

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4319

By: Kendrix

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5
6 AS INTRODUCED

7 An Act relating to the Administrative Procedures Act;
8 limiting promulgation of agency rules to specific and
9 explicit state law authorization; prohibiting
10 promulgation of rules relying on general statements
11 of rulemaking authority; invalidating rules not
12 supported by specific and explicit authority;
13 requiring notice of specific rulemaking authority;
14 amending 75 O.S. 2021, Section 308, as last amended
15 by Section 8, Chapter 258, O.S.L. 2025 (75 O.S. Supp.
16 2025, Section 308), which relates to legislative
17 review of rules; requiring the Legislature to
18 determine specific and explicit rulemaking authority
19 and scope of authority; invalidating rules found
20 lacking specific authority; requiring agencies to
21 review and determine rulemaking authority within
22 three years; repealing noncompliant administrative
23 rules by certain date; providing for codification;
24 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 250.2a of Title 75, unless there
is created a duplication in numbering, reads as follows:

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

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

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

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

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

20 Section 308. A. 1. Upon receipt of any proposed permanent
21 rules, the Speaker of the House of Representatives and the President
22 Pro Tempore of the Senate shall assign such rules to the appropriate
23 committees of each house of the Legislature for review. Except as
24 otherwise provided by this section:

1 ~~1.~~

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

6 ~~2.~~

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

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

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

16 b. the rule exceeds the scope of authority delegated by
17 the Legislature.

18 3. Any rule found by the Legislature to lack specific and
19 explicit authority from state law shall be disapproved and declared
20 invalid.

21 B. By the adoption of joint resolutions during the review
22 period specified in subsection A of this section, the Legislature
23 may disapprove or approve any rule and disapprove all or part of a
24 rule or rules.

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

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

21 E. A proposed permanent rule shall be deemed finally adopted
22 if:

23 1. Approved by the Legislature pursuant to Section 308.3 of
24 this title, provided that any such joint resolution becomes law in

1 accordance with Section 11 of Article VI of the Oklahoma
2 Constitution;

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

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

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

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

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

21 H. Any rights, privileges, or interests gained by any person by
22 operation of an emergency rule shall not be affected by reason of
23 any subsequent disapproval or rejection of such rule by either house
24 of the Legislature.

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

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

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

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

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