

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 2728, by substituting the attached floor substitute (Request No. 2043) for the title, enacting clause, and entire body of the measure.

Submitted by:

Michael Bergstrom  
Senator Bergstrom

I hereby grant permission for the floor substitute to be adopted.

Michael Bergstrom  
Senator Bergstrom, Chair (required)

\_\_\_\_\_  
Senator Jett

\_\_\_\_\_  
Senator Brooks

George Burns  
Senator Burns

\_\_\_\_\_  
Senator Deever

\_\_\_\_\_  
Senator Paxton, President Pro Tempore

\_\_\_\_\_  
Senator Nice

Don Luis Prieto  
Senator Prieto

Senator Sacchieri  
Senator Sacchieri

Senator Stewart  
Senator Stewart

\_\_\_\_\_  
Senator Daniels, Majority Floor Leader

Note: Administrative Rules committee majority requires five (5) members' signatures.

I hereby grant permission for the floor substitute to be adopted.

Senator Hall  
Senator Hall  
Appropriations Committee Chair

Bergstrom-RD-FS-HB2728  
4/30/2025 12:15 PM

(Floor Amendments Only)

Date and Time Filed: 4-30-25 2:19pm gfo

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2728

By: Kendrix, Maynard,  
Crosswhite Hader, Lepak,  
Moore, Caldwell (Trey),  
Boles, Hill, Hildebrant,  
Steagall, Kane, and  
Cornwell of the House

and

Bergstrom, Jett, Woods,  
Prieto, Daniels, Alvord,  
Sacchieri, Standridge,  
Murdock, Wingard, Hamilton,  
Stewart, Weaver, Bullard,  
Deevers, Guthrie, Stanley,  
McIntosh, Grellner, Hines,  
Frix, Burns, Reinhardt,  
Gillespie, Pederson, and  
Pugh of the Senate

FLOOR SUBSTITUTE

[ administrative rules - Legislative Office of Fiscal  
Transparency - report - compliance - Administrative  
Procedures Act - emergency rules - rule impact  
statement - permanent rules - noncodification -  
codification - effective date -

emergency ]

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Regulations  
2 from the Executive in Need of Scrutiny (REINS) Act of 2025".

3 SECTION 2. AMENDATORY 62 O.S. 2021, Section 8012, is  
4 amended to read as follows:

5 Section 8012. A. The Legislative Office of Fiscal Transparency  
6 (LOFT) shall:

7 1. Gather information regarding the proposed budgets of  
8 executive branch agencies each fiscal year;

9 2. Analyze the information and evaluate the extent to which the  
10 agency budget does or does not fulfill the agency's primary duties  
11 and responsibilities under applicable provisions of federal, state,  
12 or other law;

13 3. Analyze and forecast all revenues available to the agency  
14 from appropriations, fees, dedicated revenue, or any other source;

15 4. Compare the agency budget information to the comparable  
16 information contained in that agency's budget requests from prior  
17 fiscal years; ~~and~~

18 5. Conduct such investigations regarding the operations of the  
19 agency as required in order to fulfill the duties imposed upon the  
20 Office by law or as otherwise directed by the oversight committee;  
21 and

22 6. Conduct rule impact analyses for major rules, as defined in  
23 Section 250.3 of Title 75 of the Oklahoma Statutes.  
24

1       The oversight committee, subject to the direction of the  
2 President Pro Tempore of the Senate and the Speaker of the House of  
3 Representatives, shall ensure that the functions performed by the  
4 Office pursuant to the provisions of this subsection do not  
5 duplicate those of the ~~Senate Committee on~~ Appropriations Committee  
6 of the Senate and the ~~House Committee on~~ Appropriations and Budget  
7 Committee of the House of Representatives and their respective  
8 staffs.

9       B. The Office shall further conduct performance evaluations and  
10 may conduct independent comprehensive performance audits. The  
11 oversight committee created in Section ~~3~~ 8013 of this ~~act~~ title may  
12 periodically identify specific executive branch agencies, or  
13 programs, activities, or functions within executive branch agencies,  
14 for which the Office shall conduct a performance evaluation or  
15 independent comprehensive performance audit.

16       C. As used in Section 8011 et seq. of this act title,  
17 "performance evaluation" means an examination of a program,  
18 activity, or function of an executive branch agency, conducted in  
19 accordance with applicable government auditing standards or auditing  
20 and evaluation standards of other appropriate authoritative bodies.  
21 The term includes, but is not limited to, an examination of issues  
22 related to:  
23  
24

1        1. Economy, efficiency, or effectiveness of the agency or  
2 program, including any revenue sources used to fund or support the  
3 agency or program;

4        2. Structure or design of the agency or program to accomplish  
5 its goals and objectives;

6        3. Adequacy of the agency or program to meet the needs or  
7 policy goals identified by the Legislature;

8        4. Alternative methods of providing agency or program services  
9 or products;

10       5. Goals, objectives, and performance measures used by the  
11 agency to monitor and report agency or program accomplishments;

12       6. The accuracy or adequacy of public documents, reports, or  
13 requests prepared by or in relation to the agency or program;

14       7. Compliance with appropriate policies, rules, or laws related  
15 to the agency or program; and

16       8. Any other issues related to such agencies or programs as  
17 directed by the oversight committee.

18       D. As used in Section 8011 et seq. of this act title,  
19 "independent comprehensive performance ~~audit~~ (ICPA)" audit" (ICPA)  
20 includes, but is not limited to, a review and analysis of the  
21 economy, efficiency, effectiveness, and compliance of the policies,  
22 management, fiscal affairs, and operations of state agencies,  
23 divisions, programs, and accounts. The results of an ICPA may be  
24 used by the Legislature to implement the best budgeting and policy-

1 making practices for government services to run in the most cost-  
2 effective way. The Office may, at the direction of the oversight  
3 committee and subject to the approval of the President Pro Tempore  
4 of the Senate and the Speaker of the House of Representatives,  
5 contract with a private company, nonprofit organization, or academic  
6 institution to assist with an independent comprehensive performance  
7 audit or for professional consulting and administrative support  
8 services. The Office may, but shall not be required to, contract  
9 with the Office of the State Auditor and Inspector to conduct any  
10 ICPA. ~~The Office~~ LOFT shall develop the scope of services for a  
11 request for proposals issued, for professional services necessary to  
12 complete each ICPA. Prior to entering into any contract, ~~the Office~~  
13 LOFT shall obtain no ~~less~~ fewer than three separate bids for the  
14 auditing services, unless ~~the Office~~ LOFT determines that fewer than  
15 three entities meet the qualifications to bid to perform such  
16 services as set forth by ~~the Office~~ LOFT. The cost of the contract  
17 shall be paid by the Legislative ~~Services~~ Service Bureau.

18 An independent comprehensive performance audit shall address,  
19 but not be limited to, the following topics:

20 1. Policies which shall include constitutional mandates, if  
21 any, statutory mandates, statutory authorizations, administrative  
22 rules or policies of the affected agency reflected in internal  
23 agency documents, or agency practices;

24

1        2. All sources of funding received by the agency, inclusive of  
2 federal funds, state appropriations, state-dedicated revenues, fee  
3 revenue sources, the use of agency revolving funds, or any other  
4 fund or revenue source which is used to pay the expenses of the  
5 agency;

6        3. Management of the agency which shall include, but not be  
7 limited to, its governance, capacity, divisions, programs, accounts,  
8 information technology systems, and policies and agency operations  
9 which include objective analysis of the roles and functions of the  
10 department; and

11        4. A schedule for implementation of agency-specific  
12 recommendations.

13        SECTION 3.        NEW LAW        A new section of law to be codified  
14 in the Oklahoma Statutes as Section 8016 of Title 62, unless there  
15 is created a duplication in numbering, reads as follows:

16        A. The Legislative Office of Fiscal Transparency (LOFT) shall  
17 provide independent and reliable economic analysis to assist the  
18 Legislature in reviewing proposed administrative rules of state  
19 agencies classified as major rules pursuant to the Administrative  
20 Procedures Act. Unless otherwise approved by the President Pro  
21 Tempore of the Senate and the Speaker of the House of  
22 Representatives, the duties prescribed by this section shall be  
23 accomplished within the existing full-time-employee count of LOFT.  
24

1       B. 1. Within twenty-one (21) calendar days of receiving a  
2 proposed rule and its supporting documents, LOFT shall analyze  
3 whether the proposing agency has complied with the requirements of  
4 Section 303 of Title 75 of the Oklahoma Statutes. LOFT shall assess  
5 whether the proposed rule could result in implementation and  
6 compliance costs of more than One Million Dollars (\$1,000,000.00)  
7 over the initial five-year period after implementation.

8       2. The reporting requirements of this section shall not be  
9 construed to prevent the approval and promulgation of emergency  
10 rules pursuant to Section 253 of Title 75 of the Oklahoma Statutes.

11       C. 1. LOFT shall furnish a report on each major rule to the  
12 chairs of the committees designated by the President Pro Tempore of  
13 the Senate and the Speaker of the House of Representatives by the  
14 end of the twenty-first calendar day after its submission.

15       2. LOFT shall inform the chairs of the designated committees if  
16 the rule impact statement from the agency is incomplete or contains  
17 substantive inaccuracies.

18       D. If a chair of a committee designated under subsection C of  
19 this section reasonably believes that the provisions of a proposed  
20 nonmajor rule may constitute designation as a major rule, the chair  
21 may request that LOFT analyze the rule pursuant to the provisions of  
22 this section.  
23  
24



1 E. State agencies shall cooperate fully with LOFT and the  
2 Legislature in providing data, documentation, and analysis required  
3 under this act.

4 F. LOFT shall make all analyses and determinations publicly  
5 available on its website upon completion.

6 G. An annual report summarizing the year's evaluations and  
7 findings shall be submitted electronically to the Governor, the  
8 President Pro Tempore of the Senate, and the Speaker of the House of  
9 Representatives and shall be published on LOFT's website. Within  
10 the annual report, LOFT shall quantify the impact of its work,  
11 including reductions in regulations, cost savings, and other  
12 measurable benefits to the economy.

13 SECTION 4. AMENDATORY 75 O.S. 2021, Section 250.1, is  
14 amended to read as follows:

15 Section 250.1. A. The Administrative Procedures Act shall be  
16 composed of two ~~Articles~~ articles. Sections 250, 250.1, 250.3,  
17 250.4, 250.5, and 250.8 of this title are applicable to both  
18 Articles I and II. Article I relating to agency filing and  
19 publication requirements for rules shall consist of Sections 250.2,  
20 250.4, 250.4a, 250.6, 250.7, and 250.9 through 308.2 308.3 of this  
21 title ~~and Section 5 of this act~~. Article II relating to agency  
22 notice and hearing requirements for individual proceedings shall  
23 consist of Sections 308a through 323 of this title.

1 B. Except as otherwise specifically provided in Section 250.4  
2 of this title, all agencies shall comply with the provisions of  
3 Article I and Article II of the Administrative Procedures Act.

4 SECTION 5. AMENDATORY 75 O.S. 2021, Section 250.3, as  
5 amended by Section 1, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
6 Section 250.3), is amended to read as follows:

7 Section 250.3. As used in the Administrative Procedures Act:

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

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

17 3. "Agency" includes, but is not limited to, any  
18 constitutionally or statutorily created state agency, board, bureau,  
19 commission, office, authority, institution, public trust in which  
20 the state is a beneficiary, ~~or~~ interstate commission, or any  
21 instrumentality thereof, except:

22 a. the Legislature or any branch, committee, or officer  
23 thereof, and

24 b. the courts;

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

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

7           a. approved by the Legislature pursuant to Section 308.3  
8 of this title, provided that any such joint resolution  
9 becomes law in accordance with Section 11 of Article  
10 VI of the Oklahoma Constitution,

11          b. approved by the Governor pursuant to subsection C of  
12 Section 308.3 of this title,

13          c. approved by a joint resolution pursuant to subsection  
14 B of Section 308 of this title, provided that any such  
15 resolution becomes law in accordance with Section 11  
16 of Article VI of the Oklahoma Constitution, or

17          d. disapproved by a joint resolution pursuant to  
18 subsection B of Section 308 of this title or Section  
19 308.3 of this title, which has been vetoed by the  
20 Governor in accordance with Section 11 of Article VI  
21 of the Oklahoma Constitution and the veto has not been  
22 overridden;

23       6. "Final agency order" means an order that includes findings  
24 of fact and conclusions of law pursuant to Section 312 of this

1 title, is dispositive of an individual proceeding unless there is a  
2 request for rehearing, reopening, or reconsideration pursuant to  
3 Section 317 of this title, and which is subject to judicial review;

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

8 8. "Implementation and compliance costs" means direct costs  
9 that are readily ascertainable based upon standard business  
10 practices, including, but not limited to, fees, the cost to obtain a  
11 license or registration, the cost of equipment required to be  
12 installed or used, additional operating costs incurred, the cost of  
13 monitoring and reporting, and any other costs to comply with the  
14 requirements of the proposed rule;

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

19 ~~9.~~ 10. "License" includes the whole or part of any agency  
20 permit, certificate, approval, registration, charter, or similar  
21 form of permission required by law;

22 ~~10.~~ 11. "Major rule" means any administrative rule, whether  
23 emergency or permanent in nature, that will result in or is likely  
24 to result in One Million Dollars (\$1,000,000.00) or more over the

initial five-year period in implementation and compliance costs that  
are reasonably expected to be incurred by or passed along to  
businesses, state or local government units, and individuals as a  
result of the proposed rule following the promulgation of such rule;

12. "Nonmajor rule" means any rule that is not a major rule;

13. "Office" means the Office of the Secretary of State;

~~11.~~ 14. "Order" means all or part of a formal or official  
decision made by an agency including, but not limited to, final  
agency orders;

~~12.~~ 15. "Party" means a person or agency named and  
participating, or properly seeking and entitled by law to  
participate, in an individual proceeding;

~~13.~~ 16. "Permanent rule" means a rule that is made pursuant to  
Section 303 of this title;

~~14.~~ 17. "Person" means any individual, partnership,  
corporation, association, governmental subdivision, or public or  
private organization of any character other than an agency;

~~15.~~ 18. "Political subdivision" means a county, city,  
incorporated town, or school district within this state;

~~16.~~ 19. "Promulgated" means a finally adopted rule which has  
been filed and published in accordance with the provisions of the  
Administrative Procedures Act, or an emergency rule or preemptive  
rule which has been approved by the Governor;

1       ~~17.~~ 20. "Rule" means any agency statement or group of related  
2 statements of general applicability and future effect that  
3 implements, interprets, or prescribes law or policy, or describes  
4 the procedure or practice requirements of the agency. The term rule  
5 includes the amendment or revocation of an effective rule but does  
6 not include:

7           a. the issuance, renewal, denial, suspension or  
8 revocation or other sanction of an individual specific  
9 license,

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

11           For purposes of this subparagraph, the term "rates"  
12 shall not include fees or charges fixed by an agency  
13 for services provided by that agency including, but  
14 not limited to, fees charged for licensing,

15 permitting, inspections, or publications,

16          c. statements and memoranda concerning only the internal  
17 management of an agency and not affecting private  
18 rights or procedures available to the public,

19          d. declaratory rulings issued pursuant to Section 307 of  
20 this title,

21          e. orders by an agency, or

22          f. press releases or "agency news releases", provided  
23 such releases are not for the purpose of interpreting,  
24 implementing, or prescribing law or agency policy;

~~18.~~ 21. "Rulemaking" means the process employed by an agency for the formulation of a rule;

~~19.~~ 22. "Secretary" means the Secretary of State;

~~20.~~ 23. "Small business" means a for-profit enterprise consisting of fifty or fewer full-time or part-time employees; and

~~21.~~ 24. "Technical legal defect" means an error that would otherwise invalidate an action by a court of law.

SECTION 6. AMENDATORY 75 O.S. 2021, Section 253, as amended by Section 2, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024, Section 253), is amended to read as follows:

Section 253. A. 1. If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated pursuant to the provisions of this section, if the rule is first approved by the Governor. The Governor shall not approve the adoption, amendment, revision, or revocation of a rule as an emergency measure unless the agency submits substantial evidence that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety, or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or

1           e.    avoid serious prejudice to the public interest.

2           As used in this subsection, "substantial evidence" shall mean  
3   credible evidence which is of sufficient quality and probative value  
4   to enable a person of reasonable caution to support a conclusion.

5           2.   In determining whether a rule is necessary as an emergency  
6   measure, the Governor shall consider whether the emergency situation  
7   was created due to the agency's delay or inaction and could have  
8   been averted by timely compliance with the provisions of this  
9   chapter.

10          B.   An emergency rule adopted by an agency shall:

11           1.   Be prepared in the format required by Section 251 of this  
12   title;

13           2.   a.   Include an impact statement which meets the  
14                   requirements set forth in subparagraph b of this  
15                   paragraph, unless the Governor waives the initial  
16                   requirement in writing upon a finding that the rule  
17                   impact statement or the specified contents thereof are  
18                   unnecessary or contrary to the public interest.  
19                   Provided, the rule impact statement shall be submitted  
20                   no more than forty-five (45) days from the date of  
21                   such waiver.

22           b.   The rule impact statement shall include, but not be  
23                   limited to:



- 1           (1) a statement of the need for the rule and legal  
2           basis supporting it,
- 3           (2) a classification of the rule as major or  
4           nonmajor, with a justification for the  
5           classification, including an estimate of the  
6           total annual implementation and compliance costs  
7           that are reasonably expected to be incurred by or  
8           passed along to businesses, state or local  
9           government units, or individuals and a  
10           determination of whether those costs will exceed  
11           One Million Dollars (\$1,000,000.00) over the  
12           initial five-year period following the  
13           promulgation of the proposed rule. Provided, if  
14           the costs exceed One Million Dollars  
15           (\$1,000,000.00), the agency shall classify the  
16           rule as a major rule,
- 17           (3) a brief description of the proposed rule,  
18           including a determination of whether the proposed  
19           rule is mandated by federal law, or as a  
20           requirement for participation in or  
21           implementation of a federally subsidized or  
22           assisted program, and whether the proposed rule  
23           exceeds the requirements of the applicable  
24           federal law,

1       ~~(2)~~

2       (4) a description of the classes of persons who most  
3       likely will be affected by the proposed rule,  
4       including classes that will bear the costs of the  
5       proposed rule, and any information on cost  
6       impacts received by the agency from any private  
7       or public entities,

8       ~~(3)~~

9       (5) a description of the classes of persons who will  
10      benefit from the proposed rule,

11      ~~(4) a description of the probable~~

12      (6) a comprehensive analysis of the rule's economic  
13      ~~impact of the proposed rule upon affected classes~~  
14      ~~of persons or political subdivisions,~~ including  
15      any anticipated impacts on the full-time-employee  
16      count of the agency, any costs or benefits, and a  
17      detailed quantification of implementation and  
18      compliance costs on the affected businesses,  
19      business sectors, public utility ratepayers,  
20      individuals, state or local government units, and  
21      on the state economy as a whole. The analysis  
22      shall include a listing of all fee changes and,  
23      whenever possible, a separate justification for  
24      each fee change,

~~(5) the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency,~~

(7) a detailed explanation of the methodology and assumptions used to determine the economic impact, including the dollar amounts calculated,

~~(6)~~

(8) a determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule,

(9) a determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act,

~~(7) an explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule,~~

1           (10) any measures taken by the agency to minimize the  
2           cost and impact of the proposed rule on business  
3           and economic development in this state, local  
4           government units of this state, and individuals,

5           ~~(8)~~

6           (11) a determination of the effect of the proposed  
7           rule on the public health, safety, and  
8           environment and, if the proposed rule is designed  
9           to reduce significant risks to the public health,  
10          safety, and environment, an explanation of the  
11          nature of the risk and to what extent the  
12          proposed rule will reduce the risk,

13          ~~(9)~~

14          (12) a determination of any detrimental effect on the  
15          public health, safety, and environment if the  
16          proposed rule is not implemented, and

17          ~~(10)~~

18          (13) the date the rule impact statement was prepared  
19          and, if modified, the date modified.

20          c. The rule impact statement shall be prepared on or  
21          before the date the emergency rule is adopted; and

22          3. Be transmitted pursuant to Section 464 of Title 74 of the  
23          Oklahoma Statutes to the Governor, the Speaker of the House of  
24          Representatives, the President Pro Tempore of the Senate, and the

1 chief legislative officer of each chamber, along with the  
2 information required by this subsection within ten (10) days after  
3 the rule is adopted; ~~and~~

4 ~~4. Not be invalidated on the ground that the contents of the~~  
5 ~~rule impact statement are insufficient or inaccurate.~~

6 C. 1. Within forty-five (45) calendar days of receipt of a  
7 proposed emergency rule filed with the Governor, the Speaker of the  
8 House of Representatives, the President Pro Tempore of the Senate,  
9 and the chief legislative officer of each chamber, the Governor  
10 shall review the demonstration of emergency pursuant to subsection A  
11 of this section, and shall separately review the rule in accordance  
12 with the standards prescribed in paragraph 3 of this subsection.

13 2. Prior to approval of emergency rules, the Governor shall  
14 submit the emergency rule to the Secretary of State for review of  
15 proper formatting.

16 3. If the Governor determines the agency has established the  
17 rule is necessary as an emergency measure pursuant to subsection A  
18 of this section, the Governor shall approve the proposed emergency  
19 rule if the rule is:

- 20 a. clear, concise, and understandable,
- 21 b. within the power of the agency to make and within the  
22 enacted legislative standards, and
- 23 c. made in compliance with the requirements of the  
24 Administrative Procedures Act.

1        4. If an emergency rule is adopted under this section due to a  
2 declared state of emergency pursuant to Section 683.1 et seq. of  
3 Title 63 of the Oklahoma Statutes, an agency may request the  
4 Governor waive the provisions of subsection B of this section. Such  
5 request shall be in writing and shall state the agency's findings  
6 and the justification for such findings. Provided, upon expiration  
7 of the emergency declaration, the agency shall have forty-five (45)  
8 days to comply with the provisions of subsection B of this section  
9 for any adopted emergency rules where such provisions are waived.  
10 Any rules which do not comply with the requirements of this section  
11 shall expire following such time period. Nothing in this paragraph  
12 shall be construed to waive any other requirements of this section  
13 for emergency rule promulgation by an agency.

14        D. 1. Within the forty-five-calendar-day period set forth in  
15 paragraph 1 of subsection C of this section, the Governor may  
16 approve the emergency rule or disapprove the emergency rule.  
17 Failure of the Governor to approve an emergency rule within the  
18 specified period shall constitute disapproval of the emergency rule.

19        2. If the Governor disapproves the adopted emergency rule, the  
20 Governor shall return the entire document to the agency with reasons  
21 for the disapproval. If the agency elects to modify the rule, the  
22 agency shall adopt the modifications, and shall file the modified  
23 rule in accordance with the requirements of subsection B of this  
24 section.

1        3. Upon disapproval of an emergency rule, the Governor shall,  
2 within fifteen (15) days, make written notification to the Speaker  
3 of the House of Representatives, the President Pro Tempore of the  
4 Senate, the chief legislative officer of each chamber, and the  
5 Office of Administrative Rules.

6        E. 1. Upon approval of an emergency rule, the Governor shall  
7 immediately make written notification to the agency, the Speaker of  
8 the House of Representatives, the President Pro Tempore of the  
9 Senate, the chief legislative officer of each chamber, and the  
10 Office of Administrative Rules. Upon receipt of the notice of the  
11 approval, the agency shall file with the Office of Administrative  
12 Rules as many copies of the notice of approval and the emergency  
13 rule as required by the Secretary.

14        2. Emergency rules shall be subject to legislative review  
15 pursuant to Section 308 of this title.

16        3. The emergency rule shall be published in accordance with the  
17 provisions of Section 255 of this title in "The Oklahoma Register"  
18 following the approval by the Governor. The Governor's approval and  
19 the approved rules shall be retained as official records by the  
20 Office of Administrative Rules.

21        F. 1. Upon approval by the Governor, an emergency rule shall  
22 be considered promulgated and shall be in force immediately, or on  
23 such later date as specified therein. An emergency rule shall only  
24 be applied prospectively from its effective date.

1        2. Except as otherwise provided in this subsection, the  
2 emergency rule shall remain in full force and effect through the  
3 first day of the next succeeding regular session of the Legislature  
4 following promulgation of such emergency rule until September 14  
5 following such session, unless it is made ineffective pursuant to  
6 subsection H of this section.

7        G. No agency shall adopt any emergency rule which establishes  
8 or increases fees, except during such times as the Legislature is in  
9 session, unless specifically mandated by the Legislature or federal  
10 legislation, or when the failure to establish or increase fees would  
11 conflict with an order issued by a court of law.

12        H. 1. If an emergency rule is of a continuing nature, the  
13 agency promulgating such emergency rule shall initiate proceedings  
14 for promulgation of a permanent rule pursuant to Sections 303  
15 through ~~308.2~~ 308.3 of this title. If an emergency rule is  
16 superseded by another emergency rule prior to the enactment of a  
17 permanent rule, the latter emergency rule shall retain the same  
18 expiration date as the superseded emergency rule, unless otherwise  
19 authorized by the Legislature.

20        2. Any promulgated emergency rule shall be made ineffective if:

- 21            a. disapproved by the Legislature,  
22            b. superseded by the promulgation of permanent rules,  
23  
24



1           c.    any adopted rules based upon such emergency rules are  
2                subsequently disapproved pursuant to Section 308 of  
3                this title, or

4           d.    an earlier expiration date is specified by the agency  
5                in the rules.

6        3.    a.   Emergency rules in effect on the first day of the  
7                session shall be null and void on September 15  
8                following sine die adjournment of the Legislature  
9                unless otherwise specifically provided by the  
10              Legislature.

11        b.    Unless otherwise authorized by the Legislature, an  
12                agency shall not adopt any emergency rule, which has  
13                become null and void pursuant to subparagraph a of  
14                this paragraph, as a new emergency rule or adopt any  
15                emergency rules of similar scope or intent as the  
16                emergency rules which became null and void pursuant to  
17                subparagraph a of this paragraph.

18        I.    Emergency rules shall not become effective unless approved  
19                by the Governor pursuant to the provisions of this section.

20        J.    1.   The requirements of Section 303 of this title relating  
21                to notice and hearing shall not be applicable to emergency rules  
22                promulgated pursuant to the provisions of this section.  Provided,  
23                this shall not be construed to prevent an abbreviated notice and  
24                hearing process determined to be necessary by an agency.

1        2. The rule report required pursuant to Section 303.1 of this  
2 title shall not be applicable to emergency rules promulgated  
3 pursuant to the provisions of this section. Provided, this shall  
4 not be construed to prevent an agency from complying with such  
5 requirements at the discretion of such agency.

6        3. The statement of submission required by Section 303.1 of  
7 this title shall not be applicable to emergency rules promulgated  
8 pursuant to the provisions of this section.

9        K. Prior to approval or disapproval of an emergency rule by the  
10 Governor, an agency may withdraw from review an emergency rule  
11 submitted pursuant to the provisions of this section. Notice of  
12 such withdrawal shall be given to the Governor, the Speaker of the  
13 House of Representatives, the President Pro Tempore of the Senate in  
14 accordance with the requirements set forth in Section 464 of Title  
15 74 of the Oklahoma Statutes, and to the Office of Administrative  
16 Rules as required by the Secretary of State. In order to be  
17 promulgated as emergency rules, any replacement rules shall be  
18 resubmitted pursuant to the provisions of this section.

19        L. Upon completing the requirements of this section, an agency  
20 may promulgate a proposed emergency rule. No emergency rule is  
21 valid unless promulgated in substantial compliance with the  
22 provisions of this section.  
23  
24

1 M. Emergency rules adopted by an agency or approved by the  
2 Governor shall be subject to review pursuant to the provisions of  
3 Section 306 of this title.

4 SECTION 7. AMENDATORY 75 O.S. 2021, Section 303, is  
5 amended to read as follows:

6 Section 303. A. Prior to the adoption of any rule or amendment  
7 or revocation of a rule ~~and except as provided for pursuant to the~~  
8 ~~expedited rule repeal process provided in Section 9 of this act,~~ the  
9 agency shall:

10 1. Cause notice of any intended action to be published in "The  
11 Oklahoma Register" pursuant to subsection B of this section;

12 2. For at least thirty (30) days after publication of the  
13 notice of the intended rulemaking action, afford a comment period  
14 for all interested persons to submit data, views, or arguments,  
15 orally or in writing. The agency shall consider fully all written  
16 and oral submissions respecting the proposed rule;

17 3. Hold a hearing, if required, as provided by subsection C of  
18 this section;

19 4. Consider the effect its intended action may have on the  
20 various types of business and governmental entities. Except where  
21 such modification or variance is prohibited by statute or  
22 constitutional constraints, if an agency finds that its actions may  
23 adversely affect any such entity, the agency may modify its actions  
24 to exclude that type of entity, or may "tier" its actions to allow

1 rules, penalties, fines, or reporting procedures and forms to vary  
2 according to the size of a business or governmental entity or its  
3 ability to comply or both. For business entities, the agency shall  
4 include a description of the probable quantitative and qualitative  
5 impact of the proposed rule, economic or otherwise, and use  
6 quantifiable data to the extent possible, taking into account both  
7 short-term and long-term consequences;

8 5. Consider the effect its intended action may have on the  
9 various types of consumer groups. If an agency finds that its  
10 actions may adversely affect such groups, the agency may modify its  
11 actions to exclude that type of activity; and

12 6. When an agency provides notice pursuant to paragraph 1 of  
13 this subsection, the agency shall provide one ~~(1)~~ electronic copy of  
14 the complete text of the proposed rule, amendment or revocation and  
15 a copy of the notice to the Governor and to the appropriate cabinet  
16 secretary. No agency may adopt any proposed rule, amendment or  
17 revocation if, within thirty (30) days from providing notice to the  
18 Governor and the appropriate cabinet secretary, the agency receives  
19 express written disapproval from the Governor or the cabinet  
20 secretary. If the Governor or the cabinet secretary disapproves a  
21 rule, the affected agency shall be notified in writing of the  
22 reasons for disapproval. If, after thirty (30) days of providing  
23 the notice to the Governor and the cabinet secretary, the agency has  
24

1 not received an express written disapproval, the agency may proceed  
2 with the rulemaking process.

3 B. The notice required by paragraph 1 of subsection A of this  
4 section shall include, but not be limited to:

5 1. In simple language, a brief summary of the rule;

6 2. The proposed action being taken;

7 3. The circumstances which created the need for the rule;

8 4. The specific legal authority, including statutory citations,  
9 authorizing the proposed rule;

10 5. The intended effect of the rule;

11 6. If the agency determines that the rule affects business  
12 entities, a request that such entities provide the agency, within  
13 the comment period, in dollar amounts if possible, the increase in  
14 the level of direct costs such as fees, and indirect costs such as  
15 reporting, recordkeeping, equipment, construction, labor,  
16 professional services, revenue loss, or other costs expected to be  
17 incurred by a particular entity due to compliance with the proposed  
18 rule;

19 7. The time when, the place where, and the manner in which  
20 interested persons may present their views thereon pursuant to  
21 paragraph 3 of subsection A of this section;

22 8. Whether or not the agency intends to issue a rule impact  
23 statement according to subsection D of this section and where copies  
24 of such impact statement may be obtained for review by the public;

1        9. The time when, the place where, and the manner in which  
2 persons may demand a hearing on the proposed rule if the notice does  
3 not already provide for a hearing. If the notice provides for a  
4 hearing, the time and place of the hearing shall be specified in the  
5 notice; and

6        10. Where copies of the proposed rules may be obtained for  
7 review by the public. An agency may charge persons for the actual  
8 cost of mailing a copy of the proposed rules to such persons.

9        The number of copies of such notice as specified by the  
10 Secretary of State shall be submitted to the Secretary of State who  
11 shall publish the notice in "The Oklahoma Register" pursuant to the  
12 provisions of Section 255 of this title.

13        Prior to or within three (3) days after publication of the  
14 notice in "The Oklahoma Register", the agency shall cause a copy of  
15 the notice of the proposed rule adoption and the rule impact  
16 statement, if available, to be mailed to all persons who have made a  
17 timely request of the agency for advance notice of its rulemaking  
18 proceedings. Provided, in lieu of mailing copies, an agency may  
19 electronically notify interested persons that a copy of the proposed  
20 rule and the rule impact statement, if available, may be viewed on  
21 the agency's website. If an agency posts a copy of the proposed  
22 rule and rule impact statement on its website, the agency shall not  
23 charge persons for the cost of downloading or printing the proposed  
24

1 rule or impact statement. Each agency shall maintain a listing of  
2 persons or entities requesting such notice.

3 C. 1. If the published notice does not already provide for a  
4 hearing, an agency shall schedule a hearing on a proposed rule if,  
5 within thirty (30) days after the published notice of the proposed  
6 rule adoption, a written request for a hearing is submitted by:

- 7 a. at least ten persons,
- 8 b. a political subdivision,
- 9 c. an agency, or
- 10 d. an association having not less than twenty-five  
11 members.

12 At that hearing persons may present oral argument, data, and  
13 views on the proposed rule.

14 2. A hearing on a proposed rule may not be held earlier than  
15 thirty (30) days after notice of the hearing is published pursuant  
16 to subsection B of this section.

17 3. The provisions of this subsection shall not be construed to  
18 prevent an agency from holding a hearing or hearings on the proposed  
19 rule although not required by the provisions of this subsection;  
20 provided, that notice of such hearing shall be published in "The  
21 Oklahoma Register" at least thirty (30) days prior to such hearing.

22 D. 1. Except as otherwise provided in this subsection, an  
23 agency shall issue a rule impact statement of a proposed rule prior  
24 to or within fifteen (15) days after the date of publication of the

1 notice of proposed rule adoption. The rule impact statement may be  
2 modified after any hearing or comment period afforded pursuant to  
3 the provisions of this section.

4 2. The agency shall consult with counties, municipalities, and  
5 school boards, as necessary, when preparing the rule impact  
6 statement of a proposed rule which increases or decreases the  
7 revenue of counties, cities, or school districts, or imposes  
8 functions or responsibilities on such entities which may increase  
9 the expenditures or fiscal liability of the entity. The agency  
10 shall consult and solicit information from businesses, business  
11 associations, local government units, state agencies, or members of  
12 the public that may be affected by the proposed rule or that may  
13 provide relevant information to the agency.

14 3. Except as otherwise provided in this subsection, the rule  
15 impact statement shall include, but not be limited to:

- 16 a. a statement of the need for the rule and legal basis  
17 supporting it,
- 18 b. a classification of the rule as major or nonmajor,  
19 with a justification for the classification, including  
20 an estimate of the total annual implementation and  
21 compliance costs that are reasonably expected to be  
22 incurred by or passed along to businesses, state or  
23 local government units, or individuals and a  
24 determination of whether those costs will exceed One



1           Million Dollars (\$1,000,000.00) over the initial five-  
2           year period following the promulgation of the proposed  
3           rule. Provided, if the costs exceed One Million  
4           Dollars (\$1,000,000.00), the agency shall classify the  
5           rule as a major rule,

6           c.    a ~~brief~~ description of the purpose of the proposed  
7           rule, including a determination of whether the  
8           proposed rule is mandated by federal law, or as a  
9           requirement for participation in or implementation of  
10           a federally subsidized or assisted program, and  
11           whether the proposed rule exceeds the requirements of  
12           the applicable federal law,

13           ~~b.~~

14           d.    a description of the classes of persons who most  
15           likely will be affected by the proposed rule,  
16           including classes that will bear the costs of the  
17           proposed rule, and any information on cost impacts  
18           received by the agency from any private or public  
19           entities,

20           ~~e.~~

21           e.    a description of the classes of persons who will  
22           benefit from the proposed rule,

23           ~~d. — a description of the probable~~

1        f. a comprehensive analysis of the rule's economic impact  
2        ~~of the proposed rule upon affected classes of persons~~  
3        ~~or political subdivisions, including any anticipated~~  
4        impacts on the full-time-employee count of the agency,  
5        any costs or benefits, and a detailed quantification  
6        of implementation and compliance costs on the affected  
7        businesses, business sectors, public utility  
8        ratepayers, individuals, state or local government  
9        units, and on the state economy as a whole. The  
10       analysis shall include a listing of all fee changes  
11       and, whenever possible, a separate justification for  
12       each fee change,

13       ~~e. the probable costs and benefits to the agency and to~~  
14       ~~any other agency of the implementation and enforcement~~  
15       ~~of the proposed rule, the source of revenue to be used~~  
16       ~~for implementation and enforcement of the proposed~~  
17       ~~rule, and any anticipated effect on state revenues,~~  
18       ~~including a projected net loss or gain in such~~  
19       ~~revenues if it can be projected by the agency,~~

20       ~~f.~~

21       g. a detailed explanation of the methodology and  
22       assumptions used to determine the economic impact,  
23       including the dollar amounts calculated,  
24

1        h.    a determination of whether implementation of the  
2            proposed rule will have an economic impact on any  
3            political subdivisions or require their cooperation in  
4            implementing or enforcing the rule,

5        ~~g.~~

6        i.    a determination of whether implementation of the  
7            proposed rule may have an adverse economic effect on  
8            small business as provided by the Oklahoma Small  
9            Business Regulatory Flexibility Act,

10       ~~h.    an explanation of the measures the agency has taken to~~  
11       ~~minimize compliance costs and a determination of~~  
12       ~~whether there are less costly or nonregulatory methods~~  
13       ~~or less intrusive methods for achieving the purpose of~~  
14       ~~the proposed rule~~

15       j.    any measures taken by the agency to minimize the cost  
16       and impact of the proposed rule on business and  
17       economic development in this state, local government  
18       units of this state, and individuals,

19       ~~i.~~

20       k.    a determination of the effect of the proposed rule on  
21            the public health, safety, and environment and, if the  
22            proposed rule is designed to reduce significant risks  
23            to the public health, safety, and environment, an  
24

1 explanation of the nature of the risk and to what  
2 extent the proposed rule will reduce the risk,

3 ~~j.~~

4 l. a determination of any detrimental effect on the  
5 public health, safety, and environment if the proposed  
6 rule is not implemented, and

7 ~~k.~~

8 m. the date the rule impact statement was prepared and,  
9 if modified, the date modified.

10 ~~3.~~ 4. To the extent an agency for good cause finds the  
11 preparation of a rule impact statement or the specified contents  
12 thereof are unnecessary or contrary to the public interest in the  
13 process of adopting a ~~particular~~ nonmajor rule, the agency may  
14 request the Governor to waive such requirement. Such request shall  
15 be in writing and shall state the agency's findings and the  
16 justification for such findings. Upon request by an agency, the  
17 Governor may also waive the rule impact statement requirements for a  
18 nonmajor rule if the agency is required to implement a statute or  
19 federal requirement that does not require an agency to interpret or  
20 describe the requirements, such as federally mandated provisions  
21 which afford the agency no discretion to consider less restrictive  
22 alternatives. If the Governor fails to waive such requirement, in  
23 writing, prior to publication of the notice of the intended  
24 rulemaking action, the rule impact statement shall be completed.

1 The determination to waive the rule impact statement shall not be  
2 subject to judicial review.

3 ~~4. The rule shall not be invalidated on the ground that the~~  
4 ~~contents of the rule impact statement are insufficient or~~  
5 ~~inaccurate.~~

6 E. Upon completing the requirements of this section, an agency  
7 may adopt a proposed rule. No rule is valid unless adopted in  
8 substantial compliance with the provisions of this section.

9 SECTION 8. AMENDATORY 75 O.S. 2021, Section 308, as  
10 amended by Section 5, Chapter 38, O.S.L. 2023 (75 O.S. Supp. 2024,  
11 Section 308), is amended to read as follows:

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

17 1. If such rules are received on or before ~~April 1~~ February 1,  
18 the Legislature shall have until the last day of the regular  
19 legislative session of that year to review such rules. ~~Provided,~~  
20 ~~proposed permanent rules for consideration by the 2nd Session of the~~  
21 ~~59th Legislature shall be submitted on or before March 1. For each~~  
22 ~~legislative session thereafter, proposed permanent rules shall be~~  
23 ~~submitted on or before February 1 of the given year; and~~

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

5        B. By the adoption of joint resolutions during the review  
6 period specified in subsection A of this section, the Legislature  
7 may disapprove or approve any rule and disapprove all or part of a  
8 rule or rules.

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

21        D. Unless otherwise provided by specific vote of the  
22 Legislature, joint resolutions introduced for purposes of  
23 disapproving or approving a rule or the omnibus joint resolution  
24 ~~described in Section 308.3 of this title~~ shall not be subject to

1 regular legislative cutoff dates, shall be limited to such  
2 provisions as may be necessary for disapproval or approval of a  
3 rule, and any such other direction or mandate regarding the rule  
4 deemed necessary by the Legislature. The resolution shall contain  
5 no other provisions.

6 E. A proposed permanent rule shall be deemed finally adopted  
7 if:

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

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

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

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

23 F. Prior to final adoption of a rule, an agency may withdraw a  
24 rule from legislative review. Notice of such withdrawal shall be

1 given to the Governor, the Speaker of the House of Representatives,  
2 the President Pro Tempore of the Senate, and to the Secretary of  
3 State for publication in "The Oklahoma Register".

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

6 H. Any rights, privileges, or interests gained by any person by  
7 operation of an emergency rule, shall not be affected by reason of  
8 any subsequent disapproval or rejection of such rule by either house  
9 of the Legislature.

10 SECTION 9. This act shall become effective July 1, 2025.

11 SECTION 10. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15  
16 60-1-2043 RD 4/30/2025 2:31:46 PM  
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