

CHAPTER 1. DESCRIPTION OF ORGANIZATION

527:1-1-4. Rulemaking procedures

- (a) **Submission of data.** Prior to the adoption, amendment, or repeal of any rule the Board shall afford any interested person a reasonable opportunity to submit data, views, or arguments, orally or in writing, to the Board concerning the proposed action on the rule. Should the proposed action on a rule affect one's substantive rights, the opportunity for an oral hearing will be granted if requested in writing by an individual or by an association. If no substantive rights are involved, the opportunity for oral arguments or views is in the discretion of the Board. The Board shall decide whether any substantive rights are involved.
- (b) **Petition on rules.** Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule. The petition shall be filed with the Executive Secretary of the Board and shall set forth in writing, clearly and concisely, all matters pertaining to the requested action and reasons for the request. The request should also state whether there is someone known to the petitioner who is concerned with the subject and should be notified of the hearing.
- (c) **Hearing of Response to petition.** ~~The Board, at the next regularly scheduled session after the completion of notice or at a special meeting specified in the notice, will hear the petition and notify the petitioner of the ruling within twenty (20) days after the decision. The Board may, at its discretion, postpone the discussion and ruling of the petition until the next regularly scheduled meeting or at a special meeting and all parties shall be notified of the postponement. Within 30 calendar days of submission of a petition for rulemaking, the Board shall initiate rulemaking proceedings, or the Executive Secretary of the Board shall provide the petitioner a written response explaining why rulemaking proceedings were not initiated [75 O.S. section 305].~~
- (d) **APA notice requirements.** In any rulemaking action, whether initiated by the Board or by petition, the Board shall comply with the current notice requirements in the Administrative Procedures Act [75 O.S. section ~~301~~250.3 et seq.].
- (e) **Notice of rulemaking proceedings.** The notice of rulemaking proceedings shall be ~~mailed~~sent to all interested persons who have made a request of the Board for advance notice of the rulemaking proceedings, or who were specified in the petition for the rules, and shall be published in the Oklahoma ~~Gazette~~Register or its successor publication [75 O.S. section 303]. ~~Twenty (20) days time shall be calculated from the date of the mailing of notice or the publication, whichever is later.~~
- (f) **Place for hearings.** Unless otherwise specified by the Board in the notice, all hearings shall be conducted in the office of the Board. Any person interested in or affected by a proposed action may appear at such hearing individually, by attorney or by authorized agent.
- (g) **Emergency rules.** Emergency rules may be adopted by the Board without the prescribed notice and hearing in accordance with the provision of the Administrative Procedures Act, 75 O.S. section ~~301~~et seq. 253 regarding emergency rules.