

1 ENGROSSED SENATE
2 BILL NO. 835

By: Daniels of the Senate

3 and

4 Lepak of the House

5
6 An Act relating to the Secretary of State; defining
7 terms; requiring submission of certain agency actions
8 to Secretary of State for review; establishing
9 procedures for certain review; requiring board to
10 abide by certain recommendations; subjecting board
11 members to removal for certain misconduct; specifying
12 actions not to be deemed anticompetitive; authorizing
13 board to make certain request; providing for
14 codification; and providing an effective date.

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

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

19 A. As used in this section:

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

- 22 a. actions affecting a class or category of individuals,
- 23 b. actions contested by the respondent,
- 24 c. actions based on alleged conduct not admitted by the
respondent,
- d. revocation or suspension of a license,

- 1 e. actions stemming from a complaint filed by a
2 competitor of the respondent, or
3 f. actions that are purely discretionary by the board;
4 and

5 2. "Qualifying board" means a state licensing board or
6 commission on which a majority of members are market participants in
7 the occupation the board or commission regulates, but shall not
8 include a state licensing board or commission whose actions are
9 actively supervised by a statewide elected official who reviews the
10 substance of the actions, has the power to veto or modify particular
11 decisions to ensure they accord with state policy, and is not an
12 active participant in the occupation the board or commission
13 regulates.

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

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

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

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

5 C. Actions taken by qualifying boards that do not carry
6 anticompetitive implications need not be submitted to the Secretary
7 of State for review. Such actions shall include, but not be limited
8 to:

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

10 2. Actions resulting from a criminal conviction in a court of
11 competent jurisdiction;

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

14 4. Actions that impose only a fine or a requirement for
15 additional education; and

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

19 D. Qualifying boards may request a determination from the
20 Secretary of State as to whether an action of the qualifying board
21 is a proposed qualifying action.

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