

1 ENGROSSED HOUSE
2 BILL NO. 1552

By: Faught and Roberts (Dustin)
of the House

3 and

4 Holt of the Senate
5
6

7 An Act relating to statutes and reports; amending 75
8 O.S. 2011, Section 308, as amended by Section 4,
9 Chapter 357, O.S.L. 2013, and Section 6, Chapter 357,
10 O.S.L. 2013 (75 O.S. Supp. 2016, Sections 308 and
11 308.3), which relate to the Administrative Procedures
12 Act; requiring approval of certain rules; providing
13 exception to the omnibus joint resolution; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 75 O.S. 2011, Section 308, as
17 amended by Section 4, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2016,
18 Section 308), is amended to read as follows:

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

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

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

4 B. By the adoption of a joint resolution during the review
5 period specified in subsection A of this section, the Legislature
6 may disapprove or approve any rule.

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12 which would have been superseded by a disapproved permanent rule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

19 D. Unless otherwise provided by specific vote of the
20 Legislature, joint resolutions introduced for purposes of
21 disapproving or approving a rule or the omnibus joint resolution
22 described in Section ~~6~~ 308.3 of this ~~act~~ title shall not be subject
23 to regular legislative cutoff dates, shall be limited to such
24 provisions as may be necessary for disapproval or approval of a

1 rule, and any such other direction or mandate regarding the rule
2 deemed necessary by the Legislature. The resolution shall contain
3 no other provisions.

4 E. A Except as provided by subsection H of this section, a
5 proposed permanent rule shall be deemed finally adopted if:

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

10 2. Approved by the Governor pursuant to subsection D of Section
11 ~~6~~ 308.3 of this ~~act~~ title;

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

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

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

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

3 H. Any proposed rule which modifies the scope of practice of
4 any occupation contained within Title 59 of the Oklahoma Statutes
5 shall require approval by joint resolution pursuant to subsection B
6 of this section, provided that any such resolution becomes law in
7 accordance with Section 11 of Article VI of the Oklahoma
8 Constitution. If the Legislature fails to approve the rule on or
9 before the last day of the legislative session, the rule shall be
10 deemed disapproved.

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

15 SECTION 2. AMENDATORY Section 6, Chapter 357, O.S.L.
16 2013 (75 O.S. Supp. 2016, Section 308.3), is amended to read as
17 follows:

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

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

1 C. For the purpose of this section, a proposed permanent rule
2 may be disapproved, in whole or in part, in the omnibus joint
3 resolution considered by the Legislature.

4 D. 1. If an agency believes that a rule has not been approved
5 by the Legislature pursuant to this section and should be approved
6 and finally adopted, the agency may seek the Governor's declaration
7 approving the rule.

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

- 11 a. the rule is necessary, and
- 12 b. a citation to the source of its authority to make the
13 rule.

14 3. a. If the Governor finds that the necessity does exist,
15 and that the agency has the authority to make the
16 rule, the Governor may declare the rule to be approved
17 and finally adopted by publishing that declaration in
18 "The Oklahoma Register" on or before July 17 of that
19 year.

- 20 b. The declaration shall set forth the rule to be
21 approved, the reasons the approval is necessary, and a
22 citation to the source of the agency's authority to
23 make the rule.

1 4. If the omnibus joint resolution fails to pass both houses of
2 the Legislature and be signed by the Governor or is found by the
3 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 all rules to be approved and finally adopted by
6 publishing a single declaration in "The Oklahoma Register" on or
7 before July 17 without meeting requirements of paragraphs 2 and 3 of
8 this subsection. If the Governor finds that the joint resolution
9 has a technical legal defect, the Governor shall make the finding in
10 writing and submit the finding to the Legislature.

11 E. Nothing in this section shall apply to approval of rules
12 subject to the provision of subsection H of Section 308 of this
13 title.

14 SECTION 3. This act shall become effective November 1, 2017.

15 Passed the House of Representatives the 9th day of February,
16 2017.

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18 _____
19 Presiding Officer of the House
of Representatives

20 Passed the Senate the ___ day of _____, 2017.

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22 _____
23 Presiding Officer of the Senate

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