

## PROPOSED

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

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 655:10-1-1. Purpose

~~This~~ The rules in this Chapter establish procedures and standards for filing and publishing rules, rulemaking notices, Governor's declarations, 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., and reflect rule review requirements enacted in Executive Order 2013-34.

##### 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.

"**Adopted rule**" means a proposed emergency [or preemptive] rule that has been adopted by the agency but has not been approved or disapproved by the Governor . . . , or a proposed permanent rule that has been adopted by the agency but has not been approved or disapproved by the Legislature or [approved] by declaration of the Governor [75:250.3(2)] as provided by 75 O.S., Sections 308 and 308.3(D). [See also definitions of "proposed rule" and "Governor's declaration" in this Section].

"**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~~and . . . 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 the APA and ARR to be submitted for each rulemaking action, Governor's declaration, 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 the finally adopted (if permanent) or adopted (if emergency or preemptive) regulatory text. [See 655:10-7-13 (relating to enacting clauses)]

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

**"Finally adopted" or "final adoption"** means the approval of a proposed permanent rule upon the occurrence of one of the following:

(A) legislative approval of the rule by omnibus joint resolution, provided that the resolution has either been approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto has been overridden by the Legislature.

(B) legislative approval of the rule by joint resolution, provided that the resolution has either been approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto has been overridden by the Legislature.

(C) gubernatorial veto of a joint or omnibus joint resolution disapproving the rule, provided that the veto has not been overridden by the Legislature.

(D) gubernatorial approval of the rule by Governor's declaration [see definition of "Governor's declaration" in this Section].

**"Governor's declaration"** means an action the Governor may take to declare the approval and final adoption of proposed permanent rules that were:

(A) disapproved by an omnibus joint resolution, but *the Governor finds that the necessity [for the rules] does exist, and that the agency has the authority to make the rules* [75:308.3(D)(3)];

(B) submitted to the Legislature on or before April 1, but the Legislature has failed to pass an omnibus joint resolution approving/disapproving rules prior to sine die adjournment of the Legislature [75:308.3(D)(4)]; or

(C) approved by the Legislature in an omnibus resolution, but the omnibus joint resolution has been found by the Governor to have a technical legal defect [75:308.3(D)(4)].

**"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 to Governor and Legislature~~ [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)~~ (E) Notice of legislative disapproval of rules [75:308(C) and 655:10-7-32].
- ~~(H)~~ (F) Notice of withdrawn rules [75:308(G)(F) and 655:10-7-33].
- (H) (G) 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]

"Omnibus joint resolution" or "omnibus resolution" means a joint resolution identifying disapproved permanent rules and declaring all other permanent rules submitted to the Legislature as of a certain date, as identified in the resolution, to be approved. [75:308.3]

"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~~ agency's Cabinet Secretary prior to adoption pursuant to Executive Order 2013-34, and finally adopted pursuant to 75 O.S., Sections 303.1, 303.2, and 308 250.3(15) and 308(E) 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 as defined in 75:250.3(5) (relating to final adoption)}~~ and this section.

"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(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(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 adopted by emergency or preemptive action or finally adopted by permanent action.

**"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)~~75:308(E) and 75:308.3].
- (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~~ an adopted permanent rule(s) ~~for gubernatorial and legislative review to Governor and Legislature~~ [75:303.1~~(C)~~(A)].
- ~~(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)(H)~~ Disapproval of a rule(s) by the Legislature [75:308~~(C)~~ (B) and 75:308.3(C)].
- ~~(K)(I)~~ Withdrawal of a proposed rule from the rulemaking process [75:308~~(G)~~(F), 75:253(K), and 655:10-7-33].
- ~~(L)(J)~~ Notice of error in a published document [655:10-7-35].
- (K) Governor's declaration [75:308.3(D)].

**"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(17).

**"Section"** means a "rule," as defined in 75 O.S., Section 250.3(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~~; 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~~ the rules of ~~an~~ one 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.

#### **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~~ the agency 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~~ 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~~ 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, email 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~~ notify the OAR in writing within 30 days after such appointment. ~~Provided, the~~ 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.

### SUBCHAPTER 3. CODIFICATION OF RULES

#### PART 5. CODE NUMBERING, HEADINGS, AND TAGLINES

##### **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.

### 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(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 and gubernatorial declarations.** In addition to rulemaking documents, executive orders, gubernatorial declarations as described in 75 O.S., Section 308.3, 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.

### **655:10-7-6. 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~~ to Governor and Legislature.

~~(H) Notice of gubernatorial approval.~~

~~(I) Notice of gubernatorial disapproval.~~

~~(J)~~(H) Notice of legislative disapproval.

~~(K)~~(I) Notice of withdrawn rules.

~~(L)~~(J) 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

#### 655:10-7-11. 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) **Submission of proposed rules to Governor and Cabinet Secretary.**
- (A) **Permanent rules.** If the rules are permanent rules, under the bolded heading "**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:**", cite the date the proposed rules were submitted to the Governor and the agency's Cabinet Secretary for review, as required by Executive Order 2013-34.
  - (B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include this heading or the information described in this paragraph.
- (4)(5) **Comment period.** Under the bolded subheading "~~Comment period:~~" heading "**COMMENT PERIOD:**", cite one of the following:
- (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.
  - (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 heading or this information if no comment period was held or announced in the Register for the emergency or preemptive rules.
- (5)(6) **Public hearing.** Under the bolded subheading "~~Public hearing:~~" heading "**PUBLIC HEARING:**", cite one of the following:
- (A) **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).
  - (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~~ heading or this information if no public hearing was held or announced in the Register for the emergency or preemptive rules.
- ~~(6)~~**(7) Adoption.** Under the bolded ~~subheading "Adoption:"~~ heading "ADOPTION:", cite the date the rules were adopted by the rulemaking entity.
- ~~(7)~~**Submitted to Governor.**
- ~~(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.
- ~~(B) Emergency, preemptive rules.~~ If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.
- ~~(8)~~**Submitted Submission of adopted rules to House Governor and Legislature.**
- ~~(A) Permanent rules.~~ If the rules are permanent rules, under the bolded ~~subheading "Submitted to House:"~~ heading "SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:", cite the date the adopted permanent rules were submitted to the Governor, Speaker of the House of Representatives for review, and President Pro Tempore of the Senate pursuant to 75 O.S., Section 303.1(A).
- ~~(B) Emergency, preemptive rules.~~ If the rules are emergency or preemptive rules, do not include the ~~subheading~~ heading or information described in this paragraph.
- ~~(9)~~**Submitted to Senate.**
- ~~(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.
- ~~(B) Emergency, preemptive rules.~~ If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.
- ~~(10)~~**Gubernatorial approval.**
- ~~(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 (11) of this subsection for information required for gubernatorial disapprovals].
- ~~(B) Emergency, preemptive rules.~~ If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.
- ~~(11)~~**Gubernatorial disapproval.**
- ~~(A) Permanent rules.~~ If the rules are permanent rules ~~AND if the permanent rules were disapproved by the Governor~~ [see (10) of this subsection 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]~~
- ~~(B) Emergency, preemptive rules.~~ If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.
- ~~(12)~~**(9) Legislative approval.**
- ~~(A) Permanent rules.~~ If the rules are permanent rules AND if the rules were approved by a joint or omnibus joint resolution AND if the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by

the Legislature, under the bolded subheading "~~Legislative approval~~:" heading "**LEGISLATIVE APPROVAL:**", cite one of the following type

~~(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) **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~~ omnibus resolution approving the permanent rule(s)] by [number of joint or ~~concurrent~~ omnibus resolution];" or The effective date is the day the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature.~~

~~(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)].~~

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

(10) **Legislative disapproval.**

(A) **Permanent rules.** If the rules are permanent rules AND the rules were disapproved by an omnibus joint resolution AND the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature, under the bolded heading "**LEGISLATIVE DISAPPROVAL:**", type "Disapproved [effective date of omnibus joint resolution disapproving the permanent rule(s)] by [number of omnibus joint resolution]." The effective date is the day the resolution was approved by the Governor or the Governor's veto was overridden by the Legislature.

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

(11) **Approval by Governor's declaration.**

(A) **Permanent rules.** Under the bolded heading "**APPROVED BY GOVERNOR'S DECLARATION:**", type "Approved by Governor's declaration on (date of Governor's declaration)" if the rules are permanent rules AND the rules were:

(i) approved by a Governor's declaration AFTER being disapproved by an omnibus joint resolution that was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature [75:308.3(D)(3)], or

(ii) filed with the Legislature on or before April 1 AND the rules were approved by Governor's declaration AFTER the Legislature failed to pass an omnibus joint resolution prior to sine die adjournment of the Legislature [75:308.3(D)(4)], or

(iii) approved by a Governor's declaration AFTER being approved by an omnibus joint resolution that was found by the Governor to have a *technical legal defect preventing approval of administrative rules intended to be approved by the Legislature* [75:308.3(D)(4)].

- (B) Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the heading or the information described in this paragraph.
- ~~(13)~~ **(12) Final adoption.**
- (A) **Permanent rules.** If the rules are permanent rules, under the bolded ~~subheading~~ **"Final adoption:"** heading **"FINAL ADOPTION:"**, cite the date of final adoption. The final adoption date is the date that one of the following occurs:
- (i) the date the Governor approves a joint or omnibus joint resolution approving the rules, or the date the Governor's veto of the resolution is overridden by the Legislature [see OKLA. Const. Art. 6, § 11 (relating to gubernatorial actions on legislation)];
  - (ii) the date the Governor vetoes a joint or omnibus joint resolution disapproving the rules, provided the veto is not overridden by the Legislature; or
  - (iii) the date the rules are approved by a Governor's declaration as described in (11)(A) of this subsection.
- (B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the ~~subheading~~ heading or information described in this paragraph.
- ~~(14)~~ **(13) Effective.** Under the bolded ~~subheading~~ **"Effective:"** heading **"EFFECTIVE:"**, cite one of the following:
- (A) **Permanent rules.** If the rules are permanent, cite ~~the specific~~ an effective date of that is at least ten days after the date the rules will be published in the Register [see 655:10-9-3 (relating to Register publication dates and filing deadlines)]. Do not cite "ten days after publication in the Register."
- (B) **Emergency rules.** If the rules are emergency, cite one of the following:
- (i) **Effective immediately upon Governor's approval.** If the emergency rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";
  - (ii) **Contingent effective date.** 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) **Later effective date.** 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(F)(1)].
- (C) **Preemptive rules.** If the rules are preemptive, cite one of the following:
- (i) **Effective immediately upon Governor's approval.** If the preemptive rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";
  - (ii) **Contingent effective date.** 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) **Later effective date.** 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)].
- ~~(15)~~ **(14) Expiration.**
- (A) **Emergency rules.** If the rules are emergency rules, under the bolded ~~subheading~~ **"Expiration:"** heading **"EXPIRATION:"**, cite one of the following:
- (i) **Latest possible expiration date.**

(I) Effective on or before first day of session. If the emergency is rules ~~are~~ will be in effect on the first day of the session and therefore ~~shall~~ will be null and void on ~~July~~ September 15 immediately following sine die adjournment of the Legislature [75:253(H)(3)(a)], type "Effective through ~~July~~ September 14, (same year), unless superseded by another rule or disapproved by the Legislature."

(II) Effective after first day of session. If the emergency rules will become effective after the first day of the session and therefore will not be null and void until September 15 following sine die adjournment of the next legislative session, type "Effective through September 14, (next year), unless superseded by another rule or disapproved by the Legislature."

(ii) Earlier expiration date. If the ~~agency designates an earlier expiration date pursuant to 75 O.S., Section 253(H)(2)(d)~~ emergency rules will expire on a date that is earlier than the latest possible expiration date for the rules, as described in (i)(I) and (II) of this subparagraph, type "Expires (date), unless superseded by another rule or disapproved by the Legislature."

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

~~(16)~~(15) **Superseded emergency actions; expired emergency rules.**

(A) Superseded emergency actions. 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) Expired emergency rules. 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).

~~(17)~~(16) **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)].

~~(18)~~(17) **Finding of emergency.**

(A) **Emergency rules.** If the rules are emergency rules, under the bolded heading "**FINDING OF EMERGENCY:**", 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 253(A).

(B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the heading or information described in this paragraph.

~~(19)~~(18) **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)].

~~(20)~~(19) **Contact person.** Under the bolded heading "**CONTACT PERSON:**", include the name and phone number of a contact person for information regarding the rulemaking action. Additional contact information, such as email address or fax number, may also be included under this heading.

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

**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., SECTIONS 308.1(A) SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF (date):**

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

(A) **Effective upon Governor's approval.** 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)(13)(B)(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(F):

(B) **Contingent effective date.** 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)(13)(B)(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(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) **Later effective date.** 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)(13)(B)(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(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) **Effective upon Governor's approval.** 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)(13)(C)(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) **Contingent effective date.** 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)(13)(C)(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) **Later effective date.** 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)(13)(B)(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):

**655:10-7-16. 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~~ Attestations in emergency and preemptive rule documents submitted to the OAR 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.

**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, to Governor and Legislature.~~

~~(5) Notice of gubernatorial approval of permanent rules.~~

- ~~(6)~~ Notice of gubernatorial disapproval of permanent rules.
- ~~(7)~~(5) Notice of legislative disapproval of rules.
- ~~(8)~~(6) Notice of withdrawn rules.
- ~~(9)~~(7) 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.

**655:10-7-29. Statements of submission for gubernatorial and legislative review of adopted rules to Governor and Legislature**

(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)] As required by 74 O.S., Section 464, agencies must submit the rules to the Governor and Legislature via the State Online Filing System; provided, [i]f for any reason the person required to file such document determines that it cannot be filed electronically, the person shall file a printed copy in lieu of such electronic filing and shall include an explanation of the reason that the document could not be filed electronically [74:464].

(b) **Format; document heading.** The Statement of Submission ~~for Gubernatorial and Legislative Review~~ of adopted permanent rules to Governor and Legislature 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~~to Governor and Legislature."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the submitted rules as described in 655:10-7-11(b)(2).
- (3) **Submitted to Governor and Legislature.** Under the bolded heading "**SUBMITTED SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**", cite the date the rules were submitted to the Governor and Legislature ~~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 [REVOKED]**

~~(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 [REVOKED]**

~~(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~~ legislative disapproval of rules 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)], as required by 75 O.S., Section 308(C), if:~~

~~(1) a permanent rule is disapproved by joint resolution of the Legislature pursuant to 75 O.S., Section 308(B) or omnibus joint resolution pursuant to 75 O.S., Section 308.3 AND the resolution is either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto is overridden by the Legislature;~~

~~(2) a proposed or promulgated emergency rule is disapproved by joint resolution of the Legislature pursuant to 75:253(H)(2)(a), and the resolution is either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto is overridden by the Legislature.~~

(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 omnibus joint resolution or other legislative instrument),~~

effective (date)." The effective date is the date the resolution disapproving rules was approved by the Governor pursuant to OKLA. Const. Art. 6, § 11, or the date the Governor's veto was overridden by the Legislature.

~~(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~~ As set forth in 75 O.S., Section 308(F), an agency may withdraw a permanent rule prior to its final adoption pursuant to 75 O.S., Section 308(G), as defined in 75 O.S., Sections 250.3(5) and OAC 655:10-1-2. 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~~ to the Governor and Legislature via 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~~ The System requires a Notice of Withdrawn Rules to be prepared pursuant to this section. The agency may include information under this additional the heading

**"ADDITIONAL INFORMATION:"**, as described in (e)(3)(D) of this section, 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)(A) of this subsection, the agency should not submit a copy of the Notice of Withdrawn Rules required by (1)(B) of this subsection to the OAR. If submitted, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

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

(e) **Content.** A Notice of Withdrawn Rules must be prepared pursuant to the style required in (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 rulemaking action prior to withdrawal.

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

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

~~(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)(C) **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.~~

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

### **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 to Governor and Legislature.~~
- ~~(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."

## PART 7. MISCELLANEOUS DOCUMENTS

### 655:10-7-47. Governor's declarations

Governor's declarations [75: 308.3(D)] are submitted to the OAR in the same format as they are issued by the Governor.

## PART 9. DOCUMENT SCOPE

### 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 to Governor and Legislature~~ 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)~~**(3) 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)~~**(4) 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)(5) **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.

## 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 and 655:10-7-2 for rule document components.]

(1) **Paper copies.**

(A) **Rule documents.**

(i) **Permanent rules.** Within 30 calendar days after final adoption, submit two (2) ~~originals, or one (1) original and one (1) copy,~~ copies of permanent rule documents to the OAR. [See also (c) of this Section]

(ii) **Emergency rules.** 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.** 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~~ copy 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 are NOT submitted in electronic form.

(A) **Media options.** Submit documents on a compact disc (CD), digital versatile disc (DVD), or other media approved for use by the OAR.

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

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

(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 including any that were identified by the OAR in its review of the document during the Governor's review period [75:253(C)(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 CD or DVD containing a copy of all parts of the the rule document except the attestation, transmittal sheet, appendices (if any), and supplemental information (if any).~~
- ~~(D) Submit the red-marked pages or format-approved pages that were returned to the agency by the OAR after reviewing the rules during the Governor's review period.~~
- ~~(D) An emergency or preemptive rule document is considered officially filed when the paper and 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, and pursuant to the following:~~
- ~~(A) Submit two (2) paper copies of the entire rule document, including attestation. The rules included in the permanent rule document must include any corrections necessary to bring the rules into substantial compliance with this Chapter, if including any that were reported to the agency by the OAR at earlier stages of the rulemaking process.~~
  - ~~(B) Submit a CD or DVD containing a copy of all parts of the rule document except the attestation, transmittal sheet, appendices (if any), and supplemental information (if any).~~
  - ~~(C) Submit the red-marked pages or format-approved pages that were returned to the agency by the OAR after reviewing the rules during the Legislature's review period.~~

### **655:10-9-3. Filing and acceptance deadlines**

**(a) Permanent rule documents.** For permanent rule documents submitted to the OAR, the following shall apply [see also (c) of this Section (relating to submission deadlines that fall on weekends or holidays):

- (1) **Publication in mid-May issue.** If submitted to the OAR by April 15 and accepted by the OAR by the first working day following April 30, the permanent rule document will be published in the Register on the first working day following May 14.
- (2) **Publication in first issue in June.** If submitted to the OAR by from April 16 through May 1 and accepted by the OAR by the first working day following May 14, the permanent rule document will be published in the Register on the first working day following May 31.
- (3) **Publication in mid-June issue.** If submitted to the OAR from May 2 through May 15 and accepted by the OAR by the first working day following May 31, the permanent rule document will be published in the Register on the first working day following June 14.
- (4) **Publication in first issue in July.** If submitted to the OAR from May 16 through May 25 and accepted by the OAR by the first working day following June 14, the permanent rule document will be published in the Register on the first working day following June 30.

(5) **Publication in mid-July issue.** If submitted to OAR from May 26 through June 1 and accepted by the OAR by the first working day following June 30, the permanent rule document will be published in the Register on the first working day following July 14.

(6) **Publication in first issue in August.** If submitted to the OAR from June 2 through June 8 and accepted by the OAR by the first working day following July 14, the permanent rule document will be published in the Register on the first working day following July 31.

(7) **Publication in mid-August issue.** If submitted to the OAR from June 9 through June 15 and accepted by the OAR by the first working day following July 31, the permanent rule document will be published in the Register on the first working day following August 14.

(8) **Publication in first issue in September.** If submitted to the OAR from June 16 through August 8 and accepted by the OAR by the August 15 deadline for publication in that year's code edition or supplement [75:256(B)(1)], the permanent rule document will be published in the Register on the first working day following August 31.

(b) **All other documents.** For all documents other than permanent rule documents, the following shall apply:

(a)(1) **FirstPublication in first issue in of month.** If a document, other than a permanent rule 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 submitted to the OAR by the 8<sup>th</sup> day of the preceding month, and accepted by the Editor OAR pursuant to 655:10-11-1 no later than 4:30 p.m. on by the first working day preceding the 16th day of the preceding month. [See also 655:10-15-1 (relating to publication dates)-(c) of this Section (relating to submission deadlines that fall on weekends or holidays)]

(b)(2) **SecondPublication in second issue in of month.** If a document, other than a permanent rule 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 submitted to the OAR by the 25<sup>th</sup> day of the preceding month, and accepted by the Editor OAR pursuant to 655:10-11-1 no later than 4:30 p.m. on by the first working day preceding the 2nd day of the same month. [See also 655:10-15-1 (relating to publication dates)(c) of this Section (relating to submission deadlines that fall on weekends or holidays)]

(c) **Submission deadlines that fall on weekend/holiday.** When a submission deadline described in (a) and (b) of this section falls on a weekend or holiday, the agency must submit the document by the first working day preceding that day.

(e)(d) **Schedule of filing publication date and deadlines.** The Secretary of State issues a schedule of filing Register publication dates and corresponding submission and acceptance deadlines, as well as publication dates, at least 30 days prior to the beginning of a each new volume of the Register, and publishes the schedule on the OAR's website [see 655:10-15-1(c)].

#### **655:10-9-4. Official file date; Receipt receipt date; vs. 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~~ by the acceptance deadline, as set forth in 655:10-9-3 shall constitute acceptance of the document.

**655:10-9-6. Electronic transmission of documents [REVOKED]**

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**

(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~~ this Chapter.

(1) **Acceptance of documents; Register publication.** If a document is ~~not rejected~~ accepted 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 will be published in the next possible issue of the Register. ~~A schedule of , based on the~~ Register publication dates and filing and acceptance deadlines set forth in 655:10-9-3 and the schedule is issued by the Secretary of State ~~at least 30 days prior to the beginning of a each new Register volume each year [ as set forth in 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 the~~ APA or with ~~the agency's individual~~ any other 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)]*

**SUBCHAPTER 13. CORRECTION OF ERRORS**

**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 contact the OAR for a determination as to whether the OAR is able to accept the corrections, based on ~~correct the error pursuant to the~~ following:

(1) **Timeliness.** The timeliness of the agency's request to correct an error(s) in a document filed with the OAR but not yet published will determine the OAR's ability to accept corrections on any document filed. This determination will be based on how far the OAR has progressed in its processing of that document at the time the request is received, as well as the impact a correction would have on the OAR's ability to complete the production and distribution of the applicable Register issue by the publication date. 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 determines the corrections as to be timely, as described in (1) of this Section, the OAR will use the following additional criteria to determine if the 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 prior to publication, 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 that has been finally adopted*~~ [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 to Governor and Legislature for ~~Gubernatorial and Legislative Review.~~

~~(B) Notice of Gubernatorial Approval of Permanent Rules.~~

~~(C) Notice of Gubernatorial Disapproval of Permanent Rules.~~

~~(D)~~(B) Notice of Legislative Disapproval of Rules.

~~(E)~~(C) 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.

## SUBCHAPTER 15. THE OKLAHOMA REGISTER

### **655:10-15-1. Publication dates and filing/acceptance 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/acceptance deadlines.** For Register filing and acceptance deadlines, see 655:10-9-3.

(c) **Schedule of publication dates and filing/acceptance deadlines.** The Secretary of State shall issue a schedule of publication dates and filing and acceptance deadlines at least 30 days prior to the beginning of a each new volume of the Register [see 655:10-15-2], and shall publish the schedule on the OAR's website.

### **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)~~(E) Legislative Disapprovals.

~~(H)~~(F) Withdrawn Rules.

~~(I)~~(G) Emergency Adoptions.

~~(J)~~(H) Preemptive Adoptions.

~~(K)~~(I) Permanent Final Adoptions.

~~(L)~~(J) Executive Orders.

~~(M)~~(K) Errors in Published Documents.

~~(N)~~(L) Editor's Notices.

(M) Miscellaneous.

(2) Within each category listed in (1)(A) through ~~(K)~~ (I) and ~~(M)~~ (K) 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 Rules Affected Index.** Each issue of the Register published after publication of the first Code contains a ~~Sections~~ Rules Affected Index that identifies each Section and Appendix 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.

## SUBCHAPTER 19. PUBLIC INSPECTION AND COPIES OF DOCUMENTS

### 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~~ If records are stored off-site and certification of documents must be requested at least 24 hours in advance or have been transferred to the Oklahoma Department of Libraries, availability of these records will depend on accessibility to the off-site locations.

(2) 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)~~(3) 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)]; however, copies must be clearly identified as "unofficial."*

(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 ~~ed~~ CD 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].