

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 995

By: Bergstrom and Jett of the
Senate

and

Kendrix of the House

COMMITTEE SUBSTITUTE

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.

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".
24

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.
24

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.

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