amended to read as follows:

19 Section 251. A. 1. Upon the request of the Secretary, each  
20 agency shall furnish to the Office a complete set of its permanent  
21 rules in such form as is required by the Secretary or as otherwise  
22 provided by law.

23 2. The Secretary shall promulgate rules to ensure the effective  
24 administration of the provisions of Article I of the Administrative

1 Procedures Act. The rules shall include, but are not limited to,  
2 rules prescribing paper size, numbering system, and the format of  
3 documents required to be filed pursuant to the provisions of the  
4 Administrative Procedures Act or such other requirements as deemed  
5 necessary by the Secretary to implement the provisions of the  
6 Administrative Procedures Act.

7 B. 1. Each agency shall file the number of copies specified by  
8 the Secretary of all new rules, and all amendments, revisions or  
9 revocations of existing rules attested to by the agency, pursuant to  
10 the provisions of Section 254 of this title, with the Office within  
11 thirty (30) calendar days after they become finally adopted.

12 2. An agency filing rules pursuant to the provisions of this  
13 subsection:

14 a. shall prepare the rules in plain language which can be  
15 easily understood,

16 b. shall not unnecessarily repeat statutory language.

17 Whenever it is necessary to refer to statutory  
18 language in order to effectively convey the meaning of  
19 a rule interpreting that language, the reference shall  
20 clearly indicate the portion of the language which is  
21 statutory and the portion which is the agency's  
22 amplification or interpretation of that language,

23 c. shall indicate whether a rule is new, amends an  
24 existing permanent rule or repeals an existing

1 permanent rule. If a rule amends an existing rule,  
2 the rule shall indicate the language to be deleted  
3 typed with a line through the language and language to  
4 be inserted typed with the new language underscored,  
5 d. shall state if the rule supersedes an existing  
6 emergency rule,  
7 e. shall include a reference to any rule requiring a new  
8 or revised form in a note to the rule. The Secretary  
9 shall insert that reference in "The Oklahoma Register"  
10 as a notation to the affected rule,  
11 f. shall prepare, in plain language, a statement of the  
12 gist of the rule and an analysis of new or amended  
13 rules. The analysis shall include but not be limited  
14 to a reference to any statute that the rule  
15 interprets, any related statute or any related rule,  
16 g. may include with its rules, brief notes,  
17 illustrations, findings of facts, and references to  
18 digests of Supreme Court cases, other court decisions,  
19 or Attorney General's opinions, and other explanatory  
20 material. Such material may be included if the  
21 material is labeled or set forth in a manner which  
22 clearly distinguishes it from the rules,  
23 h. shall include other information, in such form and in  
24 such manner as is required by the Secretary, and

1           i.    may change the format of existing rules without any  
2                    rulemaking action by the agency in order to comply  
3                    with the standard provisions established by the  
4                    Secretary for "Code" and "The Oklahoma Register"  
5                    publication so long as there is no substantive change  
6                    to the rule.

7           C.    The Secretary is authorized to determine a numbering system  
8                    and other standardized format for documents to be filed and may  
9                    refuse to accept for publication any document that does not  
10                   substantially conform to the promulgated rules of the Secretary.

11           D.    In order to avoid unnecessary expense, an agency may use the  
12                   published standards established by organizations and technical  
13                   societies of recognized national standing, other state agencies, or  
14                   federal agencies by incorporating the standards or rules in its  
15                   rules or regulations by reference to the specific issue or issues of  
16                   publications in which the standards are published, without  
17                   reproducing the standards in full. The standards shall be readily  
18                   available to the public for examination at the administrative  
19                   offices of the agency. In addition, a copy of such standards shall  
20                   be kept and maintained by the agency pursuant to the provisions of  
21                   the Preservation of Essential Records Act.

22           E.    The Secretary shall provide for the publication of all  
23                   Executive Orders received pursuant to the provisions of Section 664  
24                   of Title 74 of the Oklahoma Statutes.

1 F. The Secretary may authorize or require the filing of rules  
2 or Executive Orders by or through electronic data or machine  
3 readable equipment in such form and manner as is required by the  
4 Secretary.

5 SECTION 2. AMENDATORY 75 O.S. 2011, Section 303.1, is  
6 amended to read as follows:

7 Section 303.1 A. Within ten (10) days after adoption of a  
8 permanent rule, the agency shall file two copies of the following  
9 with the Governor, the Speaker of the House of Representatives and  
10 the President Pro Tempore of the Senate: all such new rules or  
11 amendments; revisions or revocations to an existing rule proposed by  
12 an agency; and the agency rule report as required by subsection E of  
13 this section.

14 B. If the agency determines in the rule impact statement  
15 prepared as part of the agency rule report that the proposed rule  
16 will have an economic impact on any political subdivisions or  
17 require their cooperation in implementing or enforcing a proposed  
18 permanent rule, a copy of the proposed rule and rule report shall be  
19 filed within ten (10) days after adoption of the permanent rule with  
20 the Oklahoma Advisory Committee on Intergovernmental Relations for  
21 its review. Said Committee may communicate any recommendations that  
22 it may deem necessary to the Governor, the Speaker of the House of  
23 Representatives and President Pro Tempore of the Senate during the  
24 period that the permanent rules are being reviewed.

1 C. When the rules have been submitted to the Governor, the  
2 Speaker of the House of Representatives and the President Pro  
3 Tempore of the Senate, the agency shall also submit to the Office of  
4 Administrative Rules for publication in "The Oklahoma Register", a  
5 statement that the adopted rules have been submitted to the Governor  
6 and the Legislature.

7 D. The text of the adopted rules shall be submitted to the  
8 Governor, the Speaker of the House of Representatives and the  
9 President Pro Tempore of the Senate in the same format as required  
10 by the Secretary pursuant to Section 251 of this title.

11 E. The report required by subsection A of this section shall  
12 include:

13 1. The date the notice of the intended rulemaking action was  
14 published in "The Oklahoma Register" pursuant to Section 255 of this  
15 title;

16 2. The name and address of the agency;

17 3. The title and number of the rule;

18 4. A citation to the statutory authority for the rule;

19 5. The citation to any federal or state law, court ruling, or  
20 any other authority requiring the rule;

21 6. A statement of the gist of the rule and a brief summary of  
22 the content of the adopted rule;

23 7. A statement explaining the need for the adopted rule;

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1 8. The date and location of the meeting, if held, at which such  
2 rules were adopted or the date and location when the rules were  
3 adopted if the rulemaking agency is not required to hold a meeting  
4 to adopt rules;

5 9. A summary of the comments and explanation of changes or lack  
6 of any change made in the adopted rules as a result of testimony  
7 received at all hearings or meetings held or sponsored by an agency  
8 for the purpose of providing the public an opportunity to comment on  
9 the rules or of any written comments received prior to the adoption  
10 of the rule. The summary shall include all comments received about  
11 the cost impact of the proposed rules;

12 10. A list of persons or organizations who appeared or  
13 registered for or against the adopted rule at any public hearing  
14 held by the agency or those who have commented in writing before or  
15 after the hearing;

16 11. A rule impact statement if required pursuant to Section 303  
17 of this title;

18 12. An incorporation by reference statement if the rule  
19 incorporates a set of rules from a body outside the state, such as a  
20 national code;

21 13. The members of the governing board of the agency adopting  
22 the rules and the recorded vote of each member;  
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1 14. The proposed effective date of the rules, if an effective  
2 date is required pursuant to paragraph 1 of subsection B of Section  
3 304 of this title; and

4 15. Any other information requested by the Governor, the  
5 Speaker of the House of Representatives, the President Pro Tempore  
6 of the Senate or either rule review committee.

7 SECTION 3. This act shall become effective November 1, 2016.  
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