

MEETING – RULEMAKING LIAISONS  
**October 15, 2004**

**I. INTRODUCTIONS**

Ellen Phillips, Counsel to House Government Operations, Agency Oversight and Administrative Rules Committee  
Stephen Cortes, Deputy General Counsel to Governor  
Don Hackler, Coordinator, Small Business Regulatory Review Committee  
Peggy Coe, Managing Editor, SOS/OAR  
Rulemaking liaisons and other attendees

**II. 2004 SUPPLEMENT** - This year's supplement is near completion and will be sent to the printer soon. We're about two weeks ahead of schedule and hoping to improve again next year. The sooner the better! Obviously, our goal is to make the publication as timely as possible . . . since the "rulemaking year" ends with the September 1 issue of the *Register* each year, we would like to keep improving on how soon after September 1 we can complete the conversion of each year's *Register* filings into *Code/Supplement* format, add the source notes and other annotations, etc., and make it available to the public.

**III. ONLINE CODE AND REGISTER** – This year, permanent rules started becoming effective on April 26, and we've updated the *Online Code* four times since then. The last update encompassed all permanent rulemaking for the year with the exception of those rules that were published with delayed effective dates. It included permanent rules and executive orders effective as of September 15, 2004. We plan to do another update in November and again in January, since the actions with delayed effective dates tend to become effective in November and January.

**IV. SMALL BUSINESS REGULATORY REVIEW COMMITTEE** - Don Hackler, Coordinator

**V. 2005 RULEMAKING** - A new schedule of "REGISTER PUBLICATION DATES AND FILING DEADLINES" was issued and posted on our website in August. We have now completed the schedules of "IMPORTANT DATES AND DEADLINES," "ESTIMATED FINAL ADOPTION/LEGISLATIVE APPROVAL DATES," and "EARLIEST POSSIBLE EFFECTIVE DATES" for 2005 permanent rulemaking, and we've included copies in the handouts at today's meeting. They have also been sent to our webmaster to be added under "Informational Materials" on the website ([www.sos.state.ok.us/oar/oar\\_info.htm](http://www.sos.state.ok.us/oar/oar_info.htm)). As you plan your rulemaking and your rulemaking calendars for 2005, we suggest you look these over.

In addition, it's that time of the year again for us to request that you review our "*WHEN NOT TO AMEND A RULE*" handout on the website. So here's a "re-run" from previous years' meetings . . .

As you begin planning this year's rulemaking, please take a look again at our handout called *WHEN NOT TO AMEND A RULE*. The handout has been included in previous years' seminar materials, and is available under "Informational Materials" on our website. There are times when the improvement that results from the amendment of a given Section or Appendix is not significant enough to justify all that is required and implied by the amendatory process. When amendments to a Section or Appendix will not change the meaning of the rule or provide a needed clarification, an amendatory action on that Section or Appendix may not be necessary. The handout asks you to consider a couple of questions before deciding that it's necessary to amend a Section or Appendix in your rules, and discusses the ramifications for the reviewers

(Legislature, Governor, OAR), the issuing agency, and the regulated public:

- ? ARE ANY OF THE AMENDMENTS TO THE SECTION/APPENDIX SUBSTANTIVE ENOUGH TO JUSTIFY THE PREPARATION, REVIEWS, AND PROCESSING TIME THAT IS REQUIRED TO AMEND THAT SECTION/APPENDIX?
- ? ARE ANY OF THE AMENDMENTS TO THE SECTION/APPENDIX SUBSTANTIVE ENOUGH TO WARRANT THE ADDITION OF AN "AMENDED AT" OR "REVOKED AND REENACTED AT" SOURCE NOTE IN THE *CODE*?

**VI. ADMINISTRATIVE RULES ON RULEMAKING** - As a rulemaking agency, we review our rules at the end of each calendar year to see if revisions or additions may be needed for the upcoming legislative session, and if they warrant the initiation of a permanent rulemaking action. If you have suggestions for specific revisions or additions to the ARR, please contact Peggy Coe by November 15.

**VII. HB 2661** – Ellen Phillips was not able to attend the meeting today, but suggests that agencies look over Sections 35 through 53 in House Bill 2661. This bill sets out certain requirements that must be met by out-of-state attorneys who bring cases before an administrative agency in Oklahoma UNLESS the agency provides otherwise.

Also, Ellen says that she's concerned that some agencies may be under the false impression that emergency rulemaking is no longer an option. She asked that we point out that, since HB 2661 becomes effective November 1, agencies that wish to provide an alternative to the requirements set out in HB 2661 for out-of-state attorneys may need to do this through emergency rulemaking.

Ellen suggests that you contact her, or Steve Cortes with the Governor's Office, if you have any questions.

**VIII. ANNUAL RULEMAKING SEMINAR** - This year's rulemaking seminar is tentatively scheduled for the afternoon of December 8. Watch your mail for the announcement, and feel free to pass it along to others in your agency who might be interested in attending all or part of the seminar.

**IX. NEXT MEETING** - Because of the annual seminar in December, our next liaison meeting won't be scheduled until after the first of the year. Notices to confirm the date and location of the meeting will be sent to agency liaisons.

FYI . . . You might want to check out [www.plainlanguage.gov](http://www.plainlanguage.gov) for helpful and fun information about writing rules and government documents in plain language. Here's what they say about themselves . . .

The Plain Language Action & Information Network is a government-wide group of volunteers working to improve communications from the federal government to the public. We believe better communication will increase trust in government, reduce government costs, and reduce the burden on the public.

People should be able to understand what we write the first time they read it, especially materials that tell people how to obtain benefits or comply with requirements. This Web site contains lots of resources to help writers achieve the goal of clear communication. Take a look at our major guidance document: Writing User-Friendly Documents.

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