

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 995

5                   By: Bergstrom and Jett of the  
Senate

6                   and

7                   Kendrix of the House

11                   COMMITTEE SUBSTITUTE

12                   An Act relating to the Administrative Procedures Act;  
amending 75 O.S. 2021, Section 250.3, as amended by  
Section 1, Chapter 38, O.S.L. 2023 (75 O.S. Supp.  
2024, Section 250.3), which relates to definitions;  
modifying definition of final rule; updating  
statutory language; eliminating reference to  
technical legal defect; amending 75 O.S. 2021,  
Section 308, as amended by Section 5, Chapter 38,  
O.S.L. 2023 (75 O.S. Supp. 2024, Section 308), which  
relates to proposed permanent rules; requiring  
legislative approval for final rule adoption;  
removing references to certain section of law;  
repealing 75 O.S. 2021, Section 308.3, as amended by  
Section 6, Chapter 38, O.S.L. 2023 (75 O.S. Supp.  
2024, Section 308.3), which relates to rule adoption  
procedure; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 75 O.S. 2021, Section 250.3, as  
2 amended by Section 1, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
3 Section 250.3), is amended to read as follows:

4 Section 250.3. As used in the Administrative Procedures Act:

5 1. "Administrative head" means an official or agency body  
6 responsible pursuant to law for issuing final agency orders;

7 2. "Adopted" means a proposed emergency rule which has been  
8 approved by the agency but has not been approved or disapproved by  
9 the Governor as an emergency rule as provided by Section 253 of this  
10 title, or a proposed permanent rule which has been approved by the  
11 agency and not disapproved by the Governor pursuant to paragraph 6  
12 of subsection A of Section 303 of this title, but has not been  
13 finally approved or disapproved by the Legislature or the Governor;

14 3. "Agency" includes but is not limited to any constitutionally  
15 or statutorily created state board, bureau, commission, office,  
16 authority, public trust in which the state is a beneficiary, or  
17 interstate commission, except:

18 a. the Legislature or any branch, committee or officer  
19 thereof, and

20 b. the courts;

21 4. "Emergency rule" means a rule that is made pursuant to  
22 Section 253 of this title;

23 5. "Final rule" or "finally adopted rule" means a rule other  
24 than an emergency rule, which has not been published pursuant to

1 Section 255 of this title but is otherwise in compliance with the  
2 requirements of the Administrative Procedures Act, and is:

3 a. ~~approved by the Legislature pursuant to Section 308.3~~  
4 ~~of this title, provided that any such joint resolution~~  
5 ~~becomes law in accordance with Section 11 of Article~~  
6 ~~VI of the Oklahoma Constitution,~~

7 b. ~~approved by the Governor pursuant to subsection C of~~  
8 ~~Section 308.3 of this title,~~

9 c. approved by a joint resolution pursuant to subsection  
10 B of Section 308 of this title, provided that any such  
11 resolution becomes law in accordance with Section 11  
12 of Article VI of the Oklahoma Constitution, or

13 d.

14 b. disapproved by a joint resolution pursuant to  
15 subsection B of Section 308 of this title ~~or Section~~  
16 ~~308.3 of this title,~~ which has been vetoed by the  
17 Governor in accordance with Section 11 of Article VI  
18 of the Oklahoma Constitution and the veto has not been  
19 overridden;

20 6. "Final agency order" means an order that includes findings

21 of fact and conclusions of law pursuant to Section 312 of this  
22 title, is dispositive of an individual proceeding unless there is a  
23 request for rehearing, reopening, or reconsideration pursuant to  
24 Section 317 of this title and which is subject to judicial review;

1       7. "Hearing examiner" means a person meeting the qualifications  
2 specified by Article II of the Administrative Procedures Act and who  
3 has been duly appointed by an agency to hold hearings and, as  
4 required, render orders or proposed orders;

5       8. "Individual proceeding" means the formal process employed by  
6 an agency having jurisdiction by law to resolve issues of law or  
7 fact between parties and which results in the exercise of discretion  
8 of a judicial nature;

9       9. "License" includes the whole or part of any agency permit,  
10 certificate, approval, registration, charter, or similar form of  
11 permission required by law;

12      10. "Office" means the Office of the Secretary of State;

13      11. "Order" means all or part of a formal or official decision  
14 made by an agency including but not limited to final agency orders;

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

18      13. "Permanent rule" means a rule that is made pursuant to  
19 Section 303 of this title;

20      14. "Person" means any individual, partnership, corporation,  
21 association, governmental subdivision, or public or private  
22 organization of any character other than an agency;

23      15. "Political subdivision" means a county, city, incorporated  
24 town or school district within this state;

1       16. "Promulgated" means a finally adopted rule which has been  
2 filed and published in accordance with the provisions of the  
3 Administrative Procedures Act, or an emergency rule or preemptive  
4 rule which has been approved by the Governor;

5       17. "Rule" means any agency statement or group of related  
6 statements of general applicability and future effect that  
7 implements, interprets or prescribes law or policy, or describes the  
8 procedure or practice requirements of the agency. The term rule  
9 includes the amendment or revocation of an effective rule but does  
10 not include:

11           a. the issuance, renewal, denial, suspension or  
12                   revocation or other sanction of an individual specific  
13                   license,

14           b. the approval, disapproval or prescription of rates.

15                   For purposes of this subparagraph, the term "rates"  
16                   shall not include fees or charges fixed by an agency  
17                   for services provided by that agency including but not  
18                   limited to fees charged for licensing, permitting,  
19                   inspections or publications,

20           c. statements and memoranda concerning only the internal  
21                   management of an agency and not affecting private  
22                   rights or procedures available to the public,

23           d. declaratory rulings issued pursuant to Section 307 of  
24                   this title,

1                   e. orders by an agency, or  
2                   f. press releases or "agency news releases", provided  
3                   such releases are not for the purpose of interpreting,  
4                   implementing or prescribing law or agency policy;  
5                 18. "Rulemaking" means the process employed by an agency for  
6                 the formulation of a rule;  
7                 19. "Secretary" means the Secretary of State; and  
8                 20. "Small business" means a for-profit enterprise consisting  
9                 of fifty or fewer full-time or part-time employees; ~~and~~  
10                21. ~~"Technical legal defect"~~ means an error that would  
11                otherwise invalidate an action by a court of law.

12               SECTION 2.       AMENDATORY       75 O.S. 2021, Section 308, as  
13               amended by Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
14               Section 308), is amended to read as follows:

15               Section 308. A. Upon receipt of any proposed permanent rules,  
16               the Speaker of the House of Representatives and the President Pro  
17               Tempore of the Senate shall assign such rules to the appropriate  
18               committees of each house of the Legislature for review. Except as  
19               otherwise provided by this section:

20               1. If such rules are received on or before April 1, the  
21               Legislature shall have until the last day of the regular legislative  
22               session of that year to review such rules. Provided, proposed  
23               permanent rules for consideration by the 2nd Session of the 59th  
24               Legislature shall be submitted on or before March 1. For each

1 legislative session thereafter, proposed permanent rules shall be  
2 submitted on or before February 1 of the given year; and

3       2. If such rules are received after the date established  
4 pursuant to paragraph 1 of this subsection, the Legislature shall  
5 have until the last day of the regular legislative session of the  
6 next year to act on such rules.

7       B. By the adoption of joint resolutions during the review  
8 period specified in subsection A of this section, the Legislature  
9 may disapprove or approve any rule and disapprove all or part of a  
10 rule or rules. Any rules not acted upon by the adoption of a joint  
11 resolution shall be deemed disapproved.

12       C. Unless otherwise authorized by the Legislature, whenever a  
13 rule is disapproved as provided in subsection B of this section, the  
14 agency adopting such rules shall not have authority to resubmit an  
15 identical rule, except during the first sixty (60) calendar days of  
16 the next regular legislative session. Any effective emergency rule  
17 which would have been superseded by a disapproved permanent rule  
18 shall be deemed null and void on the date the Legislature  
19 disapproves the permanent rule. Rules may be disapproved in part or  
20 in whole by the Legislature. Upon enactment of any joint resolution  
21 disapproving a rule, the agency shall file notice of such  
22 legislative disapproval with the Secretary for publication in "The  
23 Oklahoma Register".

1       D. Unless otherwise provided by specific vote of the  
2 Legislature, joint resolutions introduced for purposes of  
3 disapproving or approving a rule ~~or the omnibus joint resolution~~  
4 ~~described in Section 308.3 of this title~~ shall not be subject to  
5 regular legislative cutoff dates, shall be limited to such  
6 provisions as may be necessary for disapproval or approval of a  
7 rule, and any such other direction or mandate regarding the rule  
8 deemed necessary by the Legislature. The resolution shall contain  
9 no other provisions.

10     E. A proposed permanent rule shall only be deemed finally  
11 adopted if:

12       1. Approved by the Legislature pursuant to Section 308.3 of  
13 ~~this title, provided that any such joint resolution becomes law in~~  
14 ~~accordance with Section 11 of Article VI of the Oklahoma~~  
15 ~~Constitution;~~

16       2. Approved by a joint resolution pursuant to subsection B of  
17 this section, provided that any such resolution becomes law in  
18 accordance with Section 11 of Article VI of the Oklahoma  
19 Constitution; or

20       3. 2. Disapproved by a joint resolution pursuant to subsection  
21 B of this section ~~or Section 308.3 of this title~~ which has been  
22 vetoed by the Governor in accordance with Section 11 of Article VI  
23 of the Oklahoma Constitution and the veto has not been overridden.

1       F. Prior to final adoption of a rule, an agency may withdraw a  
2 rule from legislative review. Notice of such withdrawal shall be  
3 given to the Governor, the Speaker of the House of Representatives,  
4 the President Pro Tempore of the Senate, and to the Secretary for  
5 publication in "The Oklahoma Register".

6       G. An agency may promulgate an emergency rule only pursuant to  
7 Section 253 of this title.

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

12      SECTION 3.       REPEALER       75 O.S. 2021, Section 308.3, as  
13 amended by Section 6, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
14 Section 308.3), is hereby repealed.

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

19  
20 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
04/17/2025 - DO PASS, As Amended  
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