

1 Article VI of the Oklahoma Constitution charges the Executive Branch
2 of Government with the responsibility to implement all measures
3 enacted by the Legislature.

4 B. In creating agencies and designating their functions and
5 purposes, the Legislature may delegate rulemaking authority to
6 executive branch agencies to facilitate administration of
7 legislative policy. The delegation of rulemaking authority is
8 intended to eliminate the necessity of establishing every
9 administrative aspect of general public policy by legislation. In
10 so doing, however, the Legislature reserves to itself:

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

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

15 3. The right and responsibility to designate the method for
16 rule promulgation, review and modification;

17 4. The right to approve, amend or disapprove any adopted rule
18 by joint resolution; ~~and~~

19 5. The right to disapprove a proposed permanent, promulgated or
20 emergency rule at any time if the Legislature determines such rule
21 to be an imminent harm to the health, safety or welfare of the
22 public or the state or if the Legislature determines that a rule is
23 not consistent with legislative intent;
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1 6. The right to amend any rules as they proceed through the
2 legislative review process; and

3 7. The right to establish a new agency rule directly through
4 enactment of a joint resolution.

5 SECTION 2. AMENDATORY 75 O.S. 2011, Section 250.4a, is
6 amended to read as follows:

7 Section 250.4a. A. Any agency exempt from all or part of the
8 Administrative Procedures Act pursuant to subsection A of Section
9 250.4 of this title shall maintain and make available for public
10 inspection its exempt rules at its principal place of business, and
11 shall also publish its exempt rules on its website. Provided, any
12 rules that are subject to copyright protection and are adopted by an
13 agency shall not be posted as provided in this act, but the agency
14 shall provide a weblink, if available, to access the protected
15 information from the owner of the copyright. If no weblink is
16 available, the contact information for the owner of the copyright
17 shall be made available.

18 B. It is recognized by the Oklahoma Legislature that agencies
19 specified by subsection A of this section have published rules
20 containing obsolete rules or internal policy statements or agency
21 statements which do not meet the Administrative Procedures Act
22 definition of rules. Therefore, by December ~~31, 2005,~~ 31 of each
23 year, each such agency shall conduct an internal review of its rules
24 to determine whether each of its rules is current and is a rule as

1 such term is defined by the Administrative Procedures Act. Any rule
2 determined by an agency to be obsolete or an internal policy
3 statement or any agency statement which does not meet the definition
4 of a rule pursuant to the Administrative Procedures Act shall be
5 deleted by the agency. Notice of such deletion shall be submitted
6 to the Speaker of the House of Representatives, the President Pro
7 Tempore of the Senate and the Governor for informational purposes.

8 C. The provisions of this section shall not be construed to
9 authorize any agency to amend any rule or to delete any rule which
10 affects any private rights or procedures available to the public.

11 SECTION 3. AMENDATORY 75 O.S. 2011, Section 250.10, as
12 amended by Section 49, Chapter 227, O.S.L. 2013 (75 O.S. Supp. 2015,
13 Section 250.10), is amended to read as follows:

14 Section 250.10. The Governor by Executive Order or either house
15 of the Legislature or both houses of the Legislature by resolution,
16 or a small business, may request an agency to review its rules to
17 determine whether or not the rules in question should be amended,
18 repealed or redrafted. The agency shall respond to such requests
19 ~~from the Governor or the Legislature~~ within ~~ninety (90)~~ sixty (60)
20 calendar days of such request.

21 SECTION 4. AMENDATORY 75 O.S. 2011, Section 251, is
22 amended to read as follows:

23 Section 251. A. 1. Upon the request of the Secretary, each
24 agency shall furnish to the Office a complete set of its permanent

1 rules in such form as is required by the Secretary or as otherwise
2 provided by law.

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

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

16 2. An agency filing rules pursuant to the provisions of this
17 subsection:

18 a. shall prepare the rules in plain language which can be
19 easily understood,

20 b. shall not unnecessarily repeat statutory language.

21 Whenever it is necessary to refer to statutory
22 language in order to effectively convey the meaning of
23 a rule interpreting that language, the reference shall
24 clearly indicate the portion of the language which is

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

3 h. shall include other information, in such form and in
4 such manner as is required by the Secretary, and

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

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

15 D. In order to avoid unnecessary expense, an agency may use the
16 published standards established by organizations and technical
17 societies of recognized national standing, other state agencies, or
18 federal agencies by incorporating the standards or rules in its
19 rules or regulations by reference to the specific issue or issues of
20 publications in which the standards are published, without
21 reproducing the standards in full. The standards shall be readily
22 available to the public for examination at the administrative
23 offices of the agency, and shall also be published on the agency's
24 website. Provided, any rules that are subject to copyright

1 protection and are adopted by an agency shall not be posted as
2 provided in this act, but the agency shall provide a weblink, if
3 available, to access the protected information from the owner of the
4 copyright. If no weblink is available, the contact information for
5 the owner of the copyright shall be made available. In addition, a
6 copy of such standards shall be kept and maintained by the agency
7 pursuant to the provisions of the Preservation of Essential Records
8 Act.

9 E. The Secretary shall provide for the publication of all
10 Executive Orders received pursuant to the provisions of Section 664
11 of Title 74 of the Oklahoma Statutes.

12 F. The Secretary may authorize or require the filing of rules
13 or Executive Orders by or through electronic data or machine
14 readable equipment in such form and manner as is required by the
15 Secretary.

16 SECTION 5. AMENDATORY 75 O.S. 2011, Section 255, is
17 amended to read as follows:

18 Section 255. A. 1. The Secretary is hereby authorized,
19 directed, and empowered to publish "The Oklahoma Register" not less
20 than monthly for the publication of new rules, any amendment,
21 revision or revocation of an existing rule, emergency rules, any
22 notices of such rulemaking process and Executive Orders as are
23 required by law to be published in "The Oklahoma Register". Said
24 rules or amendments, revisions, or revocations of existing rules

1 shall be published in the first issue of "The Oklahoma Register"
2 published pursuant to Sections 251, 253, 256, 303, 303.1, 303.2 and
3 308 of this title after the date of acceptance by the Secretary.
4 Such publications may be made electronically on the website of the
5 Secretary of State.

6 2. The Secretary shall cause a copy of each publication of "The
7 Oklahoma Register" to be sent to those county clerks who request it,
8 to members of the Legislature upon request, and to such other
9 agencies, libraries, and officials as the Secretary may select. The
10 Secretary may charge recipients of the publication a cost sufficient
11 to defray the cost of publication and mailing. Such copies may be
12 provided electronically.

13 3. The Secretary shall cause a copy of all rules, all new
14 rules, and all amendments, revisions, or revocations of existing
15 rules to be on file and available for public examination in the
16 Office during normal office hours.

17 4. The Secretary shall promulgate rules to systematize the
18 designations of rules. To establish said system or to preserve
19 uniformity of designations, the Secretary may require the agency to
20 change the title or numbering of any rule or any amendment,
21 revision, or revocation thereof.

22 B. The Secretary is authorized to provide for the publication
23 of rules in summary form when the rules are of such length that
24 publication of the full text would be too costly. The summary shall

1 be prepared by the agency submitting the rules and shall state where
2 the full text of the rule may be obtained, either physically or on
3 the website of the Secretary of State or the submitting agency.

4 C. The notice required pursuant to the provisions of Section
5 303 of this title shall be published in "The Oklahoma Register"
6 prior to the adoption of a new rule, or amendment, revision or
7 revocation of any existing rule. The notice shall include the
8 information required by Section 303 of this title.

9 SECTION 6. AMENDATORY 75 O.S. 2011, Section 257.1, is
10 amended to read as follows:

11 Section 257.1. A. The Secretary is authorized to enter into
12 and make reciprocal agreements with other states to allow exchanges
13 of administrative codes of such states.

14 B. 1. Each of the following offices shall be entitled to
15 receive, as soon as available from the Secretary, without cost, one
16 copy of the printed volumes of the "Code" and the supplements
17 thereto or, upon request from an office, one copy of the "Code" and
18 the supplements thereto on compact disc or other digital media:

- 19 a. County clerk of each county;
- 20 b. Clerk of the Supreme Court;
- 21 c. Attorney General;
- 22 d. Governor;
- 23 e. Speaker of the House of Representatives and the
24 President Pro Tempore of the Senate;

- 1 f. the Research, Legal and Fiscal Divisions of the House
2 of Representatives;
- 3 g. the Legislative Division of the Senate; and
- 4 h. the Department of Libraries for the Law Library.

5 2. The Department of Libraries is authorized to obtain number
6 of copies of the "Code" and the supplements thereto necessary for
7 use for deposit with the Publications Clearinghouse pursuant to
8 Sections 3-113.1 through 3-115 of Title 65 of the Oklahoma Statutes.
9 The Secretary is authorized to retain sufficient copies for exchange
10 purposes with other states for copies of their rules.

11 SECTION 7. AMENDATORY 75 O.S. 2011, Section 302, is
12 amended to read as follows:

13 Section 302. A. In addition to other rulemaking requirements
14 imposed by law, each agency which has rulemaking authority, shall:

15 1. Promulgate as a rule a description of the organization of
16 the agency, stating the general course and method of the operations
17 of the agency and the methods whereby the public may obtain
18 information or make submissions or requests;

19 2. Promulgate rules of practice setting forth the nature and
20 requirements of all formal and informal procedures available,
21 including a description of all forms and instructions issued by the
22 agency for use by the public;

23 3. Make available for public inspection and publish on its
24 website all rules and all other written statements of policy or

1 interpretations formulated, adopted, promulgated or used by the
2 agency in the discharge of its functions. Provided, any rules that
3 are subject to copyright protection and are adopted by an agency
4 shall not be posted as provided in this act, but the agency shall
5 provide a weblink, if available, to access the protected information
6 from the owner of the copyright. If no weblink is available, the
7 contact information for the owner of the copyright shall be made
8 available;

9 4. Make available for public inspection and publish on its
10 website pursuant to the provisions of the Open Records Act all final
11 orders, decisions and opinions.

12 B. 1. An agency shall maintain an official rulemaking record
13 for each proposed rule or promulgated rule. The record and
14 materials incorporated by reference shall be available for public
15 inspection and shall be published on the agency's website.

16 Provided, any rules that are subject to copyright protection and are
17 adopted by an agency shall not be posted as provided in this act,
18 but the agency shall provide a weblink, if available, to access the
19 protected information from the owner of the copyright. If no
20 weblink is available, the contact information for the owner of the
21 copyright shall be made available.

22 2. The agency rulemaking record shall contain:
23
24

- 1 a. copies of all publications in "The Oklahoma Register"
2 with respect to the rule or the proceeding upon which
3 the rule is based,
- 4 b. copies of any portions of the agency's public
5 rulemaking docket containing entries relating to the
6 rule or the proceeding upon which the rule is based,
- 7 c. all written petitions, requests, submissions, and
8 comments received by the agency and all other written
9 materials considered by the agency in connection with
10 the formulation, proposal, or adoption of the rule or
11 the proceeding upon which the rule is based,
- 12 d. any official transcript of oral presentations made in
13 the proceeding upon which the rule is based or, if not
14 transcribed, any tape recording or stenographic record
15 of those presentations, and any memorandum prepared by
16 a presiding official summarizing the contents of those
17 presentations,
- 18 e. a copy of any regulatory analysis prepared for the
19 proceeding upon which the rule is based,
- 20 f. a copy of the rule and analysis of each such rule
21 filed with the Office pursuant to Section 251 of this
22 title,
- 23 g. all petitions for exceptions to, amendments of, or
24 repeal or suspension of, the rule,

- 1 h. a copy of the rule impact statement, if made, and
2 i. such other information concerning such rules as may be
3 determined necessary by the agency.

4 3. Upon judicial review, the record required by this section
5 constitutes the official agency rulemaking record with respect to a
6 rule. Except as otherwise required by a provision of law, the
7 agency rulemaking record need not constitute the exclusive basis for
8 agency action on that rule or for judicial review thereof.

9 C. 1. ~~By December 31, 2002, each~~ Each agency that issues
10 precedent-setting orders shall maintain and index all such orders
11 that the agency intends to rely upon as precedent. The index and
12 the orders shall be available for public inspection and copying in
13 the main office and each regional or district office of the agency
14 and shall be published on the agency's website. The orders shall be
15 indexed by subject.

16 2. ~~After December 31, 2002, an~~ An order shall not be relied
17 upon as precedent by an agency to the detriment of any person until
18 it has been made available for public inspection ~~and,~~ indexed and
19 published in the manner described in this subsection.

20 3. An agency shall consistently apply rules to each person
21 subject to the jurisdiction of the agency regarding issuance of
22 orders.

1 D. An agency shall not by internal policy, memorandum, or other
2 form of action not otherwise authorized by the Administrative
3 Procedures Act:

4 1. Amend, interpret, implement, or repeal a statute or a rule;

5 2. Expand upon or limit a statute or a rule; and

6 3. Except as authorized by the Constitution of the United
7 States, the Oklahoma Constitution or a statute, expand or limit a
8 right guaranteed by the Constitution of the United States, the
9 Oklahoma Constitution, a statute, or a rule.

10 E. Any agency memorandum, internal policy, or other form of
11 action violative of this section or the spirit thereof is null,
12 void, and unenforceable.

13 F. This section shall not be construed to prohibit an agency
14 issuing an opinion or administrative decision which is authorized by
15 statute provided that, unless such opinion or administrative
16 decision is issued pursuant to the procedures required pursuant to
17 the Administrative Procedures Act, such decision or opinion shall
18 not have the force and effect of law.

19 SECTION 8. AMENDATORY 75 O.S. 2011, Section 303, as
20 amended by Section 50, Chapter 227, O.S.L. 2013 (75 O.S. Supp. 2015,
21 Section 303), is amended to read as follows:

22 Section 303. A. Prior to the adoption of any rule or amendment
23 or revocation of a rule, the agency shall:
24

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

3 2. Transmit one electronic copy of the complete text of all
4 proposed permanent rules and the notice described in subsection B of
5 this section to all members of the Legislature. Such transmission
6 shall be made using the state online filing system and shall be made
7 prior to or within three (3) days after the notice is submitted to
8 the Secretary of State for publication in "The Oklahoma Register";

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

14 ~~3.~~ 4. Hold a hearing, if required, as provided by subsection C
15 of this section;

16 ~~4.~~ 5. Consider the effect its intended action may have on the
17 various types of business and governmental entities. Except where
18 such modification or variance is prohibited by statute or
19 constitutional constraints, if an agency finds that its actions may
20 adversely affect any such entity, the agency may modify its actions
21 to exclude that type of entity, or may "tier" its actions to allow
22 rules, penalties, fines or reporting procedures and forms to vary
23 according to the size of a business or governmental entity or its
24 ability to comply or both. For business entities, the agency shall

1 include a description of the probable quantitative and qualitative
2 impact of the proposed rule, economic or otherwise, and use
3 quantifiable data to the extent possible, taking into account both
4 short-term and long-term consequences; and

5 ~~5.~~ 6. Consider the effect its intended action may have on the
6 various types of consumer groups. If an agency finds that its
7 actions may adversely affect such groups, the agency may modify its
8 actions to exclude that type of activity.

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

- 11 1. In simple language, a brief summary of the rule;
- 12 2. The proposed action being taken;
- 13 3. The circumstances which created the need for the rule;
- 14 4. The specific legal authority authorizing the proposed rule;
- 15 5. The intended effect of the rule;
- 16 6. If the agency determines that the rule affects business
17 entities, a request that such entities provide the agency, within
18 the comment period, in dollar amounts if possible, the increase in
19 the level of direct costs such as fees, and indirect costs such as
20 reporting, recordkeeping, equipment, construction, labor,
21 professional services, revenue loss, or other costs expected to be
22 incurred by a particular entity due to compliance with the proposed
23 rule;
- 24

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

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

7 9. The time when, the place where, and the manner in which
8 persons may demand a hearing on the proposed rule if the notice does
9 not already provide for a hearing. If the notice provides for a
10 hearing, the time and place of the hearing shall be specified in the
11 notice; and

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

15 The number of copies of such notice as specified by the
16 Secretary shall be submitted to the Secretary who shall publish the
17 notice in "The Oklahoma Register" pursuant to the provisions of
18 Section 255 of this title.

19 Prior to or within three (3) days after publication of the
20 notice in "The Oklahoma Register", the agency shall cause a copy of
21 the notice of the proposed rule adoption and the rule impact
22 statement, if available, to be mailed to all persons who have made a
23 timely request of the agency for advance notice of its rulemaking
24 proceedings. Provided, in lieu of mailing copies, an agency may

1 electronically notify interested persons that a copy of the proposed
2 rule and the rule impact statement, if available, may be viewed on
3 the agency's website. If an agency posts a copy of the proposed
4 rule and rule impact statement on its website, the agency shall not
5 charge persons for the cost of downloading or printing the proposed
6 rule or impact statement. Each agency shall maintain a listing of
7 persons or entities requesting such notice.

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

- 12 a. at least ten persons,
- 13 b. a political subdivision,
- 14 c. an agency, or
- 15 d. an association having not less than twenty-five
16 members.

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

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

22 3. The provisions of this subsection shall not be construed to
23 prevent an agency from holding a hearing or hearings on the proposed
24 rule although not required by the provisions of this subsection;

1 provided that notice of such hearing shall be published in "The
2 Oklahoma Register" at least thirty (30) days prior to such hearing.

3 D. 1. Except as otherwise provided in this subsection, an
4 agency shall issue a rule impact statement of a proposed rule prior
5 to or within fifteen (15) days after the date of publication of the
6 notice of proposed rule adoption. The rule impact statement may be
7 modified after any hearing or comment period afforded pursuant to
8 the provisions of this section.

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

- 11 a. a brief description of the purpose of the proposed
12 rule,
- 13 b. a description of the classes of persons who most
14 likely will be affected by the proposed rule,
15 including classes that will bear the costs of the
16 proposed rule, and any information on cost impacts
17 received by the agency from any private or public
18 entities,
- 19 c. a description of the classes of persons who will
20 benefit from the proposed rule,
- 21 d. a description of the probable economic impact of the
22 proposed rule upon affected classes of persons or
23 political subdivisions, including a listing of all fee
24

1 changes and, whenever possible, a separate
2 justification for each fee change,

3 e. the probable costs and benefits to the agency and to
4 any other agency of the implementation and enforcement
5 of the proposed rule, the source of revenue to be used
6 for implementation and enforcement of the proposed
7 rule, and any anticipated effect on state revenues,
8 including a projected net loss or gain in such
9 revenues if it can be projected by the agency,

10 f. a determination of whether implementation of the
11 proposed rule will have an economic impact on any
12 political subdivisions or require their cooperation in
13 implementing or enforcing the rule,

14 g. a determination of whether implementation of the
15 proposed rule may have an adverse economic effect on
16 small business as provided by the Oklahoma Small
17 Business Regulatory Flexibility Act,

18 h. an explanation of the measures the agency has taken to
19 minimize compliance costs and a determination of
20 whether there are less costly or nonregulatory methods
21 or less intrusive methods for achieving the purpose of
22 the proposed rule,

23 i. a determination of the effect of the proposed rule on
24 the public health, safety and environment and, if the

1 proposed rule is designed to reduce significant risks
2 to the public health, safety and environment, an
3 explanation of the nature of the risk and to what
4 extent the proposed rule will reduce the risk,

5 j. a determination of any detrimental effect on the
6 public health, safety and environment if the proposed
7 rule is not implemented, and

8 k. the date the rule impact statement was prepared and if
9 modified, the date modified.

10 3. To the extent an agency for good cause finds the preparation
11 of a rule impact statement or the specified contents thereof are
12 unnecessary or contrary to the public interest in the process of
13 adopting a particular rule, the agency may request the Governor to
14 waive such requirement. Upon request by an agency, the Governor may
15 also waive the rule impact statement requirements if the agency is
16 required to implement a statute or federal requirement that does not
17 require an agency to interpret or describe the requirements, such as
18 federally mandated provisions which afford the agency no discretion
19 to consider less restrictive alternatives. If the Governor fails to
20 waive such requirement, in writing, prior to publication of the
21 notice of the intended rulemaking action, the rule impact statement
22 shall be completed. The determination to waive the rule impact
23 statement shall not be subject to judicial review.
24

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

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

7 SECTION 9. AMENDATORY 75 O.S. 2011, Section 305, is
8 amended to read as follows:

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

18 SECTION 10. AMENDATORY 75 O.S. 2011, Section 307.1, is
19 amended to read as follows:

20 Section 307.1. A. The Speaker of the House of Representatives
21 and the President Pro Tempore of the Senate may each establish a
22 rule review committee or designate standing committees of each such
23 house to review administrative rules.
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1 B. Such committees may meet separately or jointly at any time,
2 during sessions of the Legislature and in the interim.

3 C. The function of the committees so established or designated
4 shall be the review and promotion of adequate and proper rules by
5 agencies and developing an understanding on the part of the public
6 respecting such rules. ~~Such function shall be advisory only.~~

7 Each committee may review all adopted rules and such other rules
8 the committee deems appropriate and may make recommendations
9 concerning such rules to their respective house of the Legislature,
10 or to the agency adopting the rule, or to both their respective
11 house of the Legislature and the agency.

12 D. In addition to the review of agency-adopted rules pursuant
13 to this act, each such committee shall have the power and duty to:

14 1. Conduct a continuous study and investigations as to whether
15 additional legislation or changes in legislation are needed based on
16 various factors, including but not limited to, review of proposed
17 rules, review of existing rules including but not limited to
18 consideration of amendments to or repeal of existing rules, the lack
19 of rules, the ability of agencies to promulgate such rules, and the
20 needs of administrative agencies;

21 2. Conduct a continuous study of the existing rules of each
22 agency under its jurisdiction to determine if such rules should be
23 amended by the Legislature as provided by law;
24

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

4 ~~3.~~ 4. Conduct such other studies and investigations relating to
5 rules as may be determined to be necessary by the committee; and

6 ~~4.~~ 5. Monitor and investigate compliance of agencies with the
7 provisions of the Administrative Procedures Act, make periodic
8 investigations of the rulemaking activities of all agencies and
9 evaluate and report on all rules in terms of their propriety, legal
10 adequacy, relation to statutory authorization, economic and
11 budgetary effects and public policy.

12 SECTION 11. AMENDATORY 75 O.S. 2011, Section 308, as
13 amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2015,
14 Section 308), is amended to read as follows:

15 Section 308. A. Upon receipt of any adopted rules, the Speaker
16 of the House of Representatives and the President Pro Tempore of the
17 Senate shall assign such rules to the appropriate committees of each
18 house of the Legislature for review. Except as otherwise provided
19 by this section:

20 1. ~~If such rules~~ Rules are to be received on or before ~~April 1~~
21 February 1, and the Legislature shall have until the last day of the
22 regular legislative session of that year to review such rules; and

23 2. If such rules are submitted by agencies that are subject to
24 federal requirements which require additional time, then such rules

1 may be received after on or before April 1, the. The Legislature
2 shall have until the last day of the regular legislative session of
3 ~~the next~~ that year to review such rules. If such rules are received
4 after April 1, the Legislature shall have until the last day of the
5 regular legislative session of 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 or amend any rule. Any such action may
9 apply to any rule in whole or in part. The Legislature may also
10 take any such action and provide further instructions to the agency
11 that promulgated the rule.

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

1 D. Unless otherwise provided by specific vote of the
2 Legislature, joint resolutions introduced for purposes of
3 disapproving ~~or~~, approving or amending a rule or the omnibus joint
4 resolution described in Section ~~6~~ 308.3 of this ~~act~~ title shall not
5 be subject to regular legislative cutoff dates, shall be limited to
6 such provisions as may be necessary for disapproval ~~or~~, approval or
7 amendment of a rule, and any such other direction or mandate
8 regarding the rule deemed necessary by the Legislature. The
9 resolution shall contain no other provisions.

10 E. A proposed permanent rule shall be deemed finally adopted
11 if:

12 1. Approved or amended by the Legislature pursuant to Section ~~6~~
13 308.3 of this ~~act~~ title, provided that any such joint resolution
14 becomes law in accordance with Section 11 of Article VI of the
15 Oklahoma Constitution;

16 2. Approved by the Governor pursuant to subsection D of Section
17 ~~6~~ 308.3 of this ~~act~~ title;

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

22 4. Disapproved by a joint resolution pursuant to subsection B
23 of this section or Section ~~6~~ 308.3 of this ~~act~~ title which has been
24

1 vetoed by the Governor in accordance with Section 11 of Article VI
2 of the Oklahoma Constitution and the veto has not been overridden.

3 F. 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. An agency may promulgate an emergency rule only pursuant to
9 Section 253 of this title.

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

14 SECTION 12. AMENDATORY 75 O.S. 2011, Section 308.1, as
15 amended by Section 5, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2015,
16 Section 308.1), is amended to read as follows:

17 Section 308.1. A. Upon final adoption, the agency shall submit
18 the rule to the Secretary for filing and publishing such rule
19 pursuant to Sections 251 and 255 of this title.

20 B. The text of the rule submitted for publication shall be the
21 same as the text of the rule that has been finally adopted.

22 C. After final adoption, filing, and publication, an effective
23 agency rule may be amended by the Legislature in a joint resolution
24 if such resolution becomes law in accordance with Section 11 of

1 Article VI of the Oklahoma Constitution. Unless otherwise provided
2 by specific vote of the Legislature, joint resolutions introduced
3 for purposes of amending a rule shall not be subject to regular
4 legislative cutoff dates, shall be limited to such provisions as may
5 be necessary for amendment of a rule, and any such other direction
6 or mandate regarding the rule deemed necessary by the Legislature.
7 The resolution shall contain no other provisions.

8 SECTION 13. AMENDATORY Section 6, Chapter 357, O.S.L.
9 2013 (75 O.S. Supp. 2015, Section 308.3), is amended to read as
10 follows:

11 Section 308.3. A. The Legislature ~~shall~~ may have an omnibus
12 joint resolution prepared for consideration each session.

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

17 C. For the purpose of this section, a proposed permanent rule
18 may be disapproved, in whole or in part or amended, in the omnibus
19 joint resolution considered by the Legislature.

20 D. 1. If an agency believes that a rule has not been approved
21 by the Legislature pursuant to this section and should be approved
22 and finally adopted, the agency may seek the Governor's declaration
23 approving the rule.
24

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

- 4 a. the rule is necessary, and
- 5 b. a citation to the source of its authority to make the
6 rule.

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

- 13 b. The declaration shall set forth the rule to be
14 approved, the reasons the approval is necessary, and a
15 citation to the source of the agency's authority to
16 make the rule.

17 4. If the omnibus joint resolution fails to pass both houses of
18 the Legislature and be signed by the Governor or is found by the
19 Governor to have a ~~technical legal defect~~ nonsubstantive error
20 preventing approval of administrative rules intended to be approved
21 by the Legislature, the Governor may declare all rules to be
22 approved and finally adopted by publishing a single declaration in
23 "The Oklahoma Register" on or before July 17 without meeting
24 requirements of paragraphs 2 and 3 of this subsection. If the

1 Governor finds that the joint resolution has a ~~technical legal~~
2 ~~defect~~ nonsubstantive error, the Governor shall make the finding in
3 writing and submit the finding to the Legislature.

4 SECTION 14. AMENDATORY 75 O.S. 2011, Section 317, is
5 amended to read as follows:

6 Section 317. A. A final agency order issued by an
7 administrative head of an agency shall be subject to rehearing,
8 reopening or reconsideration by such administrative head. Any
9 application or request for such rehearing, reopening or
10 reconsideration shall be made by any party aggrieved by the final
11 agency order within ~~ten (10)~~ thirty (30) days from the date of the
12 entry of such final agency order. The grounds for such action shall
13 be either:

14 1. Newly discovered or newly available evidence, relevant to
15 the issues;

16 2. Need for additional evidence adequately to develop the facts
17 essential to proper decision;

18 3. Probable error committed by the agency in the proceeding or
19 in its decision such as would be ground for reversal on judicial
20 review of the final agency order;

21 4. Need for further consideration of the issues and the
22 evidence in the public interest; or

23 5. A showing that issues not previously considered ought to be
24 examined in order properly to dispose of the matter.

1 B. The order of the agency granting rehearing, reconsideration
2 or review, or the petition of a party therefor, shall set forth the
3 grounds which justify such action.

4 C. Nothing in this section shall prevent rehearing, reopening
5 or reconsideration of a matter by any agency in accordance with
6 other statutory provisions applicable to such agency, or, at any
7 time, on the ground of fraud practiced by the prevailing party or of
8 procurement of the order by perjured testimony or fictitious
9 evidence.

10 D. On reconsideration, reopening, or rehearing, the matter may
11 be heard by the agency, or it may be referred to a hearing examiner.
12 The hearing shall be confined to those grounds upon which the
13 reconsideration, reopening or rehearing was ordered.

14 E. If an application for rehearing shall be timely filed, the
15 period within which judicial review, under the applicable statute,
16 must be sought, shall run from the final disposition of such
17 application.

18 SECTION 15. This act shall become effective November 1, 2016.

19
20 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
04/06/2016 - DO PASS, As Amended.
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