

US EPA ARCHIVE DOCUMENT

Ch. 359 LAWS FORTY-SECOND LEGISLATURE

SECTION 3. AMENDATORY 15 O.S. 1981, Section 219, is amended to read as follows:

Section 219. Partners may, upon or in anticipation of a dissolution of the partnership, agree that none of them will carry on a similar business within ~~the same city or town where the partnership business has been transacted, or~~ within a specified county and any county or counties contiguous thereto, or a specified city or town or any part thereof. Provided, that any such agreement which is otherwise lawful but which exceeds the territorial limitations specified by this section may be deemed valid, but only within the county comprising the primary place of the conduct of the business of the subject partnership and within any counties contiguous thereto.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Approved June 3, 1989.

STATUTES AND REPORTS—ADMINISTRATIVE  
PROCEDURES ACT

CHAPTER 360

S.B.No. 264

AN ACT RELATING TO STATUTES AND REPORTS; AMENDING SECTION 1, CHAPTER 207, O.S.L. 1987, SECTION 2, CHAPTER 207, O.S.L. 1987, SECTION 17, CHAPTER 292, O.S.L. 1988, 75 O.S. 1981, SECTIONS 251, AS LAST AMENDED BY SECTION 4, CHAPTER 292, O.S.L. 1988, 252, AS LAST AMENDED BY SECTION 5, CHAPTER 292, O.S.L. 1988, 253, AS LAST AMENDED BY SECTION 7, CHAPTER 292, O.S.L. 1988, 255, AS LAST AMENDED BY SECTION 9, CHAPTER 292, O.S.L. 1988, 301, AS RENUMBERED BY SECTION 27, CHAPTER 207, O.S.L. 1987, AND AS LAST AMENDED BY SECTION 1, CHAPTER 292, O.S.L. 1988, 308, AS LAST AMENDED BY SECTION 19, CHAPTER 292, O.S.L. 1988, AND SECTION 22, CHAPTER 207, O.S.L. 1987, AS AMENDED BY SECTION 20, CHAPTER 292, O.S.L. 1988 (75 O.S. SUPP. 1988, SECTIONS 250, 250.1, 250.3, 251, 252, 253, 255, 303.1, 308 AND 308.1), WHICH RELATE TO THE ADMINISTRATIVE PROCEDURES ACT; CLARIFYING STATUTORY REFERENCES AND LANGUAGE; MODIFYING DEFINITIONS; PROVIDING FOR CERTAIN TIME COMPUTATIONS; MODIFYING CERTAIN FILING REQUIREMENTS; AUTHORIZING INCORPORATION OF CERTAIN STANDARDS AND RULES; PROVIDING THAT RULES MAY BE VOID IN CERTAIN CIRCUMSTANCES; MODIFYING PROCEDURES FOR PROMULGATION OF EMERGENCY RULES; MODIFYING CERTAIN LEGISLATIVE REVIEW; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 207, O.S.L. 1987 (75 O.S. Supp. 1988, Section 250), is amended to read as follows:

Section 250. ~~Sections 2 through 23 of this act and Sections 309 250.1 through 323 of Title 75 of the Oklahoma Statutes this title shall be known and may be cited as the "Administrative Procedures Act".~~

SECTION 2. AMENDATORY Section 2, Chapter 207, O.S.L. 1987 (75 O.S. Supp. 1988, Section 250.1), is amended to read as follows:

1404 Additions in text are indicated by underline; deletions by ~~strikeouts~~

Section 250.1 A. The Administrative Procedures Act shall be composed of two Articles. Article I relating to agency filing and publication requirements for rules shall consist of Sections ~~3~~ 250.3 through ~~23~~ 308.2 of this act title. Article II relating to agency notice and hearing requirements for individual proceedings shall consist of Sections 309 through 323 of Title 75 of the Oklahoma Statutes.

B. Except as otherwise specifically provided in Section ~~12~~ 250.4 of this act title, all agencies shall comply with the provisions of Article I and Article II of the Administrative Procedures Act.

SECTION 3. AMENDATORY 75 O.S. 1981, Section 301, as renumbered by Section 27, Chapter 207, O.S.L. 1987, and as last amended by Section 1, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 250.3), is amended to read as follows:

Section 250.3 As used in the Administrative Procedures Act:

1. "Agency" means any constitutionally or statutorily created state board, bureau, commission, department, authority, public trust in which the state is a beneficiary, or interstate commission, except:
  - a. The Legislature or any branch, committee or officer thereof; and
  - b. The courts;
2. "Rule" means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the agency. The term includes the amendment or revocation of a prior an effective rule but does not include:
  - a. the issuance, renewal, denial, suspension or revocation or other sanction of an individual specific license;
  - b. the approval, disapproval or prescription of rates;
  - c. statements and memoranda concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
  - d. ~~intra-agency memoranda; or~~
  - e. declaratory rulings issued pursuant to Section 307 of this title; or
  - f. orders resulting from individual proceedings;
3. "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law;
4. ~~"Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;~~
5. ~~4.~~ "Rulemaking" means the process employed by an agency for the formulation of a rule;
6. ~~5.~~ "Order" means:
  - a. ~~all~~ all or part of the final or intermediate decision, whether affirmative, negative, injunctive or declaratory in form, by an agency in any matter other than rulemaking, or rulings on motions, or objections made during the course of a hearing, or
  - b. ~~the exclusions~~ exclusion described in ~~subparagraphs a, b and e~~ subparagraph d of paragraph 2 of this section;
7. ~~6.~~ "Individual proceeding" means the process employed by an agency for the formulation of an order;

Additions in text are indicated by underline; deletions by ~~strikethrough~~.

idea to

of the  
within  
ted, or  
o, or a  
ement  
speci-  
pris-  
ership

of the  
ist, by  
ter its

ON 1,  
TION  
P  
D  
SEC-  
ON 9,  
HAP-  
PTER  
292,  
D BY  
250,  
THE  
FER-  
FOR  
RE-  
TAN-  
CER-  
MUL-  
TIPLE  
MER-

MA:  
(75

50.1  
and

(75

Ch. 360 LAWS FORTY-SECOND LEGISLATURE

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

9. 8. "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

10. 9. "Adopted" means that a proposed rule has been approved by the agency but has not been reviewed by the Legislature ~~or has not been finally adopted~~ and the Governor;

11. 10. "Final or finally adopted" means a rule other than an emergency rule, which has been ~~reviewed~~ approved by the Legislature, ~~if required~~, and by the Governor or approved by the Legislature pursuant to subsection F of Section 308 of this title and otherwise complies with the requirements of the Administrative Procedures Act but has not been published pursuant to Section 255 of this title;

12. 11. "Promulgated rule" means a finally adopted rule which has been filed and published in accordance with the provisions of the Administrative Procedures Act, ~~or an emergency rule or preemptory rule~~ which has been ~~certified~~ approved by the Governor;

13. 12. "Director" means the Director of the Department of Libraries or State Librarian and Archivist; and

14. 13. "Department" means the Department of Libraries.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 250.8 of Title 75, unless there is created a duplication in numbering, reads as follows:

In computing any period of time prescribed or allowed by the Administrative Procedures Act, the day of the act, or event, from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes or any other day when the receiving office does not remain open for public business until 4:00 p.m., in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes, or any other day when the receiving office does not remain open for public business until 4:00 p.m.

SECTION 5. AMENDATORY 75 O.S. 1981, Section 251, as last amended by Section 4, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 251), is amended to read as follows:

Section 251. A. 1. Every agency possessing rulemaking powers shall file a certified original and one duplicate copy of all its rules in force and effect on or before January 2, 1962, with the Secretary of State and a certified original and two duplicate copies with the Director of the Department of Libraries. Thereafter, upon the request of the Director, each agency shall furnish to the Director a typed original and one duplicate copy thereof, of a complete set of its permanent rules in such form as is required by the Director or as otherwise provided by law.

2. The Director may promulgate rules to ensure the effective administration of the provisions of this section. The rules may include, but are not limited to, rules prescribing paper size, numbering system, and the format of documents required to be filed pursuant to the provisions of this section or such other requirements as deemed necessary by the Director to implement the provisions of this such section.

B. 1. Each agency shall file ~~three~~ the number of copies specified by the Director of all new rules, and all amendments, revisions or revocations of existing rules attested to by the agency, pursuant to the provisions of Section 254 of this title, with the Director of the Department of Libraries within thirty (30) calendar days after ~~their final adoption~~ they become finally adopted.

2. An agency filing rules pursuant to the provisions of this subsection:

- a. shall prepare the rules in plain language which can be easily understood;
- b. shall not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to effectively convey the meaning of a rule interpreting that language, the reference shall clearly indicate the portion of the language which is statutory and the portion which is the agency's amplification or interpretation of that language;
- c. shall indicate whether a rule is new, amends an existing permanent rule or repeals an existing permanent rule. If a rule amends an existing rule, the rule shall indicate the language to be deleted typed with a line through the language and language to be inserted typed with the new language underscored;
- d. shall state if the rule supercedes an existing emergency rule;
- e. shall include a reference to any rule requiring a new or revised form in a note to the rule. The Director of the Department of Libraries shall insert that reference in The Oklahoma Register as a notation to the affected rule;
- f. shall prepare, in plain language, an analysis of new or amended rules. The analysis shall include but not be limited to a reference to any statute that the rule interprets, any related statute or any related rule;
- g. may include with its rules, brief notes, illustrations, findings of facts, and references to digests of Supreme Court cases, other court decisions, or Attorney General's opinions, and other explanatory material. Such material may be included if the material is labeled or set forth in a manner which clearly distinguishes it from the rules; and
- h. shall include other information, in such form and in such manner as is required by the Director of the Department of Libraries.

C. The Director is authorized to determine a numbering system and other standardized format for documents to be filed and may refuse to accept for publication any document that does not substantially conform to the promulgated rules of the Department of Libraries.

D. In order to avoid unnecessary expense, an agency may use the published standards established by organizations and technical societies of recognized national standing, other state agencies, or federal agencies by incorporating the standards or rules in its rules or regulations by reference to the specific issue or issues of publications in which the standards are published, without reproducing the standards in full. The standards shall be readily available to the public for examination at the administrative offices of the agency. In addition, a copy of such standards shall be kept and maintained by the agency pursuant to the provisions of the Preservation of Essential Records Act.

E. Pursuant to the provisions of Section 664 of Title 74 of the Oklahoma Statutes the Secretary of State shall transmit to the Director of the Department of Libraries ~~two~~ the number of copies specified by the Director of all Executive Orders upon the signing of such orders by the Governor.

Ch. 360 LAWS FORTY-SECOND LEGISLATURE

F. The Director of the Department of Libraries may authorize an agency to file rules or the Secretary of State to file Executive Orders by or through electronic data or machine readable equipment in such form and manner as is required by the Director.

SECTION 6. AMENDATORY 75 O.S. 1981, Section 252, as last amended by Section 5, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 252), is amended to read as follows:

Section 252. A. Any rule, amendment, revision, or revocation of an existing rule made by an agency on or after October 16, 1987, shall may be held void and of no effect ~~unless promulgated as required by the Administrative Procedures Act pursuant to Sections 306 and 307 of this title.~~ All provisions herein shall also apply to all agencies that may hereafter be created. All courts, boards, commissions, agencies, authorities, instrumentalities, and officers of the State of Oklahoma shall take judicial or official notice of any rule, amendment, revision, or revocation of an existing rule promulgated pursuant to the provisions of the Administrative Procedures Act.

B. Upon failure of an agency to comply with the provisions of Sections 251 through 256 of this title except when not applicable, the Director of the Department of Libraries shall forward a written notice of the failure to comply to the chief administrative officer of the agency. The notice shall state a reasonable time, not to exceed thirty (30) calendar days, in which the agency shall fully comply. Further failure to comply shall be reported in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Governor, and the Attorney General. Upon such notification, the Attorney General shall immediately seek agency compliance and if required, to institute mandamus proceedings to secure compliance by said agency.

SECTION 7. AMENDATORY 75 O.S. 1981, Section 253, as last amended by Section 7, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 253), is amended to read as follows:

Section 253. A. If an agency finds that an imminent peril to the preservation of the public health, safety, welfare, or other compelling extraordinary circumstance requires an emergency rule, amendment, revision, or revocation of an existing rule, an agency may promulgate, at any time, any such rule, provided the Governor first ~~certifies~~ approves such rule pursuant to the provisions of this section.

B. An emergency rule adopted by an agency shall:

1. be prepared in the format required by Section 251 of this title; and
2. be transmitted to the Governor.

C. 1. Upon the filing of an adopted emergency rule by an agency with the Governor under the provisions of subsection B of this section, the Governor shall review such rule and shall decide as to whether or not such emergency rule should be certified approved.

2. If the Governor disapproves the adopted emergency rule ~~and denies the agency's request for certification of an emergency rule,~~ the Governor shall return the entire document to the agency with reasons for the disapproval and ~~denial indicated.~~ If the agency elects to modify such rule, the agency shall make such modifications and resubmit the rule to the Governor for certification approval.

3. Emergency rules adopted by an agency or certified approved by the Governor shall be subject to review pursuant to the provisions of Section 306 of this title.

D. 1. Upon certification approval by the Governor, an emergency rule shall be considered promulgated and shall be in force immediately, or on such later date as specified therein.

2. The Governor shall have forty-five (45) calendar days to review the emergency rule ~~to determine whether the circumstances exist which necessitate an emergency rule.~~ Within the forty-five-calendar day period, the Governor may certify approve the emergency rule or disapprove the emergency rule. Failure of the Governor to certify approve an emergency rule within the specified period shall constitute denial disapproval of the emergency rule.

E. 1. Upon certification approval of an emergency rule, the Governor shall immediately notify the agency and file three the number of copies required by the Director of the certification certificate written approval and three the number of copies required by the Director of the emergency rule with the Director of the Department of Libraries.

2. A copy of the Governor's certification certificate approval and the emergency rule shall be submitted by the agency to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

3. The Governor's certification certificate approval and the emergency rule shall be published in accordance with the provisions of Section 255 of this title in the next publication of The Oklahoma Register following the certification approval by the Governor.

F. An emergency rule may be promulgated when the Legislature is not in session provided such emergency rule shall be effective for a period of not longer than one hundred twenty (120) days after from the date of certification approval by the Governor. ~~If the emergency is still in existence after the expiration of the one hundred twenty (120) days, the agency may repromulgate the emergency rule for additional one hundred twenty-day periods upon certifications by the Governor that the emergency still exists or a later date as specified in the approved emergency rule through the first day of the next succeeding Regular Session of the Oklahoma Legislature, after the promulgation of such emergency rule, and shall remain be in full force and effect for the term of such session unless it is made ineffective pursuant to subsection H of this section.~~

G. An emergency rule may be promulgated when the Legislature is in session provided such emergency rule shall be effective for a period of not longer than one hundred twenty (120) days after from the date of certification approval of the emergency rule by the Governor or a later date as specified in the approved emergency rule, unless otherwise specifically provided by the Legislature. ~~If the emergency is still in existence after the expiration of the one hundred twenty (120) days, the agency may repromulgate the emergency rule for additional one hundred twenty-day periods upon certifications by the Governor that the emergency still exists through the first day of the next succeeding Regular Session of the Oklahoma Legislature, after the promulgation of such emergency rule, and shall remain be in full force and effect as provided in for the term of such session unless it is made ineffective pursuant to subsection H of this section.~~

H. 1. If an emergency rule is of a continuing nature, the agency promulgating such emergency rule shall initiate proceedings for promulgation of a permanent rule pursuant to Sections 303 through 308.2 of this title.

2. Any promulgated emergency rule in effect on the first day of the next succeeding regular session of the Legislature, after the promulgation of such emergency rule, shall be in full force and effect for the term of such session unless made ineffective if:

- a. otherwise disapproved by the Legislature;

Ch. 360 LAWS FORTY-SECOND LEGISLATURE

- b. superceded by the promulgation of permanent rules;
- c. any adopted rules based upon such emergency rules are subsequently disapproved pursuant to Section 308 of this title; or
- d. an earlier expiration date is specified by the agency.

3. Emergency rules in effect on the first day of the session shall be null and void after sine die adjournment of the Legislature unless otherwise specifically provided by the Legislature. ~~It is the intent of the Legislature that~~ An agency shall not adopt any emergency rule which has become null and void because of sine die adjournment of the Legislature as a new emergency rule or adopt any emergency rules of similar scope or intent as the emergency rules which became null and void because of sine die adjournment of the Legislature for the purpose of evading the requirements of the Administrative Procedures Act.

1. Emergency rules shall not become effective unless ~~certified~~ approved by the Governor pursuant to the provisions of this section.

J. 1. The requirements of Section 303 of this title relating to notice, hearing and rule impact statement shall not be applicable to emergency rules promulgated pursuant to the provisions of this section. Provided this shall not be construed to prevent an abbreviated notice and hearing process or preparation of a rule impact statement determined to be necessary by an agency.

2. The rule report required pursuant to ~~Section~~ Sections 303.1 and 308 of this title shall not be applicable to emergency rules promulgated pursuant to the provisions of this section. Provided this shall not be construed to prevent an agency from complying with such requirements at the discretion of such agency.

3. The statement of submission required by ~~Section~~ Sections 303.1 and 308 of this title shall not be applicable to emergency rules promulgated pursuant to the provisions of this section.

SECTION 8. AMENDATORY 75 O.S. 1981, Section 255, as last amended by Section 9, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 255), is amended to read as follows:

Section 255. A. The Director of the Department of Libraries is hereby authorized, directed, and empowered to publish The Oklahoma Register not less than monthly for the publication of new rules, any amendment, revision or revocation of an existing rule, emergency rules, any notices of such rulemaking process and Executive Orders as are required by law to be published in The Oklahoma Register. Said rules or amendments, revisions, or revocations of existing rules shall be published in the first issue of The Oklahoma Register published after the date of ~~receipt~~ acceptance by the Director of the Department of Libraries pursuant to Sections 251, 253, 303, 303.1 and 308 of this title ~~and Section 17 of this act.~~ The Director of the Department of Libraries shall cause a copy of each publication of The Oklahoma Register to be sent to every county clerk in this state, to members of the Legislature upon request, and to such other agencies, libraries, and officials he may select. The Director of the Department of Libraries may charge recipients of the publication a cost sufficient to defray the cost of publication and mailing. The Director of the Department of Libraries shall cause a copy of all rules, all new rules, and all amendments, revisions, or revocations of existing rules to be on file and available for public examination in the Oklahoma Department of Libraries during normal office hours. The county clerks shall also maintain or cause to be maintained files of these publications for public examination during normal office hours. The Director

of the Dep designation designation or number and, as soon

B. The I the publicat that publica prepared by text of the

C. The r title shall b new rule, o notice shall

D. Rules published pu comply with gated.

SECTION O.S. Supp. 1

Section 30 copy of all existing rule required by Governor fo

B. When also submit The Oklaho submitted to

C. The te same format to Section 25

D. The r 1. the dat The Oklahon Statutes;

2. the na

3. the titl

4. a citati

5. a brief

6. a state

7. the dat

8. a sumn change made hearings or o the rule;

9. a list c against the a who have cor

10. a rule of the Oklaho

of the Department of Libraries shall promulgate rules to systematize the designations of rules. To establish said system or to preserve uniformity of designations, the Director of the Department of Libraries may change the title or numbering of any rule or any amendment, revision, or revocation thereof and, as soon as possible after said change, shall notify the appropriate agency.

B. The Director of the Department of Libraries is authorized to provide for the publication of rules in summary form when the rules are of such length that publication of the full text would be too costly. The summary shall be prepared by the agency submitting the rules and shall state where the full text of the rule may be obtained.

C. The notice required pursuant to the provisions of Section 303 of this title shall be published in The Oklahoma Register prior to the adoption of a new rule, or amendment, revision or revocation of any existing rule. The notice shall include the information required by Section 303 of this title.

D. Rules which have been filed pursuant to Section 251 of this title, published pursuant to the provisions of Section 255 of this title, and otherwise comply with the Administrative Procedures Act shall be considered promulgated.

SECTION 9. AMENDATORY Section 17, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 303.1), is amended to read as follows:

Section 303.1 A. Within ten (10) days after adoption of a permanent rule, a copy of all such new rules or amendments, revisions or revocations to an existing rule proposed by an agency, and a copy of an agency rule report as required by subsection D of this section shall be filed by the agency with the Governor for approval.

B. When the rules have been submitted to the Governor, the agency shall also submit to the Director of the Department of Libraries for publication in The Oklahoma Register, a statement that the adopted rules have been submitted to the Governor.

C. The text of the adopted rules shall be submitted to the Governor in the same format as required by the Director of Department of Libraries pursuant to Section 251 of Title 75 of the Oklahoma Statutes.

D. The report required by subsection A of this section shall include:

1. the date the notice of the intended rulemaking action was published in The Oklahoma Register pursuant to Section 255 of Title 75 of the Oklahoma Statutes;
2. the name and address of the agency;
3. the title and number of the rule;
4. a citation to the statutory authority for the rule;
5. a brief summary of the content of the adopted rule;
6. a statement explaining the need for the adopted rule;
7. the date and location of the meeting at which such rules were adopted;
8. a summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at public hearings or of any oral or written comments received prior to the adoption of the rule;
9. a list of persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing;
10. a rule impact statement if required pursuant to Section 303 of Title 75 of the Oklahoma Statutes;

Ch. 360 LAWS FORTY-SECOND LEGISLATURE

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

12. the members of the governing board of the agency adopting the rules and the recorded vote of each member; and

13. any other information requested by the Governor.

E. The Governor shall have forty-five (45) calendar days from receipt of a rule to approve or disapprove the rule.

1. If the Governor approves the rule, the Governor shall immediately notify the agency in writing of the approval. Notice of such approval shall be given by the agency to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and to the Department for publication in The Oklahoma Register.

2. If the Governor disapproves the adopted rule, the Governor shall return the entire document to the agency with reasons in writing for the disapproval. ~~If the agency elects to modify such rule, the agency shall make such modifications and resubmit the rule to the Governor for approval.~~ Notice of such disapproval shall be given by the agency to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to the Department for publication in The Oklahoma Register. Failure of the Governor to approve a rule shall constitute disapproval of the rule by the Governor.

F. Rules not approved by the Governor pursuant to the provisions of this section shall not become effective unless otherwise specifically approved by the Legislature by joint resolution pursuant to subsection F of Section 308 of Title 75 of the Oklahoma Statutes ~~this title.~~

SECTION 10. AMENDATORY 75 O.S. 1981, Section 308, as last amended by Section 19, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 308), is amended to read as follows:

Section 308. A. Within ten (10) days after adoption of a permanent rule, two copies of all such new rules or amendments, revisions or revocations to an existing rule proposed by an agency, and two copies of an agency rule report as required by subsection D of this section shall be filed by the agency each with the Speaker of the House of Representatives and the President Pro Tempore of the State Senate.

B. When the rules have been submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the agency shall also submit to the Director of the Department of Libraries for publication in The Oklahoma Register, a statement that the adopted rules have been submitted to the Legislature. Such statement of submission required by this section shall not be required for emergency rules.

C. The text of the adopted rules shall be submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate in the same format as required by the Director of Department of Libraries pursuant to Section 251 of this title.

D. The report required by subsection A of this section shall include:

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

2. the name and address of the agency;

3. the title and number of the rule;

4. a citation to the statutory authority for the rule;

5. a brief summary of the content of the adopted rule;

6. a statement explaining the need for the adopted rule;

7. the date

8. a summary of the change made by the rule; or the date of the hearing or of the rule;

9. a list of the members of the agency who have consented to the rule;

10. a rule

11. an incorporation by reference of rules from a body outside the state;

12. the members of the governing board of the agency adopting the rules and the recorded vote of each member; and

13. any other information requested by the Governor.

E. Upon receipt of a rule, the Speaker of the House of Representatives shall refer the rule to the appropriate committee of the Senate. The committee shall report the rule to the Senate on or before the legislative day following the legislative day on which the rule is referred to the committee.

F. By the end of the legislative day following the legislative day on which the rule is referred to the committee, the committee shall report the rule to the Senate as required by this section.

G. Whenever a rule is referred to a committee of the Senate, the agency shall submit to the committee such an identification of the rule as may be necessary to identify the rule and the part or in which the rule is contained in the Oklahoma Register.

H. Unless otherwise provided, the committee shall introduce the rule on the legislative day following the legislative day on which the rule is referred to the committee, as may be necessary to comply with any other provision of this section.

I. 1. Transmittal of a rule to the Senate for approval of such rule shall be made by the Speaker of the House of Representatives.

a. the Legislature shall have ten (10) days within which to act on the rule, unless the Legislature has failed to act on the rule by the legislative day following the legislative day on which the rule is referred to the Legislature.

b. the Legislature shall have ten (10) days within which to act on the rule, unless the Legislature has failed to act on the rule by the legislative day following the legislative day on which the rule is referred to the Legislature.

2. After the legislative day following the legislative day on which the rule is referred to the Legislature, the Legislature shall have ten (10) days within which to act on the rule, unless the Legislature has failed to act on the rule by the legislative day following the legislative day on which the rule is referred to the Legislature.

7. the date and location of the meeting at which such rules were adopted;

8. a summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at public hearings or of any oral or written comments received prior to the adoption of the rule;

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

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

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

12. the members of the governing board of the agency adopting the rules and the recorded vote of each member; and

13. any other information requested by the Speaker of the House of Representatives, the President Pro Tempore of the Senate or either rule review committee.

E. Upon receipt of any adopted rules submitted pursuant to this section, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall assign such rules to the appropriate committees of each such house of the Legislature for review. Except as otherwise provided by this section, upon receipt of such rules, the Legislature shall have thirty (30) legislative days to review such rules.

F. By the adoption of a joint resolution, or as otherwise authorized by the Constitution, the Legislature may disapprove any rule, or waive the thirty legislative day review period and approve any rule which has been transmitted as required by this section.

G. Whenever a rule is disapproved as provided in subsection F of this section, the agency adopting such rules shall not have authority to resubmit ~~such an identical rule~~, except during the first sixty (60) calendar days of a ~~subsequent~~ the next regular legislative session. Rules may be disapproved in part or in whole by the Legislature. Any joint resolution enacted disapproving a rule shall be filed with the Department of Libraries for publication in The Oklahoma Register.

H. Unless otherwise provided by specific vote of the Legislature, resolutions introduced for purposes of disapproving or approving a rule shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for disapproval or approval of a rule and, shall contain no other provisions.

I. 1. Transmission of a rule for legislative review pursuant to the provisions of this section on or before April 1 of each year shall result in the approval of such rule by the Legislature if:

- a. the Legislature is in session and has failed to disapprove such rule within thirty (30) legislative days after such rule has been so transmitted pursuant to subsection A of this section; or
- b. the Legislature has adjourned before the expiration of said thirty (30) legislative days of submission of such rules, and has failed to disapprove such rule.

2. After April 1 of each year, transmission of a rule for legislative review pursuant to the provisions of this section shall result in the approval of such rule by the Legislature only if the Legislature is in regular session and has failed to disapprove such rule within thirty (30) legislative days after such rule has been so transmitted. Provided, that in In the event the Legislature will

Ch. 360 LAWS FORTY-SECOND LEGISLATURE

~~adjourn or adjourns~~ before the expiration of such thirty (30) legislative days, ~~the agency:~~

~~a. may resubmit~~ such rule shall carry over for consideration by the Legislature during the succeeding next regular session;

~~b. may proceed under emergency provisions pursuant to Section 253 of this title; or~~

e. and shall be considered to have been originally transmitted to the Legislature on the first day of said next regular session for review pursuant to this section. As an alternative, an agency may request direct legislative approval of such rules. The and the Legislature may approve such rule as provided by subsection F of this section. An agency may also adopt emergency rules under the provisions of Section 253 of this title.

J. Prior to final adoption of a rule, an agency may withdraw from legislative review a rule submitted pursuant to the provisions of this section. Notice of such withdrawal shall be given to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and to the Department for publication in The Oklahoma Register.

K. Except as otherwise provided by Section 253 of this title, Section 250.4 of this title, or as otherwise specifically provided by the Legislature, no agency shall promulgate any rule unless reviewed by the Legislature pursuant to this section. An agency may promulgate an emergency rule only upon a finding that an imminent peril to the public health, safety or welfare or other compelling extraordinary circumstances requires the promulgation of an emergency rule pursuant to Section 253 of this title.

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

SECTION 11. AMENDATORY Section 22, Chapter 207, O.S.L. 1987, as amended by Section 20, Chapter 292, O.S.L. 1988 (75 O.S. Supp. 1988, Section 308.1), is amended to read as follows:

Section 308.1 A. Upon the ~~expiration of approval by the legislative Legislature and gubernatorial review periods~~ the Governor, or upon approval by joint resolution of the Legislature pursuant to subsection F of Section 308 of this title, a rule shall be considered finally adopted. The agency shall submit such finally adopted rule to the Department of Libraries for filing and publishing such rule pursuant to Sections 251 and 255 of this title.

B. The text of the rule submitted for publication shall be the same as the text of the rule considered by the Legislature and the Governor.

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

Approved June 3, 1989.

PUB

AN ACT  
REF  
TRO  
COR  
COR.  
PARI  
MAT  
CERT  
ING  
DIFIC

BE IT

SECTION  
Oklahoma  
duplication:

A. Any  
to any con  
Correction

B. The  
related to

SECTION  
Oklahoma  
duplication

A. The  
drug-relate  
a method o:  
incarcerate

B. The  
information  
tions prior

C. The F  
of the offen

SECTION  
used by the  
lated inform

B. Provic  
to the Depa  
directed to  
reporting the  
ed in the Sta

SECTION  
Oklahoma St