

Oklahoma
Secretary of State
Office of Administrative Rules

Administrative Rules on Rulemaking

UNOFFICIAL

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CHAPTER 10. ADMINISTRATIVE RULES ON RULEMAKING**

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SUBCHAPTER 1. GENERAL PROVISIONS

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- 655:10-1-3. Statutory citations
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655:10-1-1. Purpose

This Chapter establishes procedures and standards for filing and publishing rules, rulemaking notices, and executive orders in The Oklahoma Register and The Oklahoma Administrative Code as authorized under the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

655:10-1-2. Definitions

In addition to terms defined in 75 O.S., Section 250.3, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**APA**" means the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

"**ARR**" means the Administrative Rules on Rulemaking, OAC 655:10.

"**Agency**" means any constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission [75:250.3(3)] with authority for rulemaking. Except, "agency" does not include *the Legislature or any branch, committee or officer thereof, [or] . . . the courts* [75:250.3(3)]. [See also definition of "rulemaking entity" in this Section]

"**Amendment**" means a revision which adds, modifies, or deletes characters, numbers, letters, words, phrases, sentences, spaces, or punctuation in an existing section.

"**Appendix**" means a division of the OAC which contains one or more "graphics" (as defined in this Section). Appendices are placed at the end of a Chapter. [See 655:10-3-37]

"**Attestation**" means certification by an agency as to the correctness of copies of any rule . . . and that such rules were made and adopted if the rules are emergency [or preemptive] rules or finally adopted if the rules are permanent rules in substantial compliance with the Administrative Procedures Act [75:254]. [See 655:10-7-16 (relating to attestations)]

"**Chapter**" means a division of the OAC which designates a broad area of regulatory control within an agency's Title. [See also 655:10-3-22 (relating to Chapter numbers and headings)]

"**Code**" means the publication authorized in 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "OAC" in this Section]

"**Codification date**" means the date a rule was accepted for inclusion in the first official compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a); except, the date of codification for subsequently promulgated new rules is the effective date of the permanent rulemaking action which establishes the rules.

"**Docket number**" means the identification number assigned to a document upon its receipt in the OAR. [See 655:10-15-4 (relating to docket numbers)]

"**Document**" means the total body of information required by APA and ARR to be submitted for each rulemaking action or executive order to be published in the Register. [See also Part 9 of Subchapter 7 of this Chapter (relating to scope of a document)]

"**Document heading**" means the two-part heading required at the beginning of each notice document or rule document submitted to the OAR. [See 655:10-7-3 (relating to document headings)]

"**Emergency rule**" means a "rule," as defined in the APA, which must be approved by the Governor under the special provisions of 75 O.S., Section 253 prior to promulgation of the rule.

"**Enacting clause**" means the portion of a rule document which proclaims the agency's rulemaking action and introduces regulatory text. [See 655:10-7-13 (relating to enacting clauses)]

"**Existing rule**" means an effective rule.

"**Graphics**" means tabular material, forms, illustrations, diagrams, maps, charts, graphs, figures, or other pictorial material. [See 655:10-3-37 (relating to graphics and appendices)]

"**Notice document**" means a "document," as defined in this Section, which contains one of the following notices:

- (A) Notice of rulemaking intent [75:303(A),(B),(C)].
- (B) Notice of cancelled hearing or comment period [655:10-7-27].
- (C) Notice of continued hearing or comment period [655:10-7-28].
- (D) Statement of submission of permanent rules for gubernatorial and legislative review [75:303.1(C)].

- (E) Notice of gubernatorial approval of permanent rules [75:303.2(A)(1)].
- (F) Notice of gubernatorial disapproval of permanent rules [75:303.2(A)(2)].
- (G) Notice of legislative disapproval of rules [75:308(C) and 655:10-7-32].
- (H) Notice of withdrawn rules [75:308(F) and 655:10-7-33].
- (I) Notice of error in published document [655:10-7-35].

"OAC" means the publication authorized by 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "Code" in this Section]

"OAC number" means a Title, Chapter, Subchapter, Part, or Section number, or Appendix letter designation.

"OAR" means the Office of Administrative Rules. [See also definition of "Office of Administrative Rules" in this Section]

"Office of Administrative Rules" means the office, created pursuant to 75 O.S., Section 250.9 within the Office of the Secretary of State, with 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* [75:250.9]. [See also definition of "OAR" in this Section]

"Paragraph" means the second level of subdivision in a Section; a paragraph is a subdivision of a subsection in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Part" means a division of the OAC which contains a group of Sections related to the same subject within a Subchapter. [See also 655:10-3-23 (relating to Part numbers and headings)]

"Permanent rule" means a "rule," as defined in the APA, which must be reviewed by the Governor and the Legislature pursuant to 75 O.S., Sections 303.1, 303.2, and 308 prior to promulgation of the rule. [See also 655:10-7-10 (relating to types of rules)]

"Preamble" means the portion of a rule document that summarizes the rule(s) and the history of the rulemaking action, cites legal authority, and functions as a preface to the rule(s). [See 655:10-7-11 (relating to preambles)]

"Preemptive rule" means a "rule," as defined in the APA, which is adopted by the Commission for Human Services and which must be approved by the Governor under the special provisions of 75 O.S., Section 250.6 prior to promulgation of the rule.

"Proposed rule" means an emergency or preemptive rule prior to approval by the Governor, or a permanent rule prior to final adoption [see 75:250.3(4) (relating to final adoption)].

"Register" means the publication authorized in 75 O.S., Section 255 and known as The Oklahoma Register, successor publication to The Oklahoma Gazette.

"Regulatory text" means the language of any "rule," as defined in 75 O.S., Section 250.3(15) and this Section; any text, including graphics, which requires promulgation.

"Revocation" or **"revoke"** means the repeal of an existing rule (i.e., Section or Appendix) in its entirety.

"Rule" means a Section or Appendix [see also definition of "rule" in 75 O.S., Section 250.3(15)].

"Rule document" means a "document," as defined in this Section, which contains an emergency or preemptive adoption, or a permanent final adoption, of new rules or amendments to or revocations of existing rules.

"Rulemaking action" means any procedure, act, or occurrence, except executive orders, which must be announced in or published in the Register or Code under APA or ARR provisions, including:

- (A) Notice of rulemaking intent [75:303(A),(B),(C)].
- (B) Notice of cancelled hearing or comment period [655:10-7-27].
- (C) Notice of continued hearing or comment period [655:10-7-28].
- (D) Final adoption of a permanent rule(s) [75:308.1 and 75:251(B)].
- (E) Promulgation of an emergency rule(s) [75:253].
- (F) Promulgation by the Commission for Human Services of a preemptive rule(s) [75:250.6].
- (G) Submission of a proposed permanent rule(s) for gubernatorial and legislative review [75:303.1(C)].
- (H) Approval of a proposed permanent rule(s) by the Governor [75:303.2(A)(1)].
- (I) Disapproval of a proposed permanent rule(s) by the Governor [75:303.2(A)(2)].
- (J) Disapproval of a rule(s) by the Legislature [75:308(C)].
- (K) Withdrawal of a proposed rule from the rulemaking process [75:308(F) and 655:10-7-33].
- (L) Notice of error in a published document [655:10-7-35].

"Rulemaking entity" means the board, commission, officer, or other person or entity legally authorized to adopt and promulgate "rules," as defined in 75 O.S., Section 250.3(15).

"Section" means a "rule," as defined in 75 O.S., Section 250.3(15). A Section is a division of the OAC which contains an agency statement(s) about a specific regulatory topic within a Chapter, Subchapter, or Part. [See 655:10-3-24 (relating to Section numbers and taglines)]

"Section subdivision" means any one of five possible levels into which a Section may be separated. A maximum of five levels of Section subdivisions may be used in a Section [see 655:10-3-25 (relating to Section subdivisions)]:

- (A) Subsections
- (B) Paragraphs
- (C) Subparagraphs
- (D) Units
- (E) Subunits

"**Section text**" means the "regulatory text" (as defined in this Section) which follows the Section number and tagline in a Section.

"**Source note**" means the record of rulemaking history which follows a Section, an Appendix, or a Subchapter or Chapter table of contents in the Code. Source notes track the administrative history of a rule. [See 655:10-17-6 (relating to Chapter, Subchapter, and Section/Appendix source notes)]

"**Strikeout**" means a solid or dashed horizontal line through deleted regulatory text.

"**Subchapter**" means a division of the OAC which contains a group of Sections related to the same general subject area within a Chapter. [See 655:10-3-23 (relating to Subchapter numbers and headings)]

"**Subparagraph**" means the third level of subdivision within a Section; a subparagraph is a subdivision of a paragraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"**Subsection**" means the first level of subdivision in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"**Subunit**" means the fifth level of subdivision within a Section. A subunit is a subdivision of a unit in a Section; it is the smallest possible subdivision of a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"**Title**" means the broadest division of the OAC; a Title contains all rules of an agency. [See 655:10-3-21 (relating to Title numbers and headings)]

"**Unit**" means the fourth level of subdivision within a Section; a unit is a subdivision of a subparagraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"**Working day**" means any day except Saturday, Sunday, or a legal holiday for state employees as proclaimed by the Governor.

655:10-1-3. Statutory citations

Citations to statutes in this Chapter refer to the most recent codification of the statute.

655:10-1-4. Revised terminology due to statutory revisions and transfer of authority [EXPIRED]

655:10-1-5. Legal counsel

Agencies should direct any questions pertaining to interpretation or construction of the APA to the Office of the Attorney General or other legal counsel. Agencies should understand that advice and assistance offered by the OAR in meeting the requirements of the APA is informal and is not binding.

655:10-1-6. Agency representatives

(a) Appointment.

(1) **Designation.** Each agency shall designate, from its officers or employees, persons to serve in the following capacities. The same person may be designated to serve in more than one of these positions; provided, an officer may not be his or her own alternate.

- (A) Liaison officer and alternate.
- (B) Attestation officer and alternate or alternates.

(2) **General qualifications.** The representatives should possess the following qualifications:

- (A) general knowledge of the agency's functions, responsibilities, and internal procedures;
- (B) familiarity with the substance and procedures of the APA and ARR;
- (C) familiarity with the statutes or other legal instruments which govern the agency; and
- (D) if the representative is not responsible for drafting the agency's rules or notices, accessibility to those in operating divisions who are responsible for drafting the agency's rules and notices.

(3) **Attestation officer qualifications.** If the attestation officer is not the actual rulemaking entity, or a voting member if the authority for rulemaking is vested in more than one person (i.e., board or commission), the officer must be authorized by the rulemaking entity to attest, for the rulemaking entity, as to APA compliance. [See also 655:10-7-16 (relating to attestations)]

(b) Liaison officer duties.

(1) **Coordination of documents; verification.** The agency liaison officer shall act as liaison between the agency and the OAR in all matters concerning documents submitted by the agency. All documents submitted by an agency shall be coordinated through the liaison officer. All documents submitted require the verification and signature of the liaison officer [see 655:10-7-6].

(2) **Coordination of information.** ARR and APA information distributed by the OAR and correspondence directed to the individual agency by the OAR are sent to the attention of the liaison officer. The liaison officer is responsible for receiving and maintaining such information and for distributing the information to appropriate personnel within the agency.

(3) **Proof of publication.** The OAR shall send proof of publication to the liaison officer pursuant to 655:10-15-11.

(c) **Attestation officer duties.** The agency attestation officer is responsible for completing and signing attestations required by 655:10-7-16.

(d) **Notification.** The rulemaking entity shall report the appointment of agency representatives in writing to the OAR. Notification must include the representative's name, title, office address, and office telephone number. When a new representative is appointed, the rulemaking entity must report the name of the new representative in writing to the OAR within 30 days after such appointment. Provided, the OAR shall not accept a rule document for Register publication unless the name or names of the person or persons signing the attestation have been reported in writing to the OAR.

655:10-1-7. Time computations

(a) **Computing ARR time requirements.** In computing any time period prescribed or allowed by this Chapter, the day of the act, or event, from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is not a working day, in which event the period runs until the end of the next day which is a working day. For example, if a document is submitted on Monday, the first day of the OAR's six-calendar-day review period is Tuesday. And, because the sixth (and last) day falls on a weekend (Saturday), the review period is extended to Monday (or Tuesday, if Monday is a holiday).

(b) **Computing APA time requirements.** See 75 O.S., Section 250.8 for information relating to time computations for the APA.

655:10-1-8. Forms and instructions

The following forms or instructions related to this Chapter have been issued by the Secretary of State for use by agencies and may be obtained by contacting the OAR:

- (1) Checklists for Oklahoma's Rulemaking Process;
- (2) Examples of Document Formats;
- (3) Register Publication Dates and Filing Deadlines;
- (4) Typing Requirements and Restrictions;
- (5) Oklahoma's PERMANENT Rulemaking Process - An Overview for Regulatory Agencies; and
- (6) Oklahoma's EMERGENCY Rulemaking Process - An Overview for Regulatory Agencies.

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- 655:10-3-49. Internal cross references [AMENDED AND RENUMBERED TO 655:10-5-12.1]
- 655:10-3-50. External cross references [REVOKED]
- 655:10-3-51. Recodification [RESERVED]
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- 655:10-3-53. Maintenance of codified rules; filings on request

PART 11. SUBMISSIONS TO FIRST CODE [REVOKED]

- 655:10-3-60. Submission procedure; deadlines [REVOKED]
- 655:10-3-61. Code submission [REVOKED]
- 655:10-3-62. Corrected Code submissions [REVOKED]
- 655:10-3-63. Final acceptance deadline [REVOKED]
- 655:10-3-64. Codification attestation [REVOKED]
- 655:10-3-65. Electronic format report [REVOKED]
- 655:10-3-66. Schedule of compliance [REVOKED]
- 655:10-3-67. Notice of codification; conversion table [REVOKED]
- 655:10-3-68. Additional copies; maintenance of current rules [REVOKED]
- 655:10-3-69. Agency noncompliance; mandamus proceedings [REVOKED]

PART 1. INTRODUCTORY PROVISIONS

655:10-3-1. Function; scope

(a) This Subchapter describes the codification scheme for inclusion of rules in the Oklahoma Administrative Code and its supplements. Inclusion of a rule in the OAC requires prior publication in the Register as a finally adopted permanent rule

or as an adopted preemptive rule that has been approved by the Governor. Emergency rules are not added to the OAC or its supplements. However, emergency rules are published in the Register. They are part of the history of a Section or Appendix as referenced in Section/Appendix source notes in the OAC, and must be prepared pursuant to the codification scheme.

(b) Unless otherwise specifically noted, the rules of this Subchapter apply to permanent, emergency, and preemptive rules.

655:10-3-2. First OAC; "date of codification"; rulemaking actions before publication of first OAC [REVOKED]

655:10-3-2.1. Rulemaking prior to publication of first OAC [REVOKED]

655:10-3-3. Rulemaking after publication of first OAC

After publication of the first OAC, any rulemaking actions undertaken by an agency shall be prepared as additions, revocations, or amendments to the OAC, as follows:

(1) **Amendments; revocations.** All amendments or revocations shall bear the proper OAC numbers and shall amend or revoke OAC text. The OAR shall not accept for Register or Code publication an amendment to or revocation of any rule unless the regulatory text being amended or revoked:

(A) appears in the most recent published Code or Code supplement, or

(B) appears as finally adopted regulatory text in an issue of the Register published after the closing date for publication in the most recent published Code or Code supplement.

(2) **New rules.** Prior to the adoption of a new Chapter, the agency shall contact the OAR for assignment of a new Chapter number pursuant to 655:10-3-22. If the agency proposes a new Subchapter, Part, Section, or Appendix, the agency shall assign the new OAC number or numbers pursuant to 655:10-3-23 through 655:10-3-24.1 and proceed with the rulemaking process. The OAR may not accept a new rule for Register or Code publication unless the rule is prepared pursuant to the requirements of this Subchapter and Subchapters 5 and 7 of this Chapter.

PART 3. CODE STRUCTURE

655:10-3-10. Six major OAC divisions

The Code is organized into the following six major divisions:

(1) **Titles.** Each Title identifies an administrative agency, except for Title 1 which includes executive orders.

(2) **Chapters.** Each Chapter identifies a major area of regulatory control within an agency's authority. Each Chapter identifies a group of Sections which are:

(A) related to the same major agency program or legally-designated regulatory power;

(B) dependent on a common set of definitions; or

(C) independent of another Chapter in meaning or effect.

(3) **Subchapters.** Each Subchapter identifies a group of Sections related to the same general subject within a Chapter. The use of Subchapters is optional.

(4) **Parts.** Each Part identifies a group of Sections related to the same subject within a Subchapter. The use of Parts is optional.

(5) **Sections.** Each Section identifies a specific agency statement within a Chapter, Subchapter, or Part. Each Section is considered to be a single "rule." [See Part 5 of this Subchapter (relating to Code numbering, headings, and taglines)]

(6) **Appendices.** Each Appendix identifies a graphic, as defined in 655:10-1-2, which the agency considers to be regulatory text (i.e., text requiring promulgation). Each Appendix is considered to be a single "rule."

655:10-3-11. Five Section subdivision levels

(a) Section subdivisions identify enumerations, or further groupings of subject matter, within a Section, as follows:

(1) **Subsections.** Sections may be divided into subsections.

(2) **Paragraphs.** Subsections may be divided into paragraphs.

(3) **Subparagraphs.** Paragraphs may be divided into subparagraphs.

(4) **Units.** Subparagraphs may be divided into units.

(5) **Subunits.** Units may be divided into subunits.

(b) For information relating to Section subdivision numbers/letters and taglines, see 655:10-3-25.

PART 5. CODE NUMBERING, HEADINGS, AND TAGLINES

655:10-3-20. OAC numbers

Title, Chapter, Subchapter, Part, and Section numbers, and Appendix letter designations, are considered OAC numbers in the Code.

655:10-3-21. Title numbers and headings

- (a) **Title numbers.** The Title number is an arabic number assigned to an agency, except Title 1 which is used for executive orders. Title numbers are assigned by the OAR pursuant to (d) of this Section.
- (b) **Title headings.** Each Title, except Title 1, requires a heading which is the formal name of the agency as it appears in statute, constitution, or other enabling law. Title headings are assigned by the OAR pursuant to (d) of this Section.
- (c) **Format.** Title numbers and headings are formatted in regulatory text and document headings as follows:
- (1) The word TITLE is followed by a space, the Title number, a period, two spaces, and the Title heading as described in (b) of this Section. This information is typed in uppercase letters, bolded, and centered.
 - (2) No punctuation follows the Title heading.
 - (3) The following is an example of a Title number and heading: **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH**
- (d) **Assignment.** Title numbers and headings are assigned by the OAR, in compliance with the Secretary's codification scheme. A current list of assigned Titles shall be maintained by the OAR and published in each issue of the Register beginning December 3, 1990. Prior to the adoption of new rules, a rulemaking entity with no assigned Title number shall request in writing a Title number and heading from the OAR.

655:10-3-22. Chapter numbers and headings

- (a) **Chapter numbers.** The Chapter number is an arabic number assigned to a major area of regulatory control within the agency's rulemaking authority, as described in 655:10-3-10(2). Chapters 1 through 9 of each Title are used only for rules required by 75 O.S., Sections 302, 305, and 307. [See 655:10-5-7 (relating to "required rules"); see also 655:10-3-27 (relating to gapping numbers)]
- (b) **Chapter headings.** Each Chapter requires a brief heading which reflects its subject matter.
- (c) **Format.** Chapter numbers and headings are formatted in regulatory text and document headings as follows:
- (1) The word CHAPTER is followed by a space, the Chapter number, a period, two spaces, and the Chapter heading as described in (b) of this Section. This information is typed in uppercase letters, bolded, and centered.
 - (2) No punctuation follows the Chapter heading.
 - (3) The following is an example of a Chapter number and heading: **CHAPTER 15. LICENSURE FOR HOSPITALS AND RELATED INSTITUTIONS**
- (d) **Assignment.** Chapter numbers and headings are assigned by the OAR, in consultation with the agency. Prior to the adoption of a new Chapter, the agency must contact the OAR for assignment of a Chapter number and approval of the heading.

655:10-3-23. Subchapter and Part numbers and headings

- (a) **Subchapter numbers; implied Subchapter 1.** The Subchapter number is an arabic number assigned to a compilation of Sections relating to the same general subject within a Chapter. [See also 655:10-3-27 (relating to gapping numbers)]
- (1) Use of Subchapters is optional; provided, a Chapter may not contain only one Subchapter unless the agency anticipates the need for an additional Subchapter(s) in the future.
 - (2) If Subchapters are not used within a particular Chapter, the digit "1" is used as an implied Subchapter designation in all Section numbers within that Chapter. [See 655:10-3-26(a) (relating to "implied Subchapter 1"); see also 655:10-3-27 (relating to gapping numbers)]
- (b) **Part numbers.** The Part number is an arabic number assigned to a compilation of one or more Sections relating to the same subject within a Subchapter. [See also 655:10-3-27 (relating to gapping numbers)] Use of Parts is optional; provided:
- (1) Parts may not be used if Subchapters are not used within a Chapter, and
 - (2) a Subchapter may not contain only one Part, unless the agency anticipates the need for an additional Part(s) in the future.
- (c) **Subchapter and Part headings.** Each Subchapter and each Part must have a brief heading which reflects its subject matter.
- (d) **Format.** Subchapter and Part numbers and headings are formatted in regulatory text as follows:
- (1) The word SUBCHAPTER is followed by a space, the Subchapter number, a period, two spaces, and the Subchapter heading as described in (c) of this Section. This information is typed in uppercase letters, bolded, and centered.
 - (2) The word PART is followed by a space, the Part number, a period, two spaces, and the Part heading as described in (c) of this Section. This information is typed in uppercase letters, bolded, and centered.
 - (3) No punctuation follows the Subchapter or Part heading.
 - (4) The following is an example of a Subchapter number and heading: **SUBCHAPTER 5. SUBMITTAL REQUIREMENTS**
 - (5) The following is an example of a Part number and heading: **PART 3. PREPARATION OF PLANS AND SPECIFICATIONS**

(e) **Assignment.** Subchapter and Part numbers and headings are assigned by the adopting agency and reviewed by the OAR prior to publication in the Register and Code.

655:10-3-24. Section numbers and taglines

(a) **Section numbers.** A Section number is a four-part number assigned to an individual rule. Each Section number is a unique number within the Code. An OAC Section number has four elements: a Title (agency-level) number; a Chapter number; a Subchapter number; and a number that distinguishes the Section from all other Sections within the same Title, Chapter, and Subchapter. An example of an OAC Section number is 10:20-1-3. This number (10:20-1-3) contains the following elements:

- (1) "10" identifies the Title.
- (2) ":20" identifies the Chapter.
- (3) "-1" identifies the Subchapter. Note, if no Subchapters are used, the number 1 is used in all Section numbers in the Chapter [see 655:10-3-26(a) (relating to "implied Subchapter 1")].
- (4) "-3" identifies this Section as the third Section in Subchapter 1 (or implied Subchapter 1) of Chapter 20 of Title 10.

(b) **Section taglines.** Each Section must have a "tagline," the topic heading of a Section. The tagline consists of a word or phrase, or a series of words or phrases, that clearly describes the subject matter of the Section. While a tagline should be brief and concise, it should contain enough information to reflect the essence of the rule. [See also 655:10-5-14 (relating to writing taglines)]

(c) **Format.** Section numbers and taglines are formatted in regulatory text as follows:

- (1) The Section number and tagline begin at the left margin.
- (2) The Section number and the tagline are separated by a period and approximately two spaces. No punctuation follows the tagline.
- (3) The Section number and the tagline are bolded.
- (4) The first letter of the first word of a tagline is capitalized; the remaining words of the tagline are typed in lowercase letters unless the word itself is a proper noun or otherwise requires capitalization.
- (5) For examples of provisions in this subsection, see Section taglines used throughout this Chapter.

(d) **Location of Section text.** The text of the Section begins on the line immediately below the tagline. If the text begins with an "implied subsection (a)" instead of being immediately subdivided into subsections, indent the first line of text approximately 1/4 inch. [See also 655:10-3-26(b) (relating to "implied (a)")] Subsections and other Section subdivisions are formatted pursuant to 655:10-3-25. For examples of these provisions, see the text of Sections throughout this Chapter.

(e) **Assignment; promulgation.** Section numbers and taglines are assigned by the adopting agency and reviewed by the OAR prior to publication in the Register and Code. Section numbers and taglines must be promulgated as part of the regulatory text. When an agency proposes a new Section, the agency must assign the Section a number which locates it in a logical place in the Code, paying attention to its interrelationship with other rules, and the degree to which a particular placement will make the Section easier to find. [See also 655:10-3-28 (relating to decimal point numbering)]

655:10-3-24.1. Appendix letters and headings

(a) **Appendix letters.** Appendices within a Chapter are designated using capital letters, beginning with the letter "A." Appendices include graphics (i.e., tabular materials, forms, illustrations, diagrams, maps, charts, graphs, figures, and other pictorial material) that the agency considers to be regulatory text (requiring promulgation). [See also 655:10-3-37 (relating to graphics and appendices)].

(b) **Appendix headings.** Each Appendix must have a brief heading which reflects its subject matter. If the graphic itself has a heading, both the graphic heading and the Appendix heading must be included, even if they are identical.

(c) **Format.** Appendix letters and headings are formatted in regulatory text as follows:

- (1) The word APPENDIX is followed by a space, the Appendix designation (A, B, C, etc.), a period, two spaces, and the Appendix heading as described in (b) of this Section. This information is typed in uppercase letters, bolded, and centered.
- (2) No punctuation follows the Appendix heading.
- (3) The following is an example of an Appendix letter and heading: **APPENDIX S. RESTRICTED AREAS FOR APPLICATION OF HORMONE-TYPE PESTICIDES**

(d) **Location; Appendix text.**

- (1) All Appendices within a Chapter are placed at the end of the Chapter. Each Appendix begins on a new page.
- (2) The text of an Appendix begins approximately two spaces below the Appendix heading. If the graphic itself has a heading, that heading is part of the Appendix text.

(e) **Assignment.** Appendix letters and headings are assigned by the adopting agency and reviewed by the OAR prior to publication in the Register and Code.

655:10-3-25. Section subdivision numbers/letters and taglines

(a) Section subdivision numbers/letters

(1) **Structure.** Sections may be subdivided according to the following structure, in the order shown, subject to the provisions of (2) through (4) of this subsection.

(A) A subsection is designated by a lower-cased letter of the alphabet enclosed in parentheses [e.g., (a), (b), (c)].

(B) A paragraph is designated by an arabic numeral enclosed in parentheses [e.g., (1), (2), (3)].

(C) A subparagraph is designated by an upper-cased letter of the alphabet enclosed in parentheses [e.g., (A), (B), (C)].

(D) A unit is designated by a lower-cased roman numeral enclosed in parentheses [e.g., (i), (ii), (iii), (iv)].

(E) A subunit is designated by an upper-cased roman numeral enclosed in parentheses [e.g., (I), (II), (III), (IV)].

(2) **Tabulation.** Tabulation is a device for arranging the structure of Section subdivisions. With the exception of an "implied subsection (a)" [see 655:10-3-26(b)], subsections begin at the left margin. Paragraphs are indented approximately 1/4 inch; subparagraphs are indented approximately 1/2 inch; units are indented approximately 3/4 inch; subunits are indented approximately 1 inch. If the text of a subdivision exceeds one line, the second and any succeeding lines are aligned under the first parenthesis of the subdivision number or letter.

(3) **Designation.** If only one subsection exists in a Section, it is not designated as a subsection. The same policy applies to all other Section subdivision levels. For example, agencies may not use (a) without (b), or (1) without (2), etc. [See also 655:10-3-26(b) (relating to use of "implied (a)")]

(4) **Definitions.** Definitions of specific terms in a Definitions Section shall be formatted in an alphabetical listing and shall not be structured according to (1) through (3) of this subsection. [See 655:10-5-10 (relating to definitions Sections)]

(b) **Section subdivision taglines.** A tagline that briefly describes a Section subdivision's contents may be used[see also 655:10-5-15 (relating to writing taglines)], with the following exceptions:

(1) If the subdivision is an "implied subsection (a)," a tagline may not be used, as exemplified by 655:10-3-10 and 655:10-7-12. [See also 655:10-3-26(b) (relating to "implied (a)")]

(2) If a Section subdivision does not contain at least one complete sentence, or does not begin a sentence which is completed in lower-level subdivisions, a tagline may not be used, as exemplified by 655:10-15-5(a)(1)(A) through(O).

(3) If a tagline is used for any one subdivision, taglines must be used in all its corresponding subdivisions, as exemplified by taglines used throughout this Chapter.

(4) When taglines are used at a subdivision level, taglines must be used at any higher level subdivisions within the Section, except when the higher level subdivision is an "implied subsection (a)."

(5) If a subdivision is itself subdivided, and if no text precedes its subdivisions, it must be assigned a tagline, as exemplified by (c) of this Section.

(c) **Location; format; subdivision text.**

(1) A Section subdivision tagline is located on the same line as, and immediately following, the subdivision's number or letter [see (a) of this Section].

(2) The number/letter and the tagline are separated by approximately two spaces.

(3) The tagline is immediately followed on the same line by a period, two spaces, and the Section subdivision's text. The second line of text, and all succeeding lines within the subdivision, begin directly below the first parenthesis of the subdivision number or letter.

(4) The Section subdivision tagline is bolded; the subdivision number or letter is not bolded.

(5) The first letter of the first word of the tagline is capitalized; the remaining words of the tagline are typed in lowercase letters unless the word itself is a proper noun or otherwise requires capitalization.

(6) For examples of provisions in (1) through (5) of this subsection, see Section subdivision taglines used throughout this Chapter.

(d) **Assignment; promulgation.** Section subdivision numbers/letters and taglines are assigned by the adopting agency and reviewed by the OAR prior to publication in the Register and Code. Section subdivision numbers/letters and taglines must be promulgated as part of the regulatory text.

655:10-3-26. Implied numbers/letters

(a) **"Implied Subchapter 1".** If a Chapter does not include Subchapters, the digit "1" is used as the Subchapter designation in all Section numbers within that Chapter. This is referred to as an "implied Subchapter 1."

(b) **"Implied (a)".** Any undesignated text which immediately follows a Section tagline and precedes an enumeration shall be considered an "implied (a)." As such, it shall not be designated as an (a), and the first enumeration under the "implied (a)" shall be designated at the paragraph level. For example, 655:10-3-10 illustrates the use of an "implied (a)."

655:10-3-27. Gapping numbers

To allow for future expansion, some numbers in the Code are "gapped" as follows:

(1) **Title numbers.** Executive Orders are codified in Title 1. To allow for future needs, Titles 2 through 9 were not used in the initial codification scheme. Beginning with Title 10, most Title numbers assigned for the first Code are divisible by five, thus being gapped by four. The OAR assigns Title numbers to agencies upon request, using unused numbers and gapping whenever possible.

(2) **Chapter numbers.** Except for Chapters 1 through 9 which are reserved for "required rules," Chapter numbers within a Title are initially gapped by four beginning with the number 10 (i.e., 10, 15, 20, 25). [See 655:10-5-7 (relating to "required rules")]

(3) **Subchapter, Part numbers.** Subchapter and Part numbers initially use odd numbers, thus gapping by one. When designating Subchapters in a new Chapter, or Parts in a new Subchapter, the agency shall gap the numbers pursuant to this paragraph.

(4) **Section numbers.** The first Section in a new Chapter or Subchapter shall begin with the number 1 following the Subchapter designation in the four-part Section number. Within a Subchapter, individual Section numbers increase with no gapping; except, if Parts are used, the first Section number of a new Part increases by at least four. For example, if the last Section number in a Part is 655:10-1-21, the first Section number in the next Part must be designated as 655:10-1-25 or higher.

(5) **Section subdivision numbers/letters.** No gapping in numbering or lettering is allowed when subdividing Sections.

(6) **Appendix designations.** The first Appendix in a Chapter is designated "Appendix A," and subsequent Appendices are assigned letters, in alphabetical order and with no gapping.

655:10-3-28. Decimal point numbering

Decimal point numbering may be used when it is necessary to add a Section or Sections between two existing Sections. Use a decimal point followed by an arabic numeral, beginning with the number 1 (e.g., 10:10-3-19, 10:10-3-19.1, 10:10-3-19.2, . . . 10:10-3-20).

655:10-3-29. Reserving OAC numbers

Title, Chapter, Subchapter, Part, and Section numbers, and Appendix letters, may be reserved pursuant to this Section. A number or letter that is not used because of the gapping policy in 655:10-3-27 is not reserved.

(1) **Reserving numbers by agency request.** Agencies may request the reservation of a Title or Chapter in the Code by submitting a written request to the OAR. The OAR shall review the request and respond in writing. If approved, the OAR will update the Code accordingly.

(2) **Reserving numbers via rulemaking.** Subchapter, Part, and Section numbers, and Appendix letters, may be reserved by an agency in a rulemaking action.

(3) **Reserving numbers by necessity.** The OAR may reserve a Chapter, Subchapter, Part, Section, or Appendix number or letter to correct a numbering gap that is:

(A) not discovered in rules prior to approval by the Governor (if emergency or preemptive) or final adoption (if permanent), and that is not authorized by the gapping policy in 655:10-3-27; or

(B) caused by gubernatorial/legislative disapproval or withdrawal by the agency from the rulemaking process of a Section, Appendix, Part, Subchapter, or Chapter, when such disapproval or withdrawal results in a gap in numbering not authorized under 655:10-3-27.

655:10-3-30. Re-using revoked OAC numbers

(a) **Revoked Sections.** When a Section is revoked, that Section number may not be used again except if the Section is later replaced with a Section covering the same topic. The number, tagline, and source note of a revoked Section remain in the Code permanently for publication and reference purposes.

(b) **Revoked Chapters, Subchapters, Parts.** When an entire Chapter, Subchapter, or Part is revoked, the Chapter, Subchapter, or Part number may be reactivated if new Sections on the same topic are promulgated at a later date. A Chapter is revoked by revoking every Section and Appendix in the Chapter. A Subchapter or Part is revoked by revoking every Section in the Subchapter or Part.

(c) **Revoked Titles.** When an entire Title is revoked, the number is not used again, except at the discretion of the OAR. A Title is considered revoked when every Chapter within the Title has been revoked, as described in (b) of this Section.

(d) **Revoked Appendices.** When an Appendix is revoked, that Appendix letter may not be used again except if the Appendix is replaced with an Appendix covering the same topic [see 655:10-5-3(a)(2) (relating to revocation and reenactment of Appendices)]. The letter, heading, and source note of a revoked Appendix remain in the Code permanently for publication and reference purposes.

PART 7. REGULATORY TEXT

655:10-3-34. Scope and use

Regulatory text begins at the Section level. The Section number, tagline, and text, including all Section subdivision numbers/letters, taglines, and text, are considered regulatory text, requiring promulgation through the formal rulemaking process. Appendices and their letter designations and headings are also considered regulatory text. All regulatory text must be designated within Sections or Appendices.

655:10-3-35. Placement of Sections and Section text

(a) **Placement of Sections.** In a rule document (emergency, permanent, or preemptive), affected Sections (i.e., Sections that are being added or revised in some way) follow the enacting clause [see 655:10-7-14 (relating to regulatory text)]. Sections should be separated by one or two blank lines.

(b) **Placement of Section text.** The text of a Section, referred to as "Section text," begins on the first line below the Section number and tagline, as follows:

(1) **No subdivisions used.** If the Section contains no subdivisions, the first line of text is indented approximately 1/4 inch, and the second and succeeding lines of text begin at the left margin.

(2) **Subdivisions used.**

(A) **"Implied (a)" used.** If the Section begins with an "implied (a)" [see 655:10-3-26], the first line of text is indented approximately 1/4 inch, and the second and succeeding lines of text begin at the left margin. Subdivisions of the "implied (a)" are formatted pursuant to 655:10-3-25.

(B) **Subsections used.** If the Section is divided into subsections, the first line of text begins with the subsection designation [i.e., (a)] at the left margin. The text of the subsection begins approximately two spaces following its tagline, if used, or approximately two spaces following its letter designation, if a tagline is not used. For formatting subsequent subsections [i.e., (b), (c), etc.] and further subdivisions, see 655:10-3-25.

655:10-3-36. Drafting regulatory text; designating text; complete sentences

(a) Regulatory text shall be drafted pursuant to this Section and the rule drafting requirements of Subchapter 5 of this Chapter.

(b) All regulatory text must be designated within Sections or Appendices. Within Sections, text must be designated using subdivision numbers/letters, as set forth in 655:10-3-25, except when using an implied (a), as described in 655:10-3-26. Text may not be "floated" or undesignated. For example, an **undesignated** block of text that starts on a new line following other text in a given subdivision or following an enumeration is "floating" text, and may not be left undesignated.

(c) Every Section must begin with a complete sentence, or begin a sentence which is completed in its subdivisions.

655:10-3-37. Graphics and appendices

(a) **"Graphics" defined; graphics as regulatory text.** Graphics are tabular materials, forms, illustrations, diagrams, maps, charts, graphs, figures, and other pictorial material. Unless labeled as supplemental information in a rule document, graphics are considered regulatory text.

(b) **Use limited.** A graphic should be used only when an agency deems it absolutely necessary. Rules must be in narrative form whenever possible.

(c) **Reproducing colors; size.**

(1) Colors may not be used in graphics, as colors cannot be reproduced in the Register or Code.

(2) The area of text for graphics in Appendices may not exceed 7½ inches by 10 inches. If an agency cannot comply, by reduction or other means, the agency must contact the OAR. Exceptions to this paragraph will be made only at the discretion of the OAR.

(d) **Location.**

(1) **Graphics in appendices.** When an agency finds that use of a graphic is absolutely necessary and that the regulatory text cannot be stated in narrative form, the agency must:

(A) place the graphic in an Appendix, except as allowed in (2) of this subsection. Appendices are prepared pursuant to 655:10-3-24.1 and added, amended, or revoked pursuant to (e) of this Section; and

(B) cite the Appendix in the text of at least one applicable Section (e.g., "as set forth in Appendix A of this Chapter").

(2) **Graphics within Sections.**

(A) **Restrictions.** A graphic should rarely be included within a Section, as described in this subparagraph.

(i) A graphic may be included within a Section only if:

(I) the agency determines that use of the graphic is absolutely necessary and that the regulatory text cannot be stated in narrative form;

- (II) the agency determines that placement of the graphic in an Appendix would be inappropriate;
 - (III) the graphic can be easily typed within the text margins of the Section; and
 - (IV) the graphic's contents consist only of words, numbers, or other characters that can be typed; and
 - (V) the graphic can be easily amended using strikeouts and underscoring.
- (ii) If any one of the characteristics described in (i)(I) through(V) of this subparagraph does not apply to a graphic, the graphic must be:
- (I) placed at the end of the Chapter and prepared as an Appendix, as described in (1) of this subsection, or
 - (II) expressed in a narrative style, within the usual subdivision numbering scheme of a Section.
- (iii) When a graphic is included within a Section, the graphic must be preceded by appropriate introductory language which explains its function and contents (e.g., "The following table sets forth the requirements for . . .").
- (B) **Format.** A graphic typed within a Section may not be numbered in any manner; however, the graphic may have a heading.
- (e) **Amending, revoking, adding, deleting graphics and Appendices.** When amending, revoking, adding, or deleting graphics or Appendices, the agency shall identify the changes pursuant to the following:
- (1) **Amending graphics and Appendices.**
 - (A) **Graphics in Sections.** When amending a graphic within a Section, the agency shall indicate the changes with strikeouts and underscoring.
 - (B) **Appendices.** When amending an Appendix, the agency shall amend the Appendix by revoking and reenacting the Appendix as set forth in 655:10-5-3(a)(2).
 - (2) **Adding, deleting, and revoking graphics and Appendices.**
 - (A) **Graphics in Sections.**
 - (i) **Adding graphics in Sections.** When adding a graphic within a Section, the agency shall underscore the text of the graphic.
 - (ii) **Deleting graphics in Sections.** When deleting a graphic within a Section, the agency shall strikeout the text of the graphic.
 - (B) **Appendices.**
 - (i) **Adding graphics and Appendices.**
 - (I) **Adding graphics to existing Appendices.** When adding a new graphic to an existing Appendix, the agency shall amend the Appendix by revoking and reenacting the Appendix as set forth in 655:10-5-3(a)(2).
 - (II) **Adding Appendices.** When adding an Appendix, the agency shall type the word [NEW] approximately two spaces after the centered Appendix heading. The text of the Appendix is not underscored. [See also 655:10-5-2(a)(2) (relating to new Appendices)]
 - (ii) **Deleting graphics in Appendices; revoking Appendices.**
 - (I) **Deleting graphics in existing Appendices.** When deleting a graphic in an existing Appendix, the agency shall amend the Appendix by revoking and reenacting the Appendix as set forth in 655:10-5-3(a)(2).
 - (II) **Revoking Appendices.** When revoking an Appendix, the agency shall type the word [REVOKED] approximately two spaces after the centered Appendix heading. The text of the revoked Appendix is not stricken. [See also 655:10-5-4(a)(2) (relating to revoked Appendices)]
- (f) **Renumbering or reserving Appendices.** Appendices may be renumbered as set forth in 655:10-5-8 or reserved as set forth in 655:10-3-29.

PART 9. MISCELLANEOUS CODIFICATION REQUIREMENTS

655:10-3-42. Code headers [REVOKED]

655:10-3-43. Chapter source notes [REVOKED]

655:10-3-44. Subchapter source notes [REVOKED]

655:10-3-45. Section source notes; Appendix source notes [REVOKED]

655:10-3-46. Authority notes [AMENDED AND RENUMBERED TO 655:10-17-7]

655:10-3-46.1. Continuation notes [REVOKED]

655:10-3-47. Tables of contents [REVOKED]

655:10-3-48. Purpose Sections; definitions Sections

The first Sections in a Chapter are used for purpose statements and definitions. When additional purpose statements and definitions are needed at a Subchapter or Part level, the first Sections in that Subchapter or Part are used.

(1) **Purpose Sections.** Each Chapter begins with a Section called "Purpose" which contains a purpose statement. Purpose Sections may be added, as needed, for Subchapters and Parts. A purpose Section contains a brief description of the rules and reasons they are being made.

(A) **Chapter purpose Section.** Each Chapter must contain a purpose statement(s) as follows:

(i) **With Subchapters.** If a Chapter contains Subchapters, the agency must prepare a purpose statement or statements for the Chapter pursuant to one of the following:

(I) The first Section of the first Subchapter must be a purpose statement for the Chapter; provided, the first Subchapter must consist only of provisions of general applicability to the Chapter (e.g., purpose, definitions, severability clause, etc.); or

(II) The first Section of each Subchapter in the Chapter must be a purpose statement for the Subchapter, thus comprising in total a purpose statement for the Chapter.

(ii) **Without Subchapters.** If a Chapter contains no Subchapters, the first Section in the Chapter must be a purpose statement for the Chapter.

(B) **Subchapter and Part purpose Sections.** Subchapter and Part purpose statements are optional, except when Subchapter purpose Sections are required pursuant to (A)(i)(II) of this paragraph. When used, the Subchapter or Part purpose statement must be the first Section in the Subchapter or Part.

(2) **Definitions Sections.** If definitions Sections are needed in rules, they are placed near the beginning of the Chapter, Subchapter, or Part to which they apply. Definitions shall be drafted and formatted as set forth in 655:10-5-10.

655:10-3-49. Internal cross references [RENUMBERED TO 655:10-5-12.1]

655:10-3-50. External cross references [REVOKED]

655:10-3-51. Recodification [RESERVED]

655:10-3-52. Agency publications

Many agencies have brochures, handbooks, manuals, or other publications which contain their rules. These rule texts are not official. The official rule text is the text as published in the Register and included in the Code [75:250.7 and 75:256(A)(1)]. Agencies are urged to use the two-person proofreading method to check agency publications against the official Code or Register text.

655:10-3-53. Maintenance of codified rules; filings on request

Each agency must maintain a current set of permanent codified rules. At the request of the Secretary as set forth in 75:251(A)(1), an agency must supply a complete set of current permanent rules to the OAR *in such form as is required by the Secretary*.

PART 11. SUBMISSIONS TO FIRST CODE [REVOKED]

655:10-3-60. Submission procedure; deadlines [REVOKED]

655:10-3-61. Code submissions [REVOKED]

655:10-3-62. Corrected Code submissions [REVOKED]

655:10-3-63. Final acceptance deadline [REVOKED]

655:10-3-64. Codification attestation [REVOKED]

655:10-3-65. Electronic format report [REVOKED]

655:10-3-66. Schedule of compliance [REVOKED]

655:10-3-67. Notice of codification; conversion table [REVOKED]

655:10-3-68. Additional copies; maintenance of current rules [REVOKED]

655:10-3-69. Agency noncompliance; mandamus proceedings [REVOKED]

SUBCHAPTER 5. RULE DRAFTING REQUIREMENTS

655:10-5-1.	Drafting and codification; text affected
655:10-5-2.	Identifying new rules
655:10-5-3.	Identifying amendatory language in rules
655:10-5-4.	Identifying revoked rules
655:10-5-5.	Revocation and reenactment [REVOKED]
655:10-5-6.	Superseded emergency actions; expired emergency rules
655:10-5-7.	"Required rules"
655:10-5-8.	Renumbering Sections and Appendices within a Chapter
655:10-5-9.	Renumbering vs. recodification [RESERVED]
655:10-5-10.	Use of definitions
655:10-5-11.	"No change" policy [REVOKED]
655:10-5-12.	Quoting and paraphrasing from legal instruments
655:10-5-12.1.	Cross references; "relating to"; ambiguous references
655:10-5-13.	Amending, revoking, and adding graphics and appendices [REVOKED]
655:10-5-14.	Writing taglines
655:10-5-15.	Incorporations by reference
655:10-5-16.	Footnotes and endnotes
655:10-5-17.	Agency notes
655:10-5-18.	Effective dates
655:10-5-19.	Acronyms and abbreviations
655:10-5-20.	Enumerations; parallel structure; "floating" text [REVOKED]

655:10-5-1. Drafting and codification; text affected

- (a) **Drafting and codification.** Agencies shall draft rules as set forth in this Subchapter. All rules drafted by the agency shall also comply with the codification requirements set forth in Subchapter 3 of this Chapter.
- (b) **OAC text affected.** When drafting rules for adoption, the rules are presented as amendments to or revocations of OAC text, or as additions to the OAC.

655:10-5-2. Identifying new rules

- (a) **New Sections and Appendices.** When preparing new Sections or Appendices, agencies shall identify the new Sections and Appendices as follows:
- (1) **New Sections.** Underscore the text of a new Section, including the Section number and tagline.
 - (2) **New Appendices.** Type the word [NEW] approximately two spaces following the centered Appendix heading (e.g., **APPENDIX K. ZONING DISTRICTS [NEW]**). Begin the contents of the Appendix approximately two single spaces below the heading. Do not underscore. Begin each new Appendix on a new page.
- (b) **New Parts, Subchapters, Chapters.** When preparing new Parts, Subchapters, and Chapters, agencies shall underscore the centered Part, Subchapter, or Chapter number and heading. Sections within the new Part, Subchapter, or Chapter are prepared pursuant to (a)(1) of this Section. Appendices within a new Chapter are prepared pursuant to (a)(2) of this Section.

655:10-5-3. Identifying amendatory language in rules

- (a) **Amended Sections and Appendices.** When preparing amendatory language in rules, agencies shall identify the amendatory language as follows:
- (1) **Amended Sections.**
 - (A) Prepare amendatory language in Sections, including Section taglines, as follows:
 - (i) Underscore new language.
 - (ii) Strikeout existing language and spaces that are being deleted [see 655:10-1-2 (definition of "strikeout")].
 - (iii) If replacing deleted text with new text, type new language following the language which it replaces.
 - (iv) Do not strikeout part of a word or number. Strikeout the entire word or number being replaced, and type and underscore the complete new word(s) or number(s). For example, to change the word "requirements" to "requirement," strikeout the word "requirements" and underscore the word "requirement."
 - (B) If amending and renumbering a Section, prepare the text pursuant to 655:10-5-8.
 - (2) **Amended Appendices (revocation and reenactment).**
 - (A) Amend Appendices by revoking and reenacting. To revoke and reenact an Appendix, revoke the existing Appendix and simultaneously reenact a new Appendix (on the same regulatory topic) that completely replaces the revoked Appendix, as follows:

(i) Identify the revoked Appendix by typing the word [REVOKED] approximately two spaces following the centered Appendix heading (e.g., **APPENDIX K. ZONING DISTRICTS** [REVOKED]). Do not include the text of the revoked Appendix.

(ii) Following the information in (A) of this paragraph, identify the reenacted Appendix by typing the word [NEW] approximately two spaces following the centered Appendix heading (e.g., **APPENDIX K. ZONING DISTRICTS** [NEW]). Begin the contents of the Appendix approximately two spaces below the heading.

(B) If amending and renumbering an Appendix, prepare pursuant to 655:10-5-8.

(b) **Amended Part, Subchapter, Chapter headings.** When amending the heading of a Part, Subchapter, or Chapter, agencies should use strikeouts and underscoring, as described in (a)(1)(A) and (B) of this Section to identify changes to the existing heading.

655:10-5-4. Identifying revoked rules

(a) **Revoked Sections and Appendices.** When preparing revoked Sections or Appendices, agencies shall identify the revoked Sections and Appendices as follows:

(1) **Revoked Sections.**

(A) Type the word [REVOKED] approximately two spaces following the Section number and tagline. Do not strikeout the number and tagline.

(B) Include the full text of the Section and strikeout the text.

(2) **Revoked Appendices.**

(A) Type the word [REVOKED] approximately two spaces after the Appendix heading. Do not strikeout the Appendix letter and heading.

(B) Begin the contents of the Appendix approximately two spaces below the heading. Do not strikeout the contents of the Appendix.

(C) Begin each revoked Appendix on a new page.

(b) **Revoked Parts, Subchapters, Chapters.** When preparing revoked Parts, Subchapters, and Chapters (i.e., the revocation of all Sections in the Part or Subchapter or all Sections and Appendices in the Chapter), agencies shall type the centered Part, Subchapter, or Chapter number and heading, followed by the word [REVOKED], and then followed by the revoked Sections in that Part, Subchapter, or Chapter. The revoked Sections and Appendices are prepared pursuant to (a) of this Section.

655:10-5-5. Revocation and reenactment [REVOKED]

655:10-5-6. Superseded emergency actions; expired emergency rules

(a) **Text affected.**

(1) **Superseded amendments.** When an emergency amendment is superseded by a permanent action or another emergency action which affects the same Section or Appendix, the later action must be prepared as an amendment to or revocation of the last promulgated permanent text in that Section or Appendix (i.e., prior to any emergency action). The previous emergency action is superseded by the later action upon the effectiveness of the later action.

(2) **Superseded new Section/Appendix.** When an emergency enactment of a new Section or Appendix is superseded by a permanent enactment of the Section/Appendix, or another emergency enactment of the Section/Appendix, each action must be prepared as the enactment of new language. Although the agency may alter the language of the earlier emergency action, the agency does not identify changes (through the use of strikeouts and underscoring) to the earlier emergency rule text. Emergency rule text is never amended, but is superseded by later rulemaking actions. The earlier emergency rule is superseded upon the effectiveness of the later rule.

(3) **Superseded revocations.** When an emergency revocation is superseded by a permanent revocation of the same Section or Appendix, the later revocation must be prepared as a revocation of the last promulgated permanent text of that Section or Appendix.

(b) **Expiration date of superseding emergency actions.** When an emergency action is superseded by another emergency action or actions, the expiration date of the later action(s) must retain the same expiration date as the first emergency action [see 75:253(H)].

(c) **Preamble statement.** When the rules in a rule document will supersede existing emergency rules, the agency shall identify the superseded emergency rules under the heading **SUPERSEDED EMERGENCY ACTIONS** in the preamble [see 655:10-7-11(b)(5)] of the rule document.

(d) **Expired emergency actions.** Agencies must notify the OAR in writing when an emergency action on a Section or Appendix expires without being superseded by a permanent or preemptive action. Agencies should notify the OAR upon the expiration of the emergency rule. The OAR will document the existence and expiration of the emergency language in the next available annual supplement by publishing a source note that cross references to the Register publication of the emergency action.

655:10-5-7. "Required rules"

(a) **"Required rules" defined.** The APA requires every agency to promulgate certain organizational and procedural rules. These "required rules" include the following:

- (1) Rules which describe *the organization of the agency, stating the general course and method of the operations of the agency and the methods whereby the public may obtain information or make submissions or requests* [75:302(A)(1)].
- (2) *Rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions issued by the agency for use by the public* [75:302(A)(2)].
- (3) Rules prescribing *the form for petitions and the procedure for their submission, consideration, and disposition* [75:305].
- (4) Rules providing for *the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any rule or order of the agency* [75:307].

(b) **Location; use.** Chapters 1 through 9 in a Title are reserved for "required rules." However, the agency is not restricted from adding organizational/procedural rules within an individual Chapter, Subchapter, or Part.

655:10-5-8. Renumbering Sections and Appendices within a Chapter

(a) **"Renumbering" defined; restrictions.** "Renumber" means to move a Section to an UNUSED Section number within the same Chapter or to move an Appendix to an UNUSED Appendix letter within the same Chapter.

(1) When moving Sections and Appendices within a Chapter, the number newly-assigned to the Section or Appendix must be an unused Section number or Appendix letter. Other forms of renumbering are not allowed and are unnecessary pursuant to the following:

(A) When a Section or Appendix is revoked, renumbering of the subsequent Sections or Appendices is not allowed and is unnecessary because the number and source note of the revoked Section or Appendix remain in the Code and the number/letter is not used again except pursuant to 655:10-3-30.

(B) When a Section or Appendix is added between two existing Sections or Appendices, renumbering of the subsequent Sections or Appendices is not allowed and is unnecessary because the new Section or Appendix is numbered/lettered pursuant to the decimal point system in 655:10-3-28.

(2) If a Section or Appendix is moved to another Chapter, it must be revoked in one rulemaking action and adopted as a new Section or Appendix in another rulemaking action.

(b) **Renumbering procedure, format.** When preparing renumbered Sections or Appendices within a Chapter, agencies shall prepare the renumbering as follows:

(1) **Renumbered without amendment.** When a Section or Appendix is renumbered with no other changes to the Section or Appendix:

(A) The number and tagline of the Section being renumbered, or the letter and heading of the Appendix being relettered, are retained in correct numerical/alphabetical order within the text of the Chapter. The capitalized phrase "[RENUMBERED TO (new Section or Appendix)]" follows the tagline or heading. The text of the Section being renumbered is stricken. The contents of the Appendix being renumbered is not stricken; and

(B) The newly-numbered Section or Appendix appears in correct numerical/alphabetical order within the Chapter. The Section number and tagline are underscored; the text of the Section is underscored. The Appendix letter and heading and the Appendix contents are not underscored; however, the word [NEW] is typed after the Appendix letter and heading.

(2) **Amended and renumbered.** When a Section or Appendix is renumbered, in addition to being amended:

(A) The number and tagline of the Section being renumbered, or the letter and heading of the Appendix being relettered, are retained in correct numerical/alphabetical order within the text of the Chapter. The capitalized phrase "[AMENDED AND RENUMBERED TO (new Section or Appendix)]" follows the tagline or heading. The text of the Section being renumbered is stricken. The contents of the Appendix being renumbered is not stricken; and

(B) The newly-numbered Section or Appendix appears in its correct numerical/alphabetical order within the Chapter. The Section number and tagline, or Appendix letter and heading, are underscored. The text of the Section is underscored. The contents of the Appendix is not underscored; however, the word [NEW] is typed after the Appendix letter and heading.

655:10-5-9. Renumbering vs. recodification [RESERVED]

655:10-5-10. Use of definitions

(a) **Use and placement.**

(1) **Definitions Sections vs Section definitions.** If definitions are included in rules, they shall be placed as follows:

(A) **Definitions Sections.** If the definitions apply to a Chapter, Subchapter, or Part, they are placed in a Section called "Definitions" near the beginning of the Chapter, Subchapter, or Part to which they apply.

(B) **Section definitions.** If the definitions apply to a single Section, they are placed near the beginning of the Section to which they apply.

(2) **Use in text required.** A definition should not be included unless the term being defined is used at least once in the remaining regulatory text of the applicable Chapter, Subchapter, Part, or Section.

(b) **Substantive provisions prohibited.** Substantive provisions may not be included in a definition. For example, the second sentence of the following definition contains substantive regulatory provisions and should not be included in the definition: "**Alcoholic beverage**" means beer, wine, or liquor. An owner of a business establishment serving alcoholic beverages shall obtain a license.

(c) **Format of definitions Sections; introductory language.** This subsection applies only to definitions Sections, as described in (a)(1)(A) of this Section. This subsection does not apply to Section definitions, as described in (a)(1)(B) of this Section.

(1) Begin each definitions Section with the following language: "The following words and terms, when used in this (Chapter, Subchapter, Part), shall have the following meaning, unless the context clearly indicates otherwise:". If necessary, the introductory language may be supplemented with additional information such as "In addition to terms defined in xxxx, the following"

(2) List definitions in alphabetical order. Do not number or otherwise designate definitions.

(3) Indent the first line of each definition approximately 1/4 inch; do not indent succeeding lines of the definition (i.e., begin the lines at the left margin).

(4) Enclose the defined word or term in quotation marks, followed by the word "means"; bold the defined word/term and the quotes.

(5) Capitalize the first letter of the first word of the defined word or term; type subsequent words in a defined term in lowercase letters unless the word itself is a proper noun or its use otherwise requires capitalization.

(6) End each definition with a period.

(7) Begin enumerations within a definition at the subparagraph level [i.e., (A), (B), (C), etc.].

(d) **Format of Section definitions.** Section definitions (i.e., definitions that apply only to the Section in which they appear, as described in (a)(1)(B) of this Section) are designated using the numbering scheme established for Section subdivisions [see 655:10-3-25] and are formatted accordingly.

655:10-5-11. "No change" policy [REVOKED]

655:10-5-12. Quoting and paraphrasing from legal instruments

(a) **Quoted language.** Agencies *shall not unnecessarily repeat statutory language* [75:251(B)(2)(b)] when preparing rules.

(1) **Italics.** Whenever it is necessary to repeat language from statutes or other legal instruments in a rule, the agency shall type the language in italics. Italic type is expressly reserved for statutory language or language from other legal instruments.

(2) **Legal citations.** Legal citations shall immediately follow the language quoted from statutes or other legal instruments. Agencies shall enclose citations in brackets.

(b) **Paraphrased language.** Agencies shall clearly identify language paraphrased from statutes or other legal instruments by typing the citation in brackets immediately following the last of the paraphrased language.

(c) **Citation format.** Requirements for formatting legal citations are set forth in 655:10-5-12.1.

655:10-5-12.1. Cross references; "relating to"; ambiguous references

(a) **Internal cross references.** A rule frequently refers to itself or its subdivisions, or to other rules in the Code. These internal cross references shall be formatted pursuant to this subsection.

(1) **Ambiguous references.** Code citations within rules should be specific. Ambiguous references, such as "these rules," "herein," "above," and "below," may not be used in rules. The agency must use more specific terms such as "this Chapter" or "this Part," or the full OAC citation.

(2) **Unnecessary terminology.**

(A) Because every Section number is a unique number in the Code, it is not necessary to follow the Section number with such words as "in this Chapter," "in Chapter 10 of this Title," "in Part 1 of Subchapter 3 of this Chapter," etc.

(B) Do not precede a citation with the term "subsection," "paragraph," "subparagraph," "unit," "subunit" unless the citation begins a sentence. For example:

(i) "Subsection (e) of this Section applies when ..."

(ii) "When applying (e) of this Section ..."

(3) **Table of internal (OAC) citations.** The table in Appendix A of this Chapter establishes format for referencing the Code within the text of a rule. The left column describes the material being referenced. The right column shows the correct form for stating the reference.

(4) **Series of consecutive Sections.** When referring to a series of consecutive Sections, the first and last Sections in the series are joined with the word "through." "Et seq." is not used to reference a series of consecutive Sections in the Code.

(b) **External cross references.** Rules frequently refer to other primary sources of law. These external cross references should be formatted in a style recognized as a proper citation for the specific publication.

(1) **Consistency within OAC Title.** References should be consistent within the agency's Title, and should be brief, while allowing accurate and precise identification.

(2) **O.S. Title vs OAC Title.** References to a "Title" in the Oklahoma Statutes must clearly state that the Title referenced is a Title in the statutes, rather than a Title in the Code. For example, "Title 75 requires that . . ." must be revised to read "Title 75 of the Oklahoma Statutes requires that . . ." or "75 O.S. requires that . . ."

(3) **O.S. Sections vs OAC Sections.** References to Sections in the Oklahoma Statutes must be similar in style to acceptable O.S. citation format, as identified in the front of each edition of the Oklahoma Statutes. Provided, an abbreviated format, which cites the Title number and Section number separated by a colon, may be used in bracketed cites which follow quoted or paraphrased statutory language (e.g., [75:251]). Note, however, that references to Titles, Chapters, and Subchapters in the OAC, when formatted using the shorter, numerical citation option [see (b)(3) in this Section], must be preceded by the letters OAC (e.g., OAC 10, OAC 10:1, OAC 10:1-3). The letters OAC are necessary to differentiate between a code citation and a statutory citation.

(c) **"Relating to" references.** When referring to another Section, Appendix, Part, Subchapter, Chapter or Title in the Code, the phrase "relating to" is used as follows: "The applicant shall proceed pursuant to 10:15-3-3 (relating to application procedure)" or "[See 30:1-5-1 (relating to copying fees)]." Provided, "relating to" should not be used:

(1) when more than three Sections are referred to.

(2) more than once for reference to the same Section within a Section.

(d) **Future amendment references.** When referring to another rule or statute, terms such as "as amended" or "as amended from time to time" may not be used.

655:10-5-13. Amending, revoking, and adding graphics and appendices [REVOKED]

655:10-5-14. Writing taglines

(a) **Content; topical "benchmarks".** A tagline consists of a word or phrase, or a series of words or phrases, that clearly describes the subject matter of the Section or Section subdivision. While a tagline should be brief and concise, it must contain enough information to reflect the essence of the Section or subdivision's contents. Taglines must accurately and completely reflect the subject of the Section or subdivision so as to serve as topical "benchmarks" for the users of the rules. [See also 655:10-3-24 (relating to formatting Section taglines) and 655:10-3-25 (relating to use and formatting of Section subdivision taglines)]

(b) **Multiple aspects of same topic.** If a tagline describes more than one aspect of the Section or subdivision's topic, the word or phrase describing each aspect of the topic should be separated by a semicolon.

(c) **Use of taglines as text prohibited.** The text of a tagline may not serve as introductory language to the Section or Section subdivision. The subject of the rule must be repeated in the text. For example:

(1) If a Section's tagline reads "**Due date for taxes,**" do not begin the Section's text with "They are due" Instead, repeat the subject of the tagline as follows: "Taxes are due"

(2) If a Section's tagline reads "**Prerequisites for licensure,**" do not begin the Section's text with "(a) 21 years of age or older, and" Instead, repeat the subject of the tagline as follows: "To be eligible for licensure by the Board as an electrician, each applicant must be: (1) 21 years of age or older, and"

(d) **Format.** Taglines must be formatted as set forth in 655:10-3-24 (relating to Section taglines) and 655:10-3-25 (relating to Section subdivision taglines),

655:10-5-15. Incorporations by reference

For purposes of this Section, "standards" shall mean the *published standards* [or rules] *established by organizations and technical societies of recognized national standing, other state agencies, or federal agencies* [75:251(D)].

(1) **Lengthy standards.** When imposing standards of recognized organizations and technical societies, or state or federal agencies, the preferred method is to rewrite the standards as part of the rule. However, if the standard is lengthy, *in order to avoid unnecessary expense, an agency may ... incorporat[e] the standards ... in its rules ... by reference ... without reproducing the standards in full* [75:251(D)]. The agency rule which incorporates the standards shall identify *the specific issue or issues of publications in which the standards are published* [75:251(D)].

- (2) **Text not submitted.** Agencies submitting rules which incorporate standards by reference should not submit the text of such standards for publication.
- (3) **Availability to public.** *The standards shall be readily available to the public for examination at the administrative offices of the agency.* [75:251(D)] The agency shall cite the hours when and the place where the standards are available to the public for examination. Such citation shall appear in the preamble [see 655:10-7-11(b)(6)]. *A copy of such standards shall be kept and maintained by the agency pursuant to the provisions of the Preservation of Essential Records Act.* [75:251(D)]
- (4) **Future amendments.** Agencies may not incorporate by reference standards as they may be amended in the future. If the standard is updated, the agency may update the rule to reflect the updated standards only by promulgating another rule, or an amendment to the existing rule, which incorporates the new material.

655:10-5-16. Footnotes and endnotes

- (a) **Endnotes.** The use of endnotes in Sections is prohibited.
- (b) **Footnotes.** Effective September 1, 1998, the use of footnotes in Sections is prohibited. Footnotes used in rules prior to September 1, 1998 are considered part of the text of a Section.

655:10-5-17. Agency Notes

- (a) **Not regulatory text.** Agency Notes are not considered regulatory text.
- (b) **Applicability.** Agencies shall use an Agency Note only when it is necessary for the agency to include, apart from the regulatory text, any of the following:
- (1) A reference to any rule requiring a new or revised form [75:251(B)(2)(e)] as a result of the rulemaking action.
 - (2) A reference to any rearranging or relocation of a rule, to ensure that required strikeouts and underscoring do not mislead the reader. For example, an Agency Note may be used to alert the reader that text being deleted or revoked in a Section has been added to another existing Section, or is being deleted because it already exists in another Section.
 - (3) Any other information which the agency finds necessary, with the following restrictions:
 - (A) An agency may not include such information in an Agency Note unless specifically approved by the OAR.
 - (B) Agency Notes are used to clarify or identify something unique or unusual about a specific rulemaking ACTION rather than the rule itself. As such, Agency Notes are rarely transferred to the Code after Register publication. If a rule needs to be clarified, such clarification should be promulgated in the rule itself. An Agency Note should not be used to footnote or annotate a rule. It should not be used for cross referencing or "see also" cites, or for citing to federal or other laws.
- (c) **Location.** Agencies may type Agency Notes following a specific Section or Appendix or following the last Section or Appendix in the rule document. Agencies may not type Agency Notes within a Section or Appendix.
- (d) **Format.** Agencies shall prepare Agency Notes in the following format:
- (1) Beginning at the left margin and two single spaces below the last line of the Section or Appendix, type "**Agency Note:**", followed by the necessary information.
 - (2) When an Agency Note is followed by the text of another Section, the agency shall begin the text of the next Section two single spaces below the Agency Note.

655:10-5-18. Effective dates

The effective date of a rule or rules is not written into regulatory text. The effective date of an action is stated in the preamble and the enacting clause of a rule document.

655:10-5-19. Acronyms and abbreviations

- (a) Acronyms must be defined in rules. If an acronym is used throughout a Chapter, Subchapter, or Part, it must be defined in the appropriate definitions Section. If an acronym is used in a single Section, it must be defined in the Section's text. [See 655:10-5-10 (relating to definitions)]
- (b) Abbreviations should not be used in rules unless it is absolutely necessary. If an abbreviation must be used, it should be explained the first time it is used and/or defined in a definitions Section. Certain abbreviations, such as F (for Fahrenheit) and C (for Celsius), are acceptable because of their widespread use.

655:10-5-20. Enumerations; parallel structure; "floating" text [REVOKED]

SUBCHAPTER 7. PREPARATION OF DOCUMENTS

PART 1. GENERAL PROVISIONS

- 655:10-7-1. Types of documents; excluded documents
- 655:10-7-2. Typing and word processing requirements
- 655:10-7-3. Document headings
- 655:10-7-4. Page numbering
- 655:10-7-5. Quality of copy [REVOKED]
- 655:10-7-6. Transmittal sheet; liaison verification

PART 3. RULE DOCUMENTS

- 655:10-7-10. Types of rules and rule documents; rule document components; transmittal sheets
- 655:10-7-10.1. Register pages vs Code pages in the rule document [REVOKED]
- 655:10-7-11. Preamble
- 655:10-7-12. Summaries of lengthy rules
- 655:10-7-13. Enacting clause
- 655:10-7-14. Regulatory text
- 655:10-7-15. Supplemental information
- 655:10-7-16. Attestations
- 655:10-7-17. Code pages (permanent rule documents only) [REVOKED]

PART 5. NOTICE DOCUMENTS

- 655:10-7-25. Notice document types; transmittal sheet
- 655:10-7-26. Notices of rulemaking intent
- 655:10-7-27. Notices of cancelled hearing or comment period
- 655:10-7-28. Notices of continued hearing or comment period
- 655:10-7-29. Statements of submission for gubernatorial and legislative review
- 655:10-7-30. Notices of gubernatorial approval
- 655:10-7-31. Notices of gubernatorial disapproval
- 655:10-7-32. Notices of legislative disapproval
- 655:10-7-33. Notices of withdrawn rules
- 655:10-7-34. Notices of intent to remove obsolete rules or internal statements [REVOKED]
- 655:10-7-35. Notices of errors in published documents
- 655:10-7-36. Notices of codification [REVOKED]
- 655:10-7-37. Notices of recodification [RESERVED]

PART 7. MISCELLANEOUS DOCUMENTS

- 655:10-7-45. Local project funding contract announcements [REVOKED]
- 655:10-7-46. Executive orders

PART 9. DOCUMENT SCOPE

- 655:10-7-50. Combined category documents
- 655:10-7-51. Rule document scope, limitations
- 655:10-7-52. Notice document scope, limitations
- 655:10-7-53. Miscellaneous document scope, limitations [REVOKED]
- 655:10-7-54. Multiple rulemaking authorities

PART 1. GENERAL PROVISIONS

655:10-7-1. Types of documents; excluded documents

(a) **Rulemaking documents.** Notice and rule documents published in the Register are legal instruments through which a rulemaking entity revises its existing rules, or enacts new rules.

(1) **Notice documents.** Notice documents announce an agency's intention to adopt rules or the agency's compliance with certain other steps in the rulemaking process. Notice documents are published in the Register but are not included in the Code. [See Part 5 of this Subchapter (relating to notice documents)]

(2) **Rule documents.** Rule documents announce final adoption of permanent rules [75:250.3(4); 75:308.1(A)], or adoption of emergency or preemptive rules [75:253; 75:250.6].

(A) **Permanent, preemptive rules.** Inclusion of a rule in the Code requires prior publication in a rule document in the Register as a finally adopted permanent rule or as an adopted preemptive rule that has been approved by the Governor.

(B) **Emergency rules.** Emergency rules are published in the Register but are not included in the Code.

- (b) **Miscellaneous documents, including executive orders.** In addition to rulemaking documents, executive orders and certain other miscellaneous documents, if expressly required by law [see (c) of this section], are published in the Register. Executive orders are published in both the Register and the Code.
- (c) **Excluded documents.** Notices or other documents which are not expressly required by law to be published in the Register or the Code shall not be published in the Register or the Code.

655:10-7-2. Typing and word processing requirements

When preparing rules and documents that will be submitted to the OAR for publication in the Register, agencies shall comply with each of the following typing requirements and restrictions:

(1) **Requirements.**

- (A) Use word processing software that is approved by the OAR as compatible with the software used for processing documents into the OAR's databases. If an agency does not know if its software meets this requirement, the agency must contact the Office of Administrative Rules. [See also 655:10-9-1 (relating to electronic copies)]
- (B) Set paper size at 8½ by 11 inches. Use plain white medium bond paper.
- (C) Set the page settings for printing on one side of the page only.
- (D) Set left, right, and top margins at one inch. Set bottom margin at .5 inch (to allow for page numbering, as described in 655:10-7-4).
- (E) Set the font size to 11 or 12.
- (F) Type in the conventional uppercase and lowercase format (not all capital letters or "small caps"), unless otherwise specifically required in this Chapter (e.g., centered Title, Chapter, Subchapter, Part headings are typed in uppercase letters).
- (G) Set the line spacing to one.
- (H) Fasten the document together with a paper clip.

(2) **Restrictions.**

- (A) Underscoring is reserved for the purpose of showing new language in rules. Do not underscore letters, numbers, words, or symbols except as expressly reserved by this subparagraph. [See also 655:10-5-2 and 655:10-5-3 (relating to identifying language in new and amended rules)] For example, when typing the title of a book or other publication which is traditionally underscored, use some method other than underscoring or italicization to identify the title, such as capitalization or quotation marks.
- (B) Strikeouts are reserved for the purpose of showing deleted or revoked language in existing rules. Do not strikeout letters, numbers, words, or symbols except as expressly reserved by this subparagraph. [See also 655:10-5-3 and 655:10-5-4 (relating to identifying language in amended and revoked rules)]
- (C) Italics may not be used in rules except to identify language quoted from statutes, constitution, or other legal instruments. Do not italicize letters, numbers, words, or symbols except as expressly reserved by this subparagraph. [See also 655:10-5-12 (relating to quoting from legal instruments)]
- (D) Do not use letterhead stationery.
- (E) Do not fold any pages of the document.
- (F) Do not staple any pages of the document.
- (G) Do not bind the document together in any manner other than by paper clip.
- (H) Do not punch holes in any pages of the document.
- (I) Do not use carbon paper.
- (J) Do not handwrite any portion of the document except:
 - (i) the signature or signatures and date required on attestations;
 - (ii) the signature and date required on a transmittal sheet [see 655:10-7-6]; and
 - (iii) the signatures and any other necessary handwriting on the Governor's approval of emergency or preemptive rules, a resolution by the Legislature disapproving rules, or an executive order.
- (K) Do not turn on line hyphenation. Do not force hyphenation to phonetically split words at the ends of lines.
- (L) Do not use tables or columns within the text of a Section unless absolutely necessary [see 655:10-3-37 (relating to graphics in rules)]. Do not use tables or columns in preambles or notice documents. The format of tables and columns is not retained (except in scanned Appendices) when a document is moved to the database and published in the Register and Code.
- (M) Do not center text within Sections, preambles or notice documents. The centering is not retained (except in Appendices) when a document is moved to the database and published in the Register and Code.
- (N) When using a fraction, formula, or equation (except in scanned Appendices), do not use underscoring for a division line. The underscoring will be lost when amendatory language is removed from Sections. Instead, use the division sign (\div), the words "divided by," or a slash. For example:
 - (i) $[(y - .8) + (z - 1.2)] \div (y + z)$
 - (ii) $[(y - .8) + (z - 1.2)]$ divided by $(y + z)$

(iii) $[(y - .8) + (z - 1.2)] / (y + z)$

- (O) Do not draw boxes around, or lines above, below, or around text (except if needed in Appendices).
- (P) Do not use unusual word processing features, such as small caps, styles, hard back tabs, index codes, etc. (except if needed in Appendices).
- (Q) Do not change font size (except superscript and subscript) or font style (except italics and bold) in a document. Font changes, other than those in Appendices, which are scanned, are not retained when the document is moved to the database and published in the Register and Code.
- (R) Do not add extra horizontal spacing (blank lines), except in Appendices or as otherwise specifically required in this Chapter. If used (other than in Appendices), the extra spacing will not be retained when the document is moved to and published in the Register and Code.
- (S) Do not use dot leaders (except if needed in Appendices). If used (other than in scanned Appendices), the dot leaders will not be retained when moved to and published in the Register and Code.
- (T) Do not include extraneous information, such as information sometimes added to identify the electronic location of the document (e.g., file name, path, date, drafter's initials, etc.)

655:10-7-3. Document headings

Begin each rule document and notice document with a document heading, prepared as follows:

- (1) **Format.** Document headings must be:
- (A) centered,
 - (B) bolded, and
 - (C) typed in uppercase letters.
- (2) **Contents.** Document headings must include two components, prepared as follows:
- (A) **Identification of Title.** On the first line, type the word TITLE, followed by a space, the Title number, a period, two spaces, and the Title's heading in uppercase letters. If more than one line is needed for the Title, center all lines, with no hard returns between the lines.
 - (B) **Identification of Chapter.** On the line below the Title designation, type the word CHAPTER, followed by a space, the Chapter number, a period, two spaces, and the Chapter's heading in uppercase letters. If more than one line is needed for the Chapter, center all lines, with no hard returns between the lines.

655:10-7-4. Page numbering

All pages of a document submitted to the OAR, except attestations in a rule document and transmittal sheets, shall be numbered consecutively, with page numbers centered in the bottom margin.

655:10-7-5. Quality of copy [REVOKED]

655:10-7-6. Transmittal sheet; liaison verification

(a) **Use; format.**

- (1) A transmittal sheet must accompany each document submitted to the OAR and each emergency rule document submitted to the Governor and the Legislature. The transmittal sheet is not published.
- (2) The transmittal sheet must include the headings and information described in (b) of this Section, formatted pursuant to the following:
- (A) Begin each heading at the left margin.
 - (B) Begin the contents required for each heading on the first line below the heading.
 - (C) Indent the first line of the contents, but do not indent subsequent lines of the contents.

(b) **Content.** The transmittal sheet must be prepared pursuant to the style required in (a)(2) of this Section and must include the following headings and information:

- (1) **Name of agency.** Under the bolded heading "**NAME OF AGENCY:**", type the name exactly as it appears in the agency's assigned Title heading in the OAC.
- (2) **Type of document.** Under the bolded heading "**TYPE OF DOCUMENT:**", identify the type of document by typing one of the following:
- (A) Final adoption of permanent rules.
 - (B) Adoption of emergency rules.
 - (C) Adoption of preemptive rules.
 - (D) Notice of rulemaking intent.
 - (E) Notice of cancelled hearing or comment period.
 - (F) Notice of continued hearing or comment period.
 - (G) Statement of submission for gubernatorial and legislative review.
 - (H) Notice of gubernatorial approval.

- (I) Notice of gubernatorial disapproval.
 - (J) Notice of legislative disapproval.
 - (K) Notice of withdrawn rules.
 - (L) Notice of errors in published document.
- (3) **Liaison verification.** Under the bolded heading "**LIAISON VERIFICATION:**", include the following signed statement: "I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at (telephone number)." The statement must be followed by the liaison's signature, typed name, and job title, and the date the liaison signs the verification.

PART 3. RULE DOCUMENTS

655:10-7-10. Types of rules and rule documents; rule document components; transmittal sheets

- (a) **Types of rules and rule documents.** A rule document contains either permanent, emergency, or preemptive rules.
- (1) A permanent rule document contains finally adopted permanent rules.
 - (2) An emergency rule document contains adopted emergency rules.
 - (3) A preemptive rule document contains adopted preemptive rules.
- (b) **Rule document components.** A rule document consists of the following components, in the following order:
- (1) Document heading [see 655:10-7-3].
 - (2) Preamble [see 655:10-7-11].
 - (3) Summary of the rules (if rules are too lengthy to publish in the Register) [see 655:10-7-12].
 - (4) Enacting clause [see 655:10-7-13].
 - (5) Regulatory text [see 655:10-7-14].
 - (6) Supplemental information (if applicable) [see 655:10-7-15].
 - (7) Attestation [see 655:10-7-16].
- (c) **Rule document scope.** See 655:10-7-51 for information about the scope of a rule document.
- (d) **Transmittal sheet.** Each rule document submitted to the OAR shall be accompanied by a transmittal sheet prepared pursuant to 655:10-7-6.

655:10-7-10.1. Register pages vs Code pages in the rule document [REVOKED]

655:10-7-11. Preamble

- (a) **Use; location; format.**
- (1) **Use.** Each rule document submitted for Register publication, and each emergency or preemptive rule document submitted to the Governor and the Legislature, must begin with a document heading [see 655:10-7-3], followed by a preamble prepared pursuant to this Section. The preamble is followed by the enacting clause [see 655:10-7-13]; except, if the text of the rules exceeds 75 pages, the preamble is followed by the summary [see 655:10-7-12]. [See also 655:10-7-51 (relating to rule document scope)]
 - (2) **Location.** The preamble begins two single spaces below the document heading [see 655:10-7-3].
 - (3) **Format.**
 - (A) The preamble must be single-spaced.
 - (B) The preamble must include the headings and information required in (b) of this Section, formatted pursuant to the following:
 - (i) Begin each heading and subheading at the left margin.
 - (ii) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
 - (iii) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (b)(2) of this Section], begin each rule number on a separate indented line under the heading.
- (b) **Content.** The preamble must be prepared in the style described in (a)(3) of this Section and must contain the following headings and information:
- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
 - (A) If permanent rules, type "PERMANENT final adoption."
 - (B) If emergency rules, type "EMERGENCY adoption."
 - (C) If preemptive rules, type "PREEMPTIVE adoption."
 - (2) **Rules.** Under the bolded heading "**RULES:**", identify adopted rules (if emergency or preemptive) or finally adopted rules (if permanent) pursuant to the following:

- (A) **Less than 30 Sections/Appendices affected.** If less than 30 Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:
- (i) cite each Section and Appendix, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED]. If consecutive Sections or Appendices are added, amended, revoked, renumbered, or reserved, they may be grouped together (e.g., 10:10-1-5 through 10:10-1-9 [AMENDED]; 10:10-1-10 and 10:10-1-11 [REVOKED]; 10:10-1-15 through 10:10-1-17 [NEW]; Appendix C through Appendix G [NEW]), and
 - (ii) include all applicable Subchapter and Part numbers and headings, and add [NEW] or [REVOKED] following the headings of Subchapter and Parts that are added or revoked. If a heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).
- (B) **30 or more Sections/Appendices affected.** If 30 or more Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:
- (i) cite the Chapter number and heading, rather than citing each Section and Appendix, and:
 - (ii) identify whether the Chapter itself is new, amended, or revoked, as follows:
 - (I) **New Chapter.** If the Chapter is a new Chapter, add the word [NEW] following the Chapter number and heading.
 - (II) **Revoked Chapter.** If the entire Chapter is revoked (i.e., every Section and Appendix in the Chapter, except those previously reserved, renumbered, or revoked, is being revoked), add the word [REVOKED] following the Chapter number and heading.
 - (III) **Amended Chapter.** If an existing Chapter is amended (i.e., Sections/Appendices are added, amended, revoked, renumbered, and/or reserved), add the word [AMENDED] following the Chapter number and heading. If the Chapter heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).
- (3) **Authority.** Under the bolded heading "**AUTHORITY:**":
- (A) identify the rulemaking entity, as defined in 655:10-1-2, and
 - (B) cite the statute or other legal instrument which authorizes the promulgation of rules for this area of control, or the statute or other legal instrument which authorizes the rules. Do not cite APA statutes which authorize rulemaking procedures except when promulgating "required rules" pursuant to 655:10-5-7.
- (4) **Dates.** Under the bolded heading "**DATES:**", identify each of the following dates which apply to the rulemaking action.
- (A) **Comment period.** Under the bolded subheading "**Comment period:**", cite one of the following:
 - (i) **Permanent rules.** If the rules are permanent rules, cite the beginning date and ending date of the comment period announced in the published Notice of Rulemaking Intent.
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a comment period was announced in a published Notice of Rulemaking Intent, cite the beginning date and ending date of the comment period. **Do not include** this subheading or this information if no comment period was held or announced in the Register for the emergency or preemptive rules.
 - (B) **Public hearing.** Under the bolded subheading "**Public hearing:**", cite one of the following:
 - (i) **Permanent rules.** If the rules are permanent rules, cite one of the following:
 - (I) the date of the public hearing, if one was announced in a published Notice of Rulemaking Intent, or
 - (II) "None held or requested" if a public hearing was not scheduled and not demanded pursuant to 75 O.S., Section 303(C).
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a public hearing was announced in a published Notice of Rulemaking Intent, cite the date of the public hearing. **Do not include** this subheading or this information if no public hearing was held or announced in the Register for the emergency or preemptive rules.
 - (C) **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted by the rulemaking entity.
 - (D) **Submitted to Governor.**
 - (i) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to Governor:**", cite the date the permanent rules were submitted to the Governor for review.
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.
 - (E) **Submitted to House.**
 - (i) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to House:**", cite the date the permanent rules were submitted to the Speaker of the House of Representatives for review.
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.

- (F) **Submitted to Senate.**
- (i) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to Senate:**", cite the date the permanent rules were submitted to the President Pro Tempore of the Senate for review.
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.
- (G) **Gubernatorial approval.**
- (i) **Permanent rules.** If the rules are permanent rules AND if the permanent rules were approved by the Governor, under the bolded subheading "**Gubernatorial approval:**", cite the date the rules were approved by the Governor. **Do not include** this subheading or this information if the permanent rules were disapproved rather than approved by the Governor [see (H) of this paragraph for information required for gubernatorial disapprovals].
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.
- (H) **Gubernatorial disapproval.**
- (i) **Permanent rules.** If the rules are permanent rules AND if the permanent rules were disapproved by the Governor [see (G) of this paragraph for information required for gubernatorial approvals], under the bolded subheading "**Gubernatorial disapproval:**", cite one of the following:
 - (I) the date the permanent rules were disapproved by the Governor, or
 - (II) "Failure of the Governor to approve the rules resulted in disapproval of the rules on (date)." [see 75:303.2(A)(2); see also 655:10-7-31]
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.
- (I) **Legislative approval.**
- (i) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Legislative approval:**", cite one of the following:
 - (I) "Approved [effective date of joint or concurrent resolution approving the permanent rule(s)] by [number of joint or concurrent resolution]," or
 - (II) "Failure of the Legislature to disapprove the rule(s) resulted in approval on (date)-" [see 75:308(E)], or
 - (III) "Approved [effective date of joint or concurrent resolution waiving Legislature's review period] by [number of joint or concurrent resolution], waiving the Legislature's thirty legislative-day review period" [see 75:308(B)(2)(b)].
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or the information described in this subparagraph.
- (J) **Final adoption.**
- (i) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Final adoption:**", cite the date of final adoption.
 - (ii) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph.
- (K) **Effective.** Under the bolded subheading "**Effective:**", cite one of the following:
- (i) **Permanent rules.** If the rules are permanent, cite the specific effective date of the rules. Do not cite "ten days after publication in the Register."
 - (ii) **Emergency rules.** If the rules are emergency, cite one of the following:
 - (I) If the emergency rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";
 - (II) If the emergency rules will be effective on a specific date that falls within the Governor's 45 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or
 - (III) If the emergency rules will be effective on a specific date that follows the completion of the Governor's 45 calendar-day review period, type the specific effective date. [see 75:253(D)(1)]
 - (iii) **Preemptive rules.** If the rules are preemptive, cite one of the following:
 - (I) If the preemptive rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";
 - (II) If the preemptive rules will be effective on a specific date that falls within the Governor's 28 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or
 - (III) If the preemptive rules will be effective on a specific date that follows the completion of the Governor's 28 calendar-day review period, type the specific effective date. [see 75:250.6(B)(6)]

- (L) **Expiration.**
- (i) **Emergency rules.** If the rules are emergency rules, under the bolded subheading "**Expiration:**", cite one of the following:
- (I) If the emergency is rules are *in effect on the first day of the session* and therefore *shall be null and void on July 15 immediately following sine die adjournment of the Legislature* [75:253(H)(3)(a)], type "Effective through July 14, (year), unless superseded by another rule or disapproved by the Legislature."
- (II) If the agency designates an earlier expiration date pursuant to 75 O.S., Section 253(H)(2)(d), type "Expires (date), unless superseded by another rule or disapproved by the Legislature."
- (ii) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the subheading or information described in (i) of this subparagraph.
- (5) **Superseded emergency actions; expired emergency rules.**
- (A) Under the bolded heading "**SUPERSEDED EMERGENCY ACTIONS:**", cite one of the following:
- (i) **Rules that do NOT supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do not supersede any emergency rules, type "n/a."
- (ii) **Rules that DO supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do supersede an emergency action, include the information in (I) through (IV) of this unit. If more than one emergency action is being superseded, repeat (I) through (IV) for each action.
- (I) **Superseded rules.** Under the bolded subheading "**Superseded rules:**", identify the superseded emergency rules by citing each Section and Appendix being superseded, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED].
- (II) **Gubernatorial approval.** Under the bolded subheading "**Gubernatorial approval:**", cite the date the superseded emergency rules were approved by the Governor.
- (III) **Register publication.** Under the bolded subheading "**Register publication:**", include the full citation to the Register publication of the superseded emergency rules. [see 655:10-15-6 (relating to citing the Register)]
- (IV) **Docket number.** Under the bolded subheading "**Docket number:**", cite the docket number assigned to the rule document which contains the superseded emergency rule(s).
- (B) If a Section or Appendix was added, revoked, amended, reserved, or renumbered by emergency rulemaking and will not be superseded by a permanent or preemptive action prior to its expiration, the agency must notify the OAR pursuant to 655:10-5-6(d).
- (6) **Incorporations by reference.** Under the bolded heading "**INCORPORATIONS BY REFERENCE:**", cite one of the following:
- (A) **Rules that do NOT incorporate by reference.** If the rules do not incorporate any standards or rules by reference, type "n/a." [See 75:251(D) and 655:10-5-15 relating to incorporations by reference]
- (B) **Rules that DO incorporate by reference.** If the rules incorporate by reference the published standards or rules of nationally recognized organizations and technical societies, other state agencies, or federal agencies pursuant to 75 O.S., Section 251(D) and 655:10-5-15, include the information in (i) through (iii) of this subparagraph.
- (i) **Incorporated standards.** Under the bolded subheading "**Incorporated standards:**", identify the incorporated standards by the proper title, edition, volume number, date, etc.
- (ii) **Incorporating rules.** Under the bolded subheading "**Incorporating rules:**", identify the Section(s) or Appendix(ces) which incorporates the standards by reference.
- (iii) **Availability.** Under the bolded subheading "**Availability:**", cite the hours when and the place where the standards are *readily available to the public for examination at the administrative offices of the agency* [75:251(D)].
- (7) **Finding of emergency.**
- (A) **Emergency rules.** If the rules are emergency rules, under the bolded heading "**FINDING OF EMERGENCY:**", describe the *imminent peril . . . to the preservation of the public health, safety, or welfare, or . . . compelling public interest* [75:253(A)] which necessitates the promulgation of the emergency rule.
- (B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the heading or information described in this paragraph.
- (8) **Analysis.** Under the bolded heading "**ANALYSIS:**", *prepare, in plain language, an analysis of new or amended rules* [75:251(B)(2)(f)]. *The analysis shall include but not be limited to:*
- (A) *a reference to any statute that the rule interprets, any related statute or any related rule* [75:251(B)(2)(f)], and
- (B) *a reference to any rule requiring a new or revised form* [75:251(B)(2)(e)].

(9) **Contact person.** Under the bolded heading "**CONTACT PERSON:**", include the name and phone number of a contact person for information regarding the rulemaking action.

655:10-7-12. Summaries of lengthy rules

When the regulatory text in a rule document exceeds 75 pages in length, the regulatory text is not published in the Register, but is maintained in the official files. When the text exceeds 75 pages, the agency shall also submit a summary as required by 75 O.S., Section 255(B). Only the document heading, preamble, and summary are published. The summary must immediately follow the preamble and precede the enacting clause, as follows:

(1) Beginning at the left margin two single spaces below the preamble, type the following: DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT (agency name and location) AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):.

(2) Beginning two lines below the statement required in (1) of this subsection, summarize the new, amended, or revoked rule(s) and *state where the full text of the rule may be obtained* [75:255(B)] by interested parties.

655:10-7-13. Enacting clause

Beginning two single spaces below the preamble [see 655:10-7-11] or the summary (if required) [see 655:10-7-12], type an enacting clause pursuant to this Section. Type the enacting clause in uppercase letters beginning at the left margin.

(1) **Permanent rules.** If the rules are permanent rules, type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF (date):

(2) **Emergency rules.** If the rules are emergency rules, type one of the following enacting clauses:

(A) If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(ii)(I)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

(B) If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(ii)(II)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) If the effective date cited by the agency in the preamble of the emergency rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(ii)(III)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF (date):

(3) **Preemptive rules.** If the rules are preemptive rules, type one of the following enacting clauses:

(A) If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(iii)(I)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6):

(B) If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(iii)(II)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) If the effective date cited by the agency in the preamble of the preemptive rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(iii)(III)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), WITH A LATER EFFECTIVE DATE OF (date):

655:10-7-14. Regulatory text

Beginning two single spaces below the enacting clause described in 655:10-7-13, include the adopted (if emergency or preemptive) or finally adopted (if permanent) Sections and Appendices (including applicable Subchapter and Part numbers and headings), identifying all revisions and additions to the text as required by 75:251(B)(2)(c) and 655:10-5-2 through 655:10-5-4.

655:10-7-15. Supplemental information

(a) **Use; publication.** Supplemental information in a rule document may only contain, when applicable, *brief notes, illustrations, findings of facts, and references to digests of Supreme Court cases, other court decisions, or Attorney General's opinions, and other explanatory material* [75:251(B)(2)(g)]. The text of supplemental information is not considered regulatory text. Supplemental information is not published but is maintained in the official Register/Code files.

(b) **Location; heading.** Agencies shall begin supplemental information on a separate sheet of paper in the rule document. Supplemental information shall follow the Register pages of regulatory text [see 655:10-7-14] and precede the attestation. Agencies shall type a heading on the first page of the supplemental information, as follows:

- (1) Type "SUPPLEMENTAL INFORMATION" centered on a line approximately one inch from the top of the page.
- (2) Beginning two single spaces below the information required in (1) of this subsection, type a centered, single-spaced heading which is identical to the document heading [see 655:10-7-3].

655:10-7-16. Attestations

(a) **Use.** Agencies shall include an attestation in each rule document submitted to the OAR for Register publication, and in each emergency and preemptive rule document submitted to the Governor and the Legislature (and subsequent Register publication). Such attestation shall be prepared as set forth in this Section and 75 O.S., Section 254. The attestation is not published in the Register or the Code, but is maintained with the official rule document in the official files.

(b) **Location.** Prepare the attestation on a separate page in the document. The attestation follows regulatory text [see 655:10-7-14], or supplemental information if applicable [see 655:10-7-15].

(c) **Original signature.** At least one copy of the attestation in permanent rule documents submitted to the OAR and emergency or preemptive rule documents submitted to the Governor and the Legislature must contain an original signature of an authorized attestation officer [see 655:10-1-6 (relating to agency representatives)]. All copies of the attestation may be photocopies in emergency and preemptive rule documents submitted to the OAR for publication after approval by the Governor.

(d) **Authorized signatures.** Pursuant to 655:10-1-6, the rulemaking entity must report to the OAR the name of each person who is authorized by the rulemaking entity to sign attestations for rules. The OAR will not accept a rule document for publication unless the name or names of the person or persons signing the attestation have been reported in writing to the OAR pursuant to this subsection and 655:10-1-6(d).

(e) **Contents.** Attestations for rule documents must contain the following two paragraphs and an authorized signature:

(1) **First paragraph.** The language of the first paragraph must read: (I, We), the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of (amendments to, additions to, revoked, new) (Chapter number), (Chapter heading) which (was, were) (adopted, considered finally adopted) by (title of rulemaking entity) on (date) under (emergency, preemptive, permanent) rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

(2) **Second paragraph.** The language of the second paragraph must read: (I, We), the undersigned, do hereby attest that such (rule, rules) (was, were) (adopted, finally adopted) in substantial compliance with the Administrative Procedures Act.

(3) **Authorized signature.** The attestation must be signed by an attestation officer [see 655:10-1-6]. The signature is followed by, the typed name and title of the attestation officer, and the date the attestation is signed.

655:10-7-17. Code pages (permanent rule documents only) [REVOKED]

PART 5. NOTICE DOCUMENTS

655:10-7-25. Notice document types; transmittal sheet

(a) **Types of notices.** Notice documents announce various types of rulemaking actions, as follows:

- (1) Notice of rulemaking intent.
- (2) Notice of cancelled hearing or comment period.
- (3) Notice of continued hearing or comment period.
- (4) Statement of submission of permanent rules for gubernatorial and legislative review,
- (5) Notice of gubernatorial approval of permanent rules.
- (6) Notice of gubernatorial disapproval of permanent rules.

- (7) Notice of legislative disapproval of rules.
 - (8) Notice of withdrawn rules.
 - (9) Notice of error in published document.
- (b) **Transmittal sheet.** Each notice document submitted to the OAR shall be accompanied by a transmittal sheet prepared pursuant to 655:10-7-6.

655:10-7-26. Notices of rulemaking intent

(a) **Use.**

(1) **Permanent rules.** Prior to adoption of a permanent rule, the agency must publish in the Register a notice describing the intended rulemaking action. The notice of rulemaking intent must be prepared pursuant to this Section. The agency must allow a minimum 30-day comment period following publication of the notice before adopting the rules. [75:303(A)-(C)]

(2) **Emergency and preemptive rules.** Although an agency is not required to publish a notice of rulemaking intent prior to adoption of an emergency or preemptive rule, the agency may publish a notice of rulemaking intent that announces a full or abbreviated comment period and/or a hearing. If the agency elects to publish a notice of rulemaking intent, the notice must be prepared pursuant to this Section. [75:253(J) and 75:250.6(D)]

(b) **Format; document heading.** The notice of rulemaking intent begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading at the left margin.
- (2) Begin the contents required for each heading on the first line below the heading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **PROPOSED RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A notice of rulemaking intent must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:

- (A) If permanent rulemaking is proposed, type "Notice of proposed PERMANENT rulemaking."
- (B) If emergency rulemaking is proposed, type "Notice of proposed EMERGENCY rulemaking."
- (C) If preemptive rulemaking is proposed, type "Notice of proposed PREEMPTIVE rulemaking."
- (D) If permanent and emergency rulemaking are simultaneously proposed (i.e., the agency is announcing a comment period/hearing to consider adopting the proposed rules as both permanent and emergency rules), type "Notice of proposed PERMANENT and EMERGENCY rulemaking."

(2) **Proposed rules.** Under the bolded heading "**PROPOSED RULES:**", identify the proposed rulemaking action. It is the agency's responsibility to determine how specific its identification of the proposed rules should be. However, the agency must comply with the following:

- (A) If the agency elects not to identify each affected Section and Appendix, the agency must at a minimum identify whether the Chapter itself is being added, amended, or revoked by typing the Chapter number and name followed by [NEW], [AMENDED], or [REVOKED].
- (B) If the agency elects to identify each affected Section, Appendix, Part, and Subchapter, the agency must identify whether the Sections, Appendices, Parts, and/or Subchapters are [NEW], [AMENDED], [REVOKED], [RESERVED], [RENUMBERED], or [AMENDED AND RENUMBERED]. If headings or taglines are included, identify any proposed amendments to a heading or tagline through the use of strikeouts and underscoring. [See also 655:10-7-11(b)(2) (relating to identifying rules in preambles)]

(3) **Summary.** Under the bolded heading "**SUMMARY:**", explain the proposed action by including, at a minimum, the following statutory requirements:

- (A) *in simple language, a brief summary of the rule[s].* [75:303(B)(1)]
- (B) *the proposed action[s] being taken.* [75:303(B)(2)]
- (C) *the circumstances which created the need for the rule[s].* [75:303(B)(3)]
- (D) *the intended effect of the rule[s].* [75:303(B)(5)].

(4) **Authority.** Under the bolded heading "**AUTHORITY:**":

- (A) identify the rulemaking entity, as defined in 655:10-1-2, and
- (B) cite the *specific legal authority authorizing the proposed rule* [75:303(B)(4)]. The "specific legal authority" is the statute or other legal instrument which authorizes the promulgation of rules for this area of control, or the statute or other legal instrument which authorizes the rules. Do not cite APA statutes which authorize rulemaking procedures except when promulgating "required rules" pursuant to 655:10-5-7.

- (5) **Comment period.** Under the bolded heading "**COMMENT PERIOD:**", cite the time when, the place where, and the manner in which interested persons may *submit data, views or arguments, orally or in writing* [75:303(A)(2)]. The agency must allow a minimum 30-day comment period from the date the notice will be published in the Register.
- (6) **Public hearing.** Under the bolded heading "**PUBLIC HEARING:**", cite one of the following:
- (A) If the agency schedules a hearing, cite the date, time and place of such hearing, and *the manner in which interested persons may present their views* [75:303(B)(7)]. The hearing *may not be held earlier than thirty (30) days after notice of the hearing is published* [75:303(C)(2)] in the Register.
- (B) If the agency does not schedule a hearing, cite *the time when, the place where, and the manner in which persons may demand a hearing* [75:303(B)(9)]. The agency must allow a minimum of 30 days from the date the NRI is published for persons to demand a hearing.
- (7) **Requests for comments from business entities.** Under the bolded heading "**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES,**" identify whether any of the proposed rules affect business entities, as follows:
- (A) *If the agency determines that the rule[s] affects business entities, include a request that such entities provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs . . . and indirect costs . . . , or other costs expected to be incurred by a particular entity due to compliance with the proposed rule[s]* [75:303(B)(6)]; or
- (B) If the agency determines that the rule(s) does not affect business entities, as described in (A) of this paragraph and in 75 O.S., Section 303(B)(6), type "n/a."
- (8) **Copies of proposed rules.** Under the bolded heading "**COPIES OF PROPOSED RULES:**", cite *where copies of the proposed rules may be obtained for review by the public* [75:303(B)(10)]. Other information about the proposed rules, such as copying charges, may also be included.
- (9) **Rule impact statement.** Under the bolded heading "**RULE IMPACT STATEMENT:**", state if *the agency intends to issue a rule impact statement . . . and where copies of such impact statement may be obtained for review by the public* [75:303(B)(8)]. Do not include the rule impact statement itself. The rule impact statement must be issued *prior to or within fifteen (15) days after the date of publication of the notice of proposed rule adoption* (i.e., the Notice of Rulemaking Intent) [75:303(D)(1)].
- (10) **Contact person.** Under the bolded heading "**CONTACT PERSON:**", include the name and phone number of a contact person for information regarding the proposed rulemaking.
- (11) **Additional information.** Under the bolded heading "**ADDITIONAL INFORMATION:**", cite any additional information determined by the agency to be pertinent to the notice. The use of this category is optional.

655:10-7-27. Notices of cancelled hearing or comment period

- (a) **Use.** When an agency cancels a hearing or comment period announced in a Notice of Rulemaking Intent, the agency shall submit a Notice of Cancelled Hearing or Comment Period pursuant to this Section. [See also 655:10-7-52 (relating to notice document scope)]
- (b) **Publication.**
- (1) When the Notice of Cancelled Hearing or Comment Period is received by the OAR prior to the filing deadline for the Register issue in which the Notice of Rulemaking Intent will be published, the Notice of Rulemaking Intent is not published and the Notice of Cancelled Hearing or Comment Period is not published. Both notices are maintained in the official files.
- (2) When the Notice of Cancelled Hearing or Comment Period is received by the OAR after the filing deadline for the Register issue in which the Notice of Rulemaking Intent will be published, the cancellation notice is published in the next possible issue of the Register.
- (c) **Format; document heading.** The Notice of Cancelled Hearing or Comment Period begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (d) of this Section, formatted pursuant to the following:
- (1) Begin each heading at the left margin.
- (2) Begin the contents required for each heading on the first line below the heading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **PROPOSED RULES** [see (d)(2) of this Section], begin each rule number on a separate indented line under the heading.
- (d) **Content.** A Notice of Cancelled Hearing or Comment Period must be prepared pursuant to the style required in (c) of this Section and must contain the following headings and information:
- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Cancelled (comment period, public hearing, comment period and public hearing) relating to a proposed (PERMANENT, EMERGENCY, PERMANENT/EMERGENCY) rulemaking action."
- (2) **Proposed rules.** Under the bolded heading "**PROPOSED RULES:**", type the same information included under the heading "**PROPOSED RULES**" in the Notice of Rulemaking Intent [see 655:10-7-26(c)(2)].

- (3) **Register publication of Notice.** Under the bolded heading "**REGISTER PUBLICATION OF NOTICE:**", type the following: "The Notice of Rulemaking Intent for this action was published at (Register cite)." [See 655:10-15-6 (relating to citing the Register)]
- (4) **Cancelled comment period.** Under the bolded heading "**CANCELLED COMMENT PERIOD:**" (if cancelling a comment period), cite the beginning date and ending date of the cancelled comment period. Do not include this heading or this information unless a comment period is being cancelled.
- (5) **Cancelled public hearing.** Under the bolded heading "**CANCELLED PUBLIC HEARING:**" (if cancelling a public hearing), cite the date, time and place of the cancelled public hearing. Do not include this heading or this information unless a public hearing is being cancelled.
- (6) **Additional information.** Under the bolded heading "**ADDITIONAL INFORMATION:**", cite any additional information determined by the agency to be pertinent to the notice. The use of this category is optional.

655:10-7-28. Notices of continued hearing or comment period

- (a) **Use.** If an agency continues a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency may submit a Notice of Continued Hearing or Comment Period to the OAR. [See also 655:10-7-52 (relating to notice document scope)]
- (b) **Publication.** If the hearing or comment period is continued to a date which is earlier than five days after the expected publication date of the Notice of Continued Hearing or Comment Period, the Notice of Continued Hearing or Comment Period is not published, but is maintained in the official Register files.
- (c) **Format; document heading.** The Notice of Continued Hearing or Comment Period begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (d) of this Section, formatted pursuant to the following:
 - (1) Begin each heading and subheading at the left margin.
 - (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
 - (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **PROPOSED RULES** [see (d)(2) of this Section], begin each rule number on a separate indented line under the heading.
- (d) **Content.** A Notice of Continued Hearing or Comment Period must be prepared pursuant to the style required in (c) of this Section and must contain the following headings and information:
 - (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Continued (comment period, public hearing, comment period and public hearing) relating to a proposed (PERMANENT, EMERGENCY, PERMANENT/EMERGENCY) rulemaking action."
 - (2) **Proposed rules.** Under the bolded heading "**PROPOSED RULES:**", type the same information included under the heading "**PROPOSED RULES**" in the Notice of Rulemaking Intent [see 655:10-7-26(c)(2)].
 - (3) **Register publication of Notice.** Under the bolded heading "**REGISTER PUBLICATION OF NOTICE:**", type the following: "The Notice of Rulemaking Intent for this action was published at (Register cite)." [See 655:10-15-6 (relating to citing the Register)]
 - (4) **Continued comment period.**
 - (A) Under the bolded heading "**CONTINUED COMMENT PERIOD:**" (if continuing a comment period), include the following:
 - (i) **Original comment period.** Under the bolded subheading "**Original comment period:**", cite the beginning and ending dates of the original comment period.
 - (ii) **Continued to.** Under the bolded subheading "**Continued to:**", cite the time when, the place where, and the manner in which interested persons may *submit data, views or arguments, orally or in writing* [75:303(A)(2)] for the comment period which continues the original comment period.
 - (B) Do not include this heading or this information unless a comment period is being continued.
 - (5) **Continued public hearing.**
 - (A) Under the bolded heading "**CONTINUED PUBLIC HEARING:**" (if continuing a public hearing), include the following:
 - (i) **Original public hearing.** Under the bolded subheading "**Original public hearing:**", cite the date, time, and place of the original public hearing.
 - (ii) **Continued to.** Under the bolded subheading "**Continued to:**", cite the date, time, and place of the hearing which continues the original public hearing.
 - (B) Do not include this heading or this information unless a public hearing is being continued.
 - (6) **Requests for comments from business entities.** Under the bolded heading "**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES,**" identify whether any of the proposed rules affect business entities, as follows:
 - (A) *If the agency determines that the rule[s] affects business entities, include a request that such entities provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs . . .*

and indirect costs . . . , or other costs expected to be incurred by a particular entity due to compliance with the proposed rule[s] [75:303(B)(6)]; or

(B) If the agency determines that the rule(s) does not affect business entities, as described in (A) of this paragraph and in 75 O.S., Section 303(B)(6), type "n/a."

(7) **Copies of proposed rules.** Under the bolded heading "**COPIES OF PROPOSED RULES:**", cite *where copies of the proposed rules may be obtained for review by the public* [75:303(B)(9)].

(8) **Rule impact statement.** Under the bolded heading "**RULE IMPACT STATEMENT:**", state if the agency has issued or *intends to issue a rule impact statement ... and where copies of such impact statement may be obtained for review by the public* [75:303(B)(8)].

(9) **Additional information.** Under the bolded heading "**ADDITIONAL INFORMATION:**", cite any additional information determined by the agency to be pertinent to the notice. The use of this category is optional.

655:10-7-29. Statements of submission for gubernatorial and legislative review

(a) **Use.** Within 10 days after adoption of permanent rules, the agency must submit the rules to the Governor and the Legislature for review pursuant to 75 O.S., Section 303.1. Upon submission of the rules for review, the agency *shall also submit to the Office of Administrative Rules for publication in The Oklahoma Register, a statement that the adopted rules have been submitted to the Governor and the Legislature* [75:303.1(C)]. [See also 655:10-7-52 (relating to notice document scope)]

(b) **Format; document heading.** The Statement of Submission for Gubernatorial and Legislative Review begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

(1) Begin each heading at the left margin.

(2) Begin the contents required for each heading on the first line below the heading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Statement of Submission for Gubernatorial and Legislative Review must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Submission for gubernatorial and legislative review."

(2) **Rules.** Under the bolded heading "**RULES:**", identify the submitted rules as described in 655:10-7-11(b)(2).

(3) **Submitted to Governor.** Under the bolded heading "**SUBMITTED TO GOVERNOR:**", cite the date the rules were submitted to the Governor for review.

(4) **Submitted to House.** Under the bolded heading "**SUBMITTED TO HOUSE:**", cite the date the rules were submitted for review to the Speaker of the House of Representatives.

(5) **Submitted to Senate.** Under the bolded heading "**SUBMITTED TO SENATE:**", cite the date the rules were submitted for review to the President Pro Tempore of the Senate.

655:10-7-30. Notices of gubernatorial approval

(a) **Use.** Upon receipt of notification from the Governor that a permanent rule(s) has been approved pursuant to 75 O.S., Section 303.2(A)(1), the agency must submit a Notice of Gubernatorial Approval of Permanent Rules to the OAR for publication in the Register.

(b) **Format; document heading.** The Notice of Gubernatorial Approval of Permanent Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

(1) Begin each heading at the left margin.

(2) Begin the contents required for each heading on the first line below the heading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Gubernatorial Approval of Permanent Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Gubernatorial approval of permanent rules."

(2) **Rules.** Under the bolded heading "**RULES:**", identify the approved rules as described in 655:10-7-11(b)(2).

(3) **Gubernatorial approval.** Under the bolded heading "**GUBERNATORIAL APPROVAL:**", cite the date the rules were approved by the Governor.

655:10-7-31. Notices of gubernatorial disapproval

(a) **Use.** Upon receipt of notification from the Governor that a permanent rule(s) has been disapproved, or upon failure of the Governor to approve the rule within 45 calendar days after receiving the rule for review, pursuant to 75 O.S., Section 303.2(A)(2), the agency must submit a Notice of Gubernatorial Disapproval of Permanent Rules in the Register.

(b) **Format; document heading.** The Notice of Gubernatorial Disapproval of Permanent Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading at the left margin.
- (2) Begin the contents required for each heading on the first line below the heading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Gubernatorial Disapproval of Permanent Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Gubernatorial disapproval of permanent rules."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the disapproved rules as described in 655:10-7-11(b)(2).
- (3) **Gubernatorial disapproval.** Under the bolded heading "**GUBERNATORIAL DISAPPROVAL:**", cite the date the rules were disapproved by the Governor, pursuant to one of the following:
 - (A) If written disapproval is given by the Governor, type "Written disapproval received (date)."
 - (B) If written approval or disapproval is not made by the Governor within 45 calendar days after submission, type "Failure of the Governor to approve the (rule, rules) within 45 calendar days resulted in disapproval on (date)."

655:10-7-32. Notices of legislative disapproval

(a) **Use.** Upon disapproval of a rule by the Legislature pursuant to 75 O.S., Section 308, the agency must submit notice of such disapproval for publication in the Register. In addition, the agency must submit a copy of the joint or concurrent resolution, or other legislative instrument, disapproving the rules and, if applicable, a copy of the Governor's veto message and a copy of the Legislature's override measure. [See also 655:10-7-52 (relating to notice document scope)]

(b) **Format; document heading.** The Notice of Legislative Disapproval of Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading and subheading at the left margin.
- (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Legislative Disapproval of Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
 - (A) If the disapproved rules are permanent, type "Legislative disapproval of PERMANENT rules."
 - (B) If the disapproved rules are emergency, type "Legislative disapproval of EMERGENCY rules."
 - (C) If the disapproved rules are preemptive, type "Legislative disapproval of PREEMPTIVE rules."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the disapproved rules as described in 655:10-7-11(b)(2).
- (3) **Legislative disapproval.** Under the bolded heading "**LEGISLATIVE DISAPPROVAL:**", type the following: "(These rules were, This rule was) disapproved by the Legislature in (number of joint or concurrent resolution or other legislative instrument), effective (date)."
- (4) **Emergency rules terminated.** Under the bolded heading "**EMERGENCY RULES TERMINATED:**", type the following if the disapproved rules are permanent or preemptive rules which are based on effective emergency rules [75:253(H)(2)(c)]: "The following emergency rules are also terminated by this disapproval:"
 - (A) **Rules.** Under the bolded subheading "**Rules:**", identify each emergency rule terminated as a result of the disapproval.
 - (B) **Gubernatorial approval.** Under the bolded subheading "**Gubernatorial approval:**", cite the date or dates of emergency approval by the Governor.
 - (C) **Register publication.** Under the bolded subheading "**Register publication:**", type the docket number and the full citation to the Register publication of the emergency rules. [see 655:10-15-4 (relating to docket number) and 655:10-15-6 (relating to citing the Register)]

655:10-7-33. Notices of withdrawn rules

(a) **Withdrawal of permanent rules.** An agency may withdraw a permanent rule prior to its final adoption pursuant to 75 O.S., Section 308(F). When an agency withdraws a permanent rule after its adoption but prior to its final adoption, the agency must submit a Notice of Withdrawn Rules pursuant to this Section.

(b) **Withdrawal of emergency rules.** An agency may withdraw an emergency rule prior to its approval by the Governor pursuant to 75 O.S., Section 253(K). When an agency withdraws an emergency rule after its submission to the Governor but prior to its approval by the Governor, the agency must submit a Notice of Withdrawn Rules pursuant to this Section.

(1) If the agency published a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will publish the Notice of Withdrawn Rules in the Register.

(2) If the agency did not publish a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

(c) **Format; document heading.** The Notice of Withdrawn Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (d) of this Section, formatted pursuant to the following:

(1) Begin each heading and subheading at the left margin.

(2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **WITHDRAWN RULES** [see (d)(2) of this Section], begin each rule number on a separate indented line under the heading.

(d) **Content.** A Notice of Withdrawn Rules must be prepared pursuant to the style required in (c) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:

(A) If the withdrawn rules are permanent, type "Withdrawal of PERMANENT rulemaking."

(B) If the withdrawn rules are emergency, type "Withdrawal of EMERGENCY rulemaking."

(2) **Withdrawn rules.** Under the bolded heading "**WITHDRAWN RULES:**", identify the withdrawn rules as described in 655:10-7-11(b)(2).

(3) **Dates.** Under the bolded heading "**DATES:**", identify any of the following dates which apply to the withdrawal.

(A) **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted.

(B) **Submitted to Governor.** Include this subheading and information if rules are withdrawn after submission to the Governor. Under the bolded subheading "**Submitted to Governor:**", cite the date the rules were submitted to the Governor for review.

(C) **Submitted to House.** Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative review. Under the bolded subheading "**Submitted to House:**", cite the date the rules were submitted to the Speaker of the House of Representatives for review.

(D) **Submitted to Senate.** Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative review. Under the bolded subheading "**Submitted to Senate:**", cite the date the rules were submitted to the President Pro Tempore of the Senate for review.

(E) **Gubernatorial approval.** Include this subheading and information if the rules are permanent rules and are withdrawn after approval by the Governor but prior to approval by the Legislature (final adoption). Under the bolded subheading "**Gubernatorial approval:**", cite the date the rules were approved by the Governor.

(F) **Withdrawn.** Under the bolded subheading "**Withdrawn:**", cite the date the rules were withdrawn from the rulemaking process. This date is the date withdrawal notice is given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

655:10-7-34. Notices of intent to remove obsolete rules or internal statements [REVOKED]

655:10-7-35. Notices of errors in published documents

(a) **Use.** When an agency discovers certain errors in certain documents, as specified in 655:10-13-3, after publication of such documents in the Register, the agency may submit to the OAR a Notice of Error in Published Document prepared pursuant to this Section. [See also 655:10-7-52 (relating to notice document scope)]

(b) **Format; document heading.** The Notice of Error in Published Document begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

(1) Begin each heading and subheading at the left margin.

(2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents;

(c) **Content.** A Notice of Error in Published Document must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Action.** Under the bolded heading "**ACTION:**", type "Notice of error in published document."
- (2) **Document corrected.** Under the bolded heading "**DOCUMENT CORRECTED:**", identify the document being corrected as follows:
 - (A) **Document type.** Under the bolded subheading "**Document type:**", identify the type of document corrected by typing one of the following:
 - (i) Permanent rule document (preamble).
 - (ii) Permanent rule document (enacting clause).
 - (iii) Notice of Rulemaking Intent. [See restrictions in 655:10-13-3]
 - (iv) Notice of Cancelled Comment Period/Hearing. [See restrictions in 655:10-13-3]
 - (v) Notice of Continued Comment Period/Hearing. [See restrictions in 655:10-13-3]
 - (vi) Statement of Submission for Gubernatorial and Legislative Review.
 - (vii) Notice of Gubernatorial Approval of Permanent Rules.
 - (viii) Notice of Gubernatorial Disapproval of Permanent Rules.
 - (ix) Notice of Legislative Disapproval of Rules.
 - (x) Notice of Withdrawn Rules.
 - (B) **Rules.** Under the bolded subheading "**Rules:**", identify the rules affected pursuant to 655:10-7-11(b)(2).
 - (C) **Register publication.** Under the bolded heading "**Register publication:**", include the full citation to the Register publication of the document being corrected. [see 655:10-15-6 (relating to citing the Register)]
 - (D) **Docket number.** Under the bolded heading "**Docket number:**", cite the docket number assigned by the OAR to the document being corrected.
- (3) **Corrections.** Under the bolded heading "**CORRECTIONS:**", explain each correction by clearly citing the information being corrected, followed by the information as it should be stated. For example, "Information cited under the heading ADOPTION was incorrect and should read as follows: October 1, 1989."

655:10-7-36. Notices of codification [REVOKED]

655:10-7-37. Notices of recodification [RESERVED]

PART 7. MISCELLANEOUS DOCUMENTS

655:10-7-45. Local project funding contract announcements [REVOKED]

655:10-7-46. Executive orders

Executive orders are submitted to the OAR in the same format as they are issued by the Governor.

PART 9. DOCUMENT SCOPE

655:10-7-50. Combined category documents

The OAR may not accept a document for publication if it combines material that must appear in different categories of the Register [see 655:10-15-5(b) (relating to Register categories)]. For example, a document may not contain both a permanent rule and an emergency rule, or a notice of rulemaking intent and a notice of gubernatorial approval.

655:10-7-51. Rule document scope, limitations

(a) **Multiple Sections/Appendices in one Chapter.** An agency should combine, in one rule document, all new, amended, revoked, reserved, and renumbered Sections and Appendices in a Chapter when the Sections and Appendices are:

- (1) finally adopted on the same date if the rules are permanent rules, or
- (2) adopted on the same date if the rules are emergency or preemptive rules.

(b) **Restrictions.** An agency may not combine, in one rule document, any of the following:

- (1) Sections or Appendices from different Chapters.
- (2) Permanent rules that are finally adopted on different dates.
- (3) Emergency or preemptive rules that are adopted on different dates.

655:10-7-52. Notice document scope, limitations

(a) **Multiple Sections/Appendices in one Chapter.** An agency should announce, in one notice document, rulemaking actions occurring on the same date if the affected Sections or Appendices are part of the same Chapter, unless otherwise restricted pursuant to this Section.

(b) **Restrictions.**

- (1) **Notices of rulemaking intent; continued or cancelled comment periods/hearings.**

- (A) Agencies may not announce, in one notice of rulemaking intent, notice of continued hearing or comment period, or notice of cancelled hearing or comment period, proposed rules that are in different Chapters.
 - (B) Agencies may announce more than one comment period or more than one hearing in a single notice of rulemaking intent, notice of continued hearing or comment period, or notice of cancelled hearing or comment period only when **each** comment period or hearing applies to all proposed rules.
- (2) **Statements of submission for review.** Agencies may announce submissions of more than one Section or Appendix in a single Statement of Submission for Gubernatorial and Legislative Review only when the rules are:
- (A) submitted to the Governor on the same date,
 - (B) submitted to the Legislature on the same date, and
 - (C) in the same Chapter.
- (3) **Notices of gubernatorial approval/disapproval.** Agencies may announce gubernatorial approval or disapproval of more than one Section or Appendix in a single Notice of Gubernatorial Approval of Permanent Rules or Notice of Gubernatorial Disapproval of Permanent Rules only when the rules are:
- (A) approved on the same date or disapproved on the same date, and
 - (B) in the same Chapter.
- (4) **Notices of legislative disapproval.** Agencies may announce legislative disapproval of more than one Section or Appendix in a single Notice of Legislative Disapproval of Rules only when the rules are:
- (A) disapproved on the same date, and
 - (B) in the same Chapter.
- (5) **Notices of withdrawn rules.** Agencies may announce withdrawal of more than one Section or Appendix in a single Notice of Withdrawn Rules only when the rules are:
- (A) adopted on the same date,
 - (B) submitted to the Governor on the same date,
 - (C) submitted to the Legislature on the same date,
 - (D) withdrawn on the same date, and
 - (E) in the same Chapter.
- (6) **Notices of errors.** Agencies may report, in a single Notice of Errors in Published Document, more than one error only when the errors occurred in the same published document.

655:10-7-53. Miscellaneous document scope, limitations [REVOKED]

655:10-7-54. Multiple rulemaking authorities

When two or more rulemaking authorities are authorized to jointly promulgate a rule, each rulemaking authority shall separately submit a document for any rulemaking action requiring a Register filing.

SUBCHAPTER 9. SUBMISSION OF DOCUMENTS

- 655:10-9-1. Number of paper copies; electronic copies; special treatment of rule documents
- 655:10-9-2. Filing hours; location
- 655:10-9-3. Filing deadlines
- 655:10-9-4. Receipt date; acceptance date
- 655:10-9-5. Acknowledgement of receipt
- 655:10-9-6. Electronic transmission of documents

655:10-9-1. Number of paper copies; electronic copies; special treatment of rule documents

(a) **Electronic preparation of documents.** All documents must be prepared using word processing software, as required by 655:10-7-2(1)(A).

(b) **Submission of documents.** When submitting a document to the OAR for publication in the Register, agencies shall submit the document as set forth in this subsection. [See also (c) of this Section for special treatment of rule documents.]

(1) **Paper copies.**

(A) **Rule documents.**

(i) **Permanent rules.** Submit two (2) originals, or one (1) original and one (1) copy, of permanent rule documents to the OAR. [See also (c) of this Section]

(ii) **Emergency rules.** Submit one (1) original of emergency rule documents to the Governor. Upon approval by the Governor, submit two (2) copies of the emergency rule document and the Governor's approval to the OAR. [See also (c) of this Section]

(iii) **Preemptive rules.** Submit one (1) original of preemptive rule documents to the Governor. Upon approval by the Governor, submit two (2) copies of the preemptive rule document and the Governor's approval to the OAR [75:250.6(B)(3)]. [See also (c) of this Section]

(B) **Notice documents.** Submit one (1) original of notice documents to the OAR. [75:303(B)]

(C) **Extra copies.** If an agency wishes to receive a stamped copy noting receipt and/or acceptance of a document, the agency should submit additional copies pursuant to 655:10-9-5 and 655:10-11-3.

(2) **Electronic copies.** Documents must also be submitted to the OAR in electronic form, as set forth in this paragraph; except Appendices, attestations, and supplemental information (in rule documents) and transmittal sheets which are NOT submitted in electronic form.

(A) **Media options.** Submit documents on a 3 1/2 inch DOS-formatted high density diskette.

(B) **Labeling disks.** Label each diskette. The label must identify the Title, Chapter, and type of filing of each document on the diskette.

(C) **Compression of records.** A record which contains a large rule document may be compressed using PKZip software utility. However, the agency must identify the use of PKZip on the diskette. Notice documents may not be compressed.

(D) **Inaccessible records.** If a record submitted to the OAR is inaccessible (due to a bad disk, corruption of the file, etc.), the OAR will notify the agency as soon as possible. The agency must resubmit another disk.

(c) **Special treatment of rule documents.**

(1) **Emergency and preemptive rules.** Upon approval by the Governor of an emergency or preemptive rule document, the agency shall submit the rule document in paper and electronic form to the OAR, as set forth in (b) of this Section, and pursuant to the following:

(A) Submit two (2) paper copies of the entire rule document, including attestation, to the OAR:

(i) The rule document submitted must include any corrections needed to bring the document into substantial compliance with this Chapter, as identified by the OAR in its review of the document during the Governor's review period [75:253(C)(1) and 250.6(B)(2)].

(ii) Copies of the rule document, including the attestation and transmittal sheet, may be photocopies rather than originals.

(B) Submit two (2) paper copies of the Governor's approval to the OAR.

(C) Submit a diskette copy of all parts of the properly formatted document except the attestation, transmittal sheet, and supplemental information (if any).

(D) An emergency or preemptive rule document is considered officially filed when the paper and diskette copies of the approved document are received by the OAR from the agency.

(2) **Permanent rules.** Within 30 calendar days after final adoption of permanent rules, the agency must submit a permanent rule document to the OAR [75:308.1(A)]. The document must be submitted in paper and electronic form, as set forth in (b) of this Section. The rules included in the permanent rule document must include any corrections necessary to bring the rules into substantial compliance with this Chapter, if any were reported to the agency at earlier stages of the rulemaking process.

655:10-9-2. Filing hours; location

- (a) Agencies may file documents with the Office of Administrative Rules by hand delivering between 9:00 a.m. and 4:30 p.m. Monday through Friday, or by sending through interagency mail or postal service.
- (b) The Office of Administrative Rules strongly recommends that agencies hand deliver documents when possible. A document which is received through postal or interagency mail service is not officially filed until the document is assigned a docket number. If interagency mail or postal service is used, the agency may verify receipt by calling the Office of Administrative Rules or by submitting extra copies for acknowledgements of receipt and acceptance pursuant to 655:10-9-5 and 655:10-11-3.

655:10-9-3. Filing deadlines

- (a) **First issue in month.** If a document is to be included in an issue of the Register published on the first working day of the month, the document must be reviewed and accepted by the Editor pursuant to 655:10-11-1 no later than 4:30 p.m. on the first working day preceding the 16th day of the preceding month. [See also 655:10-15-1 (relating to publication dates)]
- (b) **Second issue in month.** If a document is to be included in an issue of the Register published on the first working day following the 14th day of the month, the document must be reviewed and accepted by the Editor pursuant to 655:10-11-1 no later than 4:30 p.m. on the first working day preceding the 2nd day of the same month. [See also 655:10-15-1 (relating to publication dates)]
- (c) **Schedule of filing deadlines.** The Secretary of State issues a schedule of filing and acceptance deadlines, as well as publication dates, at least 30 days prior to the beginning of a new volume of the Register, and publishes the schedule on the OAR's website [see 655:10-15-1(c)].

655:10-9-4. Receipt date; acceptance date

A document is officially "filed" or "submitted" for purposes of APA and ARR compliance upon receipt in the OAR and assignment of a docket number. Agencies should carefully note the distinction between the date of receipt and the date of acceptance.

- (1) **Date of receipt.** The date of receipt is the date the document is received in the OAR. The date of receipt constitutes the filing date for purposes of APA and ARR compliance and for purposes of compliance with the APA requirement to file rules *within thirty (30) calendar days after they become finally adopted* [75:251(B)].
- (2) **Date of acceptance.** The date of acceptance is the date the reviewed document is accepted for publication by the OAR pursuant to 655:10-11-1. Failure of the OAR to reject a document within six calendar days after its receipt in the OAR shall constitute acceptance of the document.

655:10-9-5. Acknowledgement of receipt

If the agency wishes to receive notification of a document's receipt, the agency must submit an extra copy of the document. The OAR will acknowledge receipt of a document as follows:

- (1) If the document is hand-delivered, the OAR will note the date of receipt and the docket number on the extra copy and immediately return it to the agency.
- (2) If the document is mailed, the OAR will note the date of receipt and the docket number on the extra copy and will return the copy to the agency via postal or interagency mail service.

655:10-9-6. Electronic transmission of documents

The OAR may make special provisions for electronic transmission of documents with agencies having computer equipment capable of communicating with equipment in the OAR.

SUBCHAPTER 11. REVIEW OF DOCUMENTS

- 655:10-11-1. Review of Register submissions
- 655:10-11-2. Pre-review of rules [REVOKED]
- 655:10-11-3. Acknowledgement of acceptance
- 655:10-11-4. Review of Code submissions [REVOKED]

655:10-11-1. Review of Register submissions

(a) **OAR's review.** Upon receipt of a document for Register publication, the OAR shall review the document to determine if the document complies with requirements of ARR.

(1) **Acceptance of documents; Register publication.** If a document is not rejected by the OAR within six calendar days [see 655:10-1-7 (relating to computing days)] after its receipt in the OAR, the document is considered accepted and is published in the next possible issue of the Register. A schedule of Register publication dates and filing deadlines is issued by the Secretary of State at least 30 days prior to the beginning of a new Register volume each year [655:10-15-1(c)]. [See also 655:10-9-3 (relating to filing deadlines) and 655:10-15-2 (relating to Register volumes)]

(2) **Rejection of documents.** The OAR may *refuse to accept for publication any document that does not substantially conform to the promulgated rules of the Secretary* [75:251(C)]. If a document is rejected, the OAR shall provide the agency with a written explanation for the rejection. The agency may modify the document and submit another document with a new received date.

(3) **Acceptance limited.** Acceptance of a document pursuant to this Section indicates only that the document is in the physical form specified by ARR. Acceptance by the OAR does not validate the accuracy of the information supplied by the agency and does not validate compliance with other provisions of APA or with the agency's individual statutory requirements. This compliance is the responsibility of each agency.

(b) **Failure to comply.** *Upon failure of an agency to comply with the provisions of Sections 251 through 256 of this Title [Title 75], ... the Secretary shall forward a written notice of the failure to comply to the chief administrative officer of the agency. The notice shall state a reasonable time, not to exceed thirty (30) calendar days, in which the agency shall fully comply. Further failure to comply shall be reported in writing to the Speaker of the House ..., the President Pro Tempore ..., the Governor, and the Attorney General. Upon such notification, the Attorney General shall immediately seek agency compliance and, if required, to institute mandamus proceedings to secure compliance of said agency.* [75:252(B)]

655:10-11-2. Pre-review of rules [REVOKED]

655:10-11-3. Acknowledgement of acceptance

If the agency wishes to receive notification of a document's acceptance pursuant to 655:10-11-1, the agency must submit an extra copy of the document, in addition to the extra copy submitted for acknowledgement of receipt as set forth in 655:10-9-5. After review and acceptance by the OAR, the OAR will acknowledge acceptance of a document by noting the date of acceptance and the docket number on the extra copy and return it to the agency.

655:10-11-4. Review of Code submissions [REVOKED]

SUBCHAPTER 13. CORRECTION OF ERRORS

- 655:10-13-1. Agency responsibility [REVOKED]
- 655:10-13-1.1. Format changes in regulatory text [REVOKED]
- 655:10-13-2. Errors prior to Register publication
- 655:10-13-3. Errors after Register publication
- 655:10-13-4. Corrected document preparation, submission [REVOKED]
- 655:10-13-5. Rejected documents [REVOKED]

655:10-13-1. Agency responsibility [REVOKED]

655:10-13-1.1. Format changes in regulatory text [REVOKED]

655:10-13-2. Errors prior to Register publication

In the event an agency discovers an error in a document after submission to the OAR but prior to its publication in the Register, the agency may correct the error pursuant to the following:

(1) **Timeliness.** The OAR may refuse to accept corrections to qualifying errors, as described in (2) of this Section, at any time after the acceptance deadline for the issue in which the document will be published. After the acceptance deadline, the agency must call the OAR for a determination as to whether the OAR will accept the corrections.

(2) **Qualifying errors.** If the OAR will accept the corrections as timely, as described in (1) of this Section, the following errors may be corrected:

(A) **Notice documents.** Errors discovered in notice documents may be corrected prior to publication.

(B) **Permanent rule documents.** Errors discovered in permanent rule documents may be corrected, unless the correction would cause a conflict with the following statutory provisions:

(i) *[T]he text of the rule submitted for publication shall be the same as the text of the rule considered by the Legislature and the Governor [75:308.1(B)], and*

(ii) *The agency may change the format of . . . rules . . . to comply with the standard provisions established by the Secretary . . . so long as there is no substantive change to the rule [75 O.S., Section 251(B)(2)(i)].*

(C) **Emergency rule documents.** Emergency rule documents may not be corrected after approval by the Governor; except, the agency may change the format to comply with the ARR, as described in 75 O.S., Section 251(B)(2)(i). If these errors are discovered after the agency has filed the emergency rule document with the OAR [see 655:10-9-1(c)(1) (relating to filing emergency rule documents)] but prior to publication, the agency may correct these errors.

(D) **Preemptive rule documents.** Preemptive rule documents may not be corrected after approval by the Governor; except, the agency may change the format to comply with the ARR, as described in 75 O.S., Section 251(B)(2)(i), before filing the preemptive rule document with the OAR. If these errors are discovered after the agency has submitted a preemptive rule document to the OAR [see 655:10-9-1(c)(1) (relating to filing preemptive rule documents)] but prior to publication, the agency may correct the errors.

655:10-13-3. Errors after Register publication

(a) Rule documents.

(1) Permanent rule documents.

(A) **Regulatory text.** In the event an agency discovers an error in regulatory text in a permanent rule document after publication in the Register, the agency may correct the error through emergency, preemptive, or permanent rulemaking procedures only.

(B) Other than regulatory text.

(i) **Published pages.** When an agency discovers an error in the preamble (except effective date) or enacting clause (except effective date) in a permanent rule document after publication in the Register, the agency may submit a Notice of Error in Published Document pursuant to 655:10-7-35.

(ii) **Non-published pages.** When an agency discovers an error in the attestation or supplemental information pages of a permanent rule document after publication in the Register, the agency may submit the corrected page or pages to the OAR. Upon review and acceptance of the corrected pages, the OAR will add the corrected pages to the official files.

(2) **Emergency and preemptive rule documents.** Emergency and preemptive rule documents may not be corrected by an agency after publication in the Register.

(b) Notice documents.

(1) **Corrections allowed.** When an agency discovers an error in one of the following types of notice documents after publication in the Register, the agency may correct such error by submitting a Notice of Error in Published Document [see 655:10-7-35]:

- (A) Statement of Submission for Gubernatorial and Legislative Review.
- (B) Notice of Gubernatorial Approval of Permanent Rules.
- (C) Notice of Gubernatorial Disapproval of Permanent Rules.
- (D) Notice of Legislative Disapproval of Rules.
- (E) Notice of Withdrawn Rules.

(2) **Corrections not allowed.** When an agency discovers an error in a notice document which announces an action affecting the public's direct participation in the rulemaking process (as identified in (A) through (C) of this paragraph), the agency may not correct the notice document after publication in the Register. The agency may submit a new notice document and, if applicable, publish a Notice of Cancelled Hearing or Comment Period; however, the new document acquires a new "publication date" for purposes of compliance with APA time restrictions (e.g., minimum 30-day comment period). Notice documents which may not be corrected with a Notice of Error in Published Document include the following:

- (A) Notice of Rulemaking Intent.
- (B) Notice of Cancelled Hearing or Comment Period.
- (C) Notice of Continued Hearing or Comment Period.

655:10-13-4. Corrected document preparation, submission [REVOKED]

655:10-13-5. Rejected documents [REVOKED]

SUBCHAPTER 15. THE OKLAHOMA REGISTER

- 655:10-15-1. Publication dates and filing deadlines
- 655:10-15-2. Series of information; "code/supplement year"
- 655:10-15-3. Register pagination
- 655:10-15-4. Docket numbers
- 655:10-15-5. Register contents
- 655:10-15-6. Citing the Register
- 655:10-15-7. Register the prices
- 655:10-15-8. Schedule of publication dates and filing deadlines [REVOKED]
- 655:10-15-9. Unpublished material
- 655:10-15-10. Editor's Notes
- 655:10-15-11. Proof of publication

655:10-15-1. Publication dates and filing deadlines

- (a) **Publication dates.** The Register is published on the first working day of each month and on the first working day following the 14th day of each month.
- (b) **Filing deadlines.** For Register filing deadlines, see 655:10-9-3.
- (c) **Schedule of publication dates and filing deadlines.** The Secretary of State shall issue a schedule of publication dates and filing deadlines at least 30 days prior to the beginning of a new volume of the Register [see 655:10-15-2], and shall publish the schedule on the OAR's website.

655:10-15-2. Series information; "code/supplement year"

Volumes and issues of the Register are numbered consecutively. Each volume includes twenty-four (24) issues beginning with the first issue of a "code/supplement year" and ending with the last issue of a "code/supplement year." A "code/supplement" year begins with the first issue of the Register with an acceptance deadline [as set forth in OAC 655:10-9-3, 655:10-11-1(a)(1), and 655:10-15-1(a)] that occurs after the deadline established by the Legislature in 75 O.S., Section 256(B) for inclusion of rules in the annual Code or Supplement, and ends with the last issue with an acceptance deadline on or before the deadline established in 75 O.S., Section 256(B).

655:10-15-3. Register pagination

The pages of the Register are numbered consecutively within each volume. Each issue within a volume continues the pagination of the preceding issue.

655:10-15-4. Docket numbers

The OAR shall assign a docket number to each document upon receipt in the OAR. The docket number is used by both the OAR and the agency for future identification of the document.

655:10-15-5. Register contents

- (a) **Register categories.**
 - (1) Documents published in the Register are arranged by document type, as follows:
 - (A) Notices of Rulemaking Intent.
 - (B) Cancelled Hearings or Comment Periods.
 - (C) Continued Hearings or Comment Periods
 - (D) Submissions for Review.
 - (E) Gubernatorial Approvals.
 - (F) Gubernatorial Disapprovals.
 - (G) Legislative Disapprovals.
 - (H) Withdrawn Rules.
 - (I) Emergency Adoptions.
 - (J) Preemptive Adoptions.
 - (K) Permanent Final Adoptions.
 - (L) Executive Orders.
 - (M) Errors in Published Documents.
 - (N) Editor's Notices.
 - (2) Within each category listed in (1)(A) through (K) and (M) of this subsection, documents are arranged by Title and Chapter number.

- (b) **Table of contents.** Each issue of the Register contains a table of contents arranged alphabetically by agency. Each agency's listing in the table of contents identifies the types of rulemaking actions published for the agency in that issue.
- (c) **Sections Affected Index.** Each issue of the Register published after publication of the first Code contains a Sections Affected Index that identifies each Section that is being promulgated (added, amended, revoked, renumbered, or reserved) in that issue.
- (d) **Other user aids.** At its discretion, the OAR may publish additional user and finding aids in the Register.

655:10-15-6. Citing the Register

Material published in the Register is referenced by citing the volume in which the document appears, followed by the words "Ok Reg" and the beginning page number on which the document is published. For example, a document beginning on page 1042 of volume 5 is cited as follows: 5 Ok Reg 1042.

655:10-15-7. Register prices

- (a) **Annual subscriptions.** Annual subscriptions to the Register may be purchased from the Office of Administrative Rules. The OAR shall periodically review its production and distribution costs to determine subscription prices that are *sufficient to defray the cost of publication and mailing* [75:255(A)(2)]; provided, a subscriber who has paid for an annual subscription will not be charged for any increase in subscription prices until the expiration of the subscriber's current annual subscription. Subscription prices may be obtained by contacting the Office of Administrative Rules.
- (b) **Individual issues.** If available, individual issues of the Register may be purchased from the OAR. The OAR shall periodically review its production and distribution costs to determine a fee *sufficient to defray the cost of publication and mailing* [75:255(A)(2)]. Prices for individual issues may be obtained by contacting the Office of Administrative Rules.
- (c) **Prepayment.** Fees established by this Section must be prepaid.

655:10-15-8. Schedule of publication dates and filing deadlines [REVOKED]

655:10-15-9. Unpublished material

- (a) **Lengthy rules; standards adopted by reference.** When regulatory text in a rule document, as submitted by the agency, exceeds 75 pages in length, the regulatory text is not published in the Register but is maintained in the official files [see 655:10-7-12 (relating to lengthy rule documents)]. Upon request, one copy of the regulatory text not published due to excessive length is available at no charge to paid Register subscribers; except, standards adopted by reference [75:251(D)] are not available from the OAR. Standards adopted by reference are not filed with the OAR and *shall be readily available to the public for examination at the administrative offices of the agency* [75:251(D)].
- (b) **Proposed rules.** Proposed rules are not published in the Register or Code.
- (c) **Transmittal sheet.** The transmittal sheet required for all documents submitted to the OAR is not published in the Register or Code.
- (d) **Attestation.** The attestation submitted in a rule document is not published in the Register or Code, but is maintained in the official files.
- (e) **Supplemental information.** Supplemental information submitted pursuant to 655:10-7-15 is not published in the Register or Code, but is maintained in the official files.

655:10-15-10. Editor's Notes

- (a) Editor's Notes may be used only by the OAR.
- (b) Editor's Notes are used for informational purposes and to aid the reader and are not part of the text of a rule. Editor's Notes do not alter or amend the text of any rule.
- (c) Editor's Notes may appear as notes to a specific document or to a specific rule, or in the Editor's Notices section of the Register, or in the Code.
- (d) Editor's Notes may be used by the OAR, at its discretion, to identify numbering and procedural discrepancies, relevant legislative or gubernatorial actions, or other unusual circumstances related to a rule or rulemaking action. Editor's Notes may be used by the OAR to inform the reader of possible errors, other than spelling errors, in the Code [75:256(D)].

655:10-15-11. Proof of publication

Upon publication of a rule document in the Register, the OAR shall send proof of publication to the agency's liaison officer. [75:254(B)]

SUBCHAPTER 17. THE OKLAHOMA ADMINISTRATIVE CODE

- 655:10-17-1. [RESERVED]
- 655:10-17-2. [RESERVED]
- 655:10-17-3. Code and Supplement publication; validity of rules
- 655:10-17-4. Code and Supplement prices
- 655:10-17-5. [RESERVED]
- 655:10-17-6. Source notes
- 655:10-17-7. Authority notes

655:10-17-1. [RESERVED]

655:10-17-2. [RESERVED]

655:10-17-3. Code and Supplement publication; validity of rules

The Code or an annual supplement to the Code is published as soon as possible after August 30 of each year [75:256(B)]. *Annual supplements to the Code shall be cumulative* [75:256(A)(3)]. Filings for the annual publication of the Code or a Code supplement must be accepted no later than August 15 for publication in the first Register issue in September [75:256(B)(1)]. A finally adopted permanent rule not accepted by August 15 *shall be void and of no effect upon publication of the . . . "Code" or "Code" supplement* [75:256(A)(1)(b)].

655:10-17-4. Code and Supplement prices

The Code and its annual supplements may be purchased from the Office of Administrative Rules. Prior to announcing the availability of an annual supplement or a new edition of the Code, the OAR shall review the production and distribution costs to determine a price *sufficient to defray the cost of publication and mailing* [75:256(E)] Prices may be obtained by contacting the Office of Administrative Rules.

655:10-17-5. [RESERVED]

655:10-17-6. Source notes

(a) Responsibility for preparation of source notes.

- (1) Source notes are prepared by the issuing agency for rules promulgated before January 1, 1997.
- (2) Source notes are prepared by the OAR for rules promulgated on or after January 1, 1997.

(b) Chapter source notes. Chapter source notes are used in the Code as follows:

- (1) A Chapter source note identifies the date of the Chapter's codification. The date of codification is the date the Chapter was accepted for inclusion in the first official compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a); except, the date of codification for subsequently promulgated new Chapters is the effective date of the permanent or preemptive rulemaking which establishes the new Chapter.
- (2) Chapter source notes are supplemental references which are required for codification and the convenience of the reader. They are not rules and do not have the force of law.
- (3) The following is an example of a Chapter source note: [**Source:** Codified 2-11-91]

(c) Subchapter source notes. Subchapter source notes are used in the Code as follows:

- (1) Each new Subchapter which is added after its Chapter's codification date, as defined in (b)(1) of this Section, includes a source note which identifies the date of the Subchapter's codification. The date of the new Subchapter's codification is the effective date of the permanent or preemptive rulemaking which establishes the new Subchapter.
- (2) Subchapter source notes are supplemental references which are required for codification and the convenience of the reader. They are not rules and do not have the force of law.
- (3) The following is an example of a Subchapter source note: [**Source:** Codified 2-11-91]

(d) Section source notes; Appendix source notes.

(1) Use. Section and Appendix source notes are used in the Code as follows:

- (A) Section and Appendix source notes provide an administrative history of rulemaking actions on that Section or Appendix, subsequent to its codification.
- (B) Section and Appendix source notes are supplemental references which are required for codification and the convenience of the reader. They are not rules and do not have the force of law.
- (C) The following is an example of a Section source note: [**Source:** Amended at 9 Ok Reg 1034, eff 5-25-92 (emergency); Amended at 9 Ok Reg 1555, eff 7-11-92].

(2) **Source note entries.** Each entry in a Section or Appendix source note describes a rulemaking action on that Section or Appendix, including a citation to the action's Register publication [see 655:10-15-6 (relating to Register citations)], and the effective date of the action.

(A) **Types of entries.**

(i) **New Section/Appendix.** The source note entry for an action which adds a new Section or Appendix appears in the Code as follows: "Added at (cite to Register publication), eff (effective date)."

(ii) **Revoked Section/Appendix.** The source note entry for an action which revokes a Section or Appendix appears in the Code as follows: "Revoked at (cite to Register publication), eff (effective date)."

(iii) **Amended Section.** The source note entry for an action which amends a Section appears in the Code as follows: "Amended at (cite to Register publication), eff (effective date)."

(iv) **Amended Appendix (revoked and reenacted).** The source note entry for an action which amends an Appendix through revocation and reenactment appears in the Code as follows: "Revoked and reenacted at (cite to Register publication), eff (effective date)."

(v) **Renumbered Section/Appendix.** The source note entries for an action which renumbers a Section or Appendix, with no amendments to the Section or Appendix, appear in the Code as follows:

(I) For the prior Section or Appendix: "Renumbered to (new Section or Appendix number) at (cite to Register publication), eff (effective date)."

(II) For the newly-numbered Section or Appendix: "Renumbered from (prior Section or Appendix number) at (cite to Register publication), eff (effective date)."

(vi) **Amended and renumbered Section/Appendix.** The source note entries for an action which renumbers AND amends a Section or Appendix appear in the Code as follows:

(I) For the prior Section or Appendix: "Amended and renumbered to (new Section or Appendix number) at (cite to Register publication), eff (effective date)."

(II) For the newly-numbered Section: "Amended and renumbered from (prior Section number) at (cite to Register publication), eff (effective date)."

(vii) **Reserved Section/Appendix.** The source note entry for an action which reserves a Section or Appendix appears in the Code as follows: "Reserved at (cite to Register publication), eff (effective date)."

(viii) **Expired Section/Appendix.** The source note entry for an emergency action on a Section or Appendix which expires without being superseded by another action appears in the Code as set forth in (B)(ii) of this paragraph.

(ix) **Special circumstances.** The OAR may use alternate wording for source note entries which are needed to describe special or unusual circumstances.

(B) **Prior emergency actions.**

(i) **Superseded emergency actions.** If emergency amendments to or revocations of a Section or Appendix are promulgated between permanent rulemaking actions on the Section or Appendix, or if the Section or Appendix is a new permanent Section or Appendix which was preceded by emergency promulgation as a new Section/Appendix, the source note includes an entry for each emergency action. The entry is prepared pursuant to (A) of this paragraph, but is followed by the word "(emergency)." For an example of an emergency source note entry, see (1)(C) of this subsection.

(ii) **Expired emergency actions.** If an emergency action on a Section or Appendix is allowed to expire without being superseded by a permanent rulemaking action, the source note entry is prepared as set forth in (i) of this subparagraph, except that the effective date is followed by the word "through" and the expiration date of the emergency action. For example: Added at 9 Ok Reg 221, eff 8-21-91 through 7-14-92 (emergency).

(C) **Chronological order.** Source note entries in a Section or Appendix source note are listed in chronological order by effective date.

655:10-17-7. Authority notes

(a) **Use.** Authority notes are used in the Code as follows:

(1) An authority note identifies the statutory, constitutional, or other legal authority by which rules are issued.

(2) Authority notes are supplemental references which are required for codification and the convenience of the reader. They are not rules and do not have the force of law.

(3) Each Chapter includes an authority note. Subchapter, Part, Section, and Appendix authority notes may also be used [see (b)(2) of this Section].

(b) **Responsibility for preparation.**

(1) **Chapter authority notes.** Every Chapter in the Code includes an authority note.

(A) For rules promulgated prior to January 1, 1997, the issuing agency prepares the Chapter authority note.

- (B) For rules promulgated on or after January 1, 1997, the OAR prepares the Chapter authority note, based on information provided by the agency.
- (2) **Supplemental authority notes.** Supplemental authority notes (i.e., Subchapter, Part, Section, and Appendix authority notes) may be included in the Code as follows:
- (A) For rules promulgated prior to January 1, 1997, the issuing agency adds the desired supplemental authority note.
- (B) For rules promulgated on or after January 1, 1997, supplemental authority notes are added pursuant to one of the following:
- (i) The issuing agency may request that the OAR add a supplemental authority note to the Code. The OAR will review the request and, at its discretion, add the supplemental authority note to the Code.
 - (ii) At its discretion, the OAR may add a supplemental authority note to the Code without receiving a request from the agency. The OAR may require input from the issuing agency concerning the legal authority for a Subchapter, Part, Section, or Appendix.

SUBCHAPTER 19. PUBLIC INSPECTION AND COPIES OF DOCUMENTS

- 655:10-19-1. Public access to documents and publications
- 655:10-19-2. Photocopy charges
- 655:10-19-3. Certified copies

655:10-19-1. Public access to documents and publications

(a) Secretary's responsibility.

(1) Documents accepted by the OAR, as well as the OAR's publications, are available for public inspection, and copying and certification as set forth in 655:10-19-2 and 655:10-19-3, in the Secretary of State's Office of Administrative Rules, between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. Records stored off-site and certification of documents must be requested at least 24 hours in advance. Copies of Register documents that have not yet been published in the Register can be copied, but only if clearly marked by the OAR with the following: "Unofficial --- Not yet published."

(2) Documents and publications may not be borrowed or removed from the Office of Administrative Rules. Documents may be photocopied, and publications may be photocopied or purchased, as set forth in this Subchapter, 655:10-15-7, and 655:10-17-4.

(b) Issuing agency's responsibility. *The agency submitting the rules shall make such rules available to the public in accordance with the Open Records Act.* [75:254(B)]

(c) County clerks' responsibility. Copies of the Register are *sent to those county clerks who request it* [75:255(A)(2)]. In addition, every county clerk in the state of Oklahoma is *entitled to receive, at no cost, one copy of the printed volumes of the Code and the supplements thereto* [75:257.1(B)(1)(a)]. Each year, the Secretary of State announces the availability of that year's Code or Supplement to the county clerks. Each county clerk may either:

- (1) receive the printed product or the cdrom product, in lieu of the printed product, and make the publication available to the public during the county clerk's business hours, or
- (2) waive his/her right to receive that year's publication.

(d) Depository libraries. Copies of the published Code and each annual Supplement, and copies of each issue of the Register, are deposited with the Oklahoma Publications Clearinghouse for distribution to each Oklahoma Government Publications Depository Library. [75:257.1(B)(2)]

(e) Open Records Act. The OAR shall make its records available for public inspection and copying pursuant to the Open Records Act, 51:24A.1 et seq. [75:256.3].

655:10-19-2. Photocopy charges

- (a) Fees.** Photocopies of OAR records are available for 25 cents per page.
- (b) Security.** Photocopies must be made by OAR staff.

655:10-19-3. Certified copies

Certified copies of OAR records are available for \$1.00 per page.

APPENDIX A. TABLE OF INTERNAL (OAC) CITATIONS

This table establishes format for referencing the OAC within the text of a rule. The left column describes the material being referenced. The right column shows the correct form for stating the reference. [See also 655:10-5-12.1]

WHEN REFERRING TO:

CITE IN THIS STYLE:

Another Section of the OAC	20:10-1-1
A lettered or numbered subdivision of another Section of the OAC	20:10-1-1(a) 20:10-1-1(a)(1) 20:10-1-1(a)(1)(A) 20:10-1-1(a)(1)(A)(i) 20:10-1-1(a)(1)(A)(i)(I)
Another subsection of the same Section	(a) of this Section
Another paragraph of the same subsection	(1) of this subsection
Another subparagraph of the same paragraph.....	(A) of this paragraph
Another unit of the same subparagraph.....	(i) of this subparagraph
Another subunit of the same unit	(I) of this unit
A subdivision of another subsection of the same Section	(a)(1) of this Section (a)(1)(A) of this Section (a)(1)(A)(i) of this Section (a)(1)(A)(i)(I) of this Section
A subdivision of another paragraph of the same subsection	(1)(A) of this subsection (1)(A)(i) of this subsection (1)(A)(i)(I) of this subsection
A subdivision of another subparagraph of the same paragraph	(A)(i) of this paragraph (A)(i)(I) of this paragraph
A subdivision of another unit of the same subparagraph	(i)(I) of this subparagraph
Another Title of the OAC	Title 20 of the OAC - OR - OAC 20
Another Chapter of the same Title	Chapter 10 of this Title - OR - OAC 20:10
A Chapter of another OAC Title	OAC 20:10
Another Subchapter of the same Chapter	Subchapter 10 of this Chapter

- A Subchapter of another Chapter of the same Title Subchapter 10 of Chapter 10
of this Title
- OR -
OAC 20:10-10
- A Subchapter of another OAC Title OAC 20:10-10
- Another Part of the same Subchapter Part 1 of this Subchapter
- A Part of another Subchapter of the same Chapter Part 1 of Subchapter 1 of this Chapter
- A Part of another Chapter of the same Title Part 1 of Subchapter 1 of
Chapter 10 of this Title
- OR -
OAC 20:10-1, Part 1
- A Part of another OAC Title OAC 20:10-1, Part 1
- The same Title of the OAC this Title
- OR -
OAC 20
- The same Chapter of the OAC this Chapter
- OR -
OAC 20:10
- The same Subchapter of the OAC this Subchapter
- OR -
OAC 20:10-10
- The same Part of the OAC this Part
- OR -
OAC 20:10-10, Part 1
- The same Section of the OAC this Section
- OR -
20:10-10-1
- The same subsection of the OAC this subsection
- The same paragraph of the OAC this paragraph
- The same subparagraph of the OAC this subparagraph
- The same unit of the OAC this unit
- The same subunit of the OAC this subunit

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