

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 368

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to state agency rules; amending
8 Section 6, Chapter 357, O.S.L. 2013 (75 O.S. Supp.
9 2018, Section 308.3), which relates to the
10 Administrative Procedures Act; modifying duty of
11 Legislature to have certain resolution prepared and
12 modifying contents thereof; specifying requirements
13 for such resolutions; authorizing repeal or amendment
14 of certain rules; modifying procedures for approval
15 of certain rules; and declaring an emergency.

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

17 SECTION 1. AMENDATORY Section 6, Chapter 357, O.S.L.
18 2013 (75 O.S. Supp. 2018, Section 308.3), is amended to read as
19 follows:

20 Section 308.3. A. The Legislature ~~shall~~ may have an omnibus
21 joint resolution prepared for consideration each session.

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

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2 may be disapproved, in whole or in part, repealed or amended, in the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

4 D. 1. If an agency believes that a rule has ~~not been approved~~
5 been disapproved by the Legislature pursuant to this section and
6 should be approved and finally adopted, the agency may seek the
7 Governor's declaration 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~~ June 30
19 of that 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~~ non-substantive error
4 preventing approval of administrative rules intended to be approved
5 by the Legislature, the Governor may declare all rules to be
6 approved and finally adopted by publishing a single declaration in
7 "The Oklahoma Register" on or before July 17 without meeting
8 requirements of paragraphs 2 and 3 of this subsection. If the
9 Governor finds that the joint resolution has a ~~technical legal~~
10 ~~defect~~ non-substantive error, the Governor shall make the finding in
11 writing and submit the finding to the Legislature.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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