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February 15, 2016

AS AMENDED

SENATE BILL NO. 912

By: Loveless

[Administrative Procedures Act - rules - gist - effective date]

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

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

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

2. The Secretary shall promulgate rules to ensure the effective administration of the provisions of Article I of the Administrative Procedures Act. The rules shall include, but are not limited to, rules prescribing paper size, numbering system, and the format of documents required to be filed pursuant to the provisions of the Administrative Procedures Act or such other requirements as deemed necessary by the Secretary to implement the provisions of the Administrative Procedures Act.

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

6 2. An agency filing rules pursuant to the provisions of this
7 subsection:

8 a. shall prepare the rules in plain language which can be
9 easily understood,

10 b. shall not unnecessarily repeat statutory language.

11 Whenever it is necessary to refer to statutory
12 language in order to effectively convey the meaning of
13 a rule interpreting that language, the reference shall
14 clearly indicate the portion of the language which is
15 statutory and the portion which is the agency's
16 amplification or interpretation of that language,

17 c. shall indicate whether a rule is new, amends an
18 existing permanent rule or repeals an existing
19 permanent rule. If a rule amends an existing rule,
20 the rule shall indicate the language to be deleted
21 typed with a line through the language and language to
22 be inserted typed with the new language underscored,

23 d. shall state if the rule supersedes an existing
24 emergency rule,

- 1 e. shall include a reference to any rule requiring a new
2 or revised form in a note to the rule. The Secretary
3 shall insert that reference in "The Oklahoma Register"
4 as a notation to the affected rule,
- 5 f. shall prepare, in plain language, a statement of the
6 gist of the rule and an analysis of new or amended
7 rules. The analysis shall include but not be limited
8 to a reference to any statute that the rule
9 interprets, any related statute or any related rule,
- 10 g. may include with its rules, brief notes,
11 illustrations, findings of facts, and references to
12 digests of Supreme Court cases, other court decisions,
13 or Attorney General's opinions, and other explanatory
14 material. Such material may be included if the
15 material is labeled or set forth in a manner which
16 clearly distinguishes it from the rules,
- 17 h. shall include other information, in such form and in
18 such manner as is required by the Secretary, and
- 19 i. may change the format of existing rules without any
20 rulemaking action by the agency in order to comply
21 with the standard provisions established by the
22 Secretary for "Code" and "The Oklahoma Register"
23 publication so long as there is no substantive change
24 to the rule.

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

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

16 E. The Secretary shall provide for the publication of all
17 Executive Orders received pursuant to the provisions of Section 664
18 of Title 74 of the Oklahoma Statutes.

19 F. The Secretary may authorize or require the filing of rules
20 or Executive Orders by or through electronic data or machine
21 readable equipment in such form and manner as is required by the
22 Secretary.

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

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

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

19 C. When the rules have been submitted to the Governor, the
20 Speaker of the House of Representatives and the President Pro
21 Tempore of the Senate, the agency shall also submit to the Office of
22 Administrative Rules for publication in "The Oklahoma Register", a
23 statement that the adopted rules have been submitted to the Governor
24 and the Legislature.

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

5 E. The report required by subsection A of this section shall
6 include:

7 1. The date the notice of the intended rulemaking action was
8 published in "The Oklahoma Register" pursuant to Section 255 of this
9 title;

10 2. The name and address of the agency;

11 3. The title and number of the rule;

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

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

15 6. A statement of the gist of the rule and a brief summary of
16 the content of the adopted rule;

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

18 8. The date and location of the meeting, if held, at which such
19 rules were adopted or the date and location when the rules were
20 adopted if the rulemaking agency is not required to hold a meeting
21 to adopt rules;

22 9. A summary of the comments and explanation of changes or lack
23 of any change made in the adopted rules as a result of testimony
24 received at all hearings or meetings held or sponsored by an agency

1 for the purpose of providing the public an opportunity to comment on
2 the rules or of any written comments received prior to the adoption
3 of the rule. The summary shall include all comments received about
4 the cost impact of the proposed rules;

5 10. A list of persons or organizations who appeared or
6 registered for or against the adopted rule at any public hearing
7 held by the agency or those who have commented in writing before or
8 after the hearing;

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

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

14 13. The members of the governing board of the agency adopting
15 the rules and the recorded vote of each member;

16 14. The proposed effective date of the rules, if an effective
17 date is required pursuant to paragraph 1 of subsection B of Section
18 304 of this title; and

19 15. Any other information requested by the Governor, the
20 Speaker of the House of Representatives, the President Pro Tempore
21 of the Senate or either rule review committee.

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

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
24 February 15, 2016 - DO PASS AS AMENDED