

## **Rulemaking Process**

Prior to the adoption of any rule or amendment or revocation of a rule, the agency shall:

Publish notice of any intended action in The Oklahoma Register;

For at least thirty (30) days after publication of the notice, afford a comment period for all interested persons to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule;

Hold a hearing, if required;

Consider the effect its intended action may have on the various types of business, governmental entities, and various types of consumer groups; and

When an agency provides notice, the agency shall provide the complete text of the proposed rule, amendment, or revocation and a copy of the notice to the Governor and to the appropriate cabinet secretary.

The public notice required shall include, but not be limited to:

In simple language, a brief summary of the rule;

The proposed action being taken;

The circumstances which created the need for the rule;

The intended effect of the rule;

The time when, the place where, and the manner in which interested persons may present their views and may demand on hearing; and

Whether or not the agency intends to issue a rule impact statement.

If the published notice does not already provide for a hearing, an agency shall schedule a hearing within thirty (30) days after the published notice of the proposed rule adoption, a written request for a hearing is submitted by: at least ten persons, a political subdivision, an agency, or an association having not less than twenty-five (25) members.

At that hearing persons may present oral argument, data, and views on the proposed rule. The hearing may not be held earlier than thirty (30) days after notice of the hearing is published.

An agency shall issue a rule impact statement of a proposed rule prior to or within fifteen (15) days after the date of publication of the notice of proposed rule adoption. The rule impact statement shall include, but not be limited to:

a brief description of the purpose of the proposed rule,

a description of the classes of persons who most likely will be affected

a description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions,

A financial impact statement,

An economic impact on any political subdivisions or small businesses,

A public health, safety, and environment impact statement,

the date the rule impact statement was prepared and if modified, the date modified; and

an analysis of alternatives to adopting the rule.

An agency may adopt the proposed rule in compliance with the noted procedures.

## **Emergency Rulemaking**

If an agency finds that a rule is necessary as an emergency measure, the rule is first approved by the Governor and is necessary as an emergency measure to do any of the following:

protect the public health, safety, or welfare,

comply with deadlines in amendments to an agency's governing law or federal programs,

avoid violation of federal law or regulation or other state law,  
avoid imminent reduction to the agency's budget, or  
avoid serious prejudice to the public interest.

An emergency rule adopted by an agency shall:

Include an impact statement

a description of the proposed rule

a description of the classes of persons who most likely will be affected

Include an economic impact, including on any political subdivisions and small business

Include the impact on public health, safety, and environment

Within forty-five (45) calendar days of receipt of a proposed emergency, the Governor shall review the rule. If the Governor determines the agency has established the rule is necessary as an emergency measure, the Governor shall approve the proposed emergency rule.

The emergency rule shall be published in The Oklahoma Register and fully enforceable.

### **Oklahoma Register**

### **Oklahoma Administrative Procedure Act**