

RULE IMPACT STATEMENT OAC 660:2

Pursuant to the Administrative Procedures Act, Section 303.D of Title 75 of the Oklahoma Statutes, the Oklahoma Department of Securities (“ODS”) hereby submits the following Rule Impact Statement for PERMANENT rule proposals for OAC Title 660, Department of Securities, Chapter 2, Organization and Procedures of Department of Securities.

Brief Description of the Purpose of the Proposed Rule Amendments:

One of the purposes of the proposed rule amendments is to impose the duty to supplement subpoena compliance when responses become materially incomplete or incorrect. The proposed rule amendments also serve to authorize the use of requests for admissions in discovery; impose page limitations on motions and responsive pleadings thereto; and set forth additional sanctions for failures to comply with or cooperate in discovery.

Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

The proposed rule amendments provide respondents more definitive information about procedures in administrative actions. Such amendments should not have any cost impact on any class of persons.

Description of the classes of persons who will benefit from the proposed rule:

Persons subject to ODS regulation and staff members may benefit from these amendments due to more precise information and greater clarification to aid in compliance.

Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing for all fee changes and, whenever possible, separate justification for each fee change:

No economic impact is expected on any affected classes of persons or political subdivisions. The rules do not change or create any fees.

The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effects on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

No additional revenue will be needed for the implementation or enforcement of the proposed rule amendments. The changes provide greater clarity for persons involved in individual proceedings before ODS.

A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:

Implementation of the proposed rule amendments will not have an economic impact on any political subdivisions or require the cooperation of political subdivisions in implementing or enforcing the rule.

A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

Implementation of the proposed rule should not have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The changes in these proposed rule amendments are attempts to address problems in the conduct of administrative proceedings. They represent the Department staff's attempts to improve the administrative process for the ultimate good of both the Department and other participants. The Department's staff is unaware of any less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule amendments.

A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The staff of the Department is unaware of any effect of the proposed amendments on the public health, safety and environment.

A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:

The staff of the Department is unaware of any effect of the proposed amendments on the public health, safety and environment.

This rule impact statement was prepared on February 17, 2016.