

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1519

By: Rader

AS INTRODUCED

An Act relating to the Administrative Procedures Act; amending 75 O.S. 2021, Sections 250.9, 255, 256, and 257.1, which relate to the Office of Administrative Rules and publications of the Office; providing for electronic publishing of certain publications to satisfy certain requirements; clarifying official version of rules; eliminating indexing requirement; conforming language; updating statutory language; updating statutory reference; 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 form
4 and may cause to be published in printed form the "Oklahoma
5 Administrative Code" and "The Oklahoma Register". Printed forms
6 shall be provided at the least cost possible to the state. In the
7 event of any discrepancy between the electronic and printed form of
8 the "Code" or "The Oklahoma Register", the electronic form shall
9 prevail unless it is conclusively shown, by reference to the rule-
10 making filings made with the Secretary, that the electronic form
11 contains an error in 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 executive orders as are required by law to be published in "The
20 Oklahoma Register". ~~Said~~ Such rules or amendments, revisions, or
21 revocations of existing rules shall be published in the first issue
22 of "The Oklahoma Register" published pursuant to Sections 251, 253,
23 256, 303, 303.1, ~~303.2~~ and 308 of this title after the date of
24 acceptance by the 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, the Secretary may comply by
9 providing "The Oklahoma Register" to the entity via Internet at no
10 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 of the Secretary during normal office hours.

15 4. The Secretary shall promulgate rules to systematize the
16 designations of rules. To establish ~~said~~ the 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~~ executive orders in a publication which
11 shall be known as the "Oklahoma Administrative Code" in the
12 following manner:

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

1 first "Code", as set forth in subparagraph b of this
2 paragraph, the compilation shall constitute the
3 official permanent rules of the state. Effective
4 January 1, 1992, any permanent rule not included in
5 such compilation shall be void and of no effect.

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

1 succeeding "Code" or "Code" supplement, if not
2 published in the "Code" or "Code" supplement.

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

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

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

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

23 6. The Secretary is authorized to determine a numbering system
24 and other standardized format for documents to be filed and may

1 refuse to accept for publication any document that does not
2 substantially conform to the promulgated rules of the Secretary.

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

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

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

23 C. The Secretary is hereby authorized and empowered to publish
24 or to contract to publish the "Oklahoma Administrative Code", and to

1 publish or contract to publish such annual cumulative supplements so
2 as to keep the "Code" current. All such agreements shall provide
3 that the publisher shall make such publications in such form and
4 arrangement as shall be approved by the Secretary. The Secretary
5 may publish or authorize the publication of the "Code" in part.

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

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

16 F. 1. The codification system, derivations, cross references,
17 notes of decisions, source notes, authority notes, numerical lists,
18 and codification guides, other than the actual text of rules,
19 indexes, tables and other aids relevant to the publication of the
20 "Oklahoma Administrative Code" and "The Oklahoma Register" shall be
21 the property of the state and may be reproduced only with the
22 written consent of the Secretary. The information which appears on
23 the same page with the text of a rule may be reproduced incidentally
24 with the reproduction of the rule, if the reproduction is for the

1 private use of the individual and not for resale. No person shall
2 attempt to copyright or publish the "Oklahoma Administrative Code"
3 or "The Oklahoma Register", in printed or electronic media, without
4 expressed written consent of the Secretary of State. The Secretary
5 shall notify the Speaker of the House of Representatives and the
6 President Pro Tempore of the Senate of any requests to copyright or
7 publish the "Oklahoma Administrative Code" or "The Oklahoma
8 Register", prior to consent by the Secretary.

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

- 11 a. ~~subscription~~ internet access at no charge, or
- 12 b. an exclusive or a nonexclusive contract for public and
13 private access.

14 3. Publications of rules by agencies are not official
15 publications.

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

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

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

1 B. 1. Each of the following offices shall be entitled to
2 receive, as soon as available from the Secretary, without cost, one
3 copy of the printed volumes of the "Code" ~~and the supplements~~
4 ~~thereto or, upon request from an office, one copy of the "Code" and~~
5 ~~the supplements thereto on compact disc:~~

- 6 a. ~~County~~ the county clerk of each county~~†, 1~~
- 7 b. the Clerk of the Supreme Court~~†, 1~~
- 8 c. the Attorney General~~†, 1~~
- 9 d. the Governor~~†, 1~~
- 10 e. the Speaker of the House of Representatives and the
11 President Pro Tempore of the Senate~~†, 1~~
- 12 f. the Research, Legal and Fiscal Divisions of the House
13 of Representatives~~†, 1~~
- 14 g. the Legislative Division of the Senate~~†, 1~~ and
- 15 h. the Oklahoma Department of Libraries for the Law
16 Library.

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

23 C. If the Secretary determines that the entity requesting
24 copies under subsection B of this section could download the "Code"

1 through the Internet, the Secretary may comply by providing the
2 "Code" to the entity via Internet at no charge.

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