

# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

## TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 110. OKLAHOMA SPECIALIZED QUALITY INVESTMENT ACT

[OAR Docket #07-1378]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

150:110-1-1 [AMENDED]

150:110-1-2 [AMENDED]

### AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and Section 1 of House Bill 1619 of the 2<sup>nd</sup> Session of the 50<sup>th</sup> Oklahoma Legislature, executed by the Governor on February 21, 2006, effective July 1, 2007.

### DATES:

#### Adoption:

July 24, 2007

#### Approved by Governor:

September 1, 2007

#### Effective:

Immediately upon Governor's approval.

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

House Bill 1169 of House Bill 1619 of the 2<sup>nd</sup> Session of the 50<sup>th</sup> Oklahoma Legislature, executed by the Governor on February 21, 2006, is effective July 1, 2007. To avoid confusion, it is necessary to amend the above referenced rules, so the terminology in the rules is consistent with the underlying statutory text.

### ANALYSIS:

The Emergency Rules provide a systematic, equitable method for making application under the Oklahoma Specialized Quality Investment Act.

### CONTACT PERSON:

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

### 150:110-1-1. Purpose and scope

The purpose of these rules is to implement the Oklahoma Specialized Quality Investment Act at the Oklahoma Department of Commerce.

### 150:110-1-2. Definitions

For purposes of the Oklahoma Specialized Quality Investment Act:

**"Capital costs"** means costs for land, buildings, improvements to buildings, fixtures and for machinery, equipment and other personal property used in and for the manufacturing process incurred by a qualified establishment, on or after the effective date of this act, with respect to the manufacturing site located in this state and specified in a quality investment agreement;

**"Commission"** means the Oklahoma Tax Commission established pursuant to 68 O.S. Section 102, and any successor agencies thereto.

**"Department"** means the Oklahoma Department of Commerce;

**"Director"** means the duly appointed and acting Director of the Department or during any period of time that the position of Director is vacant; such term shall refer to the person serving as the acting director.

**"Fiscal year"** means the state fiscal year, which shall begin on July 1 of a calendar year and end on June 30 of the next calendar year;

**"Qualified establishment"** means a business entity engaged in the activity described by Industry Number 3011, Industry Group Number 301, Major Group 30 of the Standard Industrial Classification manual, latest revision. No establishment that has been certified as eligible to participate in the Oklahoma Quality Jobs Incentive Leverage Act incentive program shall be eligible for any investment payment pursuant to the Oklahoma Specialized Quality Investment Act. A qualified establishment shall enter into a quality investment agreement pertaining to a single manufacturing site as that term is defined in Section 1352 of Title 68 of the Oklahoma Statutes. No combination of other locations of an establishment or any related entities of an establishment shall be included in a quality investment agreement. An establishment may enter into additional quality investment agreements for additional sites;

**"Quality investment agreement"** means an agreement with duration, for purposes of computing the total incentive