

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 835

By: Daniels

AS INTRODUCED

An Act relating to the Secretary of State; defining terms; requiring submission of certain agency actions to Secretary of State for review; establishing procedures for certain review; requiring board to abide by certain recommendations; subjecting board members to removal for certain misconduct; specifying actions not to be deemed anticompetitive; authorizing board to make certain request; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 664.11 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Proposed qualifying actions" means proposed actions by a qualifying board that include, but are not limited to:

- a. actions affecting a class or category of individuals,
- b. actions contested by the respondent,
- c. actions based on alleged conduct not admitted by the respondent,

- d. revocation or suspension of a license,
  - e. actions stemming from a complaint filed by a competitor of the respondent, or
  - f. actions that are purely discretionary by the board;
- and

2. "Qualifying board" means a state licensing board or commission on which a majority of members are market participants in the occupation the board or commission regulates.

B. 1. Any qualifying board proposing to take non-rulemaking action that has anticompetitive effects shall submit such proposed action to the Secretary of State for review and confirmation that the action is enforcing a clearly articulated and affirmatively expressed state policy.

2. The Secretary of State, or his or her designee, shall review the action and return a written determination to the qualifying board within sixty (60) days.

3. Upon receipt of the Secretary of State's written determination, the qualifying board shall abide by the Secretary of State's recommendation, if any.

4. Failure of the qualifying board to following the written determination of the Secretary of State shall constitute misconduct and shall subject the board members to removal for cause by the appointing authority.

1 C. Actions taken by qualifying boards that do not carry  
2 anticompetitive implications need not be submitted to the Secretary  
3 of State for review. Such actions shall include, but not be limited  
4 to:

5 1. Actions to which the respondent consents or agrees;

6 2. Actions resulting from a criminal conviction in a court of  
7 competent jurisdiction;

8 3. Actions in which the qualifying board has performed the non-  
9 discretionary task of implementing a mandatory statute;

10 4. Actions that impose only a fine or a requirement for  
11 additional education; and

12 5. Actions that do not affect the status of a license or  
13 otherwise prevent a licensee from continuing to participate in the  
14 licensee's occupation.

15 D. Qualifying boards may request a determination from the  
16 Secretary of State as to whether an action of the qualifying board  
17 is a proposed qualifying action.

18 SECTION 2. This act shall become effective November 1, 2025.  
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