

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 995

By: Bergstrom and Jett of the
Senate

3

and

4

Kendrix of the House

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An Act relating to the Administrative Procedures Act;
amending 75 O.S. 2021, Section 308, as amended by
8 Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp.
2024, Section 308), which relates to proposed
9 permanent rules; requiring legislative approval for
proposed permanent rules; repealing 75 O.S. 2021,
10 Section 308.3, as amended by Section 6, Chapter 38,
O.S.L. 2023 (75 O.S. Supp. 2024, Section 308.3),
11 which relates to rule adoption; and declaring an
emergency.

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17 AUTHOR: Add the following House Coauthor: Williams, Cornwell,
Crosswhite Hader, and Duel

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19 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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22 "An Act relating to the Administrative Procedures
Act; amending 75 O.S. 2021, Section 250.3, as amended
23 by Section 1, Chapter 38, O.S.L. 2023 (75 O.S. Supp.
2024, Section 250.3), which relates to definitions;
24 modifying definition of final rule; updating

1 statutory language; eliminating reference to
2 technical legal defect; amending 75 O.S. 2021,
3 Section 308, as amended by Section 5, Chapter 38,
4 O.S.L. 2023 (75 O.S. Supp. 2024, Section 308), which
5 relates to proposed permanent rules; requiring
6 legislative approval for final rule adoption;
7 removing references to certain section of law;
8 repealing 75 O.S. 2021, Section 308.3, as amended by
9 Section 6, Chapter 38, O.S.L. 2023 (75 O.S. Supp.
10 2024, Section 308.3), which relates to rule adoption
11 procedure; and declaring an emergency.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 250.3. As used in the Administrative Procedures Act:

1. "Administrative head" means an official or agency body
responsible pursuant to law for issuing final agency orders;

2. "Adopted" means a proposed emergency rule which has been
approved by the agency but has not been approved or disapproved by
the Governor as an emergency rule as provided by Section 253 of this
title, or a proposed permanent rule which has been approved by the
agency and not disapproved by the Governor pursuant to paragraph 6
of subsection A of Section 303 of this title, but has not been
finally approved or disapproved by the Legislature or the Governor;

3. "Agency" includes but is not limited to any constitutionally
or statutorily created state board, bureau, commission, office,

1 authority, public trust in which the state is a beneficiary, or
2 interstate commission, except:

- 3 a. the Legislature or any branch, committee or officer
4 thereof, and
- 5 b. the courts;

6 4. "Emergency rule" means a rule that is made pursuant to
7 Section 253 of this title;

8 5. "Final rule" or "finally adopted rule" means a rule other
9 than an emergency rule, which has not been published pursuant to
10 Section 255 of this title but is otherwise in compliance with the
11 requirements of the Administrative Procedures Act, and is:

- 12 a. ~~approved by the Legislature pursuant to Section 308.3~~
13 ~~of this title, provided that any such joint resolution~~
14 ~~becomes law in accordance with Section 11 of Article~~
15 ~~VI of the Oklahoma Constitution,~~
- 16 b. ~~approved by the Governor pursuant to subsection C of~~
17 ~~Section 308.3 of this title,~~
- 18 ~~e.~~ approved by a joint resolution pursuant to subsection
19 B of Section 308 of this title, provided that any such
20 resolution becomes law in accordance with Section 11
21 of Article VI of the Oklahoma Constitution, or
- 22 ~~d.~~
- 23 b. disapproved by a joint resolution pursuant to
24 subsection B of Section 308 of this title ~~or Section~~

1 ~~308.3 of this title,~~ which has been vetoed by the
2 Governor in accordance with Section 11 of Article VI
3 of the Oklahoma Constitution and the veto has not been
4 overridden;

5 6. "Final agency order" means an order that includes findings
6 of fact and conclusions of law pursuant to Section 312 of this
7 title, is dispositive of an individual proceeding unless there is a
8 request for rehearing, reopening, or reconsideration pursuant to
9 Section 317 of this title and which is subject to judicial review;

10 7. "Hearing examiner" means a person meeting the qualifications
11 specified by Article II of the Administrative Procedures Act and who
12 has been duly appointed by an agency to hold hearings and, as
13 required, render orders or proposed orders;

14 8. "Individual proceeding" means the formal process employed by
15 an agency having jurisdiction by law to resolve issues of law or
16 fact between parties and which results in the exercise of discretion
17 of a judicial nature;

18 9. "License" includes the whole or part of any agency permit,
19 certificate, approval, registration, charter, or similar form of
20 permission required by law;

21 10. "Office" means the Office of the Secretary of State;

22 11. "Order" means all or part of a formal or official decision
23 made by an agency including but not limited to final agency orders;

1 12. "Party" means a person or agency named and participating,
2 or properly seeking and entitled by law to participate, in an
3 individual proceeding;

4 13. "Permanent rule" means a rule that is made pursuant to
5 Section 303 of this title;

6 14. "Person" means any individual, partnership, corporation,
7 association, governmental subdivision, or public or private
8 organization of any character other than an agency;

9 15. "Political subdivision" means a county, city, incorporated
10 town or school district within this state;

11 16. "Promulgated" means a finally adopted rule which has been
12 filed and published in accordance with the provisions of the
13 Administrative Procedures Act, or an emergency rule or preemptive
14 rule which has been approved by the Governor;

15 17. "Rule" means any agency statement or group of related
16 statements of general applicability and future effect that
17 implements, interprets or prescribes law or policy, or describes the
18 procedure or practice requirements of the agency. The term rule
19 includes the amendment or revocation of an effective rule but does
20 not include:

21 a. the issuance, renewal, denial, suspension or
22 revocation or other sanction of an individual specific
23 license,

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1 b. the approval, disapproval or prescription of rates.

2 For purposes of this subparagraph, the term "rates"
3 shall not include fees or charges fixed by an agency
4 for services provided by that agency including but not
5 limited to fees charged for licensing, permitting,
6 inspections or publications,

7 c. statements and memoranda concerning only the internal
8 management of an agency and not affecting private
9 rights or procedures available to the public,

10 d. declaratory rulings issued pursuant to Section 307 of
11 this title,

12 e. orders by an agency, or

13 f. press releases or "agency news releases", provided
14 such releases are not for the purpose of interpreting,
15 implementing or prescribing law or agency policy;

16 18. "Rulemaking" means the process employed by an agency for
17 the formulation of a rule;

18 19. "Secretary" means the Secretary of State; and

19 20. "Small business" means a for-profit enterprise consisting
20 of fifty or fewer full-time or part-time employees; ~~and~~

21 ~~21. "Technical legal defect" means an error that would~~
22 ~~otherwise invalidate an action by a court of law.~~

1 SECTION 2. AMENDATORY 75 O.S. 2021, Section 308, as
2 amended by Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,
3 Section 308), is amended to read as follows:

4 Section 308. A. Upon receipt of any proposed permanent rules,
5 the Speaker of the House of Representatives and the President Pro
6 Tempore of the Senate shall assign such rules to the appropriate
7 committees of each house of the Legislature for review. Except as
8 otherwise provided by this section:

9 1. If such rules are received on or before April 1, the
10 Legislature shall have until the last day of the regular legislative
11 session of that year to review such rules. Provided, proposed
12 permanent rules for consideration by the 2nd Session of the 59th
13 Legislature shall be submitted on or before March 1. For each
14 legislative session thereafter, proposed permanent rules shall be
15 submitted on or before February 1 of the given year; and

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

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

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 for publication in "The
12 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 ~~described in Section 308.3 of this title~~ shall not be subject to
17 regular legislative cutoff dates, shall be limited to such
18 provisions as may be necessary for disapproval or approval of a
19 rule, and any such other direction or mandate regarding the rule
20 deemed necessary by the Legislature. The resolution shall contain
21 no other provisions.

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

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

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

9 ~~3.~~ 2. Disapproved by a joint resolution pursuant to subsection
10 B of this section ~~or Section 308.3 of this title~~ which has been
11 vetoed by the Governor in accordance with Section 11 of Article VI
12 of the Oklahoma Constitution and the veto has not been overridden.

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

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

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

1 SECTION 3. REPEALER 75 O.S. 2021, Section 308.3, as
2 amended by Section 6, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,
3 Section 308.3), is hereby repealed.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 7th day of May, 2025.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2025.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 995

By: Bergstrom and Jett of the
Senate

3 and

4 Kendrix of the House

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6 An Act relating to the Administrative Procedures Act;
7 amending 75 O.S. 2021, Section 308, as amended by
8 Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp.
9 2024, Section 308), which relates to proposed
10 permanent rules; requiring legislative approval for
11 proposed permanent rules; repealing 75 O.S. 2021,
12 Section 308.3, as amended by Section 6, Chapter 38,
13 O.S.L. 2023 (75 O.S. Supp. 2024, Section 308.3),
14 which relates to rule adoption; and declaring an
15 emergency.

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

17 SECTION 5. AMENDATORY 75 O.S. 2021, Section 308, as
18 amended by Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,
19 Section 308), is amended to read as follows:

20 Section 308. A. Upon receipt of any proposed permanent rules,
21 the Speaker of the House of Representatives and the President Pro
22 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. If such rules are received on or before April 1, the
Legislature shall have until the last day of the regular legislative
session of that year to review such rules. Provided, proposed

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

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

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

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

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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 6. 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 7. 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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