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February 28, 2024

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 180

By: Bergstrom

An Act relating to the Administrative Procedures Act; amending 75 O.S. 2021, Section 303.1, as amended by Section 3, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2023, Section 303.1), which relates to rule filing; requiring all public comment to be submitted with proposed rules; updating statutory language; and declaring an emergency.

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

SECTION 1. AMENDATORY 75 O.S. 2021, Section 303.1, as amended by Section 3, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2023, Section 303.1), is amended to read as follows:

Section 303.1. A. Within ten (10) days after adoption of a permanent rule, the agency shall file two copies of the following with the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chief legislative officer of each chamber: all such new rules or amendments;

1 revisions or revocations to an existing rule proposed by an agency;
2 and the agency rule report as required by subsection E of this
3 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 the President Pro Tempore of the Senate during
14 the 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 the chief legislative officer of each chamber,
18 the agency shall also submit to the Office of Administrative Rules
19 for publication in "The Oklahoma Register", a statement that the
20 adopted rules have been submitted to the Governor and the
21 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 of State 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~~ All public comments received and
22 an explanation of changes or lack of any change made in the adopted
23 rules as a result of testimony received at all hearings or meetings
24 held or sponsored by an agency for the purpose of providing the

1 public an opportunity to comment on the rules or of any written
2 comments received prior to the adoption of the rule. The ~~summary~~
3 report shall include all comments received ~~about the cost impact of~~
4 for the proposed rules, whether submitted in person, in writing, or
5 by electronic means;

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

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

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

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

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

20 15. Any other information requested by the Governor, the
21 Speaker of the House of Representatives, or the President Pro
22 Tempore of the Senate.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES
4 February 28, 2024 - DO PASS AS AMENDED BY CS
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