

1 STATE OF OKLAHOMA

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

3 SENATE BILL 515

By: Bergstrom

4  
5  
6 AS INTRODUCED

7 An Act relating to the Administrative Procedures Act;  
8 amending 75 O.S. 2021, Sections 250.3, 253, 303a,  
9 303.1, 307.1, 308, and 308.3, which relate to  
10 definitions, emergency rules, expedited rule repeal  
11 process, filing of new rules, and rule adoption;  
12 modifying definition; requiring certain reports and  
13 filings to be submitted to chief legislative officer  
14 of each chamber; providing for each chamber of  
15 committee to meet separately or jointly; modifying  
16 date for proposed permanent rules to be submitted for  
17 legislative consideration; updating statutory  
18 reference; and declaring an emergency.

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

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

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

- 23 1. "Administrative head" means an official or agency body  
24 responsible pursuant to law for issuing final agency orders;
2. "Adopted" means a proposed emergency rule which has been  
approved by the agency but has not been approved or disapproved by  
the Governor as an emergency rule as provided by Section 253 of this  
title, or a proposed permanent rule which has been approved by the

1 agency and not disapproved by the Governor pursuant to paragraph 6  
2 of subsection A of Section 303 of this title, but has not been  
3 finally approved or disapproved by the Legislature or the Governor;

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

8 a. the Legislature or any branch, committee or officer  
9 thereof, and

10 b. the courts;

11 4. "Concurrent majority" means a majority of members on the  
12 Joint Committee on Administrative Rules from both the Oklahoma  
13 Senate and the Oklahoma House of Representatives. Concurrent  
14 majority shall not be construed to mean a majority of a quorum  
15 present at any meeting of the Joint Committee;

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

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

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

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

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

22 9. "Hearing examiner" means a person meeting the qualifications  
23 specified by Article II of the Administrative Procedures Act and who  
24

1 has been duly appointed by an agency to hold hearings and, as  
2 required, render orders or proposed orders;

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

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

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

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

13 14. "Party" means a person or agency named and participating,  
14 or properly seeking and entitled by law to participate, in an  
15 individual proceeding;

16 15. "Permanent rule" means a rule that is made pursuant to  
17 Section 303 of this title;

18 16. "Person" means any individual, partnership, corporation,  
19 association, governmental subdivision, or public or private  
20 organization of any character other than an agency;

21 17. "Political subdivision" means a county, city, incorporated  
22 town or school district within this state;

23 18. "Promulgated" means a finally adopted rule which has been  
24 filed and published in accordance with the provisions of the  
25

1 Administrative Procedures Act, or an emergency rule or preemptive  
2 rule which has been approved by the Governor;

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

- 9 a. the issuance, renewal, denial, suspension or  
10 revocation or other sanction of an individual specific  
11 license,
- 12 b. the approval, disapproval or prescription of rates.  
13 For purposes of this subparagraph, the term "rates"  
14 shall not include fees or charges fixed by an agency  
15 for services provided by that agency including but not  
16 limited to fees charged for licensing, permitting,  
17 inspections or publications,
- 18 c. statements and memoranda concerning only the internal  
19 management of an agency and not affecting private  
20 rights or procedures available to the public,
- 21 d. declaratory rulings issued pursuant to Section 307 of  
22 this title,
- 23 e. orders by an agency, or

1 f. press releases or "agency news releases", provided  
2 such releases are not for the purpose of interpreting,  
3 implementing or prescribing law or agency policy;

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

6 21. "Secretary" means the Secretary of State;

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

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

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

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

- 21 a. protect the public health, safety or welfare,  
22 b. comply with deadlines in amendments to an agency's  
23 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.

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

(1) a brief description of the proposed rule,

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

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

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

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

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



- 1 (7) an explanation of the measures the agency has  
2 taken to minimize compliance costs and a  
3 determination of whether there are less costly or  
4 nonregulatory methods or less intrusive methods  
5 for achieving the purpose of the proposed rule,  
6 (8) a determination of the effect of the proposed  
7 rule on the public health, safety and environment  
8 and, if the proposed rule is designed to reduce  
9 significant risks to the public health, safety  
10 and environment, an explanation of the nature of  
11 the risk and to what extent the proposed rule  
12 will reduce the risk,  
13 (9) a determination of any detrimental effect on the  
14 public health, safety and environment if the  
15 proposed rule is not implemented, and  
16 (10) the date the rule impact statement was prepared  
17 and if modified, the date modified.

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

20 3. Be transmitted pursuant to Section 464 of Title 74 of the  
21 Oklahoma Statutes to the Governor, the Speaker of the Oklahoma House  
22 of Representatives, the President Pro Tempore of the Senate, ~~and~~ the  
23 chairs of the Joint Committee on Administrative Rules, and the chief  
24 legislative office of each chamber along with the information

1 required by this subsection within ten (10) days after the rule is  
2 adopted; and

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

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

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

17 3. If the Governor determines the agency has established the  
18 rule is necessary as an emergency measure pursuant to subsection A  
19 of this section, the Governor shall approve the proposed emergency  
20 rule if the rule is:

21 a. clear, concise and understandable,

22 b. within the power of the agency to make and within the  
23 enacted legislative standards, and

1 c. made in compliance with the requirements of the  
2 Administrative Procedures Act.

3 D. 1. Within the forty-five-calendar-day period set forth in  
4 paragraph 1 of subsection C of this section, the Governor may  
5 approve the emergency rule or disapprove the emergency rule.  
6 Failure of the Governor to approve an emergency rule within the  
7 specified period shall constitute disapproval of the emergency rule.

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

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

20 E. 1. Upon approval of an emergency rule, the Governor shall  
21 immediately make written notification to the agency, the Speaker of  
22 the House of Representatives, the President Pro Tempore of the  
23 Senate, the chairs of the Joint Committee on Administrative Rules,  
24 the chief legislative officer of each chamber, and the Office of

1 Administrative Rules. Upon receipt of the notice of the approval,  
2 the agency shall file with the Office of Administrative Rules as  
3 many copies of the notice of approval and the emergency rule as  
4 required by the Secretary.

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

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

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

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

22 G. No agency shall adopt any emergency rule which establishes  
23 or increases fees, except during such times as the Legislature is in  
24 session, unless specifically mandated by the Legislature or federal

1 legislation, or when the failure to establish or increase fees would  
2 conflict with an order issued by a court of law.

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

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

- 12 a. disapproved by the Legislature,
- 13 b. superseded by the promulgation of permanent rules,
- 14 c. any adopted rules based upon such emergency rules are  
15 subsequently disapproved pursuant to Section 308 of  
16 this title, or
- 17 d. an earlier expiration date is specified by the agency  
18 in the rules.

19 3. a. Emergency rules in effect on the first day of the  
20 session shall be null and void on September 15  
21 following sine die adjournment of the Legislature  
22 unless otherwise specifically provided by the  
23 Legislature.

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

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

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

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

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

23          K. Prior to approval or disapproval of an emergency rule by the  
24          Governor, an agency may withdraw from review an emergency rule

1 submitted pursuant to the provisions of this section. Notice of  
2 such withdrawal shall be given to the Governor, the Speaker of the  
3 House of Representatives, the President Pro Tempore of the Senate in  
4 accordance with the requirements set forth in Section 464 of Title  
5 74 of the Oklahoma Statutes and to the Office of Administrative  
6 Rules as required by the Secretary. In order to be promulgated as  
7 emergency rules, any replacement rules shall be resubmitted pursuant  
8 to the provisions of this section.

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

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

16 SECTION 3. AMENDATORY 75 O.S. 2021, Section 303a, is  
17 amended to read as follows:

18 Section 303a. A. Upon request by a rulemaking agency, an  
19 expedited rule repeal process may be utilized when such rule or  
20 rules meet the criteria pursuant to this section.

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

1           1. A request by the agency is submitted electronically to the  
2 President Pro Tempore of the Senate, ~~and~~ the Speaker of the House of  
3 Representatives, and the chief legislative officer of each chamber.

4 The request shall be assigned to the Joint Committee on  
5 Administrative Rules to conduct the repeal process;

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

- 8           a. a rule is duplicate,
- 9           b. the rule is obsolete,
- 10           c. the rule is no longer enforced,
- 11           d. the rule is no longer in compliance with state or  
12 federal law,
- 13           e. the rule is no longer in compliance with federal  
14 regulation, or
- 15           f. the rule does not affect substantive rights of the  
16 regulated community;

17           3. The agency provides notice in the "Oklahoma Register" in a  
18 format reasonably calculated to provide notice to persons interested  
19 in the rule; and

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



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

5 No request for an expedited repeal shall be initiated after May  
6 1. Upon final legislative adoption, the agency shall comply with  
7 additional publication requirements as provided by law.

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

10 SECTION 4. AMENDATORY 75 O.S. 2021, Section 303.1, is  
11 amended to read as follows:

12 Section 303.1. A. Within ten (10) days after adoption of a  
13 permanent rule, the agency shall file two copies of the following  
14 with the Governor, the Speaker of the House of Representatives, the  
15 President Pro Tempore of the Senate, ~~and~~ the chairs of the Joint  
16 Committee on Administrative Rules, and the chief legislative officer  
17 of each chamber: all such new rules or amendments; revisions or  
18 revocations to an existing rule proposed by an agency; and the  
19 agency rule report as required by subsection E of this section.

20 B. If the agency determines in the rule impact statement  
21 prepared as part of the agency rule report that the proposed rule  
22 will have an economic impact on any political subdivisions or  
23 require their cooperation in implementing or enforcing a proposed  
24 permanent rule, a copy of the proposed rule and rule report shall be

1 filed within ten (10) days after adoption of the permanent rule with  
2 the Oklahoma Advisory Committee on Intergovernmental Relations for  
3 its review. The Committee may communicate any recommendations that  
4 it may deem necessary to the Governor, the Speaker of the House of  
5 Representatives and President Pro Tempore of the Senate during the  
6 period that the permanent rules are being reviewed.

7 C. When the rules have been submitted to the Governor, the  
8 Speaker of the House of Representatives, the President Pro Tempore  
9 of the Senate, and the chairs of the Joint Committee on  
10 Administrative Rules, and chief legislative office of each chamber,  
11 the agency shall also submit to the Office of Administrative Rules  
12 for publication in "The Oklahoma Register", a statement that the  
13 adopted rules have been submitted to the Governor and the  
14 Legislature.

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

19 E. The report required by subsection A of this section shall  
20 include:

21 1. The date the notice of the intended rulemaking action was  
22 published in "The Oklahoma Register" pursuant to Section 255 of this  
23 title;

24 2. The name and address of the agency;

1 3. The title and number of the rule;

2 4. A citation to the constitutional or statutory authority for  
3 the rule;

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

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

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

9 8. The date and location of the meeting, if held, at which such  
10 rules were adopted or the date and location when the rules were  
11 adopted if the rulemaking agency is not required to hold a meeting  
12 to adopt rules;

13 9. A summary of the comments and explanation of changes or lack  
14 of any change made in the adopted rules as a result of testimony  
15 received at all hearings or meetings held or sponsored by an agency  
16 for the purpose of providing the public an opportunity to comment on  
17 the rules or of any written comments received prior to the adoption  
18 of the rule. The summary shall include all comments received about  
19 the cost impact of the proposed rules;

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

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

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

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

8 14. The proposed effective date of the rules, if an effective  
9 date is required pursuant to paragraph 1 of subsection B of Section  
10 304 of this title; and

11 15. Any other information requested by the Governor, the  
12 Speaker of the House of Representatives, the President Pro Tempore  
13 of the Senate or the Joint Committee on Administrative Rules.

14 SECTION 5. AMENDATORY 75 O.S. 2021, Section 307.1, is  
15 amended to read as follows:

16 Section 307.1. A. The Speaker of the House of Representatives  
17 and the President Pro Tempore of the Senate shall establish a joint  
18 rule committee to be designated as the Joint Committee on  
19 Administrative Rules.

20 B. The President Pro Tempore and the Speaker shall appoint  
21 current members of the Senate and House of Representatives to the  
22 Committee. The President Pro Tempore and Speaker shall designate  
23 one of their respective appointments as co-chair of the Committee.  
24

1 C. A quorum shall be required to conduct any business of the  
2 Committee. A quorum shall be a majority of the Senate members of  
3 the Committee and a majority of the House members of the Committee.

4 D. The Committee shall meet separately or jointly at any time  
5 as needed ~~and~~ during sessions of the Legislature and at regular  
6 intervals in the interim.

7 E. The function of the Committee shall be the review of all  
8 adopted agency administrative rules including recommending by  
9 concurrent majority an approval or disapproval of each proposed rule  
10 to the Legislature. The Committee may also recommend by concurrent  
11 majority an agency amend or further consider a proposed rule.

12 F. The Committee shall approve or disapprove by concurrent  
13 majority a repeal of rules under the expedited repeal process  
14 pursuant to this act. Such rules shall be presented to the  
15 Legislature for final approval for repeal.

16 G. In addition to the review of agency-adopted rules pursuant  
17 to this act, the Committee shall have the power and duty to:

18 1. Conduct a continuous study and investigations as to whether  
19 additional legislation or changes in legislation are needed based on  
20 various factors, including but not limited to, review of proposed  
21 rules, review of existing rules including but not limited to  
22 consideration of amendments to or repeal of existing rules, the lack  
23 of rules, the ability of agencies to promulgate such rules, the  
24

1 burden of administrative rules on the regulated community and the  
2 needs of administrative agencies;

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

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

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

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

16 Section 308. A. Upon receipt of any ~~adopted~~ proposed permanent  
17 rules, the Speaker of the House of Representatives and the President  
18 Pro Tempore of the Senate shall assign such rules to the Joint  
19 Committee on Administrative Rules. Except as otherwise provided by  
20 this section:

21 1. If such rules are received on or before April 1, the  
22 Legislature shall have until the last day of the regular legislative  
23 session of that year to act on the recommendations of the Joint  
24 Committee on Administrative Rules. Provided, proposed permanent  
25

1 rules for consideration by the 2nd Session of the 59th Legislature  
2 shall be submitted on or before March 1. For each legislative  
3 session thereafter, proposed permanent rules shall be submitted on  
4 or before February 1; and

5 2. If such rules are received after ~~April 1~~ the date  
6 established pursuant to paragraph 1 of this subsection, the  
7 Legislature shall have until the last day of the regular legislative  
8 session of the next year to act on the recommendations of the Joint  
9 Committee on Administrative Rules.

10 B. By the adoption of joint resolutions during the review  
11 period specified in subsection A of this section, the Legislature  
12 may disapprove or approve any rule, disapprove all or part of a rule  
13 or rules and disapprove or approve the repeal of rules under the  
14 expedited repeal process pursuant to this act. ~~Rules under~~  
15 ~~consideration at a meeting of the Joint Committee on Administrative~~  
16 ~~Rules during the interim may be acted upon by the Legislature at any~~  
17 ~~time during session.~~

18 C. Unless otherwise authorized by the Legislature, whenever a  
19 rule is disapproved as provided in subsection B of this section, the  
20 agency adopting such rules shall not have authority to resubmit an  
21 identical rule, except during the first sixty (60) calendar days of  
22 the next regular legislative session. Any effective emergency rule  
23 which would have been superseded by a disapproved permanent rule  
24 shall be deemed null and void on the date the Legislature

1 disapproves the permanent rule. Rules may be disapproved in part or  
2 in whole by the Legislature. Upon enactment of any joint resolution  
3 disapproving a rule, the agency shall file notice of such  
4 legislative disapproval with the Secretary for publication in "The  
5 Oklahoma Register".

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

15 E. A proposed permanent rule shall be deemed finally adopted  
16 if:

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

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



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

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

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

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

16 SECTION 7. AMENDATORY 75 O.S. 2021, Section 308.3, is  
17 amended to read as follows:

18 Section 308.3. A. The Legislature shall have joint resolutions  
19 prepared for consideration each session.

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

23 C. If any rule received on or before ~~April 1~~ the date  
24 established pursuant to paragraph 1 of subsection A of Section 308

1 of this title is not subject to a joint resolution passed by both  
2 houses of the Legislature and signed by the Governor or is found by  
3 the Governor to have a technical legal defect preventing approval of  
4 administrative rules intended to be approved by the Legislature, the  
5 Governor may declare any rules received on or before ~~April 1~~ the  
6 date established pursuant to paragraph 1 of subsection A of Section  
7 308 of this title and not subject to a joint resolution passed by  
8 both houses of the Legislature to be approved or disapproved and  
9 finally adopted by publishing a single declaration in "The Oklahoma  
10 Register" on or before July 17. If the Governor finds that the  
11 joint resolution has a technical legal defect, the Governor shall  
12 make the finding in writing and submit the finding to the  
13 Legislature.

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

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