

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 250.2a of Title 75, unless there
3 is created a duplication in numbering, reads as follows:

4 A. An agency may promulgate rules in accordance with the
5 Administrative Procedures Act only to the extent that the agency has
6 been specifically and explicitly granted rulemaking authority by
7 state law.

8 B. General statements of rulemaking authority, including but
9 not limited to, language authorizing an agency to act "as necessary
10 and proper" to carry out its duties, or to promulgate rules "to
11 effectuate the purposes" of a statute, shall not constitute explicit
12 state law authority for rulemaking.

13 C. Any rule adopted by an agency that is not supported by
14 specific and explicit rulemaking authority in state law shall be
15 deemed invalid and of no force or effect.

16 D. In the notice of rulemaking required by Section 303 of this
17 title, agencies shall cite the specific sections of state law that
18 provide explicit authority for the rule. Failure to provide such
19 citation shall render the rule invalid.

20 SECTION 2. AMENDATORY 75 O.S. 2021, Section 308, as last
21 amended by Section 8, Chapter 258, O.S.L. 2025 (75 O.S. Supp. 2025,
22 Section 308), is amended to read as follows:

23 Section 308. A. 1. Upon receipt of any proposed permanent
24 rules, the Speaker of the House of Representatives and the President

1 Pro Tempore of the Senate shall assign such rules to the appropriate
2 committees of each house of the Legislature for review. Except as
3 otherwise provided by this section:

4 ~~1.~~

5 a. ~~If~~ if such rules are received on or before February 1,
6 the Legislature shall have until the last day of the
7 regular legislative session of that year to review
8 such rules~~+~~ and

9 ~~2.~~

10 b. ~~If~~ if such rules are received after the date
11 established pursuant to paragraph 1 of this
12 subsection, the Legislature shall have until the last
13 day of the regular legislative session of the next
14 year to act on such rules.

15 2. In reviewing proposed permanent and emergency rules, the
16 Legislature shall determine whether:

17 a. the agency has cited specific and explicit authority
18 from state law for the rule, and

19 b. the rule exceeds the scope of authority delegated by
20 the Legislature.

21 3. Any rule found by the Legislature to lack specific and
22 explicit authority from state law shall be disapproved and declared
23 invalid.

1 B. By the adoption of joint resolutions during the review
2 period specified in subsection A of this section, the Legislature
3 may disapprove or approve any rule and disapprove all or part of a
4 rule or rules.

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

17 D. Unless otherwise provided by specific vote of the
18 Legislature, joint resolutions introduced for purposes of
19 disapproving or approving a rule or the omnibus joint resolution
20 shall not be subject to regular legislative cutoff dates, shall be
21 limited to such provisions as may be necessary for disapproval or
22 approval of a rule, and any such other direction or mandate
23 regarding the rule deemed necessary by the Legislature. The
24 resolution shall contain no other provisions.

1 E. A proposed permanent rule shall be deemed finally adopted
2 if:

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

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

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

15 Provided, major rules shall be addressed in one or more joint
16 resolutions only addressing major rules, regardless of if the joint
17 resolution is to approve or disapprove such rules.

18 F. Prior to final adoption of a rule, an agency may withdraw a
19 rule from legislative review. Notice of such withdrawal shall be
20 given to the Governor, the Speaker of the House of Representatives,
21 the President Pro Tempore of the Senate, and to the Secretary of
22 State for publication in "The Oklahoma Register".

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

1 H. Any rights, privileges, or interests gained by any person by
2 operation of an emergency rule shall not be affected by reason of
3 any subsequent disapproval or rejection of such rule by either house
4 of the Legislature.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 308.4 of Title 75, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Within three (3) years of the effective date of this act,
9 each agency shall prepare an inventory of all existing rules and
10 cite the specific sections of state law providing explicit
11 rulemaking authority to the agency for each rule.

12 B. Any rule not supported by a specific and explicit state law
13 citation shall be deemed repealed on January 1, 2030, unless the
14 Legislature affirmatively reauthorizes the rule by joint resolution.

15 SECTION 4. This act shall become effective November 1, 2026.

16

17 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
18 02/24/2026 - DO PASS, As Coauthored.

19

20

21

22

23

24