

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 995

By: Bergstrom

AS INTRODUCED

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. If such rules are received on or before April 1, the Legislature shall have until the last day of the regular legislative

1 session of that year to review such rules. Provided, proposed  
2 permanent rules for consideration by the 2nd Session of the 59th  
3 Legislature shall be submitted on or before March 1. For each  
4 legislative session thereafter, proposed permanent rules shall be  
5 submitted on or before February 1 of the given year; and

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

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

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20 which would have been superseded by a disapproved permanent rule  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

1 legislative disapproval with the Secretary for publication in "The  
2 Oklahoma Register".

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

12 E. A proposed permanent rule shall only be deemed finally  
13 adopted if:

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

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

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

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

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

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

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

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

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