

1 **SENATE FLOOR VERSION**

2 February 17, 2011

3 SENATE BILL NO. 850

By: Treat of the Senate

4 and

5 Nelson of the House

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7  
8 An Act relating to administrative rules; amending 75  
9 O.S. 2001, Section 251, which relates to the  
10 Administrative Procedures Act; requiring agencies  
filing rules to cite certain authority; and providing  
an effective date.

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

14 SECTION 1. AMENDATORY 75 O.S. 2001, Section 251, is  
15 amended to read as follows:

16 Section 251. A. 1. Upon the request of the Secretary of  
17 State, each agency shall furnish to the Office of the Secretary a  
18 complete set of its permanent rules in such form as is required by  
19 the Secretary or as otherwise provided by law.

20 2. The Secretary shall promulgate rules to ensure the effective  
21 administration of the provisions of Article I of the Administrative  
22 Procedures Act. The rules shall include, but are not limited to,  
23 rules prescribing paper size, numbering system, and the format of  
24 documents required to be filed pursuant to the provisions of the

1 Administrative Procedures Act or such other requirements as deemed  
2 necessary by the Secretary to implement the provisions of the  
3 Administrative Procedures Act.

4 B. 1. Each agency shall file the number of copies specified by  
5 the Secretary of all new rules, and all amendments, revisions or  
6 revocations of existing rules attested to by the agency, pursuant to  
7 the provisions of Section 254 of this title, with the Office within  
8 thirty (30) calendar days after they become finally adopted.

9 2. An agency filing rules pursuant to the provisions of this  
10 subsection:

11 a. shall prepare the rules in plain language which can be  
12 easily understood,

13 b. shall not unnecessarily repeat statutory language.  
14 Whenever it is necessary to refer to statutory  
15 language in order to effectively convey the meaning of  
16 a rule interpreting that language, the reference shall  
17 clearly indicate the portion of the language which is  
18 statutory and the portion which is the agency's  
19 amplification or interpretation of that language,

20 c. shall indicate whether a rule is new, amends an  
21 existing permanent rule or repeals an existing  
22 permanent rule. If a rule amends an existing rule,  
23 the rule shall indicate the language to be deleted  
24

- 1 typed with a line through the language and language to  
2 be inserted typed with the new language underscored,
- 3 d. shall state if the rule supersedes an existing  
4 emergency rule,
- 5 e. shall include a reference to any rule requiring a new  
6 or revised form in a note to the rule. The Secretary  
7 shall insert that reference in "The Oklahoma Register"  
8 as a notation to the affected rule,
- 9 f. shall prepare, in plain language, an analysis of new  
10 or amended rules. The analysis shall include but not  
11 be limited to a reference to any statute that the rule  
12 interprets, any related statute or any related rule,
- 13 g. may include with its rules, brief notes,  
14 illustrations, findings of facts, and references to  
15 digests of Supreme Court cases, other court decisions,  
16 or Attorney General's opinions, and other explanatory  
17 material. Such material may be included if the  
18 material is labeled or set forth in a manner which  
19 clearly distinguishes it from the rules,
- 20 h. shall provide the citation to any federal or state  
21 law, court ruling, or any other authority requiring  
22 the new rule or amended rule at the beginning of each  
23 rule,
- 24



1 E. The Secretary shall provide for the publication of all  
2 Executive Orders received pursuant to the provisions of Section 664  
3 of Title 74 of the Oklahoma Statutes.

4 F. The Secretary may authorize or require the filing of rules  
5 or Executive Orders by or through electronic data or machine  
6 readable equipment in such form and manner as is required by the  
7 Secretary.

8 SECTION 2. This act shall become effective November 1, 2011.

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-11 - DO  
10 PASS, As Coauthored.

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