

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1368

By: Sykes

AS INTRODUCED

An Act relating to administrative rules; amending 75 O.S. 2011, Section 308, as amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2017, Section 308), which relates to legislative review of proposed rules; modifying procedures for legislative approval or disapproval of agency rules; and providing an effective date.

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

SECTION 1. AMENDATORY 75 O.S. 2011, Section 308, as amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2017, 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 Senate shall assign such rules to the appropriate committees of each house of the Legislature for review. Except as otherwise provided by this section:

~~1. If upon receipt of such rules are received on or before April 1, the Legislature shall have until the last day of the~~

1 ~~regular~~ thirty (30) legislative ~~session of that year~~ days to review
2 such rules; ~~and~~

3 ~~2. If such rules are received after April 1, the Legislature~~
4 ~~shall have until the last day of the regular legislative session of~~
5 ~~the next year to review such rules.~~

6 B. By the adoption of a joint resolution ~~during the review~~
7 ~~period specified in subsection A of this section,~~ the Legislature
8 may disapprove ~~or approve~~ any rule, waive the thirty-legislative-day
9 review period and approve any rule which has been submitted for
10 review, or otherwise approve any rule.

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

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

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

1 regardless of the approval of the Governor of
2 such rule.

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

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

20 D. Unless otherwise provided by specific vote of the
21 Legislature, ~~joint~~ resolutions introduced for purposes of
22 disapproving or approving a rule ~~or the omnibus joint resolution~~
23 ~~described in Section 6 of this act~~ shall not be subject to regular
24 legislative cutoff dates, shall be limited to such provisions as may

1 be necessary for disapproval or approval of a rule, and any such
2 other direction or mandate regarding the rule deemed necessary by
3 the Legislature. The resolution shall contain no other provisions.

4 E. ~~A proposed permanent rule shall be deemed finally adopted~~
5 ~~if:~~

6 ~~1. Approved by the Legislature pursuant to Section 6 of this~~
7 ~~act, provided that any such joint resolution becomes law in~~
8 ~~accordance with Section 11 of Article VI of the Oklahoma~~
9 ~~Constitution;~~

10 ~~2. Approved by the Governor pursuant to subsection D of Section~~
11 ~~6 of this act;~~

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

16 ~~4. Disapproved by a joint resolution pursuant to subsection B~~
17 ~~of this section or Section 6 of this act which has been vetoed by~~
18 ~~the Governor in accordance with Section 11 of Article VI of the~~
19 ~~Oklahoma Constitution and the veto has not been overridden~~ Except as
20 provided by subsection F of this section, transmission of a rule for
21 legislative review on or before April 1 of each year shall result in
22 the approval of such rule by the Legislature if:

23 1. a. The Legislature is in regular session and has failed
24 to disapprove such rule within thirty (30) legislative

1 days after such rule has been submitted pursuant to
2 Section 303.1 of this title, or

3 b. The Legislature has adjourned before the expiration of
4 the thirty (30) legislative days of submission of such
5 rules, and has failed to disapprove such rule.

6 2. After April 1 of each year, transmission of a rule for
7 legislative review shall result in the approval of such rule by the
8 Legislature only if the Legislature is in regular session and has
9 failed to disapprove such rule within thirty (30) legislative days
10 after such rule has been so transmitted. In the event the
11 Legislature adjourns before the expiration of such thirty (30)
12 legislative days, such rule shall carry over for consideration by
13 the Legislature during the next regular session and shall be
14 considered to have been originally transmitted to the Legislature on
15 the first day of the next regular session for review pursuant to
16 this section. As an alternative, an agency may request direct
17 legislative approval of such rules or waiver of the thirty-
18 legislative-day review provided by subsection B of this section. An
19 agency may also adopt emergency rules under the provisions of
20 Section 253 of this title.

21 F. Any rule which establishes or increases fees or any rule by
22 an agency, board, or commission created by or that receive its
23 authority from Title 59 of the Oklahoma Statutes shall require
24 approval by the Legislature by joint resolution. If the Legislature

1 fails to approve the rule on or before the last day of the
2 legislative session, the rule shall be deemed disapproved.

3 G. Prior to final adoption of a rule, an agency may withdraw a
4 rule from legislative review. Notice of such withdrawal shall be
5 given to the Governor, the Speaker of the House of Representatives,
6 the President Pro Tempore of the Senate, and to the Secretary for
7 publication in "The Oklahoma Register".

8 ~~G.~~ H. Except as otherwise provided by Sections 253, 250.4 and
9 250.6 of this title or as otherwise specifically provided by the
10 Legislature, no agency shall promulgate any rule unless reviewed by
11 the Legislature pursuant to this section. An agency may promulgate
12 an emergency rule only pursuant to Section 253 of this title.

13 ~~H.~~ I. Any rights, privileges, or interests gained by any person
14 by operation of an emergency rule, shall not be affected by reason
15 of any subsequent disapproval or rejection of such rule by either
16 house of the Legislature.

17 SECTION 2. This act shall become effective November 1, 2018.

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