

SENATE CHAMBER  
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

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COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

I move to amend Senate Bill No. 1024 by substituting the attached floor substitute (Request No. 1788) 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 Nice

Dora Prieto  
Senator Prieto

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

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

George Burns  
Senator Burns

\_\_\_\_\_  
Senator Sacchieri

Paul Stewart  
Senator Stewart

[Signature]  
Senator Deever

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

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

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

Bergstrom-RD-FS-SB1024  
3/3/2025 2:25 PM

(Floor Amendments Only)

Date and Time Filed: 3-4-25 2:08 pm Jed

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1024

6 By: Bergstrom and Jett of the  
7 Senate

8 and

9 Kendrix of the House

10 FLOOR SUBSTITUTE

11 An Act relating to the Administrative Procedures Act;  
12 amending 75 O.S. 2021, Section 303, which relates to  
13 the procedure for adopting, amending, or repealing a  
14 rule; requiring agency to submit statement of scope  
15 prior to rulemaking; specifying contents of  
16 statement; requiring submission of statement to  
17 Secretary of State; requiring determinations by  
18 Secretary of State and Governor; prohibiting certain  
19 actions by certain employees prior to certain  
20 determination; providing for submission and  
21 publication of certain approved statement;  
22 establishing provisions for revision of statement of  
23 scope; providing for expiration of certain statement  
24 of scope; prohibiting certain rulemaking following  
expiration; updating statutory language; providing an  
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 75 O.S. 2021, Section 303, is  
amended to read as follows:

Section 303. A. Any agency seeking to promulgate or amend any  
emergency or permanent rule or rules shall prepare a statement of

1 scope of the rule or rules that it plans to promulgate. The  
2 statement shall include:

3 1. A description of the objective of the rule or rules;

4 2. A description of any existing policies or provisions  
5 included in the rule or rules, the newly proposed policies or  
6 provisions to be included in the rule or rules, and an analysis of  
7 alternatives to adopting the rule or rules;

8 3. The statutory authority for promulgating the rule or rules;

9 4. Estimates of the amount of time that would be spent by state  
10 employees to develop the rule or rules and of other resources that  
11 would be utilized to develop the rule or rules;

12 5. A description of all of the entities, whether public or  
13 private, that may be affected by the rule or rules; and

14 6. A summary and preliminary comparison of any existing or  
15 proposed federal regulation that is intended to address the  
16 activities to be regulated by the rule or rules proposed to be  
17 promulgated.

18 B. 1. An agency that has prepared a statement of scope of any  
19 proposed rule or rules shall present that statement to the Secretary  
20 of State. The Secretary of State shall make a determination as to  
21 whether the agency has the explicit authority to promulgate the rule  
22 or rules as proposed in the statement of scope and shall report the  
23 statement of scope and such determination to the Governor who, in  
24 his or her discretion, may approve or reject the statement of scope.

1       2. The agency shall not begin promulgating the rule or rules  
2 pursuant to the Administrative Procedures Act until the Governor  
3 issues a written notice of approval of the statement of scope.  
4 Except for activity necessary to prepare the statement of scope of  
5 the proposed rule or rules, no state employee or official may  
6 perform any activity in connection with the drafting of any proposed  
7 rule or rules until the Governor approves the statement of scope.

8       C. 1. If the Governor approves a statement of scope for any  
9 proposed rule or rules, the agency shall send an electronic copy of  
10 the statement to the Secretary of State, in the form and manner  
11 prescribed by the Secretary of State, for publication in "The  
12 Oklahoma Register". The agency shall include with any statement of  
13 scope sent to the Secretary of State the date of the Governor's  
14 approval of the statement of scope. The Secretary of State shall  
15 assign a discrete identifying number to each statement of scope and  
16 shall include that number and the date of the Governor's approval in  
17 the publication of the statement of scope.

18       2. On the same day that the agency sends the statement to the  
19 chairs of the Administrative Rules Committees of the Senate and the  
20 House of Representatives.

21       D. If at any time after a statement of scope is approved under  
22 subsection B of this section, the agency changes the scope of the  
23 proposed rule or rules in any meaningful or measurable way,  
24 including changing the scope of the proposed rule or rules so as to

1 include in the scope any activity, business, material, or product  
2 that is not specifically included in the original scope, the agency  
3 shall prepare and obtain approval of a revised statement of scope in  
4 the same manner as the original statement was prepared and approved  
5 under subsection B of this section. No state employee may perform  
6 any activity in connection with the drafting of the proposed rule or  
7 rules except for an activity necessary to prepare the revised  
8 statement of scope until the revised statement is approved.

9 E. A statement of scope shall expire thirty (30) months after  
10 the date on which it is published in "The Oklahoma Register". After  
11 a statement of scope expires, an agency may not submit a proposed  
12 rule based upon that statement of scope to the Legislature for  
13 review, and any such rule that has not been submitted to the  
14 Legislature for review before that date shall be considered  
15 withdrawn on such date. For purposes of this subsection, a revised  
16 statement of scope prepared under subsection D of this section shall  
17 expire on the date that is thirty (30) months after the date on  
18 which the revised statement is published in "The Oklahoma Register".

19 F. Prior to the adoption of any rule or amendment or revocation  
20 of a rule and ~~except as provided for pursuant to the expedited rule~~  
21 ~~repeal process provided in Section 9 of this act,~~ the agency shall:

22 1. Cause notice of any intended action to be published in "The  
23 Oklahoma Register" pursuant to subsection ~~B~~ G of this section;

24

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

6           3. Hold a hearing, if required, as provided by subsection E H  
7 of this section;

8           4. Consider the effect its intended action may have on the  
9 various types of business and governmental entities. Except where  
10 such modification or variance is prohibited by statute or  
11 constitutional constraints, if an agency finds that its actions may  
12 adversely affect any such entity, the agency may modify its actions  
13 to exclude that type of entity, or may "tier" its actions to allow  
14 rules, penalties, fines, or reporting procedures and forms to vary  
15 according to the size of a business or governmental entity or its  
16 ability to comply or both. For business entities, the agency shall  
17 include a description of the probable quantitative and qualitative  
18 impact of the proposed rule, economic or otherwise, and use  
19 quantifiable data to the extent possible, taking into account both  
20 short-term and long-term consequences;

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

1           6. When an agency provides notice pursuant to paragraph 1 of  
2 this subsection, the agency shall provide one ~~(1)~~ electronic copy of  
3 the complete text of the proposed rule, amendment, or revocation and  
4 a copy of the notice to the Governor and to the appropriate cabinet  
5 secretary. No agency may adopt any proposed rule, amendment, or  
6 revocation if, within thirty (30) days from providing notice to the  
7 Governor and the appropriate cabinet secretary, the agency receives  
8 express written disapproval from the Governor or the cabinet  
9 secretary. If the Governor or the cabinet secretary disapproves a  
10 rule, the affected agency shall be notified in writing of the  
11 reasons for disapproval. If, after thirty (30) days of providing  
12 the notice to the Governor and the cabinet secretary, the agency has  
13 not received an express written disapproval, the agency may proceed  
14 with the rulemaking process.

15           ~~B.~~ G. The notice required by paragraph 1 of subsection ~~A~~ F of  
16 this section shall include, but not be limited to:

- 17           1. In simple language, a brief summary of the rule;
- 18           2. The proposed action being taken;
- 19           3. The circumstances which created the need for the rule;
- 20           4. The specific legal authority, including statutory citations,  
21 authorizing the proposed rule;
- 22           5. The intended effect of the rule;
- 23           6. If the agency determines that the rule affects business  
24 entities, a request that such entities provide the agency, within

1 the comment period, in dollar amounts if possible, the increase in  
2 the level of direct costs such as fees, and indirect costs such as  
3 reporting, recordkeeping, equipment, construction, labor,  
4 professional services, revenue loss, or other costs expected to be  
5 incurred by a particular entity due to compliance with the proposed  
6 rule;

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

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

14 9. The time when, the place where, and the manner in which  
15 persons may demand a hearing on the proposed rule if the notice does  
16 not already provide for a hearing. If the notice provides for a  
17 hearing, the time and place of the hearing shall be specified in the  
18 notice; and

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

22 The number of copies of such notice as specified by the  
23 Secretary of State shall be submitted to the Secretary of State who  
24



1 shall publish the notice in "The Oklahoma Register" pursuant to the  
2 provisions of Section 255 of this title.

3 Prior to or within three (3) days after publication of the  
4 notice in "The Oklahoma Register", the agency shall cause a copy of  
5 the notice of the proposed rule adoption and the rule impact  
6 statement, if available, to be mailed to all persons who have made a  
7 timely request of the agency for advance notice of its rulemaking  
8 proceedings. Provided, in lieu of mailing copies, an agency may  
9 electronically notify interested persons that a copy of the proposed  
10 rule and the rule impact statement, if available, may be viewed on  
11 the agency's website. If an agency posts a copy of the proposed  
12 rule and rule impact statement on its website, the agency shall not  
13 charge persons for the cost of downloading or printing the proposed  
14 rule or impact statement. Each agency shall maintain a listing of  
15 persons or entities requesting such notice.

16 ~~C.~~ H. 1. If the published notice does not already provide for  
17 a hearing, an agency shall schedule a hearing on a proposed rule if,  
18 within thirty (30) days after the published notice of the proposed  
19 rule adoption, a written request for a hearing is submitted by:

- 20 a. at least ten persons,
- 21 b. a political subdivision,
- 22 c. an agency, or
- 23 d. an association having not less than twenty-five  
24 members.

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

3 2. A hearing on a proposed rule may not be held earlier than  
4 thirty (30) days after notice of the hearing is published pursuant  
5 to subsection ~~B~~ G of this section.

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

11 ~~D~~ I. 1. Except as otherwise provided in this subsection, an  
12 agency shall issue a rule impact statement of a proposed rule prior  
13 to or within fifteen (15) days after the date of publication of the  
14 notice of proposed rule adoption. The rule impact statement may be  
15 modified after any hearing or comment period afforded pursuant to  
16 the provisions of this section.

17 2. Except as otherwise provided in this subsection, the rule  
18 impact statement shall include, but not be limited to:

19 a. a brief description of the purpose of the proposed  
20 rule,

21 b. a description of the classes of persons who most  
22 likely will be affected by the proposed rule,  
23 including classes that will bear the costs of the  
24 proposed rule, and any information on cost impacts

1 received by the agency from any private or public  
2 entities,

3 c. a description of the classes of persons who will  
4 benefit from the proposed rule,

5 d. a description of the probable economic impact of the  
6 proposed rule upon affected classes of persons or  
7 political subdivisions, including a listing of all fee  
8 changes and, whenever possible, a separate  
9 justification for each fee change,

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

17 f. a determination of whether implementation of the  
18 proposed rule will have an economic impact on any  
19 political subdivisions or require their cooperation in  
20 implementing or enforcing the rule,

21 g. a determination of whether implementation of the  
22 proposed rule may have an adverse economic effect on  
23 small business as provided by the Oklahoma Small  
24 Business Regulatory Flexibility Act,

- 1           h. an explanation of the measures the agency has taken to  
2 minimize compliance costs and a determination of  
3 whether there are less costly or nonregulatory methods  
4 or less intrusive methods for achieving the purpose of  
5 the proposed rule,
- 6           i. a determination of the effect of the proposed rule on  
7 the public health, safety, and environment and, if the  
8 proposed rule is designed to reduce significant risks  
9 to the public health, safety, and environment, an  
10 explanation of the nature of the risk and to what  
11 extent the proposed rule will reduce the risk,
- 12           j. a determination of any detrimental effect on the  
13 public health, safety, and environment if the proposed  
14 rule is not implemented, and
- 15           k. the date the rule impact statement was prepared and if  
16 modified, the date modified.

17           3. To the extent an agency for good cause finds the preparation  
18 of a rule impact statement or the specified contents thereof are  
19 unnecessary or contrary to the public interest in the process of  
20 adopting a particular rule, the agency may request the Governor to  
21 waive such requirement. Such request shall be in writing and shall  
22 state the agency's findings and the justification for such findings.  
23 Upon request by an agency, the Governor may also waive the rule  
24 impact statement requirements if the agency is required to implement

1 a statute or federal requirement that does not require an agency to  
2 interpret or describe the requirements, such as federally mandated  
3 provisions which afford the agency no discretion to consider less  
4 restrictive alternatives. If the Governor fails to waive such  
5 requirement, in writing, prior to publication of the notice of the  
6 intended rulemaking action, the rule impact statement shall be  
7 completed. The determination to waive the rule impact statement  
8 shall not be subject to judicial review.

9 4. The rule shall not be invalidated on the ~~ground~~ grounds that  
10 the contents of the rule impact statement are insufficient or  
11 inaccurate.

12 ~~E.~~ J. Upon completing the requirements of this section, an  
13 agency may adopt a proposed rule. No rule is valid unless adopted  
14 in substantial compliance with the provisions of this section.

15 SECTION 2. This act shall become effective July 1, 2025.

16 SECTION 3. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20  
21 60-1-1788 RD 3/4/2025 2:15:15 PM

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