

## **SENATE FLOOR VERSION**

February 13, 2025

SENATE BILL NO. 995

By: Bergstrom and Jett of the  
Senate

and

## Kendrix of the House

An Act relating to the Administrative Procedures Act; 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 proposed permanent rules; 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; and declaring an emergency.

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

SECTION 1. AMENDATORY 75 O.S. 2021, Section 308, as

amended by Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024, Section 308), is amended to read as follows:

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

1       1. If such rules are received on or before April 1, the  
2 Legislature shall have until the last day of the regular legislative  
3 session of that year to review such rules. Provided, proposed  
4 permanent rules for consideration by the 2nd Session of the 59th  
5 Legislature shall be submitted on or before March 1. For each  
6 legislative session thereafter, proposed permanent rules shall be  
7 submitted on or before February 1 of the given year; and

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

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

17       C. Unless otherwise authorized by the Legislature, whenever a  
18 rule is disapproved as provided in subsection B of this section, the  
19 agency adopting such rules shall not have authority to resubmit an  
20 identical rule, except during the first sixty (60) calendar days of  
21 the next regular legislative session. Any effective emergency rule  
22 which would have been superseded by a disapproved permanent rule  
23 shall be deemed null and void on the date the Legislature  
24 disapproves the permanent rule. Rules may be disapproved in part or

1 in whole by the Legislature. Upon enactment of any joint resolution  
2 disapproving a rule, the agency shall file notice of such  
3 legislative disapproval with the Secretary for publication in "The  
4 Oklahoma Register".

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

14 E. A proposed permanent rule shall only be deemed finally  
15 adopted if:

16 1. Approved by the Legislature pursuant to Section 308.3 of  
17 this title, provided that any such joint resolution becomes law in  
18 accordance with Section 11 of Article VI of the Oklahoma  
19 Constitution;

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

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

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

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

12      H. Any rights, privileges, or interests gained by any person by  
13 operation of an emergency rule, shall not be affected by reason of  
14 any subsequent disapproval or rejection of such rule by either house  
15 of the Legislature.

16      SECTION 2.       REPEALER       75 O.S. 2021, Section 308.3, as  
17 amended by Section 6, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
18 Section 308.3), is hereby repealed.

19      SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES  
24 February 13, 2025 - DO PASS