

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 515

6 By: Bergstrom of the Senate

7 and

8 Kendrix of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to the Administrative Procedures Act;
11 amending 75 O.S. 2021, Sections 250.3, 253, 303.1,
12 307.1, 308, and 308.3, which relate to administrative
13 rule provisions and the Joint Committee on
14 Administrative Rules; conforming language; deleting
15 definitions; directing certain submissions to chief
16 legislative officer of each chamber; modifying date
17 of submission for proposed permanent administrative
18 rules; repealing 75 O.S. 2021, Section 303a, which
19 relates to expedited rule repeal process; updating
20 statutory language; updating statutory reference; and
21 declaring an emergency.

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

23 SECTION 1. AMENDATORY 75 O.S. 2021, Section 250.3, is
24 amended to read as follows:

Section 250.3. As used in the Administrative Procedures Act:

1. "Administrative head" means an official or agency body
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 the Governor;

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

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

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

18 ~~5.~~ "Emergency rule" means a rule that is made pursuant to
19 Section 253 of this title;

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

22 ~~7.~~ 5. "Final rule" or "finally adopted rule" means a rule other
23 than an emergency rule, which has not been published pursuant to
24

1 Section 255 of this title but is otherwise in compliance with the
2 requirements of the Administrative Procedures Act, and is:

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

19 ~~8.~~ 6. "Final agency order" means an order that includes
20 findings of fact and conclusions of law pursuant to Section 312 of
21 this title, is dispositive of an individual proceeding unless there
22 is a request for rehearing, reopening, or reconsideration pursuant
23 to Section 317 of this title and which is subject to judicial
24 review;

1 ~~9.~~ 7. "Hearing examiner" means a person meeting the
2 qualifications specified by Article II of the Administrative
3 Procedures Act and who has been duly appointed by an agency to hold
4 hearings and, as required, render orders or proposed orders;

5 ~~10.~~ 8. "Individual proceeding" means the formal process
6 employed by an agency having jurisdiction by law to resolve issues
7 of law or fact between parties and which results in the exercise of
8 discretion of a judicial nature;

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

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

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

16 ~~14.~~ 12. "Party" means a person or agency named and
17 participating, or properly seeking and entitled by law to
18 participate, in an individual proceeding;

19 ~~15.~~ 13. "Permanent rule" means a rule that is made pursuant to
20 Section 303 of this title;

21 ~~16.~~ 14. "Person" means any individual, partnership,
22 corporation, association, governmental subdivision, or public or
23 private organization of any character other than an agency;

24

1 ~~17.~~ 15. "Political subdivision" means a county, city,
2 incorporated town or school district within this state;

3 ~~18.~~ 16. "Promulgated" means a finally adopted rule which has
4 been filed and published in accordance with the provisions of the
5 Administrative Procedures Act, or an emergency rule or preemptive
6 rule which has been approved by the Governor;

7 ~~19.~~ 17. "Rule" means any agency statement or group of related
8 statements of general applicability and future effect that
9 implements, interprets or prescribes law or policy, or describes the
10 procedure or practice requirements of the agency. The term ~~"rule"~~
11 rule includes the amendment or revocation of an effective rule but
12 does not include:

- 13 a. the issuance, renewal, denial, suspension or
14 revocation or other sanction of an individual specific
15 license,
- 16 b. the approval, disapproval or prescription of rates.
17 For purposes of this subparagraph, the term "rates"
18 shall not include fees or charges fixed by an agency
19 for services provided by that agency including but not
20 limited to fees charged for licensing, permitting,
21 inspections or publications,
- 22 c. statements and memoranda concerning only the internal
23 management of an agency and not affecting private
24 rights or procedures available to the public,

- d. declaratory rulings issued pursuant to Section 307 of this title,
- e. orders by an agency, or
- f. press releases or "agency news releases", provided such releases are not for the purpose of interpreting, implementing or prescribing law or agency policy;

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

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

~~22.~~ 20. "Small business" means a for-profit enterprise consisting of fifty or fewer full-time or part-time employees; and

~~23.~~ 21. "Technical legal defect" means an error that would otherwise invalidate an action by a court of law.

SECTION 2. AMENDATORY 75 O.S. 2021, Section 253, is amended to read as follows:

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

- a. protect the public health, safety or welfare,

- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest.

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

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

B. An emergency rule adopted by an agency shall:

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

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

1 b. The rule impact statement shall include, but not be
2 limited to:

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

4 (2) a description of the persons who most likely will
5 be affected by the proposed rule, including
6 classes that will bear the costs of the proposed
7 rule, and any information on cost impacts
8 received by the agency from any private or public
9 entities,

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

12 (4) a description of the probable economic impact of
13 the proposed rule upon affected classes of
14 persons or political subdivisions, including a
15 listing of all fee changes and, whenever
16 possible, a separate justification for each fee
17 change,

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

24

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

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

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

17 (9) a determination of any detrimental effect on the
18 public health, safety, and environment if the
19 proposed rule is not implemented, and

20 (10) the date the rule impact statement was prepared
21 and if modified, the date modified.

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

24

1 3. Be transmitted pursuant to Section 464 of Title 74 of the
2 Oklahoma Statutes to the Governor, the Speaker of the ~~Oklahoma~~ House
3 of Representatives, the President Pro Tempore of the Senate, and the
4 ~~chairs of the Joint Committee on Administrative Rules~~ chief
5 legislative officer of each chamber, along with the information
6 required by this subsection within ten (10) days after the rule is
7 adopted; and

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

10 C. 1. Within forty-five (45) calendar days of receipt of a
11 proposed emergency rule filed with the Governor, the Speaker of the
12 ~~Oklahoma~~ House of Representatives, the President Pro Tempore of the
13 Senate, and the ~~chairs of the Joint Committee on Administrative~~
14 ~~Rules~~ chief legislative officer of each chamber, the Governor shall
15 review the demonstration of emergency pursuant to subsection A of
16 this section, and shall separately review the rule in accordance
17 with the standards prescribed in paragraph 3 of this subsection.

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

21 3. If the Governor determines the agency has established the
22 rule is necessary as an emergency measure pursuant to subsection A
23 of this section, the Governor shall approve the proposed emergency
24 rule if the rule is:

- 1 a. clear, concise, and understandable,
- 2 b. within the power of the agency to make and within the
- 3 enacted legislative standards, and
- 4 c. made in compliance with the requirements of the
- 5 Administrative Procedures Act.

6 D. 1. Within the forty-five-calendar-day period set forth in
7 paragraph 1 of subsection C of this section, the Governor may
8 approve the emergency rule or disapprove the emergency rule.

9 Failure of the Governor to approve an emergency rule within the
10 specified period shall constitute disapproval of the emergency rule.

11 2. If the Governor disapproves the adopted emergency rule, the
12 Governor shall return the entire document to the agency with reasons
13 for the disapproval. If the agency elects to modify the rule, the
14 agency shall adopt the modifications, and shall file the modified
15 rule in accordance with the requirements of subsection B of this
16 section.

17 3. Upon disapproval of an emergency rule, the Governor shall,
18 within fifteen (15) days, make written notification to the Speaker
19 of the House of Representatives, the President Pro Tempore of the
20 Senate, ~~the chairs of the Joint Committee on Administrative Rules~~
21 chief legislative officer of each chamber, and the Office of
22 Administrative Rules.

23 E. 1. Upon approval of an emergency rule, the Governor shall
24 immediately make written notification to the agency, the Speaker of

1 the House of Representatives, the President Pro Tempore of the
2 Senate, ~~the chairs of the Joint Committee on Administrative Rules~~
3 chief legislative officer of each chamber, and the Office of
4 Administrative Rules. Upon receipt of the notice of the approval,
5 the agency shall file with the Office of Administrative Rules as
6 many copies of the notice of approval and the emergency rule as
7 required by the Secretary.

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

10 3. The emergency rule shall be published in accordance with the
11 provisions of Section 255 of this title in "The Oklahoma Register"
12 following the approval by the Governor. The Governor's approval and
13 the approved rules shall be retained as official records by the
14 Office of Administrative Rules.

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

19 2. Except as otherwise provided in this subsection, the
20 emergency rule shall remain in full force and effect through the
21 first day of the next succeeding regular session of the Legislature
22 following promulgation of such emergency rule until September 14
23 following such session, unless it is made ineffective pursuant to
24 subsection H of this section.

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

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

14 2. Any promulgated emergency rule shall be made ineffective if:
15 a. disapproved by the Legislature,
16 b. superseded by the promulgation of permanent rules,
17 c. any adopted rules based upon such emergency rules are
18 subsequently disapproved pursuant to Section 308 of
19 this title, or
20 d. an earlier expiration date is specified by the agency
21 in the rules.

22 3. a. Emergency rules in effect on the first day of the
23 session shall be null and void on September 15
24 following sine die adjournment of the Legislature

1 unless otherwise specifically provided by the
2 Legislature.

3 b. Unless otherwise authorized by the Legislature, an
4 agency shall not adopt any emergency rule, which has
5 become null and void pursuant to subparagraph a of
6 this paragraph, as a new emergency rule or adopt any
7 emergency rules of similar scope or intent as the
8 emergency rules which became null and void pursuant to
9 subparagraph a of this paragraph.

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

12 J. 1. The requirements of Section 303 of this title relating
13 to notice and hearing shall not be applicable to emergency rules
14 promulgated pursuant to the provisions of this section. Provided,
15 this shall not be construed to prevent an abbreviated notice and
16 hearing process determined to be necessary by an agency.

17 2. The rule report required pursuant to Section 303.1 of this
18 title shall not be applicable to emergency rules promulgated
19 pursuant to the provisions of this section. Provided, this shall
20 not be construed to prevent an agency from complying with such
21 requirements at the discretion of such agency.

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

1 K. Prior to approval or disapproval of an emergency rule by the
2 Governor, an agency may withdraw from review an emergency rule
3 submitted pursuant to the provisions of this section. Notice of
4 such withdrawal shall be given to the Governor, the Speaker of the
5 House of Representatives, the President Pro Tempore of the Senate in
6 accordance with the requirements set forth in Section 464 of Title
7 74 and to the Office of Administrative Rules as required by the
8 Secretary. In order to be promulgated as emergency rules, any
9 replacement rules shall be resubmitted pursuant to the provisions of
10 this section.

11 L. Upon completing the requirements of this section, an agency
12 may promulgate a proposed emergency rule. No emergency rule is
13 valid unless promulgated in substantial compliance with the
14 provisions of this section.

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

18 SECTION 3. AMENDATORY 75 O.S. 2021, Section 303.1, is
19 amended to read as follows:

20 Section 303.1. A. Within ten (10) days after adoption of a
21 permanent rule, the agency shall file two copies of the following
22 with the Governor, the Speaker of the House of Representatives, the
23 President Pro Tempore of the Senate, and the ~~chairs of the Joint~~
24 ~~Committee on Administrative Rules~~ chief legislative officer of each

1 chamber: all such new rules or amendments; revisions or revocations
2 to an existing rule proposed by an agency; and the agency rule
3 report as required by subsection E of this section.

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

15 C. When the rules have been submitted to the Governor, the
16 Speaker of the House of Representatives, the President Pro Tempore
17 of the Senate, ~~and chairs of the Joint Committee on Administrative~~
18 ~~Rules~~ the chief legislative officer of each chamber, the agency
19 shall also submit to the Office of Administrative Rules for
20 publication in "The Oklahoma Register", a statement that the adopted
21 rules have been submitted to the Governor and the Legislature.

22 D. The text of the adopted rules shall be submitted to the
23 Governor, the Speaker of the House of Representatives, and the
24

1 President Pro Tempore of the Senate in the same format as required
2 by the Secretary pursuant to Section 251 of this title.

3 E. The report required by subsection A of this section shall
4 include:

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

8 2. The name and address of the agency;

9 3. The title and number of the rule;

10 4. A citation to the constitutional or statutory authority for
11 the rule;

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

14 6. A statement of the gist of the rule or a brief summary of
15 the content of the adopted rule;

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

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

21 9. A summary of the comments and explanation of changes or lack
22 of any change made in the adopted rules as a result of testimony
23 received at all hearings or meetings held or sponsored by an agency
24 for the purpose of providing the public an opportunity to comment on

1 the rules or of any written comments received prior to the adoption
2 of the rule. The summary shall include all comments received about
3 the cost impact of the proposed rules;

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

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

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

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

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

18 15. Any other information requested by the Governor, the
19 Speaker of the House of Representatives, or the President Pro
20 Tempore of the Senate ~~or the Joint Committee on Administrative~~
21 ~~Rules.~~

22 SECTION 4. AMENDATORY 75 O.S. 2021, Section 307.1, is
23 amended to read as follows:

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1 Section 307.1. A. The Speaker of the House of Representatives
2 and the President Pro Tempore of the Senate shall establish a joint
3 rule committee ~~to be designated as the Joint Committee on~~
4 ~~Administrative Rules~~ or designated standing committee of each such
5 house to review administrative rules.

6 B. ~~The President Pro Tempore and the Speaker shall appoint~~
7 ~~current members of the Senate and House of Representatives to the~~
8 ~~Committee. The President Pro Tempore and Speaker shall designate~~
9 ~~one of their respective appointments as co-chair of the Committee.~~

10 C. ~~A quorum shall be required to conduct any business of the~~
11 ~~Committee. A quorum shall be a majority of the Senate members of~~
12 ~~the Committee and a majority of the House members of the Committee.~~

13 D. ~~The Committee shall~~ Such committees may meet as needed and
14 during sessions of the Legislature and ~~at regular intervals~~ in the
15 interim.

16 ~~E. C.~~ C. The function of the ~~Committee~~ committees shall be the
17 review of all adopted agency administrative rules ~~including~~
18 ~~recommending by concurrent majority an approval or disapproval of~~
19 ~~each proposed rule to the Legislature. The Committee may also~~
20 ~~recommend by concurrent majority an agency amend or further consider~~
21 ~~a proposed rule~~ and the promotion of adequate and proper rules by
22 agencies. Each committee may review all adopted rules and such
23 other rules the committee deems appropriate and may make
24 recommendations concerning such rules to its respective house of the

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

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

7 G. D. In addition to the review of agency-adopted rules
8 pursuant to this act, the ~~Committee~~ committees shall have the power
9 and duty to:

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

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

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

23 4. Monitor and investigate compliance of agencies with the
24 provisions of the Administrative Procedures Act, make periodic

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

5 SECTION 5. AMENDATORY 75 O.S. 2021, Section 308, is
6 amended to read as follows:

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

13 1. If such rules are received on or before April 1, the
14 Legislature shall have until the last day of the regular legislative
15 session of that year to ~~act on the recommendations of the Joint~~
16 ~~Committee on Administrative Rules~~ review such rules. Provided,
17 proposed permanent rules for consideration by the 2nd Session of the
18 59th Legislature shall be submitted on or before March 1. For each
19 legislative session thereafter, proposed permanent rules shall be
20 submitted on or before February 1 of the given year; and

21 2. If such rules are received after ~~April 1~~ the date
22 established pursuant to paragraph 1 of this subsection, the
23 Legislature shall have until the last day of the regular legislative
24

1 session of the next year to act on ~~the recommendations of the Joint~~
2 ~~Committee on Administrative Rules~~ such rules.

3 B. By the adoption of joint resolutions during the review
4 period specified in subsection A of this section, the Legislature
5 may disapprove or approve any rule, and disapprove all or part of a
6 rule or rules ~~and disapprove or approve the repeal of rules under~~
7 ~~the expedited repeal process pursuant to this act. Rules under~~
8 ~~consideration at a meeting of the Joint Committee on Administrative~~
9 ~~Rules during the interim may be acted upon by the Legislature at any~~
10 ~~time during session.~~

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

23 D. Unless otherwise provided by specific vote of the
24 Legislature, joint resolutions introduced for purposes of

1 disapproving or approving a rule or the omnibus joint resolution
2 described in Section 308.3 of this title shall not be subject to
3 regular legislative cutoff dates, shall be limited to such
4 provisions as may be necessary for disapproval or approval of a
5 rule, and any such other direction or mandate regarding the rule
6 deemed necessary by the Legislature. The resolution shall contain
7 no other provisions.

8 E. A proposed permanent rule shall be deemed finally adopted
9 if:

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

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

18 3. Disapproved by a joint resolution pursuant to subsection B
19 of this section or Section 308.3 of this title which has been vetoed
20 by the Governor in accordance with Section 11 of Article VI of the
21 Oklahoma Constitution and the veto has not been overridden.

22 F. Prior to final adoption of a rule, an agency may withdraw a
23 rule from legislative review. Notice of such withdrawal shall be
24 given to the Governor, the Speaker of the House of Representatives,

1 the President Pro Tempore of the Senate, and to the Secretary for
2 publication in "The Oklahoma Register".

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

5 H. Any rights, privileges, or interests gained by any person by
6 operation of an emergency rule, shall not be affected by reason of
7 any subsequent disapproval or rejection of such rule by either house
8 of the Legislature.

9 SECTION 6. AMENDATORY 75 O.S. 2021, Section 308.3, is
10 amended to read as follows:

11 Section 308.3. A. The Legislature shall have joint resolutions
12 prepared for consideration each session.

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

16 C. If any rule received on or before ~~April 1~~ the date
17 established pursuant to paragraph 1 of subsection A of Section 308
18 of this title is not subject to a joint resolution passed by both
19 houses of the Legislature and signed by the Governor or is found by
20 the Governor to have a technical legal defect preventing approval of
21 administrative rules intended to be approved by the Legislature, the
22 Governor may declare any rules received on or before April 1 and not
23 subject to a joint resolution passed by both houses of the
24 Legislature to be approved or disapproved and finally adopted by

1 publishing a single declaration in "The Oklahoma Register" on or
2 before July 17. If the Governor finds that the joint resolution has
3 a technical legal defect, the Governor shall make the finding in
4 writing and submit the finding to the Legislature.

5 SECTION 7. REPEALER 75 O.S. 2021, Section 303a, is
6 hereby repealed.

7 SECTION 8. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 59-1-1857 RD 2/13/2023 9:59:08 AM

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