

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 539

By: Dahm

4  
5  
6 AS INTRODUCED

7 An Act relating to agency administrative rules;  
8 amending 75 O.S. 2011, Sections 250.4a, 250.10, as  
9 amended by Section 49, Chapter 227, O.S.L. 2013, 302,  
10 303, as amended by Section 50, Chapter 227, O.S.L.  
11 2013, 307.1, 308 and 308.1, as amended by Sections 4  
12 and 5, Chapter 357, O.S.L. 2013, 308.2 and Section 6,  
13 Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,  
14 Sections 250.10, 303, 308, 308.1 and 308.3), which  
15 relate to the Administrative Procedures Act;  
16 requiring certain publication on agency websites;  
17 deleting deadlines for certain duties; modifying time  
18 by which agency required to make certain responses;  
19 stating requirements for waiver request; deleting  
20 provision relating to function of certain committees;  
21 granting Legislature authority to amend proposed and  
22 effective agency rules; providing procedures;  
23 providing that certain rights, privileges or  
24 interests not affected by subsequent amendment;  
25 modifying time by which certain proceeding must be  
commenced; specifying requirements for certain joint  
resolutions; updating statutory references; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 75 O.S. 2011, Section 250.4a, is  
amended to read as follows:

Section 250.4a. A. Any agency exempt from all or part of the  
Administrative Procedures Act pursuant to subsection A of Section

1 250.4 of this title shall maintain and make available for public  
2 inspection its exempt rules at its principal place of business, and  
3 shall also publish its exempt rules on its website.

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

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

21 SECTION 2. AMENDATORY 75 O.S. 2011, Section 250.10, as  
22 amended by Section 49, Chapter 227, O.S.L. 2013 (75 O.S. Supp. 2020,  
23 Section 250.10), is amended to read as follows:  
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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 and shall respond to requests from a  
8 small business within ninety (90) calendar days of such request.

9 SECTION 3. AMENDATORY 75 O.S. 2011, Section 302, is  
10 amended to read as follows:

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

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

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

21 3. Make available for public inspection and publish on its  
22 website all rules and all other written statements of policy or  
23 interpretations formulated, adopted, promulgated or used by the  
24 agency in the discharge of its functions;

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

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

8           2. The agency rulemaking record shall contain:

- 9           a. copies of all publications in "The Oklahoma Register"  
10           with respect to the rule or the proceeding upon which  
11           the rule is based,
- 12           b. copies of any portions of the agency's public  
13           rulemaking docket containing entries relating to the  
14           rule or the proceeding upon which the rule is based,
- 15           c. all written petitions, requests, submissions, and  
16           comments received by the agency and all other written  
17           materials considered by the agency in connection with  
18           the formulation, proposal, or adoption of the rule or  
19           the proceeding upon which the rule is based,
- 20           d. any official transcript of oral presentations made in  
21           the proceeding upon which the rule is based or, if not  
22           transcribed, any tape recording or stenographic record  
23           of those presentations, and any memorandum prepared by  
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1 a presiding official summarizing the contents of those  
2 presentations,

3 e. a copy of any regulatory analysis prepared for the  
4 proceeding upon which the rule is based,

5 f. a copy of the rule and analysis of each such rule  
6 filed with the Office pursuant to Section 251 of this  
7 title,

8 g. all petitions for exceptions to, amendments of, or  
9 repeal or suspension of, the rule,

10 h. a copy of the rule impact statement, if made, and

11 i. such other information concerning such rules as may be  
12 determined necessary by the agency.

13 3. Upon judicial review, the record required by this section  
14 constitutes the official agency rulemaking record with respect to a  
15 rule. Except as otherwise required by a provision of law, the  
16 agency rulemaking record need not constitute the exclusive basis for  
17 agency action on that rule or for judicial review thereof.

18 C. 1. ~~By December 31, 2002, each~~ Each agency that issues  
19 precedent-setting orders shall maintain and index all such orders  
20 that the agency intends to rely upon as precedent. The index and  
21 the orders shall be available for public inspection and copying in  
22 the main office and each regional or district office of the agency  
23 and shall be published on the agency's website. The orders shall be  
24 indexed by subject.

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

5           3. An agency shall consistently apply rules to each person  
6 subject to the jurisdiction of the agency regarding issuance of  
7 orders.

8           D. An agency shall not by internal policy, memorandum, or other  
9 form of action not otherwise authorized by the Administrative  
10 Procedures Act:

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

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

13           3. Except as authorized by the Constitution of the United  
14 States, the Oklahoma Constitution or a statute, expand or limit a  
15 right guaranteed by the Constitution of the United States, the  
16 Oklahoma Constitution, a statute, or a rule.

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

20           F. This section shall not be construed to prohibit an agency  
21 issuing an opinion or administrative decision which is authorized by  
22 statute provided that, unless such opinion or administrative  
23 decision is issued pursuant to the procedures required pursuant to  
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1 the Administrative Procedures Act, such decision or opinion shall  
2 not have the force and effect of law.

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

6 Section 303. A. Prior to the adoption of any rule or amendment  
7 or revocation of a rule, the agency shall:

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

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

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

17 4. Consider the effect its intended action may have on the  
18 various types of business and governmental entities. Except where  
19 such modification or variance is prohibited by statute or  
20 constitutional constraints, if an agency finds that its actions may  
21 adversely affect any such entity, the agency may modify its actions  
22 to exclude that type of entity, or may "tier" its actions to allow  
23 rules, penalties, fines or reporting procedures and forms to vary  
24 according to the size of a business or governmental entity or its  
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1 ability to comply or both. For business entities, the agency shall  
2 include a description of the probable quantitative and qualitative  
3 impact of the proposed rule, economic or otherwise, and use  
4 quantifiable data to the extent possible, taking into account both  
5 short-term and long-term consequences; and

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

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

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



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 members.

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

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

21 3. The provisions of this subsection shall not be construed to  
22 prevent an agency from holding a hearing or hearings on the proposed  
23 rule although not required by the provisions of this subsection;  
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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  
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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. Such request shall be in writing and shall  
15 state the agency's findings and the justification for such findings.

16 Upon request by an agency, the Governor may also waive the rule  
17 impact statement requirements if the agency is required to implement  
18 a statute or federal requirement that does not require an agency to  
19 interpret or describe the requirements, such as federally mandated  
20 provisions which afford the agency no discretion to consider less  
21 restrictive alternatives. If the Governor fails to waive such  
22 requirement, in writing, prior to publication of the notice of the  
23 intended rulemaking action, the rule impact statement shall be

1 completed. The determination to waive the rule impact statement  
2 shall not be subject to judicial review.

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

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

9 SECTION 5. AMENDATORY 75 O.S. 2011, Section 307.1, is  
10 amended to read as follows:

11 Section 307.1. A. The Speaker of the House of Representatives  
12 and the President Pro Tempore of the Senate may each establish a  
13 rule review committee or designate standing committees of each such  
14 house to review administrative rules.

15 B. Such committees may meet separately or jointly at any time,  
16 during sessions of the Legislature and in the interim.

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

21 Each committee may review all adopted rules and such other rules  
22 the committee deems appropriate and may make recommendations  
23 concerning such rules to their respective house of the Legislature,  
24

1 or to the agency adopting the rule, or to both their respective  
2 house of the Legislature and the agency.

3 D. In addition to the review of agency-adopted rules pursuant  
4 to ~~this act~~ Section 250 et seq. of this title, each such committee  
5 shall have the power and duty to:

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

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

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

18 4. Monitor and investigate compliance of agencies with the  
19 provisions of the Administrative Procedures Act, make periodic  
20 investigations of the rulemaking activities of all agencies and  
21 evaluate and report on all rules in terms of their propriety, legal  
22 adequacy, relation to statutory authorization, economic and  
23 budgetary effects and public policy.

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

4 Section 308. A. Upon receipt of any adopted rules, the Speaker  
5 of the House of Representatives and the President Pro Tempore of the  
6 Senate shall assign such rules to the appropriate committees of each  
7 house of the Legislature for review. Except as otherwise provided  
8 by this section:

9 1. If such rules are received on or before April 1, the  
10 Legislature shall have until the last day of the regular legislative  
11 session of that year to review such rules; and

12 2. If such rules are received after April 1, the Legislature  
13 shall have until the last day of the regular legislative session of  
14 the next year to review such rules.

15 B. By the adoption of a joint resolution during the review  
16 period specified in subsection A of this section, the Legislature  
17 may disapprove ~~or~~, approve or amend any rule. Any such action may  
18 apply to any rule in whole or in part. The Legislature may also  
19 take any such action and provide further instructions to the agency  
20 that promulgated the rule.

21 C. Unless otherwise authorized by the Legislature, whenever a  
22 rule is disapproved as provided in subsection B of this section, the  
23 agency adopting such rules shall not have authority to resubmit an  
24 identical rule, except during the first sixty (60) calendar days of



1 the next regular legislative session. Any effective emergency rule  
2 which would have been superseded by a disapproved permanent rule  
3 shall be deemed null and void on the date the Legislature  
4 disapproves the permanent rule. Rules may be disapproved in part or  
5 in whole by the Legislature. Upon enactment of any joint resolution  
6 disapproving or amending a rule, the agency shall file notice of  
7 such legislative disapproval or amendment with the Secretary of  
8 State for publication in "The Oklahoma Register".

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

18 E. A proposed permanent rule shall be deemed finally adopted  
19 if:

20 1. Approved or amended by the Legislature pursuant to Section ~~6~~  
21 308.3 of this ~~act~~ title, provided that any such joint resolution  
22 becomes law in accordance with Section 11 of Article VI of the  
23 Oklahoma Constitution;

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

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

7 4. Disapproved by a joint resolution pursuant to subsection B  
8 of this section or Section ~~6~~ 308.3 of this ~~act~~ title which has been  
9 vetoed by the Governor in accordance with Section 11 of Article VI  
10 of the Oklahoma Constitution and the veto has not been overridden.

11 F. Prior to final adoption of a rule, an agency may withdraw a  
12 rule from legislative review. Notice of such withdrawal shall be  
13 given to the Governor, the Speaker of the House of Representatives,  
14 the President Pro Tempore of the Senate, and to the Secretary of  
15 State for publication in "The Oklahoma Register".

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

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

22 SECTION 7. AMENDATORY 75 O.S. 2011, Section 308.1, as  
23 amended by Section 5, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,  
24 Section 308.1), is amended to read as follows:

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

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

6 C. After final adoption, filing and publication, an effective  
7 agency rule may be amended by the Legislature in a joint resolution  
8 if such resolution becomes law in accordance with Section 11 of  
9 Article VI of the Oklahoma Constitution. Unless otherwise provided  
10 by specific vote of the Legislature, joint resolutions introduced  
11 for purposes of amending a rule shall not be subject to regular  
12 legislative cutoff dates, shall be limited to such provisions as may  
13 be necessary for amendment of a rule and any such other direction or  
14 mandate regarding the rule deemed necessary by the Legislature. The  
15 resolution shall contain no other provisions.

16 SECTION 8. AMENDATORY 75 O.S. 2011, Section 308.2, is  
17 amended to read as follows:

18 Section 308.2. A. No agency rule is valid or effective against  
19 any person or party, or may be invoked by the agency for any  
20 purpose, until it has been promulgated as required in the  
21 Administrative Procedures Act.

22 B. A proceeding to contest any promulgated rule on the ground  
23 of noncompliance with the procedural requirements of Article I of  
24

1 the Administrative Procedures Act must be commenced within ~~two (2)~~  
2 three (3) years from the effective date of the promulgated rule.

3 C. Rules shall be valid and binding on persons they affect, and  
4 shall have the force of law unless amended or revised or unless a  
5 court of competent jurisdiction determines otherwise. Except as  
6 otherwise provided by law, rules shall be prima facie evidence of  
7 the proper interpretation of the matter to which they refer.

8 SECTION 9. AMENDATORY Section 6, Chapter 357, O.S.L.  
9 2013 (75 O.S. Supp. 2020, Section 308.3), is amended to read as  
10 follows:

11 Section 308.3. A. The Legislature shall have an omnibus joint  
12 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.

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~~ non-substantive 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~~ non-substantive error, the Governor shall make the finding in  
3 writing and submit the finding to the Legislature.

4 SECTION 10. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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