

1 ENGROSSED SENATE
2 BILL NO. 995

By: Bergstrom and Jett of the
Senate

3 and

4 Kendrix of the House

5
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 1. 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 2. 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 3. 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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