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BILL NO. 913

By: Daniels, Bullard, Hamilton
and Bergstrom of the Senate

and

O'Donnell, Gann, Crosswhite
Hader and **Stearman** of the
House

An Act relating to administrative rules; amending 75 O.S. 2011, Sections 250.2, as amended by Section 1, Chapter 357, O.S.L. 2013, 250.3, as amended by Section 2, Chapter 357, O.S.L. 2013, 250.4a, 250.6, 250.10, as amended by Section 49, Chapter 227, O.S.L. 2013, 251, as last amended by Section 215, Chapter 408, O.S.L. 2019, 253, as amended by Section 3, Chapter 357, O.S.L. 2013, 303, as amended by Section 50, Chapter 227, O.S.L. 2013, 303.1, as amended by Section 2, Chapter 252, O.S.L. 2016, 305, 307.1, 308, as amended by Section 4, Chapter 357, O.S.L. 2013, Section 6, Chapter 357, O.S.L. 2013, (75 O.S. Supp. 2020, Sections 250.2, 250.3, 250.10, 251, 253, 303, 303.1, 308 and 308.3), which relate to the Administrative Procedure Act; clarifying authority to modify certain administrative rules; adding certain definitions; deleting certain rule approval procedure; providing for posting certain information on a website; deleting obsolete language; modifying number of days for certain responses; providing for publication on website; providing procedure for certain committee to suspend an agency emergency rule; adding certain persons to receive certain information; establishing procedures for disapproval of agency rule by Governor or cabinet secretary; clarifying inclusion of certain information; requiring certain notarized statement; authorizing certain committee to disapprove certain rules under certain circumstances; creating expedited rule repeal

1 process; providing procedures for agencies for
2 certain request; specifying criteria for
3 qualification; requiring certain notice; allowing for
4 comment period; providing for certain hearings and
5 votes; prohibiting certain agency requests by certain
6 date; adding certain persons to receive certain
7 information; conforming language; modifying method
8 for agencies to initiate rule making proceedings;
9 creating a Joint Committee on Administrative Rules;
10 providing for membership; providing for selection of
11 co-chairs; providing for meeting schedule; stating
12 requirement of a quorum; providing purpose of the
13 committee; providing for voting requirements;
14 clarifying certain powers; adding entity to receive
15 certain rules; providing for recommendations of
16 certain rules; modifying type of legislative vehicle
17 for procedure; deleting certain approval procedure;
18 updating statutory language; providing for
19 codification; and providing an effective date.

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

21 SECTION 1. AMENDATORY 75 O.S. 2011, Section 250.2, as
22 amended by Section 1, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,
23 Section 250.2), is amended to read as follows:

24 Section 250.2. A. Article V of the Oklahoma Constitution vests
in the Legislature the power to make laws, and thereby to establish
agencies and to designate agency functions, budgets and purposes.
Article VI of the Oklahoma Constitution charges the Executive Branch
of Government with the responsibility to implement all measures
enacted by the Legislature.

B. In creating agencies and designating their functions and
purposes, the Legislature may delegate rulemaking authority to

1 executive branch agencies to facilitate administration of
2 legislative policy. The delegation of rulemaking authority is
3 intended to eliminate the necessity of establishing every
4 administrative aspect of general public policy by legislation. In
5 so doing, however, the Legislature reserves to itself:

6 1. The right to retract any delegation of rulemaking authority
7 unless otherwise precluded by the Oklahoma Constitution;

8 2. The right to establish any aspect of general policy by
9 legislation, notwithstanding any delegation of rulemaking authority;

10 3. The right and responsibility to designate the method for
11 rule promulgation, review, repeal and modification;

12 4. The right to approve or disapprove or repeal any adopted
13 rule by joint resolution; and

14 5. The right to disapprove a proposed permanent, promulgated or
15 emergency rule at any time if the Legislature determines such rule
16 to be an imminent harm to the health, safety or welfare of the
17 public or the state or if the Legislature determines that a rule is
18 not consistent with legislative intent.

19 SECTION 2. AMENDATORY 75 O.S. 2011, Section 250.3, as
20 amended by Section 2, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,
21 Section 250.3), is amended to read as follows:

22 Section 250.3. As used in the Administrative Procedures Act:

23 1. "Administrative head" means an official or agency body
24 responsible pursuant to law for issuing final agency orders;

1 2. "Adopted" means a proposed emergency rule which has been
2 approved by the agency but has not been approved or disapproved by
3 the Governor as an emergency rule as provided by Section 253 of this
4 title, or a proposed permanent rule which has been approved by the
5 agency and not disapproved by the Governor pursuant to paragraph 6
6 of subsection A of Section 303 of this title, but has not been
7 finally approved or disapproved by the Legislature or ~~by declaration~~
8 ~~of the Governor as provided by subsection D of Section 6 of this~~
9 ~~act~~;

10 3. "Agency" includes but is not limited to any constitutionally
11 or statutorily created state board, bureau, commission, office,
12 authority, public trust in which the state is a beneficiary, or
13 interstate commission, except:

- 14 a. the Legislature or any branch, committee or officer
15 thereof, and
16 b. the courts;

17 4. "Concurrent majority" means a majority of members on the
18 Joint Committee on Administrative Rules from both the Oklahoma
19 Senate and the Oklahoma House of Representatives;

20 5. "Emergency rule" means a rule that is made pursuant to
21 Section 253 of this title;

22 ~~5.~~ 6. "Expedited repeal" means the procedure utilized by a
23 rule-making agency as specified in Section 9 of this act;
24

1 7. "Final rule" or "finally adopted rule" means a rule other
2 than an emergency rule, which has not been published pursuant to
3 Section 255 of this title but is otherwise in compliance with the
4 requirements of the Administrative Procedures Act, and is:

- 5 a. approved by the Legislature pursuant to Section ~~6~~
6 308.3 of this ~~act~~ title, provided that any such joint
7 resolution becomes law in accordance with Section 11
8 of Article VI of the Oklahoma Constitution,
- 9 b. approved by the Governor pursuant to subsection ~~D~~ C of
10 Section ~~6~~ 308.3 of this ~~act~~ title,
- 11 c. approved by a joint resolution pursuant to subsection
12 B of Section 308 of this title, provided that any such
13 resolution becomes law in accordance with Section 11
14 of Article VI of the Oklahoma Constitution, or
- 15 d. disapproved by a joint resolution pursuant to
16 subsection B of Section 308 of this title or Section ~~6~~
17 308.3 of this ~~act~~ title, which has been vetoed by the
18 Governor in accordance with Section 11 of Article VI
19 of the Oklahoma Constitution and the veto has not been
20 overridden;

21 ~~6- 8.~~ 8. "Final agency order" means an order that includes
22 findings of fact and conclusions of law pursuant to Section 312 of
23 this title, is dispositive of an individual proceeding unless there
24 is a request for rehearing, reopening, or reconsideration pursuant

1 to Section 317 of this title and which is subject to judicial
2 review;

3 ~~7.~~ 9. "Hearing examiner" means a person meeting the
4 qualifications specified by Article II of the Administrative
5 Procedures Act and who has been duly appointed by an agency to hold
6 hearings and, as required, render orders or proposed orders;

7 ~~8.~~ 10. "Individual proceeding" means the formal process
8 employed by an agency having jurisdiction by law to resolve issues
9 of law or fact between parties and which results in the exercise of
10 discretion of a judicial nature;

11 ~~9.~~ 11. "License" includes the whole or part of any agency
12 permit, certificate, approval, registration, charter, or similar
13 form of permission required by law;

14 ~~10.~~ 12. "Office" means the Office of the Secretary of State;

15 ~~11.~~ 13. "Order" means all or part of a formal or official
16 decision made by an agency including but not limited to final agency
17 orders;

18 ~~12.~~ 14. "Party" means a person or agency named and
19 participating, or properly seeking and entitled by law to
20 participate, in an individual proceeding;

21 ~~13.~~ 15. "Permanent rule" means a rule that is made pursuant to
22 Section 303 of this title;

1 ~~14.~~ 16. "Person" means any individual, partnership,
2 corporation, association, governmental subdivision, or public or
3 private organization of any character other than an agency;

4 ~~15.~~ 17. "Political subdivision" means a county, city,
5 incorporated town or school district within this state;

6 ~~16.~~ 18. "Promulgated" means a finally adopted rule which has
7 been filed and published in accordance with the provisions of the
8 Administrative Procedures Act, or an emergency rule or preemptive
9 rule which has been approved by the Governor;

10 ~~17.~~ 19. "Rule" means any agency statement or group of related
11 statements of general applicability and future effect that
12 implements, interprets or prescribes law or policy, or describes the
13 procedure or practice requirements of the agency. The term "rule"
14 includes the amendment or revocation of an effective rule but does
15 not include:

- 16 a. the issuance, renewal, denial, suspension or
17 revocation or other sanction of an individual specific
18 license,
19 b. the approval, disapproval or prescription of rates.
20 For purposes of this subparagraph, the term "rates"
21 shall not include fees or charges fixed by an agency
22 for services provided by that agency including but not
23 limited to fees charged for licensing, permitting,
24 inspections or publications,

- 1 c. statements and memoranda concerning only the internal
2 management of an agency and not affecting private
3 rights or procedures available to the public,
4 d. declaratory rulings issued pursuant to Section 307 of
5 this title,
6 e. orders by an agency, or
7 f. press releases or "agency news releases", provided
8 such releases are not for the purpose of interpreting,
9 implementing or prescribing law or agency policy;

10 ~~18.~~ 20. "Rulemaking" means the process employed by an agency
11 for the formulation of a rule; ~~and~~

12 ~~19.~~ 21. "Secretary" means the Secretary of State;

13 22. "Small business" means a for-profit enterprise consisting
14 of fifty or fewer full-time or part-time employees; and

15 23. "Technical legal defect" means an error that would
16 otherwise invalidate an action by a court of law.

17 SECTION 3. AMENDATORY 75 O.S. 2011, Section 250.4a, is
18 amended to read as follows:

19 Section 250.4a. ~~A.~~ Any agency exempt from all or part of the
20 Administrative Procedures Act pursuant to subsection A of Section
21 250.4 of this title shall maintain and make available for public
22 inspection its exempt rules at its principal place of business and
23 on any website associated with the agency.

1 ~~B. It is recognized by the Oklahoma Legislature that agencies~~
2 ~~specified by subsection A of this section have published rules~~
3 ~~containing obsolete rules or internal policy statements or agency~~
4 ~~statements which do not meet the Administrative Procedures Act~~
5 ~~definition of rules. Therefore, by December 31, 2005, each such~~
6 ~~agency shall conduct an internal review of its rules to determine~~
7 ~~whether each of its rules is current and is a rule as such term is~~
8 ~~defined by the Administrative Procedures Act. Any rule determined~~
9 ~~by an agency to be obsolete or an internal policy statement or any~~
10 ~~agency statement which does not meet the definition of a rule~~
11 ~~pursuant to the Administrative Procedures Act shall be deleted by~~
12 ~~the agency. Notice of such deletion shall be submitted to the~~
13 ~~Speaker of the House of Representatives, the President Pro Tempore~~
14 ~~of the Senate and the Governor for informational purposes.~~

15 ~~C. The provisions of this section shall not be construed to~~
16 ~~authorize any agency to amend any rule or to delete any rule which~~
17 ~~affects any private rights or procedures available to the public.~~

18 SECTION 4. AMENDATORY 75 O.S. 2011, Section 250.6, is
19 amended to read as follows:

20 Section 250.6. A. 1. The Commission for Human Services may
21 promulgate a preemptive rule pursuant to the provisions of this
22 section:

- 23 a. when the Commission for Human Services is required by
24 federal law, federal rules, a state law enacted

1 pursuant to federal law or federal rule, or order of a
2 court of competent jurisdiction to adopt a rule, or an
3 amendment, revision or revocation of an existing rule,
4 and

5 b. which if such rule is not immediately adopted would
6 result in the imposition of a financial penalty, or a
7 reduction, withholding or loss of federal funds.

8 2. A preemptive rule must be approved by the Governor pursuant
9 to this section.

10 3. The website of the Commission shall provide a link to the
11 website of the Secretary of State where the preemptive rules of the
12 Commission are published.

13 4. The conditions specified in this subsection for the
14 promulgation of a preemptive rule shall be the only conditions
15 authorized for promulgation of such rule by the Commission for Human
16 Services.

17 B. 1. Upon the adoption of such preemptive rule by the
18 Commission, the Director of the Department of Human Services shall
19 request the Governor to approve the rules on the basis that such
20 rules are required to comply with a federal law, federal rule, a
21 state law enacted pursuant to federal law or rule, or order of a
22 court of competent jurisdiction and which if such rules are not
23 immediately adopted would result in a financial penalty, or a
24 reduction, withholding or loss of federal funds.

1 2. Upon the filing of the request for approval of a preemptive
2 rule, the Governor shall review such rule and decide as to whether
3 such rule should be approved. Prior to approval of a preemptive
4 rule, the Governor shall submit the preemptive rule to the Office of
5 the Secretary of State for review of proper formatting unless the
6 preemptive rule has been reviewed by the Office prior to agency
7 submission to the Governor. Failure of the Governor to approve such
8 rule within twenty-eight (28) calendar days shall constitute denial
9 of the rule as a preemptive rule.

10 3. Upon approval of a preemptive rule, the Governor shall
11 immediately notify the Commission. Upon receipt of notice of the
12 approval of the preemptive rule, the Commission shall file the
13 number of copies specified by the Secretary of the approval issued
14 by the Governor and the number of copies specified by the Secretary
15 of the preemptive rule with the Office pursuant to Section 251 of
16 this title.

17 4. The preemptive rule shall be published in accordance with
18 the provisions of Section 255 of this title in "The Oklahoma
19 Register" following approval by the Governor. The Governor's
20 approval and the approved rules shall be retained as official
21 records by the Office of Administrative Rules.

22 5. For informational purposes only, a copy of the Governor's
23 approval and the preemptive rule shall be submitted by the
24 Commission to the Speaker of the House of Representatives and the

1 President Pro Tempore of the Senate within ten (10) days of the
2 approval of the preemptive rule by the Governor.

3 6. Upon approval by the Governor, the rule shall be considered
4 promulgated and shall be in force immediately, or if a later date is
5 required by statute or specified in the rule, the later date is the
6 effective date.

7 C. A preemptive rule shall be considered to be a permanent rule
8 and shall remain in full force and effect unless and until
9 specifically disapproved during the first thirty (30) legislative
10 days of the next regular legislative session following promulgation
11 of such preemptive rule or unless an earlier expiration date is
12 specified by the Commission. The Legislature may disapprove such
13 rule pursuant to Section 308 of this title. Any resolution
14 introduced for the purpose of disapproving such rule shall not be
15 subject to regular legislative cut off dates.

16 D. Except as otherwise provided by this section, preemptive
17 rules shall be promulgated and published in compliance with Article
18 I of the Administrative Procedures Act. Preemptive rules
19 promulgated pursuant to the provisions of this section shall be
20 exempt from the provisions of Sections 253, 303, 303.1, 303.2, 304,
21 308 and 308.1 of this title.

22 SECTION 5. AMENDATORY 75 O.S. 2011, Section 250.10, as
23 amended by Section 49, Chapter 227, O.S.L. 2013 (75 O.S. Supp. 2020,
24 Section 250.10), is amended to read as follows:

1 Section 250.10. The Governor by Executive Order or either house
2 of the Legislature or both houses of the Legislature by resolution,
3 or a small business, may request an agency to review its rules to
4 determine whether or not the rules in question should be amended,
5 repealed or redrafted. The agency shall respond to requests from
6 the Governor or the Legislature within ~~ninety (90)~~ thirty (30)
7 calendar days of such request. The agency shall respond to requests
8 made by a small business within ninety (90) calendar days.

9 SECTION 6. AMENDATORY 75 O.S. 2011, Section 251, as last
10 amended by Section 215, Chapter 408, O.S.L. 2019 (75 O.S. Supp.
11 2020, Section 251), is amended to read as follows:

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

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

1 3. The website of each agency shall provide a link to the
2 website of the Secretary of State where the rules of the agency are
3 published.

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

9 2. An agency filing rules pursuant to the provisions of this
10 subsection:

11 a. shall prepare the rules in plain language which can be
12 easily understood,

13 b. shall not unnecessarily repeat statutory language.
14 Whenever it is necessary to refer to statutory
15 language in order to effectively convey the meaning of
16 a rule interpreting that language, the reference shall
17 clearly indicate the portion of the language which is
18 statutory and the portion which is the agency's
19 amplification or interpretation of that language,

20 c. shall indicate whether a rule is new, amends an
21 existing permanent rule or repeals an existing
22 permanent rule. If a rule amends an existing rule,
23 the rule shall indicate the language to be deleted
24

- 1 typed with a line through the language and language to
2 be inserted typed with the new language underscored,
- 3 d. shall state if the rule supersedes an existing
4 emergency rule,
- 5 e. shall include a reference to any rule requiring a new
6 or revised form in a note to the rule. The Secretary
7 shall insert that reference in "The Oklahoma Register"
8 as a notation to the affected rule,
- 9 f. shall prepare, in plain language, a statement of the
10 gist of the rule and an analysis of new or amended
11 rules. The analysis shall include but not be limited
12 to a reference to any statute that the rule
13 interprets, any related statute or any related rule,
- 14 g. may include with its rules, brief notes,
15 illustrations, findings of facts, and references to
16 digests of Supreme Court cases, other court decisions,
17 or Attorney General's opinions, and other explanatory
18 material. Such material may be included if the
19 material is labeled or set forth in a manner which
20 clearly distinguishes it from the rules,
- 21 h. shall include other information, in such form and in
22 such manner as is required by the Secretary, and
- 23 i. may change the format of existing rules without any
24 rulemaking action by the agency in order to comply

1 with the standard provisions established by the
2 Secretary for "Code" and "The Oklahoma Register"
3 publication so long as there is no substantive change
4 to the rule.

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

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

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

23 F. The Secretary may authorize or require the filing of rules
24 or Executive Orders by or through electronic data or machine

1 readable equipment in such form and manner as is required by the
2 Secretary.

3 G. In consultation with the Adjutant General, the Secretary
4 shall establish a method for the publication and archiving of all
5 military publications received by the Secretary of State from the
6 Adjutant General pursuant to the Oklahoma Uniform Code of Military
7 Justice and the Oklahoma State Guard Act. Military publications
8 shall be defined in accordance with Section 801 of Title 44 of the
9 Oklahoma Statutes. The Secretary may also authorize or require the
10 filing of military publications by or through electronic means in
11 such form and manner as is required by the Secretary. This
12 subsection shall only apply to military publications promulgated
13 after October 1, 2019.

14 H. On or before October 1, 2021, the Secretary shall commence
15 publication of all military publications provided by the Adjutant
16 General. On a biennial basis thereafter, the Secretary shall cause
17 the military publications received in the course of the previous two
18 (2) years to be published in a printed and bound format suitable for
19 physical archiving in sufficient numbers to satisfy the requirements
20 of the "Publications Clearinghouse" established in Section 3-113.3
21 of Title 65 of the Oklahoma Statutes.

22 SECTION 7. AMENDATORY 75 O.S. 2011, Section 253, as
23 amended by Section 3, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,
24 Section 253), is amended to read as follows:

1 Section 253. A. 1. If an agency finds that a rule is
2 necessary as an emergency measure, the rule may be promulgated
3 pursuant to the provisions of this section, if the rule is first
4 approved by the Governor. The Governor shall not approve the
5 adoption, amendment, revision or revocation of a rule as an
6 emergency measure unless the agency submits substantial evidence
7 that the rule is necessary as an emergency measure to do any of the
8 following:

- 9 a. protect the public health, safety or welfare,
- 10 b. comply with deadlines in amendments to an agency's
- 11 governing law or federal programs,
- 12 c. avoid violation of federal law or regulation or other
- 13 state law,
- 14 d. avoid imminent reduction to the agency's budget, or
- 15 e. avoid serious prejudice to the public interest.

16 As used in this subsection, "substantial evidence" shall mean
17 credible evidence which is of sufficient quality and probative value
18 to enable a person of reasonable caution to support a conclusion.

19 2. In determining whether a rule is necessary as an emergency
20 measure, the Governor shall consider whether the emergency situation
21 was created due to the agency's delay or inaction and could have
22 been averted by timely compliance with the provisions of this
23 chapter.

24 B. An emergency rule adopted by an agency shall:

1 1. Be prepared in the format required by Section 251 of this
2 title;

3 2. a. Include an impact statement which meets the
4 requirements set forth in subparagraph b of this
5 paragraph unless the Governor waives the requirement
6 in writing upon a finding that the rule impact
7 statement or the specified contents thereof are
8 unnecessary or contrary to the public interest.

9 b. The rule impact statement shall include, but not be
10 limited to:

11 (1) a brief description of the proposed rule,

12 (2) a description of the persons who most likely will
13 be affected by the proposed rule, including
14 classes that will bear the costs of the proposed
15 rule, and any information on cost impacts
16 received by the agency from any private or public
17 entities,

18 (3) a description of the classes of persons who will
19 benefit from the proposed rule,

20 (4) a description of the probable economic impact of
21 the proposed rule upon affected classes of
22 persons or political subdivisions, including a
23 listing of all fee changes and, whenever
24

possible, a separate justification for each fee change,

(5) the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency,

(6) a determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act,

(7) an explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule,

(8) a determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk,

1 (9) a determination of any detrimental effect on the
2 public health, safety and environment if the
3 proposed rule is not implemented, and

4 (10) the date the rule impact statement was prepared
5 and if modified, the date modified.

6 c. The rule impact statement shall be prepared on or
7 before the date the emergency rule is adopted;

8 3. Be transmitted pursuant to Section 464 of Title 74 of the
9 Oklahoma Statutes to the Governor, the Speaker of the Oklahoma House
10 of Representatives ~~and~~, the President Pro Tempore of the Senate and
11 the chairs of the Joint Committee on Administrative Rules, along
12 with the information required by this subsection within ten (10)
13 days after the rule is adopted; and

14 4. Not be invalidated on the ground that the contents of the
15 rule impact statement are insufficient or inaccurate.

16 C. 1. Within forty-five (45) calendar days of receipt of a
17 proposed emergency rule filed with the Governor, the Speaker of the
18 Oklahoma House of Representatives ~~and~~, the President Pro Tempore of
19 the Senate and the chairs of the Joint Committee on Administrative
20 Rules, the Governor shall review the demonstration of emergency
21 pursuant to subsection A of this section, and shall separately
22 review the rule in accordance with the standards prescribed in
23 paragraph 3 of this subsection.

1 2. Prior to approval of emergency rules, the Governor shall
2 submit the emergency rule to the Secretary of State for review of
3 proper formatting.

4 3. If the Governor determines the agency has established the
5 rule is necessary as an emergency measure pursuant to subsection A
6 of this section, the Governor shall approve the proposed emergency
7 rule if the rule is:

8 a. clear, concise and understandable,

9 b. within the power of the agency to make and within the
10 enacted legislative standards, and

11 c. made in compliance with the requirements of the
12 Administrative Procedures Act.

13 D. 1. Within the forty-five-calendar-day period set forth in
14 paragraph 1 of subsection C of this section, the Governor may
15 approve the emergency rule or disapprove the emergency rule.
16 Failure of the Governor to approve an emergency rule within the
17 specified period shall constitute disapproval of the emergency rule.

18 2. If the Governor disapproves the adopted emergency rule, the
19 Governor shall return the entire document to the agency with reasons
20 for the disapproval. If the agency elects to modify the rule, the
21 agency shall adopt the modifications, and shall file the modified
22 rule in accordance with the requirements of subsection B of this
23 section.

1 3. Upon disapproval of an emergency rule, the Governor shall,
2 within fifteen (15) days, make written notification to the Speaker
3 of the House of Representatives, the President Pro Tempore of the
4 Senate, the chairs of the Joint Committee on Administrative Rules
5 and the Office of Administrative Rules.

6 E. 1. Upon approval of an emergency rule, the Governor shall
7 immediately make written notification to the agency, the Speaker of
8 the House of Representatives, the President Pro Tempore of the
9 Senate, the chairs of the Joint Committee on Administrative Rules
10 and the Office of Administrative Rules. Upon receipt of the notice
11 of the approval, the agency shall file with the Office of
12 Administrative Rules as many copies of the notice of approval and
13 the emergency rule as required by the Secretary.

14 2. Emergency rules shall be subject to legislative review
15 pursuant to Section 308 of this title.

16 3. The emergency rule shall be published in accordance with the
17 provisions of Section 255 of this title in "The Oklahoma Register"
18 following the approval by the Governor. The Governor's approval and
19 the approved rules shall be retained as official records by the
20 Office of Administrative Rules.

21 F. 1. Upon approval by the Governor, an emergency rule shall
22 be considered promulgated and shall be in force immediately, or on
23 such later date as specified therein. An emergency rule shall only
24 be applied prospectively from its effective date.

1 2. ~~The~~ Except as otherwise provided in this subsection, the
2 emergency rule shall remain in full force and effect through the
3 first day of the next succeeding regular session of the Legislature
4 following promulgation of such emergency rule until September 14
5 following such session, unless it is made ineffective pursuant to
6 subsection H of this section.

7 G. No agency shall adopt any emergency rule which establishes
8 or increases fees, except during such times as the Legislature is in
9 session, unless specifically mandated by the Legislature or federal
10 legislation, or when the failure to establish or increase fees would
11 conflict with an order issued by a court of law.

12 H. 1. If an emergency rule is of a continuing nature, the
13 agency promulgating such emergency rule shall initiate proceedings
14 for promulgation of a permanent rule pursuant to Sections 303
15 through 308.2 of this title. If an emergency rule is superseded by
16 another emergency rule prior to the enactment of a permanent rule,
17 the latter emergency rule shall retain the same expiration date as
18 the superseded emergency rule, unless otherwise authorized by the
19 Legislature.

20 2. Any promulgated emergency rule shall be made ineffective if:

- 21 a. disapproved by the Legislature,
22 b. superseded by the promulgation of permanent rules,
23
24

1 c. any adopted rules based upon such emergency rules are
2 subsequently disapproved pursuant to Section 308 of
3 this title, or

4 d. an earlier expiration date is specified by the agency
5 in the rules.

6 3. a. Emergency rules in effect on the first day of the
7 session shall be null and void on September 15
8 following sine die adjournment of the Legislature
9 unless otherwise specifically provided by the
10 Legislature.

11 b. Unless otherwise authorized by the Legislature, an
12 agency shall not adopt any emergency rule, which has
13 become null and void pursuant to subparagraph a of
14 this paragraph, as a new emergency rule or adopt any
15 emergency rules of similar scope or intent as the
16 emergency rules which became null and void pursuant to
17 subparagraph a of this paragraph.

18 I. Emergency rules shall not become effective unless approved
19 by the Governor pursuant to the provisions of this section.

20 J. 1. The requirements of Section 303 of this title relating
21 to notice and hearing shall not be applicable to emergency rules
22 promulgated pursuant to the provisions of this section. Provided
23 this shall not be construed to prevent an abbreviated notice and
24 hearing process determined to be necessary by an agency.

1 2. The rule report required pursuant to Section 303.1 of this
2 title shall not be applicable to emergency rules promulgated
3 pursuant to the provisions of this section. Provided this shall not
4 be construed to prevent an agency from complying with such
5 requirements at the discretion of such agency.

6 3. The statement of submission required by Section 303.1 of
7 this title shall not be applicable to emergency rules promulgated
8 pursuant to the provisions of this section.

9 K. Prior to approval or disapproval of an emergency rule by the
10 Governor, an agency may withdraw from review an emergency rule
11 submitted pursuant to the provisions of this section. Notice of
12 such withdrawal shall be given to the Governor, the Speaker of the
13 House of Representatives, the President Pro Tempore of the Senate in
14 accordance with the requirements set forth in Section 464 of Title
15 74 and to the Office of Administrative Rules as required by the
16 Secretary. In order to be promulgated as emergency rules, any
17 replacement rules shall be resubmitted pursuant to the provisions of
18 this section.

19 L. Upon completing the requirements of this section, an agency
20 may promulgate a proposed emergency rule. No emergency rule is
21 valid unless promulgated in substantial compliance with the
22 provisions of this section.

1 M. Emergency rules adopted by an agency or approved by the
2 Governor shall be subject to review pursuant to the provisions of
3 Section 306 of this title.

4 SECTION 8. AMENDATORY 75 O.S. 2011, Section 303, as
5 amended by Section 50, Chapter 227, O.S.L. 2013 (75 O.S. Supp. 2020,
6 Section 303), is amended to read as follows:

7 Section 303. A. Prior to the adoption of any rule or amendment
8 or revocation of a rule and except as provided for pursuant to the
9 expedited rule repeal process provided in Section 9 of this act, the
10 agency shall:

11 1. Cause notice of any intended action to be published in "The
12 Oklahoma Register" pursuant to subsection B of this section;

13 2. For at least thirty (30) days after publication of the
14 notice of the intended rulemaking action, afford a comment period
15 for all interested persons to submit data, views or arguments,
16 orally or in writing. The agency shall consider fully all written
17 and oral submissions respecting the proposed rule;

18 3. Hold a hearing, if required, as provided by subsection C of
19 this section;

20 4. Consider the effect its intended action may have on the
21 various types of business and governmental entities. Except where
22 such modification or variance is prohibited by statute or
23 constitutional constraints, if an agency finds that its actions may
24 adversely affect any such entity, the agency may modify its actions

1 to exclude that type of entity, or may "tier" its actions to allow
2 rules, penalties, fines or reporting procedures and forms to vary
3 according to the size of a business or governmental entity or its
4 ability to comply or both. For business entities, the agency shall
5 include a description of the probable quantitative and qualitative
6 impact of the proposed rule, economic or otherwise, and use
7 quantifiable data to the extent possible, taking into account both
8 short-term and long-term consequences; ~~and~~

9 5. Consider the effect its intended action may have on the
10 various types of consumer groups. If an agency finds that its
11 actions may adversely affect such groups, the agency may modify its
12 actions to exclude that type of activity; and

13 6. When an agency provides notice pursuant to paragraph 1 of
14 this subsection, the agency shall provide one (1) electronic copy of
15 the complete text of the proposed rule, amendment or revocation and
16 a copy of the notice to the Governor and to the appropriate cabinet
17 secretary. No agency may adopt any proposed rule, amendment or
18 revocation if, within thirty (30) days from providing notice to the
19 Governor and the appropriate cabinet secretary, the agency receives
20 express written disapproval from the Governor or the cabinet
21 secretary. If the Governor or the cabinet secretary disapproves a
22 rule, the affected agency shall be notified in writing of the
23 reasons for disapproval. If, after thirty (30) days of providing
24 the notice to the Governor and the cabinet secretary, the agency has

1 not received an express written disapproval, the agency may proceed
2 with the rulemaking process.

3 B. The notice required by paragraph 1 of subsection A of this
4 section shall include, but not be limited to:

- 5 1. In simple language, a brief summary of the rule;
- 6 2. The proposed action being taken;
- 7 3. The circumstances which created the need for the rule;
- 8 4. The specific legal authority, including statutory citations,
9 authorizing the proposed rule;

- 10 5. The intended effect of the rule;

11 6. If the agency determines that the rule affects business
12 entities, a request that such entities provide the agency, within
13 the comment period, in dollar amounts if possible, the increase in
14 the level of direct costs such as fees, and indirect costs such as
15 reporting, recordkeeping, equipment, construction, labor,
16 professional services, revenue loss, or other costs expected to be
17 incurred by a particular entity due to compliance with the proposed
18 rule;

19 7. The time when, the place where, and the manner in which
20 interested persons may present their views thereon pursuant to
21 paragraph 3 of subsection A of this section;

22 8. Whether or not the agency intends to issue a rule impact
23 statement according to subsection D of this section and where copies
24 of such impact statement may be obtained for review by the public;

1 9. The time when, the place where, and the manner in which
2 persons may demand a hearing on the proposed rule if the notice does
3 not already provide for a hearing. If the notice provides for a
4 hearing, the time and place of the hearing shall be specified in the
5 notice; and

6 10. Where copies of the proposed rules may be obtained for
7 review by the public. An agency may charge persons for the actual
8 cost of mailing a copy of the proposed rules to such persons.

9 The number of copies of such notice as specified by the
10 Secretary shall be submitted to the Secretary who shall publish the
11 notice in "The Oklahoma Register" pursuant to the provisions of
12 Section 255 of this title.

13 Prior to or within three (3) days after publication of the
14 notice in "The Oklahoma Register", the agency shall cause a copy of
15 the notice of the proposed rule adoption and the rule impact
16 statement, if available, to be mailed to all persons who have made a
17 timely request of the agency for advance notice of its rulemaking
18 proceedings. Provided, in lieu of mailing copies, an agency may
19 electronically notify interested persons that a copy of the proposed
20 rule and the rule impact statement, if available, may be viewed on
21 the agency's website. If an agency posts a copy of the proposed
22 rule and rule impact statement on its website, the agency shall not
23 charge persons for the cost of downloading or printing the proposed
24

1 rule or impact statement. Each agency shall maintain a listing of
2 persons or entities requesting such notice.

3 C. 1. If the published notice does not already provide for a
4 hearing, an agency shall schedule a hearing on a proposed rule if,
5 within thirty (30) days after the published notice of the proposed
6 rule adoption, a written request for a hearing is submitted by:

- 7 a. at least ten persons,
- 8 b. a political subdivision,
- 9 c. an agency, or
- 10 d. an association having not less than twenty-five
11 members.

12 At that hearing persons may present oral argument, data, and
13 views on the proposed rule.

14 2. A hearing on a proposed rule may not be held earlier than
15 thirty (30) days after notice of the hearing is published pursuant
16 to subsection B of this section.

17 3. The provisions of this subsection shall not be construed to
18 prevent an agency from holding a hearing or hearings on the proposed
19 rule although not required by the provisions of this subsection;
20 provided that notice of such hearing shall be published in "The
21 Oklahoma Register" at least thirty (30) days prior to such hearing.

22 D. 1. Except as otherwise provided in this subsection, an
23 agency shall issue a rule impact statement of a proposed rule prior
24 to or within fifteen (15) days after the date of publication of the

1 notice of proposed rule adoption. The rule impact statement may be
2 modified after any hearing or comment period afforded pursuant to
3 the provisions of this section.

4 2. Except as otherwise provided in this subsection, the rule
5 impact statement shall include, but not be limited to:

- 6 a. a brief description of the purpose of the proposed
7 rule,
- 8 b. a description of the classes of persons who most
9 likely will be affected by the proposed rule,
10 including classes that will bear the costs of the
11 proposed rule, and any information on cost impacts
12 received by the agency from any private or public
13 entities,
- 14 c. a description of the classes of persons who will
15 benefit from the proposed rule,
- 16 d. a description of the probable economic impact of the
17 proposed rule upon affected classes of persons or
18 political subdivisions, including a listing of all fee
19 changes and, whenever possible, a separate
20 justification for each fee change,
- 21 e. the probable costs and benefits to the agency and to
22 any other agency of the implementation and enforcement
23 of the proposed rule, the source of revenue to be used
24 for implementation and enforcement of the proposed

- rule, and any anticipated effect on state revenues,
including a projected net loss or gain in such
revenues if it can be projected by the agency,
- f. a determination of whether implementation of the
proposed rule will have an economic impact on any
political subdivisions or require their cooperation in
implementing or enforcing the rule,
- g. a determination of whether implementation of the
proposed rule may have an adverse economic effect on
small business as provided by the Oklahoma Small
Business Regulatory Flexibility Act,
- h. an explanation of the measures the agency has taken to
minimize compliance costs and a determination of
whether there are less costly or nonregulatory methods
or less intrusive methods for achieving the purpose of
the proposed rule,
- i. a determination of the effect of the proposed rule on
the public health, safety and environment and, if the
proposed rule is designed to reduce significant risks
to the public health, safety and environment, an
explanation of the nature of the risk and to what
extent the proposed rule will reduce the risk,

- j. a determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented, and
- k. the date the rule impact statement was prepared and if modified, the date modified.

3. To the extent an agency for good cause finds the preparation of a rule impact statement or the specified contents thereof are unnecessary or contrary to the public interest in the process of adopting a particular rule, the agency may request the Governor to waive such requirement. Such request shall be in writing and shall state the agency's findings and the justification for such findings. Upon request by an agency, the Governor may also waive the rule impact statement requirements if the agency is required to implement a statute or federal requirement that does not require an agency to interpret or describe the requirements, such as federally mandated provisions which afford the agency no discretion to consider less restrictive alternatives. If the Governor fails to waive such requirement, in writing, prior to publication of the notice of the intended rulemaking action, the rule impact statement shall be completed. The determination to waive the rule impact statement shall not be subject to judicial review.

4. The rule shall not be invalidated on the ground that the contents of the rule impact statement are insufficient or inaccurate.

1 E. Upon completing the requirements of this section, an agency
2 may adopt a proposed rule. No rule is valid unless adopted in
3 substantial compliance with the provisions of this section.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 303a of Title 75, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Upon request by a rulemaking agency, an expedited rule
8 repeal process may be utilized when such rule or rules meet the
9 criteria pursuant to this section.

10 B. Beginning on February 1, 2022, and every year thereafter, a
11 rulemaking agency may initiate a request for expedited repeal of a
12 rule or rules when:

13 1. A request by the agency is submitted electronically to the
14 President Pro Tempore of the Senate and the Speaker of the House of
15 Representatives. The request shall be assigned to the Joint
16 Committee on Administrative Rules to conduct the repeal process;

17 2. A copy of the rule or rules is provided along with a
18 statement indicating one of the following:

- 19 a. a rule is duplicate,
- 20 b. the rule is obsolete,
- 21 c. the rule is no longer enforced,
- 22 d. the rule is no longer in compliance with state or
23 federal law,
- 24

1 e. the rule is no longer in compliance with federal
2 regulation, or

3 f. the rule does not affect substantive rights of the
4 regulated community;

5 3. The agency provides notice in the "Oklahoma Register" in a
6 format reasonably calculated to provide notice to persons interested
7 in the rule; and

8 4. For at least ten (10) days after publication of the notice
9 of the intended action, afford a comment period for all interested
10 persons. The agency shall consider fully all written and oral
11 submissions respecting the proposed rule.

12 C. Upon completion of the comment period, the committee may
13 schedule a hearing on the agency rule proposal. If the Committee
14 approves the repeal by concurrent majority, it shall be presented to
15 the Legislature for final approval.

16 No request for an expedited repeal shall be initiated after May

17 1. Upon final legislative adoption, the agency shall comply with
18 additional publication requirements as provided by law.

19 An agency, at any point prior to final legislative adoption, may
20 withdraw the expedited agency rule repeal request.

21 SECTION 10. AMENDATORY 75 O.S. 2011, Section 303.1, as
22 amended by Section 2, Chapter 252, O.S.L. 2016 (75 O.S. Supp. 2020,
23 Section 303.1), is amended to read as follows:
24

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 and the chairs of the Joint
5 Committee on Administrative Rules: all such new rules or
6 amendments; revisions or revocations to an existing rule proposed by
7 an agency; and the agency rule report as required by subsection E of
8 this section.

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

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

1 statement that the adopted rules have been submitted to the Governor
2 and the Legislature.

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

7 E. The report required by subsection A of this section shall
8 include:

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

12 2. The name and address of the agency;

13 3. The title and number of the rule;

14 4. A citation to the constitutional or statutory authority for
15 the rule;

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

18 6. A statement of the gist of the rule ~~and~~ or a brief summary
19 of the content of the adopted rule;

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

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

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

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

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

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

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

19 14. The proposed effective date of the rules, if an effective
20 date is required pursuant to paragraph 1 of subsection B of Section
21 304 of this title; and

22 15. Any other information requested by the Governor, the
23 Speaker of the House of Representatives, the President Pro Tempore
24

1 of the Senate or ~~either rule review committee~~ the Joint Committee on
2 Administrative Rules.

3 SECTION 11. AMENDATORY 75 O.S. 2011, Section 305, is
4 amended to read as follows:

5 Section 305. An interested person may petition an agency
6 requesting the promulgation, amendment, or repeal of a rule. Each
7 agency shall prescribe by rule the form for petitions and the
8 procedure for their submission, consideration, and disposition. ~~The~~
9 Within thirty (30) calendar days after submission of a petition, the
10 agency shall act upon said petition within a reasonable time. If,
11 within thirty (30) calendar days after submission of a petition, the
12 agency has not initiated initiate rulemaking proceedings ~~in~~
13 ~~accordance with the Administrative Procedures Act, the petition~~
14 ~~shall be deemed to have been denied~~ or provide a written response
15 and explanation of its failure to initiate rulemaking proceedings.

16 SECTION 12. AMENDATORY 75 O.S. 2011, Section 307.1, is
17 amended to read as follows:

18 Section 307.1. A. The Speaker of the House of Representatives
19 and the President Pro Tempore of the Senate ~~may each~~ shall establish
20 a joint rule ~~review~~ committee ~~or designate standing committees of~~
21 ~~each such house to review administrative rules~~ to be designated as
22 the Joint Committee on Administrative Rules.

23 B. ~~Such committees may~~ The President Pro Tempore and the
24 Speaker shall appoint current members of the Senate and House of

1 Representatives to the Committee. The President Pro Tempore and
2 Speaker shall designate one of their respective appointments as co-
3 chair of the Committee.

4 C. A quorum shall be required to conduct any business of the
5 Committee. A quorum shall be a majority of the Senate members of
6 the Committee and a majority of the House members of the Committee.

7 D. The Committee shall meet ~~separately or jointly at any time,~~
8 as needed and during sessions of the Legislature and at regular
9 intervals in the interim.

10 ~~C. E.~~ E. The function of the ~~committees so established or~~
11 ~~designated~~ Committee ~~shall be the review and promotion of adequate~~
12 ~~and proper rules by agencies and developing an understanding on the~~
13 ~~part of the public respecting such rules. Such function shall be~~
14 ~~advisory only~~ of all adopted agency administrative rules including
15 recommending by concurrent majority an approval or disapproval of
16 each proposed rule to the Legislature. The Committee may also
17 recommend by concurrent majority an agency amend or further consider
18 a proposed rule.

19 ~~Each committee may review all adopted rules and such other rules~~
20 ~~the committee deems appropriate and may make recommendations~~
21 ~~concerning such rules to their respective house of the Legislature,~~
22 ~~or to the agency adopting the rule, or to both their respective~~
23 ~~house of the Legislature and the agency~~

1 F. The Committee shall approve or disapprove by concurrent
2 majority a repeal of rules under the expedited repeal process
3 pursuant to this act. Such rules shall be presented to the
4 Legislature for final approval for repeal.

5 ~~D. G.~~ In addition to the review of agency-adopted rules
6 pursuant to this act, ~~each such committee~~ the Committee shall have
7 the power and duty to:

8 1. Conduct a continuous study and investigations as to whether
9 additional legislation or changes in legislation are needed based on
10 various factors, including but not limited to, review of proposed
11 rules, review of existing rules including but not limited to
12 consideration of amendments to or repeal of existing rules, the lack
13 of rules, the ability of agencies to promulgate such rules, the
14 burden of administrative rules on the regulated community and the
15 needs of administrative agencies;

16 2. Conduct a continuous study of the rulemaking process of all
17 state agencies including those agencies exempted by Section 250.4 of
18 this title for the purpose of improving the rulemaking process;

19 3. Conduct such other studies and investigations relating to
20 rules as may be determined to be necessary by the ~~committee~~
21 Committee; and

22 4. Monitor and investigate compliance of agencies with the
23 provisions of the Administrative Procedures Act, make periodic
24 investigations of the rulemaking activities of all agencies and

1 evaluate and report on all rules in terms of their propriety, legal
2 adequacy, relation to constitutional or statutory authorization,
3 economic and budgetary effects and public policy.

4 SECTION 13. AMENDATORY 75 O.S. 2011, Section 308, as
5 amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,
6 Section 308), is amended to read as follows:

7 Section 308. A. Upon receipt of any adopted rules, the Speaker
8 of the House of Representatives and the President Pro Tempore of the
9 Senate shall assign such rules to the ~~appropriate committees of each~~
10 ~~house of the Legislature for review~~ Joint Committee on
11 Administrative Rules. Except as otherwise provided by this section:

12 1. If such rules are received on or before April 1, the
13 Legislature shall have until the last day of the regular legislative
14 session of that year to ~~review such rules~~ act on the recommendations
15 of the Joint Committee on Administrative Rules; and

16 2. If such rules are received after April 1, the Legislature
17 shall have until the last day of the regular legislative session of
18 the next year to ~~review such rules~~ act on the recommendations of the
19 Joint Committee on Administrative Rules.

20 B. By the adoption of a joint ~~resolution~~ resolutions during the
21 review period specified in subsection A of this section, the
22 Legislature may disapprove or approve any rule, disapprove all or
23 part of a rule or rules and disapprove or approve the repeal of
24 rules under the expedited repeal process pursuant to this act.

1 Rules under consideration at a meeting of the Joint Committee on
2 Administrative Rules during the interim may be acted upon by the
3 Legislature at any time during session.

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

16 D. Unless otherwise provided by specific vote of the
17 Legislature, joint resolutions introduced for purposes of
18 disapproving or approving a rule or the omnibus joint resolution
19 described in Section ~~6~~ 308.3 of this ~~act~~ title shall not be subject
20 to regular legislative cutoff dates, shall be limited to such
21 provisions as may be necessary for disapproval or approval of a
22 rule, and any such other direction or mandate regarding the rule
23 deemed necessary by the Legislature. The resolution shall contain
24 no other provisions.

1 E. A proposed permanent rule shall be deemed finally adopted
2 if:

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

7 ~~2. Approved by the Governor pursuant to subsection D of Section~~
8 ~~6 of this act;~~

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

13 ~~4.~~ 3. Disapproved by a joint resolution pursuant to subsection
14 B of this section or Section ~~6~~ 308.3 of this ~~act~~ title which has
15 been vetoed by the Governor in accordance with Section 11 of Article
16 VI of the Oklahoma Constitution and the veto has not been
17 overridden.

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

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

1 H. Any rights, privileges, or interests gained by any person by
2 operation of an emergency rule, shall not be affected by reason of
3 any subsequent disapproval or rejection of such rule by either house
4 of the Legislature.

5 SECTION 14. AMENDATORY Section 6, Chapter 357, O.S.L.
6 2013 (75 O.S. Supp. 2020, Section 308.3), is amended to read as
7 follows:

8 Section 308.3. A. The Legislature shall have ~~an omnibus~~ joint
9 ~~resolution~~ resolutions prepared for consideration each session.

10 B. ~~The joint resolution shall be substantially in the following~~
11 ~~form: "All proposed permanent rules of Oklahoma state agencies~~
12 ~~filed on or before April 1 are hereby approved except for the~~
13 ~~following:".~~

14 ~~C.~~ For the purpose of this section, a proposed permanent rule
15 may be disapproved, in whole or in part, in ~~the omnibus~~ a joint
16 resolution considered by the Legislature.

17 ~~D. 1. If an agency believes that a rule has not been approved~~
18 ~~by the Legislature pursuant to this section and should be approved~~
19 ~~and finally adopted, the agency may seek the Governor's declaration~~
20 ~~approving the rule.~~

21 ~~2. In seeking the approval of a proposed permanent rule, the~~
22 ~~agency shall submit a petition to the Governor that affirmatively~~
23 ~~states:~~

24 ~~a. the rule is necessary, and~~

1 ~~b. a citation to the source of its authority to make the~~
2 ~~rule.~~

3 ~~3. a. If the Governor finds that the necessity does exist,~~
4 ~~and that the agency has the authority to make the~~
5 ~~rule, the Governor may declare the rule to be approved~~
6 ~~and finally adopted by publishing that declaration in~~
7 ~~"The Oklahoma Register" on or before July 17 of that~~
8 ~~year.~~

9 ~~b. The declaration shall set forth the rule to be~~
10 ~~approved, the reasons the approval is necessary, and a~~
11 ~~citation to the source of the agency's authority to~~
12 ~~make the rule.~~

13 ~~4. C. If the omnibus~~ any rule received on or before April 1 is
14 not subject to a joint resolution ~~fails to pass~~ passed by both
15 houses of the Legislature and be signed by the Governor or is found
16 by the Governor to have a technical legal defect preventing approval
17 of administrative rules intended to be approved by the Legislature,
18 the Governor may declare all any rules received on or before April 1
19 and not subject to a joint resolution passed by both houses of the
20 Legislature to be approved or disapproved and finally adopted by
21 publishing a single declaration in "The Oklahoma Register" on or
22 before July 17 ~~without meeting requirements of paragraphs 2 and 3 of~~
23 ~~this subsection.~~ If the Governor finds that the joint resolution
24

1 has a technical legal defect, the Governor shall make the finding in
2 writing and submit the finding to the Legislature.

3 SECTION 15. This act shall become effective September 1, 2021.
4

5 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
6 03/24/2021 - DO PASS, As Coauthored.
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