

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1297

By: Osburn

COMMITTEE SUBSTITUTE

An Act relating to statutes and reports; amending 75 O.S. 2021, Sections 250.9, 255, 256, and 257.1, which relate to the Administrative Procedures Act; requiring electronic publishing of the Oklahoma Administrative Code and The Oklahoma Register; authorizing download of certain documents; removing requirement for indexing and supplements; and providing an effective date.

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

SECTION 1. AMENDATORY 75 O.S. 2021, Section 250.9, is amended to read as follows:

Section 250.9 A. There is hereby established an Office of Administrative Rules within the Office of the Secretary of State. The Office of Administrative Rules shall have the primary responsibility for publishing "The Oklahoma Register" and the "Oklahoma Administrative Code" and otherwise implementing the provisions of Article I of the Administrative Procedures Act. The Secretary of State shall provide for the adequate staffing of the

1 Office to implement the provisions of this section including but not
2 limited to an ~~editor-in-chief~~ editor in chief.

3 B. The Secretary shall cause to be published in electronic
4 form, and may cause to be published in printed form, at the least
5 cost possible to the state, the "Oklahoma Administrative Code" and
6 "The Oklahoma Register". In the event of any discrepancy between
7 the electronic and printed form of the Code or "The Oklahoma
8 Register", the electronic form shall prevail unless it is
9 conclusively shown, by reference to the rulemaking filings made with
10 the Secretary, that the electronic form contains an error in
11 publication.

12 SECTION 2. AMENDATORY 75 O.S. 2021, Section 255, is
13 amended to read as follows:

14 Section 255. A. 1. The Secretary of State is hereby
15 authorized, directed, and empowered to publish "The Oklahoma
16 Register" not less than monthly for the publication of new rules,
17 any amendment, revision or revocation of an existing rule, emergency
18 rules, any notices of such rulemaking process and Executive Orders
19 as are required by law to be published in "The Oklahoma Register".
20 Said rules or amendments, revisions, or revocations of existing
21 rules shall be published in the first issue of "The Oklahoma
22 Register" published pursuant to Sections 251, 253, 256, 303, 303.1,
23 ~~303.2~~ and 308 of this title after the date of acceptance by the
24 Secretary.

1 2. The Secretary shall cause a copy of each publication of "The
2 Oklahoma Register" to be sent to those county clerks who request it,
3 to members of the Legislature upon request, and to such other
4 agencies, libraries, and officials as the Secretary may select. The
5 Secretary may charge recipients of the publication a cost sufficient
6 to defray the cost of publication and mailing. If the Secretary
7 determines that the entity requesting copies could download "The
8 Oklahoma Register" through the Internet, then the Secretary may
9 comply by providing "The Oklahoma Register" to the entity via
10 Internet, at no charge.

11 3. The Secretary shall cause a copy of all rules, all new
12 rules, and all amendments, revisions, or revocations of existing
13 rules to be on file and available for public examination in the
14 Office during normal office hours.

15 4. The Secretary shall promulgate rules to systematize the
16 designations of rules. To establish said system or to preserve
17 uniformity of designations, the Secretary may require the agency to
18 change the title or numbering of any rule or any amendment,
19 revision, or revocation thereof.

20 B. The Secretary is authorized to provide for the publication
21 of rules in summary form when the rules are of such length that
22 publication of the full text would be too costly. The summary shall
23 be prepared by the agency submitting the rules and shall state where
24 the full text of the rule may be obtained.

1 C. The notice required pursuant to the provisions of Section
2 303 of this title shall be published in "The Oklahoma Register"
3 prior to the adoption of a new rule, or amendment, revision or
4 revocation of any existing rule. The notice shall include the
5 information required by Section 303 of this title.

6 SECTION 3. AMENDATORY 75 O.S. 2021, Section 256, is
7 amended to read as follows:

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

12 a. On or before January 1, 1992, the Secretary shall
13 compile Executive Orders which are effective pursuant
14 to paragraph 3 of subsection B of this section, and
15 agency rules which have been submitted pursuant to the
16 agency schedule of compliance and have been accepted
17 as properly codified, as set forth in this section,
18 and rules promulgated by the Secretary. Such
19 compilation shall be maintained by the Office of
20 Administrative Rules and shall be updated by agencies,
21 in a manner prescribed by the Secretary, to reflect
22 subsequent permanent rulemaking. Prior to publication
23 of the first "Code", as set forth in subparagraph b of
24 this paragraph, the compilation shall constitute the

1 official permanent rules of the state. Effective
2 January 1, 1992, any permanent rule not included in
3 such compilation shall be void and of no effect.

- 4 b. On or before December 1, 1992, the Secretary shall
5 have ~~indexed and~~ published the "Oklahoma
6 Administrative Code". To effectuate this provision,
7 the Secretary may contract for the publishing ~~and~~
8 ~~indexing, or both~~ of the "Oklahoma Administrative
9 Code". Any permanent rule not published in the "Code"
10 shall be void and of no effect. A finally adopted
11 rule filed and published in "The Oklahoma Register"
12 may be valid until publication of the next succeeding
13 "Code" or "Code" supplement following the date of its
14 final adoption. Provided, a permanent rule which is
15 finally adopted after the closing date for publication
16 in a "Code" or "Code" supplement as announced by the
17 Secretary may be valid until publication of the next
18 succeeding "Code" or "Code" supplement. A permanent
19 rule which is published in "The Oklahoma Register"
20 after the closing date for publication in the first
21 "Code", as announced by the Secretary, shall be void
22 and of no effect upon publication of the next
23 succeeding "Code" or "Code" supplement, if not
24 published in the "Code" or "Code" supplement.

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

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

9 4. ~~The "Code" and the supplements shall include a general~~
10 ~~subject index and an agency index of all rules and Executive Orders~~
11 ~~contained therein.~~ "The Oklahoma Register" shall also include a
12 sections-affected index of the "Code". The "Code" and supplements
13 shall contain such notes, crossreferences and explanatory materials
14 as required by the Secretary.

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

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

1 B. 1. Rules submitted and accepted for publication in the
2 "Code" by August 15 of each year shall be published in the next
3 succeeding "Code" or supplement thereto.

4 2. As soon as possible after August 15 of each year, the
5 Secretary shall assemble all rules and Executive Orders, except
6 emergency rules, promulgated after the publication of the preceding
7 "Code" or "Code" supplement in accordance with the provisions of the
8 Administrative Procedures Act for publication in the "Oklahoma
9 Administrative Code". The "Code" or supplements thereto should be
10 published as soon as possible after August 30 of each year.

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

19 C. The Secretary is hereby authorized and empowered to publish
20 or to contract to publish the "Oklahoma Administrative Code", and to
21 publish or contract to publish such annual cumulative supplements so
22 as to keep the "Code" current. All such agreements shall provide
23 that the publisher shall make such publications in such form and
24

1 arrangement as shall be approved by the Secretary. The Secretary
2 may publish or authorize the publication of the "Code" in part.

3 D. The Secretary is authorized to correct spelling errors in
4 rules submitted for publication in the "Code" or any such
5 supplements or in "The Oklahoma Register". Any other errors in
6 rules submitted for publication in the "Code" may be noted in
7 editorial notes provided by the Secretary.

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

13 F. 1. The codification system, derivations, cross_references,
14 notes of decisions, source notes, authority notes, numerical lists,
15 and codification guides, other than the actual text of rules,
16 indexes, tables and other aids relevant to the publication of the
17 "Oklahoma Administrative Code" and "The Oklahoma Register" shall be
18 the property of the state and may be reproduced only with the
19 written consent of the Secretary. The information which appears on
20 the same page with the text of a rule may be reproduced incidentally
21 with the reproduction of the rule, if the reproduction is for the
22 private use of the individual and not for resale. No person shall
23 attempt to copyright or publish the "Oklahoma Administrative Code"
24 or "The Oklahoma Register", in printed or electronic media, without

1 expressed written consent of the Secretary of State. The Secretary
2 shall notify the Speaker of the Oklahoma House of Representatives
3 and the President Pro Tempore of the Oklahoma State Senate of any
4 requests to copyright or publish the "Oklahoma Administrative Code"
5 or "The Oklahoma Register", prior to consent by the Secretary.

6 2. The Secretary ~~may~~ shall provide for the electronic access to
7 the "Oklahoma Administrative Code" and "The Oklahoma Register" by:

- 8 a. ~~subscription~~ Internet access at no charge, or
9 b. an exclusive or a nonexclusive contract for public and
10 private access.

11 3. Publications of rules by agencies are not official
12 publications.

13 4. The sale or resale of the "Oklahoma Administrative Code" or
14 any part thereof by the Secretary of State shall be exempt from any
15 requirement mandating acquisition of a resale number and payment of
16 sales tax.

17 SECTION 4. AMENDATORY 75 O.S. 2021, Section 257.1, is
18 amended to read as follows:

19 Section 257.1 A. The Secretary of State is authorized to enter
20 into and make reciprocal agreements with other states to allow
21 exchanges of administrative codes of such states.

22 B. 1. Each of the following offices shall be entitled to
23 receive, as soon as available from the Secretary, without cost, one
24 copy of the printed volumes of the "Code" ~~and the supplements~~

1 ~~thereto or, upon request from an office, one copy of the "Code" and~~
2 ~~the supplements thereto on compact disc:~~

- 3 a. ~~County~~ county clerk of each county;
- 4 b. Clerk of the Supreme Court;
- 5 c. Attorney General;
- 6 d. Governor;
- 7 e. Speaker of the Oklahoma House of Representatives and
- 8 the President Pro Tempore of the Oklahoma State
- 9 Senate;
- 10 f. the Research, Legal and Fiscal Divisions of the House
- 11 of Representatives;
- 12 g. the Legislative Division of the Senate; and
- 13 h. the Department of Libraries for the Law Library.

14 2. The Department of Libraries is authorized to obtain number
15 of copies of the "Code" and the supplements thereto necessary for
16 use for deposit with the Publications Clearinghouse pursuant to
17 Sections 3-113.1 through 3-115 of Title 65 of the Oklahoma Statutes.
18 The Secretary is authorized to retain sufficient copies for exchange
19 purposes with other states for copies of their rules.

20 C. If the Secretary determines that the entity requesting
21 copies pursuant to subsection B of this section could download the
22 "Oklahoma Administrative Code" through the Internet, then the
23 Secretary may comply by providing the "Oklahoma Administrative Code"
24 to the entity via the Internet, at no charge.

SECTION 5. This act shall become effective November 1, 2024.

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