

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1773

By: Nelson

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6 AS INTRODUCED

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

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

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

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

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

1 necessary by the Secretary to implement the provisions of the
2 Administrative Procedures Act.

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

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

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

12 b. shall not unnecessarily repeat statutory language.

13 Whenever it is necessary to refer to statutory
14 language in order to effectively convey the meaning of
15 a rule interpreting that language, the reference shall
16 clearly indicate the portion of the language which is
17 statutory and the portion which is the agency's
18 amplification or interpretation of that language,

19 c. shall indicate whether a rule is new, amends an
20 existing permanent rule or repeals an existing
21 permanent rule. If a rule amends an existing rule,
22 the rule shall indicate the language to be deleted
23 typed with a line through the language and language to
24 be inserted typed with the new language underscored,

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

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

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