

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2386

BY: STEIDLEY

AS INTRODUCED

AN ACT RELATING TO STATUTES AND REPORTS; AMENDING 75

O.S. 1991, SECTION 256, WHICH RELATES TO THE
ADMINISTRATIVE PROCEDURES ACT; PROVIDING DATE FOR
PUBLICATION OF OKLAHOMA ADMINISTRATIVE CODE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 75 O.S. 1991, Section 256, is
amended to read as follows:

Section 256. A. 1. The Secretary shall provide for the
codification, compilation, indexing and publication of agency rules
and Executive Orders in a publication which shall be known as the
Oklahoma Administrative Code in the following manner:

- a. On or before January 1, 1992, the Secretary shall
compile Executive Orders which are effective pursuant
to paragraph 3 of subsection B of this section, and
agency rules which have been submitted pursuant to the
agency schedule of compliance and have been accepted
as properly codified, as set forth in this section,
Sections 256.1 and 256.2 of this title, and rules
promulgated by the Secretary. Such compilation shall
be maintained by the Office of Administrative Rules

and shall be updated by agencies, in a manner prescribed by the Secretary, to reflect subsequent permanent rulemaking. Prior to publication of the first Code, as set forth in subparagraph b of this paragraph, the compilation shall constitute the official permanent rules of the state. Effective January 1, 1992, any permanent rule not included in such compilation shall be void and of no effect.

- b. On or before ~~July 1~~ December 1, 1992, the Secretary shall ~~provide for the indexing and publication of all codified agency rules and Executive Orders in~~ have indexed and published the Oklahoma Administrative Code. To effectuate this provision, the Secretary may contract for the publishing and/or indexing of the Oklahoma Administrative Code. Any permanent rule not published in the ~~first~~ Code shall be void and of no effect. A finally adopted rule filed and published in The Oklahoma Register may be valid until publication of the next succeeding Code or Code supplement following the date of its final adoption. Provided, a permanent rule which is finally adopted after the closing date for publication in a Code or Code supplement as announced by the Secretary may be valid until publication of the next succeeding Code or Code supplement. A permanent rule which is published in The Oklahoma Register after the closing date for publication in the first Code, as announced by the Secretary, shall be void and of no effect upon publication of the next succeeding Code or Code supplement, if not published in the Code or Code supplement.

2. Compilations or revisions of the Code or any part thereof shall be supplemented or revised annually. The Code shall be organized by state agency and shall be arranged, indexed and printed in a manner to permit separate publications of portions thereof relating to individual agencies.

3. Annual supplements to the Code shall be cumulative. Emergency rules shall not be published in the Code or in any supplements thereto.

4. The Code and the supplements shall include a general subject index and an agency index of all rules and Executive Orders contained therein. The supplements shall also include a sections-affected index of the Code. The Code and supplements shall contain such notes, cross references and explanatory materials as required by the Secretary.

5. The Secretary in preparing such rules for publication in the Code or supplements shall omit all material shown in canceled type. The Secretary shall not prepare any rule for publication in the Code which amends or revises a rule unless the rule so amending or revising conforms to the provisions of the Administrative Procedures Act.

6. The Secretary is authorized to determine a numbering system and other standardized format for documents to be filed and may refuse to accept for publication any document that does not substantially conform to the promulgated rules of the Secretary.

B. 1. Rules submitted and accepted for publication in the Code by June 30th of each year shall be published in the next succeeding Code or supplement thereto.

2. At the beginning of each fiscal year after July 1, 1992, the Secretary shall, as soon as possible, assemble all rules and Executive Orders, except emergency rules, promulgated during the preceding year in accordance with the provisions of the Administrative Procedures Act for publication in the Oklahoma

Administrative Code. The Code or supplements thereto should be published as soon as possible after August 30 of each year.

3. Effective January 14, 1991, Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order. Copies of all Executive Orders shall be published and indexed in the Administrative Code. All Executive Orders placing agencies or employees under the State Merit System of Personnel Administration shall remain in effect unless otherwise modified by action of the Legislature.

C. The Secretary is hereby authorized and empowered to publish or to contract to publish an Administrative Code, and to publish or contract to publish such annual cumulative supplements so as to keep the Code current. All such agreements shall provide that the publisher shall make such publications in such form and arrangement as shall be approved by the Secretary.

D. The Secretary is authorized to correct scrivener, citation and spelling errors in rules submitted for publication in the Code or any such supplements or in The Oklahoma Register. The Secretary, prior to publication, shall notify the affected agency of any such corrections. Any other errors in rules submitted for publication in the Code may be noted in editorial notes provided by the Secretary.

E. The Secretary shall make copies of the Code generally available at a cost sufficient to defray the cost of publication and mailing. Except as otherwise provided by Section 257.1 of this title, the Secretary is authorized to sell or otherwise distribute the Code and its supplements.

F. 1. There is hereby created a Task Force on Administrative Rules to be composed of fifteen (15) members. The members of the Task Force on Administrative Rules shall be as follows:

- a. Five members shall be appointed by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives providing that no more than two members of the three shall be of any one political party and one of whom shall be an attorney appointed from a list prepared and submitted by the Oklahoma Bar Association consisting of the names of five attorneys who have substantial experience and knowledge of administrative law. The final member shall be a lay member who has knowledge and experience in administrative procedures.
- b. Five members shall be appointed by the President Pro Tempore of the Senate, three of whom shall be members of the Senate providing that no more than two members of the three shall be of any one political party and one of whom shall be an attorney appointed from a list prepared and submitted by the Oklahoma Bar Association consisting of the names of five attorneys who have substantial experience and knowledge of administrative law. The final member shall be a lay member who has knowledge and experience in administrative procedures.
- c. Four members shall be appointed by the Governor, two of whom shall be the administrative head of agencies of this state and two of whom shall be lay members who have knowledge and experience in administrative law or procedure.
- d. The fifteenth member shall be an attorney from the Office of the Attorney General appointed by the Attorney General.

The Speaker of the House of Representatives shall appoint the chairman for the Task Force and the President Pro Tempore of the

Senate shall appoint the vice-chairman for the Task Force from their respective list of membership appointments.

The Secretary shall assist the Task Force on Administrative Rules in initiating and organizing the study, reviewing information received by the Task Force, receiving input from agencies, formulating recommendations and strategies for implementation of subsection A of this section. The final report required by paragraph 2 of this subsection shall reflect and include the Secretary's recommendations.

The Task Force on Administrative Rules shall be reimbursed as follows: Legislative members of the Task Force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes. Nonlegislative members of the Task Force who are not employees of this state shall be reimbursed by their respective appointing authority for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act. Members of the Task Force who are employees of this state shall only be reimbursed pursuant to the State Travel Reimbursement Act for their necessary travel expenses for any meetings or hearings of the Task Force not held in the Oklahoma City vicinity.

The staff of each house of the Legislature shall perform such duties as are required by the Task Force in the performance of its duties.

2. The Task Force shall conduct a comprehensive study on the development of a uniform system for codification of rules to implement the provisions of subsection A of this section. The study shall include but not be limited to a review of procedures followed by state agencies in preparing administrative rules, central control and administration of rules by the Secretary, recommendations as to the methods of publication and codification of such rules, schedule

for agency compliance, distribution of the Code, submission guidelines for rules, cost of implementation of such publication and codification, and such other information as deemed necessary by the Task Force. The Task Force shall prepare a written report on its findings and recommendations and shall submit such report to the Speaker of the House of Representatives, President Pro Tempore of the Senate and the Governor by January 1, 1991.

3. The Task Force shall terminate on January 1, 1993.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-7301

KSM