

PROPOSED

TITLE 655. SECRETARY OF STATE CHAPTER 10. ADMINISTRATIVE RULES ON RULEMAKING

SUBCHAPTER 1. GENERAL PROVISIONS

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)~~(G) 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)~~(5) (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~~(45)~~(17) 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)(17)].

"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)(G) 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)(17).

"Section" means a "rule," as defined in 75 O.S., Section 250.3(15)(17). 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)]

"Title 59 agency" means *an agency, board, or commission created by or that receives its authority from Title 59 of the Oklahoma Statutes [75:308(F)].*

"Title 59 rules" means rules of a "Title 59 agency," as defined in this section.

"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.

SUBCHAPTER 7. PREPARATION OF DOCUMENTS

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)(5); 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.

PART 3. RULE DOCUMENTS

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)(4) **Comment period.** Under the bolded subheading "**Comment period:**", cite one of the following:~~

~~(i)(A) **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)(B) **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)(5) **Public hearing.** Under the bolded subheading "**Public hearing:**", cite one of the following:~~

~~(i)(A) **Permanent rules.** If the rules are permanent rules, cite one of the following:~~

~~(i)(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)(B) **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)(6) **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted by the rulemaking entity.~~

~~(D)(7) **Submitted to Governor.**~~

~~(i)(A) **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)(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this subparagraph paragraph.~~

~~(E)~~**(8) Submitted to House.**

~~(i)~~**(A) 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)~~**(B) Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

~~(F)~~**(9) Submitted to Senate.**

~~(i)~~**(A) 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)~~**(B) Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

~~(G)~~**(10) Gubernatorial approval.**

~~(i)~~**(A) 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)~~**(11)** of this ~~paragraph~~ subsection for information required for gubernatorial disapprovals].

~~(ii)~~**(B) Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

~~(H)~~**(11) Gubernatorial disapproval.**

~~(i)~~**(A) Permanent rules.** If the rules are permanent rules AND if the permanent rules were disapproved by the Governor [see ~~(G)~~**(10)** of this ~~paragraph~~ subsection for information required for gubernatorial approvals], under the bolded subheading "**Gubernatorial disapproval:**", cite one of the following:

~~(i)~~**(i)** the date the permanent rules were disapproved by the Governor, or

~~(ii)~~**(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)~~**(B) Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

~~(I)~~**(12) Legislative approval.**

~~(i)~~**(A) Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Legislative approval:**", cite one of the following:

~~(i)~~**(i) Title 59 rules; fees.** If the rules are Title 59 rules or rules that establish or increase fees, cite "Approved [date Governor signed Legislature's joint resolution approving the rules OR, if resolution was vetoed by Governor, date veto was overridden by Legislature] by [number of joint resolution]" [see 75:308(F)].

~~(ii)~~**(ii) All other rules.** If the rules are NOT Title 59 rules or rules that establish or increase fees, 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)~~(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or the information described in this ~~subparagraph~~ paragraph.

~~(J)~~(13) **Final adoption.**

~~(i)~~(A) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Final adoption:**", cite the date of final adoption.

~~(ii)~~(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

~~(K)~~(14) **Effective.** Under the bolded subheading "**Effective:**", cite one of the following:

~~(i)~~(A) **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)~~(B) **Emergency rules.** If the rules are emergency, cite one of the following:

~~(i)~~(i) If the emergency rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

~~(ii)~~(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)~~(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~~)(F)(1)]

~~(iii)~~(C) **Preemptive rules.** If the rules are preemptive, cite one of the following:

~~(i)~~(i) If the preemptive rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

~~(ii)~~(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)~~(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)~~(15) **Expiration.**

~~(i)~~(A) **Emergency rules.** If the rules are emergency rules, under the bolded subheading "**Expiration:**", cite one of the following:

~~(i)~~(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)~~(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)~~(B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the subheading or information described in ~~(i)~~(A) of this ~~subparagraph~~ paragraph.

~~(5)~~(16) **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)~~(17) **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)~~(18) **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~~ include substantial evidence that the rule is necessary as an emergency measure [75:253(A)(1)], based on criteria set out in 75 O.S., Section [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)~~(19) **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)~~(20) **Contact person.** Under the bolded heading "**CONTACT PERSON:**", include the name and phone number of a contact person for information regarding the rulemaking action.

655:10-7-13. 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)~~(F):

(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)~~(F), 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)~~(F), 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):

PART 5. NOTICE DOCUMENTS

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 one of the following:
- (A) **Active disapproval.** If the Legislature disapproves by joint or concurrent resolution, type "(These rules were, This rule was) disapproved by the Legislature in (number of joint or concurrent resolution or other legislative instrument), effective (date)."
- (B) **Inactive disapproval.** If the rules are Title 59 rules or rules that establish or increase fees, and the Legislature does not approve the rules by joint resolution prior to sine die adjournment, type "Failure of the Legislature to approve the (rule, rules) by joint resolution prior to the end of session resulted in disapproval on (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~~)(G). 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, except as provided in (c) of 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, except as provided in (c) of 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) **Filing exception for "resubmitted rules."**
- (1) **Criteria for "resubmitted rules."** When an agency discovers an error in a filing that has been submitted on the State Online Filing System ("System") for gubernatorial and legislative review, the System allows the agency to "resubmit" that filing, but only if:

(A) the agency resubmits the filing within 10 calendar days after the rules were adopted, and

(B) the agency first withdraws the original submission in the System. The agency may add the bolded heading "ADDITIONAL INFORMATION" to the Notice of Withdrawn Rules, which the System requires be prepared pursuant to this section. The agency may include information under this additional heading to explain that the rules, although withdrawn, are being resubmitted.

(2) **Filing with OAR not required.** When an agency withdraws and resubmits a filing on the System within 10 days after the rules were adopted, as described in (1) of this subsection, the agency should not submit a copy of the Notice of Withdrawn Rules to the OAR. If submitted, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

~~(e)~~(d) **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)~~(e) 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)~~(e)(2) of this Section], begin each rule number on a separate indented line under the heading.

~~(d)~~(e) **Content.** A Notice of Withdrawn Rules must be prepared pursuant to the style required in ~~(e)~~(d) 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.

SUBCHAPTER 9. SUBMISSION 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~~ Within 30 calendar days after final adoption, 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~~ compact disc (CD).

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

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

(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)~~(2) 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~~ CD containing a copy of all parts of the ~~properly formatted~~ the rule 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~~ CD 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 by the OAR at earlier stages of the rulemaking process.