

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1990

By: Hall

AS INTRODUCED

An Act relating to the Incentive Evaluation Commission; amending 62 O.S. 2021, Section 7005, as amended by Section 3, Chapter 125, O.S.L. 2023 (62 O.S. Supp. 2025, Section 7005), which relates to the evaluation process; requiring the Commission to submit report to the Secretary of State; modifying required considerations for estimate of economic and fiscal impact; updating statutory language; and updating statutory references.

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

SECTION 1. AMENDATORY 62 O.S. 2021, Section 7005, as amended by Section 3, Chapter 125, O.S.L. 2023 (62 O.S. Supp. 2025, Section 7005), is amended to read as follows:

Section 7005. A. The Incentive Evaluation Commission may contract with a private company, nonprofit, or academic institution to assist with evaluation of each incentive. The Commission shall develop a scope of services for a request for proposals issued pursuant to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes, for professional services necessary to complete incentive evaluations pursuant to the Incentive Evaluation Act. The scope of services shall include a

1 provision requiring the contractor to provide at least one draft
2 report for each incentive prior to the issuance of the final report;
3 provided, the contractor may determine the timing and frequency of
4 draft reports based on the availability of information and the
5 potential for draft reports to assist the Commission in making a
6 final recommendation. The cost of such contract shall be paid by
7 the Office of Management and Enterprise Services. No recipient or
8 potential recipient of an incentive or representative of a recipient
9 or potential recipient shall contact the entity or individual with
10 whom the Commission contracts pursuant to this subsection unless the
11 entity or individual specifically requests information or
12 documentation for purposes of the incentive evaluation process;
13 provided, this shall not be construed to prevent participation in a
14 public hearing conducted pursuant to subsection B of this section.

15 B. By October 1 of each year beginning in calendar year 2023,
16 the Commission or the Commission's chosen contractor shall evaluate
17 each incentive scheduled for review that year. The Commission or
18 the Commission's chosen contractor shall conduct each incentive
19 evaluation in consultation with the Oklahoma Department of Commerce
20 ~~division of~~ Policy, Research and Economic Analysis Services Division
21 using criteria developed pursuant to subsection D of this section.
22 Between October 1 and November 30 of each year beginning in 2017,
23 the Commission shall hold at least one public meeting to review,
24 allow for public comment, and vote to approve, disapprove, or modify

1 each incentive evaluation conducted that year. By December 15 of
2 each year beginning in 2016, the Commission shall provide the
3 results of each incentive evaluation, a review of prior Commission
4 recommendations, and changes to statute or incentive administration
5 related to incentive evaluation recommendations in a ~~written~~ report
6 submitted electronically to the Governor, President Pro Tempore of
7 the Senate, ~~and~~ Speaker of the House of Representatives, and the
8 Secretary of State. If the Commission votes to modify an incentive
9 evaluation as provided in this subsection, such modification and the
10 original evaluation shall be documented in the annual ~~written~~ report
11 submitted electronically. The report shall be made publicly
12 available on the Oklahoma Department of Commerce website, the
13 Commission website, and documents.ok.gov.

14 C. Each evaluation shall include the following:

15 1. An estimate of the economic and fiscal impact of the
16 incentive. This estimate shall take into account the following
17 considerations in addition to other relevant factors:

18 a. the extent to which the incentive changes business
19 behavior, including whether a business receiving the
20 incentive would likely have taken any action required
21 to receive the incentive in the absence of such
22 incentive,

23 b. the results of the incentive for the economy of
24 Oklahoma as a whole. This consideration includes both

1 positive direct and indirect impacts and any negative
2 effects on other Oklahoma businesses, and

3 c. a comparison to the results of other incentives or
4 other economic development strategies with similar
5 goals both within this state and other states;

6 2. An assessment of whether adequate protections are in place
7 to ensure the fiscal impact of the incentive does not increase
8 substantially beyond the state's expectations in future years;

9 3. An assessment of whether the incentive is being administered
10 effectively;

11 4. An assessment of whether the incentive is achieving its
12 goals;

13 5. Recommendations for how the state can most effectively
14 achieve the incentive's goals, including recommendations on whether
15 the incentive should be retained, reconfigured, or repealed; ~~and~~

16 6. Recommendations for any changes to state policy, rules, or
17 statutes that would allow the incentive to be more easily or
18 conclusively evaluated in the future. These recommendations may
19 include changes to collection, reporting, and sharing of data, and
20 revisions or clarifications to the goal of the incentive;

21 7. An assessment of whether the incentive furthers a strategic
22 economic goal or an industry within this state; and

1 8. An assessment of whether the incentive creates a competitive
2 advantage for this state by evaluating the overall effectiveness of
3 the incentive at a macroeconomic level.

4 D. Evaluation criteria shall be developed for each incentive
5 evaluated by the Commission. Each incentive shall be evaluated
6 using criteria specific to the individual incentive. The criteria
7 shall be developed by the Commission through the administrative
8 rulemaking process pursuant to the Administrative Procedures Act,
9 Section 250 et seq. of Title 75 of the Oklahoma Statutes, and
10 codified in the administrative code of the Oklahoma Department of
11 Commerce.

12 E. At the request of the Incentive Evaluation Commission,
13 unless prohibited by the Oklahoma Constitution, Oklahoma Statutes,
14 or federal law, state agencies shall provide any records,
15 information, data, or data analysis necessary for the Commission or
16 contractors to effectively evaluate incentives. The Commission and
17 contractors shall not disclose or release any data received from
18 other state agencies, except as permitted under law.

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