

**EXAMPLES**  
**OF**  
**DOCUMENT FORMATS**  
(FOR PUBLICATION IN *THE OKLAHOMA REGISTER*  
AND *THE OKLAHOMA ADMINISTRATIVE CODE*)

For use with the Secretary of State's  
**Administrative Rules on Rulemaking**  
[OAC 655:10]

Last revised 5-29-14

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These examples are NOT RULES, but have been prepared by the Office of Administrative Rules to assist rulemaking entities in meeting the requirements of the Administrative Rules on Rulemaking (ARR). These examples are illustrative only and should not be considered to prescribe any original rulemaking. ***Rulemaking entities are advised that use of these examples for rulemaking does not validate the rulemaking, nor does it relieve the rulemaking entity of its legal responsibility to comply with all provisions of the ARR and the Administrative Procedures Act (APA).***

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**IMPORTANT NOTE:** When using these examples, **WATCH FOR THE FOOTNOTES** that have been added throughout. The footnotes explain alternate wording or conditions, related provisions, or other information relevant to the footnoted text.



# EXAMPLE 1 - TRANSMITTAL SHEET

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The following example illustrates the format and content for the transmittal sheet that must accompany each document submitted to the OAR for *Register* publication, as well as each emergency and preemptive rule document submitted to the Governor and the Legislature.

See 655:10-7-6(b) for further explanation of information to be included under each heading.

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**NAME OF AGENCY:**

Department of Human Services

**TYPE OF DOCUMENT:**

Notice of rulemaking intent <sup>1</sup>

**LIAISON VERIFICATION:**

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 405-521-0000.

(signature of liaison)

(name of liaison)

(job title)

(date of signature)

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<sup>1</sup> Identify the type of filing, as follows:

- Notice of rulemaking intent
- Notice of cancelled hearing or comment period
- Notice of continued hearing or comment period
- Statement of submission to Governor and Legislature
- Notice of legislative disapproval
- Notice of withdrawn rules
- Notice of error in published document
- Adoption of emergency rules
- Adoption of preemptive rules
- Final adoption of permanent rules

## EXAMPLE 2 - NOTICE OF RULEMAKING INTENT (NRI)

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The following examples illustrate the format and content for a Notice of Rulemaking Intent (NRI).

See 655:10-7-26(c) for further explanation of information to be included under each heading.

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### EXAMPLE A - NRI

*(based on a January 2, 2014 publication date)*

#### TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

##### **RULEMAKING ACTION:**

Notice of proposed PERMANENT<sup>2</sup> rulemaking

##### **PROPOSED RULES:** <sup>3</sup>

Subchapter 8. Operating Permits [AMENDED]

Appendix O. Schedule for Submittal of Part 70 Operating Permit Applications [REVOKED]

Appendix O. Schedule for Submitting Part 70 Operating Permit Applications [REVOKED]

##### **SUMMARY:**

The proposed revisions to Subchapter 8 and Appendix O establish a schedule for the phased submittal of the Part 70 Operating Permit Applications, as well as providing for a five-year period of permit issuance based on the affected facility's Standard Industrial Classification (SIC) code. Other revisions to the rules are being proposed in response to deficiencies noted in the Environmental Protection Agency's proposed interim approval of Oklahoma's operating permit plan as published in the Federal Register. These include revisions dealing with insignificant activities, permit content, judicial review, and administrative amendment procedures.

##### **AUTHORITY:**

Environmental Quality Board; 27A O.S., §§ 2-2-101, 2-5-101 et seq.

##### **COMMENT PERIOD:** <sup>4</sup>

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 3, 2014 at the following address: John Smith, Air Quality Division, 4545 North Lincoln Boulevard, Suite 250, Oklahoma City, OK 73105, or John.Smith@deq.state.ok.us.

##### **PUBLIC HEARING:** <sup>5</sup>

A public hearing will be held at 3:00 p.m. on Tuesday, February 4, 2014 at the Tulsa City County Health Department Auditorium, 4616 East 15th, Tulsa, Oklahoma. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:** <sup>6</sup>

The DEQ requests that business entities affected by these proposed rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Smith, at the above addresses, before the close of the comment period on February 3, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Environmental Quality, Air Quality Program, 4545 North Lincoln Boulevard, Suite 250, Oklahoma City, OK 73105-3483. The proposed rules are also available on the DEQ website at <http://www.deq.state.ok.us>.

**RULE IMPACT STATEMENT:** <sup>7</sup>

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Air Quality Service at the above address beginning January 17, 2014.

**CONTACT PERSON:**

John Smith, Information Officer, (405) 521-0000,  
[John.Smith@deq.state.ok.us](mailto:John.Smith@deq.state.ok.us).

## EXAMPLE B - NRI

(based on a January 15, 2014 publication date)

### TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 700. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION ~~REQUIREMENTS~~

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT<sup>2</sup> rulemaking

#### **PROPOSED RULES:**<sup>3</sup>

Subchapter 7. Waterworks and Wastewater Works Operator  
~~Certification Requirements~~

252:700-7-5 [AMENDED]

Subchapter 9. Water and Wastewater Laboratory Operator  
~~Certification Requirements~~

Part 1. General Provisions

252:700-9-4 [AMENDED]

252:700-9-5 [AMENDED]

252:700-9-6 [AMENDED]

#### **SUMMARY:**

The proposed rule amendments would modify the requirements for supervisory personnel for waterworks and wastewater works operators. The proposed amendments would modify the laboratory operator experience credits related to hands-on training. The proposed amendments would also modify laboratory training credits formally earned by presentation, publication, and academic credit.

The proposed amendments would modify the pre-qualification requirement to take the laboratory certification examinations.

#### **AUTHORITY:**

Environmental Quality Board; 27A O.S., §2-2-101; 59 O.S., §§1101 through 1117

#### **COMMENT PERIOD:**<sup>4</sup>

Persons may submit written comments through February 14, 2014 to John Doe at 1000 N.E. 10th Street, Oklahoma City, OK 73117-1212, or by email to John.Doe@deq.state.ok.us.

#### **PUBLIC HEARING:**<sup>5</sup>

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting John Doe at (405) 521-0000 or John.Doe@deq.ok.gov no later than 5:00 p.m. on February 14, 2014.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**<sup>6</sup>

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Doe at the above address during the period from January 15, 2014 to February 14, 2014.

#### **COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at

<http://www.deq.state.ok.us> and copies may be obtained from the Department of Environmental Quality's office located at 1000 N.E. 10th Street Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of John Doe, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1212, or emailed to [John.Doe@deq.state.ok.us](mailto:John.Doe@deq.state.ok.us).

**RULE IMPACT STATEMENT:** <sup>7</sup>

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 29, 2014 at the above addresses.

**CONTACT PERSON:**

John Doe, (405) 521-0000 or [John.Doe@deq.state.ok.us](mailto:John.Doe@deq.state.ok.us) (procedural and legal questions); Mary Smith, (405) 521-0000 or [Mary.Smith@deq.state.ok.us](mailto:Mary.Smith@deq.state.ok.us) (technical questions)

## EXAMPLE C - NRI

(based on a February 3, 2014 publication date)

### TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 36. LOW INCOME HOUSING TAX CREDIT PROGRAM—RULES

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT<sup>2</sup> rulemaking

#### **PROPOSED RULES:**<sup>3</sup>

Chapter 36. Low Income Housing Tax Credit Program—Rules  
[AMENDED]

#### **SUMMARY:**

The Board of Trustees of the OHFA, a public trust, has adopted its Chapter 36, Low Income Housing Tax Credit Program rules for use in the allocation and issuance of low income housing tax credits (LIHTC) and administration of the Credit Program. The rules provide guidelines which OHFA follows in allocating the tax credits pursuant to federal regulations, and are intended to provide a general description of OHFA's application and processing procedures. The rules contain provisions for use by OHFA in prioritizing applications for the commitment of LIHTC's. The rules also provide an overview of the LIHTC and federal regulations which are incorporated by reference.

The proposed amendments are to permanently address concerns of the Governor, the Legislature, localities, and developers providing comments to OHFA respecting several areas, to wit: local review of proposed developments; the methods utilized to rank competing applications for tax credits; set-asides of tax credits for elderly and rural developments; and tenant safety. Definitions for several terms used in the rules are also proposed. Other nonsubstantive changes to correct unclear language or formatting errors are included.

#### **AUTHORITY:**

Board of Trustees of the OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA; 26 CFR, §1.42

#### **COMMENT PERIOD:**<sup>4</sup>

Written comments will be accepted through March 5, 2014 at the Oklahoma Housing Finance Agency, 1140 Northwest 63rd, P.O. Box 2720, Oklahoma City, OK 73126-0720, Attn: Mary Jones, or by email to Mary.Jones@ohfa.ok.gov

#### **PUBLIC HEARING:**<sup>5</sup>

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. Public hearings will be held as follows:

Thursday, March 6, 2014 at 1:00 p.m. in the offices of the OHFA, 4th Floor conference room, 1140 Northwest 63rd, Oklahoma City, OK.

Friday, March 7, 2014 at 1:00 p.m. in the auditorium at the Hardesty Public Library (Woodland Hills Mall), 6737 S. 85th E. Avenue, Tulsa, OK.

Monday, March 10, 2014 at 1:00 p.m. in the conference room at the McAlester Public Library, 401 N. 2nd, McAlester, OK.

Tuesday, March 11, 2014 at 1:00 p.m. at the Woodward Public Library, 1500 Main, Woodward, OK.

Wednesday, March 12, 2014 at 1:00 p.m. in Room 1 of the Lawton Public Library, 110 S.W. 4th St., Lawton, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:** <sup>6</sup>

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through March 5, 2014 at the Oklahoma Housing Finance Agency, 1140 Northwest 63rd, P.O. Box 2720, Oklahoma City, OK 73126-0720, Attn: Mary Jones, or by email to Mary.Jones@ohfa.org.

**COPIES OF PROPOSED RULES:**

Copies of the rules may be obtained by contacting Mary Jones at the OHFA, 1140 Northwest 63rd, P.O. Box 26720, Oklahoma City, OK 73126-0720, (405) 521-0000, Ext. 100, or Mary.Jones@ohfa.ok.gov. Persons requesting more than one copy of the proposed rules will be charged \$5.00 per copy. The proposed rules may also be viewed on the agency's website at <http://www.ohfa.org>.

**RULE IMPACT STATEMENT:** <sup>7</sup>

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and is available at the addresses above.

**CONTACT PERSON:**

Mary Jones, Bond Administrator, (405) 521-0000, Ext. 100, or Mary.Jones@ohfa.ok.gov.

## EXAMPLE D - NRI

(based on a February 18, 2014 publication date)

### TITLE 230. STATE ELECTION BOARD CHAPTER 40. ELECTION CONDUCT

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT<sup>2</sup> rulemaking

#### **PROPOSED RULES:** <sup>3</sup>

Subchapter 3. County Election Board Responsibilities [AMENDED]

Subchapter 5. Instructions for Precinct Officials [AMENDED]

#### **SUMMARY:**

The procedure for "transfer of address on election day" has been revised to allow voters to complete an Oklahoma Voter Registration Application form to request a change of address at their polling place on election day and to submit that form to the Precinct Inspector for transmittal to the County Election Board. County Election Board personnel are instructed to process such applications immediately after the election. Several Sections in both Subchapter 3 and Subchapter 5 are being amended to accommodate this revised procedure.

Oklahoma statutes implementing the National Voter Registration Act require voter registration materials and most other election materials to be retained for 24 months. Several Sections in Subchapter 3 are being amended to change the retention period from 22 to 24 months.

The Section concerning election night recounts is being amended to provide solutions to two problems that have become commonplace since we began using voting devices in all counties. Election night recounts will be authorized in the event that the roll of paper tape on the voting device runs out during the course of the election day, making it impossible to generate a printout of the precinct's results. Election night recounts also will be authorized in the event that Precinct Officials fail to remove ballots that have been deposited in the emergency compartment during the course of the election day. Other Sections are being amended to clarify these points.

Additionally, one Section is being amended to remove a reference to Voter Registrars. Voter Registrars no longer exist. Another section is being amended to replace a reference to a "locked ballot box" with the proper reference to a "ballot transfer box." This amendment was overlooked when the amendments for use of voting devices in all counties were made. It recently has caused confusion and misunderstanding among some County Election Board personnel who recently have joined the election system and have never conducted an election without voting devices.

#### **AUTHORITY:**

Secretary of the State Election Board; 26 O.S., Section 2-107

**COMMENT PERIOD:** <sup>4</sup>

Written comments will be accepted until the conclusion of the public hearing on March 21, 2014 at the State Election Board office. Written comments may be mailed to the State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or emailed to Jane.Doe@elections.ok.gov.

**PUBLIC HEARING:** <sup>5</sup>

A public hearing will be held at 10:00 a.m., Friday, March 21, 2014 in the State Election Board office, Room 3B, State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:** <sup>6</sup>

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 21, 2014 at the State Election Board at the above addresses.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the office of the State Election Board, Room 3B, State Capitol Building, Oklahoma City, OK, by email to Jane.Doe@elections.ok.gov and on the agency's website at <http://www.ok.gov/elections>.

**RULE IMPACT STATEMENT:** <sup>7</sup>

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available in the State Election Board office and on the agency's website at the above addresses on and after March 5, 2014.

**CONTACT PERSON:**

Jane Doe, Publications Editor, State Election Board, 405-521-0000, or Jane.Doe@elections.ok.gov.

## EXAMPLE E - NRI

(based on a February 18, 2014 publication date)

### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 55. MOTOR FUELS

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT<sup>2</sup> rulemaking

#### **PROPOSED RULES:**<sup>3</sup>

Subchapter 1. General Provisions  
710:55-1-2 [RESERVED]  
710:55-1-3 [NEW]  
Subchapter 3. Motor Fuel Tax  
710:55-3-1 [AMENDED]

#### **SUMMARY:**

The proposed new Section 710:55-1-3 provides for an audit procedure based upon sampling and estimates, where appropriate, and the amended Section 710:55-3-1 establishes specific formulas to be used in computing certain available motor fuel tax credits.

#### **AUTHORITY:**

Oklahoma Tax Commission; 68 O.S., §§206 and 505(B)

#### **COMMENT PERIOD:**<sup>4</sup>

Persons wishing to make written or comments may do so in person, by mail, or by email through March 20, 2014 at: Oklahoma Tax Commission, Office of the General Counsel, Administrative Procedures (Rulemaking) Section, M.C. Connors Building, 2501 North Lincoln Boulevard, P.O. Box 53248, Oklahoma City, OK 73152-3248, or Jane.Doe@tax.ok.gov.

#### **PUBLIC HEARING:**<sup>5</sup>

A public hearing will be held to provide a means by which persons may offer oral input on the content of the proposed rules: 2:00 p.m., Friday, March 21, 2014, First Floor - North Conference Room, Oklahoma Tax Commission, M.C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, OK 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**<sup>6</sup>

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:30 p.m., March 20, 2014, at the Oklahoma Tax Commission, Office of the General Counsel, Administrative Procedures (Rulemaking) Section, M.C. Connors Building, 2501 North Lincoln Boulevard, P.O. Box 53248, Oklahoma City, OK 73152-3248, or Jane.Doe@tax.ok.gov.

#### **COPIES OF PROPOSED RULES:**

Interested persons may request copies of the proposed rules at the Oklahoma Tax Commission, M.C. Connors Building, Public Records (Room 1-15), 2501 North Lincoln Boulevard, Oklahoma City, OK 73152-3248. Copies of proposed rules may be obtained at a

cost of 10 cents per page. Persons may also view the proposed rules on the agency's website at <http://www.tax.ok.gov>.

**RULE IMPACT STATEMENT:**<sup>7</sup>

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 18, 2014 at the same locations listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Jane Doe, Rulemaking Section, (405) 521-0000, Jane.Doe@tax.ok.gov; Mary Smith, Assistant General Counsel, (405) 521-0000, Mary.Smith@otc.ok.gov.

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<sup>2</sup> If announcing a proposed emergency action (optional), type EMERGENCY instead of PERMANENT. If announcing a proposed permanent and emergency action, type EMERGENCY AND PERMANENT instead of PERMANENT.

<sup>3</sup> It is the agency's responsibility to determine how specific its identification of the proposed action should be. However, at a minimum, agencies must identify the Chapter under "Proposed Rules," followed by [NEW], [AMENDED], or [REVOKED]. See 655:10-7-26(c)(2) for further explanation of minimum requirements.

<sup>4</sup> 75 O.S., § 303 requires that the agency "shall, for at least thirty (30) days after publication of the notice of the intended rulemaking action [NRI], afford a comment period for all interested persons to submit data, views or arguments, orally or in writing."

<sup>5</sup> 75 O.S., § 303 requires that the agency either:  
a. announce the time and place of a hearing scheduled no earlier than thirty days after the date the NRI will be published in the *Register*, OR  
b. announce "the time when, the place where, and the manner in which persons may demand a hearing." The agency must allow at least thirty days following the publication of the NRI for these responses. If a hearing is demanded by a qualifying party(ies) [see 75:303(C)(1)], the agency must publish another NRI to announce the time and place of a hearing, and the hearing must be scheduled no earlier than thirty days after the publication date of the new NRI.

<sup>6</sup> Type "n/a" if the agency determines that the rules do not affect business entities, as described in 75 O.S., §303(B)(6).

<sup>7</sup> The Rule Impact Statement must be prepared and made available to the public within 15 days after publication of the NRI. This means it must be available ON (or before) the 15th day following publication of the NRI. There are various ways to word this, but it's important to be careful with the wording to avoid ambiguity. The following example offers some assistance with this wording:

*EXAMPLE: If an NRI will be published on January 15, 2014, the Rule Impact Statement must be available by January 30 (the 15th day after the January 15 publication date). The date of availability can be expressed in several ways ---*

■ *The following are acceptable ways to identify the date of availability:*

- ... will be available on and after January 30, 2014
- ... will be available beginning January 30, 2014
- ... will be available after January 29, 2014
- ... will be available on and after publication of this notice on January 15, 2014
- ... will be available at . . . (if no date given, statement will be available as soon as the NRI is published)

■ *The following are NOT acceptable, for the reasons identified:*

- ... will be available after January 30, 2014  
*[To meet the "within 15 days" requirement, RIS must be available ON January 30, as well as after January 30.]*
- ... will be available on or after January 30, 2014  
*[The problem here is the use of "or." This usage creates two possibilities - the RIS might be available on January 30, or it might be available after January 30. The first alternative (on January 30, 2014) does meet the "within 15 days" requirement, but the second alternative (after January 30, 2014) does not.]*
- ... will be available on or before January 30, 2014  
*[Although both alternatives meet the "within 15 days" requirement, it's unclear when the RIS will actually be available]*

## **EXAMPLE 3 - NOTICE OF CANCELLED HEARING OR COMMENT PERIOD (CAN)**

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The following example illustrates the format and content for a Notice of Cancelled Hearing or Comment Period (CAN).

**See 655:10-7-27(d) for further explanation of information to be included under each heading.**

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

#### **RULEMAKING ACTION:**

Cancelled comment period and public hearing<sup>8</sup> relating to a proposed PERMANENT<sup>9</sup> rulemaking action

#### **PROPOSED RULES:**<sup>10</sup>

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Codification of Rules

Part 9. Miscellaneous Codification Requirements [AMENDED]

Part 11. Submissions to First Code [REVOKED]

#### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 31 Ok Reg 834.

#### **CANCELLED COMMENT PERIOD:**<sup>11</sup>

January 2, 2014 to February 3, 2014

#### **CANCELLED PUBLIC HEARING:**<sup>12</sup>

3:00 p.m., February 4, 2014, Will Rogers-Sequoyah Building, Auditorium, 2401 North Lincoln, Oklahoma City, OK

#### **ADDITIONAL INFORMATION:**<sup>13</sup>

Another comment period and public hearing will be announced at a later date. For additional information, contact Mary Jones, (405) 521-0000 or Mary.Jones@sos.ok.gov.

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<sup>8</sup> If canceling a comment period only, type "Cancelled comment period relating to . . ." If canceling a public hearing only, type "Cancelled public hearing relating to . . ."

<sup>9</sup> If the comment period and/or public hearing was for a proposed emergency action, type EMERGENCY instead of PERMANENT.

<sup>10</sup> Include the same information as was included under the heading **PROPOSED RULES** in the Notice of Rulemaking Intent announcing the comment period/public hearing.

<sup>11</sup> Do not include this heading and related information if not canceling a comment period.

<sup>12</sup> Do not include this heading and related information if not canceling a public hearing.

<sup>13</sup> ADDITIONAL INFORMATION is optional.

## **EXAMPLE 4 - NOTICE OF CONTINUED HEARING OR COMMENT PERIOD (CON)**

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The following example illustrates the format and content for a Notice of Continued Hearing or Comment Period (CON).

**See 655:10-7-28(d) for further explanation of information to be included under each heading.**

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### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 55. MOTOR FUELS**

**RULEMAKING ACTION:**

Continued comment period and public hearing<sup>14</sup> relating to a proposed PERMANENT<sup>15</sup> rulemaking action

**PROPOSED RULES:** <sup>16</sup>

Subchapter 1. General Provisions

710:55-1-2 [RESERVED]

710:55-1-3 [NEW]

Subchapter 3. Motor Fuel Tax

710:55-3-1 [AMENDED]

**REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 31 Ok Reg 1012.

**CONTINUED COMMENT PERIOD:** <sup>17</sup>

**Original comment period:**

February 3, 2014 to March 5, 2014

**Continued to:**

March 24, 2014

**CONTINUED PUBLIC HEARING:** <sup>18</sup>

**Original public hearing:**

2:00 p.m., March 6, 2014, First Floor - North Conference Room, Oklahoma Tax Commission, M.C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, OK

**Continued to:**

10:00 a.m., March 24, 2014, First Floor - North Conference Room, Oklahoma Tax Commission, M.C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:** <sup>19</sup>

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion

of the comment period on March 24, 2014 at the Oklahoma Tax Commission, Office of the General Counsel, Administrative Procedures (Rulemaking) Section, M.C. Connors Building, 2501 North Lincoln Boulevard, P.O. Box 53248, Oklahoma City, OK 73152-3248, or Mary.Smith@tax.ok.gov.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules on the OTC website at <http://www.tax.ok.gov> or at the offices of the Oklahoma Tax Commission, M.C. Connors Building, Public Records (Room 1-15), 2501 North Lincoln Boulevard, Oklahoma City, OK 73152-3248. Copies of proposed rules may be obtained at a cost of 10 cents per page from the Oklahoma Tax Commission, P.O. Box 53248, Oklahoma city, OK 73152-3248.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement was prepared and is available at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**ADDITIONAL INFORMATION:** <sup>20</sup>

For additional information, contact Mary Smith, Assistant General Counsel, at (405) 521-0000 or Mary.Smith@tax.ok.gov.

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- <sup>14</sup> If continuing a comment period only, type "Continued comment period relating to . . ." If continuing a public hearing only, type "Continued public hearing relating to . . ."
- <sup>15</sup> If the comment period and/or public hearing was for a proposed emergency action, type EMERGENCY instead of PERMANENT.
- <sup>16</sup> Include the same information as was included under the heading **PROPOSED RULES** in the Notice of Rulemaking Intent announcing the comment period/public hearing.
- <sup>17</sup> Do not include this heading, subheadings, and related information if not continuing a comment period.
- <sup>18</sup> Do not include this heading, subheadings, and related information if not continuing a public hearing.
- <sup>19</sup> Type "n/a" if the agency determines that the rules do not affect business entities, as described in 75 O.S., Section 303(B)(6).
- <sup>20</sup> ADDITIONAL INFORMATION is optional.

## EXAMPLE 5 – STATEMENT OF SUBMISSION OF RULES TO GOVERNOR AND LEGISLATURE (SR)

---

The following example illustrates the format and content for a Statement of Submission of Adopted Permanent Rules to Governor and Legislature (SR).

See 655:10-7-29(c) for further explanation of information to be included under each heading.

---

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

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions

655:10-1-2 [AMENDED]

655:10-1-4 [NEW]

Subchapter 3. Codification of Rules

Part 5. Code Numbering, Headings, and Taglines

655:10-3-24.1 [AMENDED]

655:10-3-29.1 [NEW]

Part 11. Submissions to First Code [REVOKED]

655:10-3-60 through 655:10-3-69 [REVOKED]

Subchapter 7. Preparation of Documents

Part 3. Rule Documents

655:10-7-25 [REVOKED]

655:10-7-28 [AMENDED]

Part 9. Document Scope

655:10-7-50 [AMENDED]

Appendix A. Table of Internal (OAC) Citations [REVOKED]

Appendix A. Table of Internal (OAC) Citations [NEW]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 19, 2014

## EXAMPLE 6 - NOTICE OF LEGISLATIVE DISAPPROVAL (LD)

---

The following example illustrates the format and content for a Notice of Legislative Disapproval (LD).

See 655:10-7-32(c) for further explanation of information to be included under each heading.

---

**TITLE 455. MERIT PROTECTION COMMISSION**  
**CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES**

**RULEMAKING ACTION:**

Legislative disapproval of PERMANENT<sup>21</sup> rules

**RULES:**

Subchapter 5. Appeal Procedures

455:10-5-10 [AMENDED]

455:10-5-19 [NEW]

**LEGISLATIVE DISAPPROVAL:**

These rules were disapproved by the Legislature in HB 1234, effective 5-15-14.<sup>22</sup>

**EMERGENCY RULES TERMINATED:**<sup>23</sup>

The following emergency rules are also terminated by the disapproval:

**Rules:**

Subchapter 5. Appeal Procedures

455:10-5-10 [AMENDED]

**Gubernatorial approval:**

December 3, 2013

**Register publication:**

13-1325

31 Ok Reg 280

---

<sup>21</sup>If the disapproved rules are emergency, type EMERGENCY instead of PERMANENT.

<sup>22</sup> A permanent rule can be disapproved by joint or omnibus resolution. The effective date is the date the resolution disapproving the 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.

<sup>23</sup>Include this heading and its subheadings if the disapproved rules are based on currently effective emergency rules [75:253(H)(2)(c)] or if any effective emergency rules would have been superseded by the disapproved permanent rules [75:308(C)].

## EXAMPLE 7 - NOTICE OF WITHDRAWN RULES (WR)

---

The following example illustrates the format and content for a Notice of Withdrawn Rules (WR).

**See 655:10-7-33(e) for further explanation of information to be included under each heading.**

---

**TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY  
CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS**

**RULEMAKING ACTION:**

Withdrawal of PERMANENT<sup>24</sup> rulemaking

**WITHDRAWN RULES:**<sup>25</sup>

Subchapter 7. Complaints and Revocations and Renewals

505:10-7-1 [AMENDED]

505:10-7-3 [NEW]

**DATES:**

**Adoption:**

February 3, 2014

**Submission of adopted rules to Governor and Legislature:**<sup>26</sup>

February 13, 2014

**Withdrawn:**

March 16, 2014

**ADDITIONAL INFORMATION:**<sup>27</sup>

---

<sup>24</sup> If the withdrawn rules are emergency, type EMERGENCY instead of PERMANENT. [Note: If the agency published an NRI for the emergency action, the WR will also be published. However, if the agency did not publish an NRI for the emergency action, the WR will not be published, but will be retained in the OAR's official files.]

<sup>25</sup> Cite the specific withdrawn rule(s), with statuses (e.g., [NEW], [AMENDED], etc.) as they were identified in the NRI.

<sup>26</sup> Do not include this heading if the rules are withdrawn after adoption but prior to submission to the Governor and Legislature.

<sup>27</sup> Include any additional information determined by the agency to be pertinent. For example, this could be used to inform the public that the agency plans to promulgate the withdrawn rules at a later date. The use of this heading is optional.

## EXAMPLE 8 - EMERGENCY RULE DOCUMENT (EME)

---

The following example illustrates the format and content for an EMERGENCY rule document (EME). A rule document consists of a document heading, preamble, enacting clause, regulatory text, and attestation. In addition, a transmittal sheet (see Example 1) must accompany the document.

*See 655:10-7-3, 655:10-7-11, 655:10-7-13, 655:10-7-14, 655:10-7-16, and Example 10B for additional information on document headings, preambles, enacting clauses, regulatory text, and attestations.*

Within 10 days after adoption of emergency rules, an "emergency rule document" must be submitted to the Governor and the Legislature via the State Online Filing System, or in paper format if the agency cannot file electronically [see 74:464 and <https://www.ok.gov/state/filings>]. The system, or the Governor's office if the document wasn't filed electronically, forwards a copy of the emergency rule document to the OAR for format review. The OAR reviews the rules for compliance with the Administrative Rules on Rulemaking, and returns "format-approved pages" (FAP's) or "red-marked pages" (RMP's) to the agency.

If the rules are approved by the Governor, the agency submits the following to the OAR for publication in the Register:

- X Two copies of the transmittal sheet and emergency rule document (including the attestation), corrected if necessary for format compliance (as identified in any "red-marked pages" returned to agency after OAR's review). 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.
  - X Two copies of the Governor's written approval.
  - X A CD/DVD copy of the rule document, not including the attestation and transmittal sheet.
  - X The "red-marked pages" or "format approved pages" that were returned to the agency after the OAR's review.
- 

### TITLE 165. CORPORATION COMMISSION CHAPTER 25. UNDERGROUND STORAGE TANKS

#### **RULEMAKING ACTION:**

EMERGENCY adoption

#### **RULES:**

Subchapter 1. General Provisions

Part 7. National Industry Codes

165:25-1-32 [AMENDED]

Subchapter 3. Release Prevention, Detection and Correction

Part 13. Removal and Closure of Underground Storage Tank  
Systems

165:25-3-61 through 165:25-3-67 [AMENDED]

Part 15. Corrective Action Requirements

165:25-3-71.1 [NEW]

Subchapter 13. Financial Responsibility Requirements

Part 19. State Fund or Other State Assurance

165:25-13-92 [REVOKED]

Part 29. Reporting

165:25-13-141 [AMENDED AND RENUMBERED TO 165:25-13-154]

Part 31. Recordkeeping and Reporting

165:25-13-153 [RESERVED]

165:25-13-154 [NEW]

Appendix D. Certificate of Insurance [REVOKED]

Appendix D. Certificate of Insurance [NEW]

**AUTHORITY:**

Corporation Commission; 42 U.S.C. Sections 6991 et seq.; 17 O.S., Sections 301 et seq.

**COMMENT PERIOD:** <sup>28</sup>

November 15, 2013 through December 16, 2013

**PUBLIC HEARING:** <sup>29</sup>

December 16, 2013

**ADOPTION:**

December 16, 2013

**EFFECTIVE:**

Immediately upon Governor's approval <sup>30</sup>

**EXPIRATION:**

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature <sup>31</sup>

**SUPERSEDED EMERGENCY ACTIONS:** <sup>32</sup>

**Superseded rules:**

Subchapter 1. General Provisions

Part 7. National Industry Codes

165:25-1-32 [AMENDED]

Subchapter 3. Release Prevention, Detection and Correction

Part 13. Removal and Closure of Underground Storage Tank Systems

165:25-3-61 [AMENDED]

165:25-3-64 [AMENDED]

**Gubernatorial approval:**

September 15, 2013

**Register publication:**

31 Ok Reg 253

**Docket number:**

13-1242

**INCORPORATIONS BY REFERENCE:** <sup>33</sup>

**Incorporated standards:**

National Fire Protection Association, Standard Number 30, 2008, "Flammable and Combustible Liquids Code"

**Incorporating rules:**

165:25-1-32

**Availability:**

8:00 a.m. to 5:00 p.m., Monday through Friday, Corporation Commission, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105.

**FINDING OF EMERGENCY:**

(Provide substantial evidence that the rule is necessary as an emergency measure pursuant to the criteria set forth in 75:253(A).)

**ANALYSIS:**

([P]repare, in plain language, an analysis of [the] rules. The

*analysis shall include but not be limited to a reference to any statute that the rule interprets, any related statute or any related rule. [75:251(B)(2)(f) and 75:253(B)(1)]*

**CONTACT PERSON:**

Jane Doe (405) 521-0000, Jane.Doe@occ.ok.gov

**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):** <sup>34</sup>

*[Begin regulatory text here - Include any applicable Subchapter and Part headings (see Example 12 and 655:10-7-14)]*

*[Add attestation, beginning on a new page after the regulatory text (see Example 10B and 655:10-7-16)]*

- 
- <sup>28</sup> If an optional comment period was held AND announced in a published Notice of Rulemaking Intent, include this information. If not, do not include the heading.
- <sup>29</sup> If an optional public hearing was held AND announced in a published Notice of Rulemaking Intent, include this information. If not, do not include the heading.
- <sup>30</sup> a. If the emergency rules are to become effective on a "contingent" effective date (i.e., a specified 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.
- b. If the emergency rules are to become effective on a later date (i.e., a date that follows completion of the Governor's 45-calendar day review period), type the specific effective date instead of "Immediately upon Governor's approval," as follows:  
Effective (specific date)
- [Note: The OAR will add the gubernatorial approval date before publishing.]**
- <sup>31</sup> If the emergency rules are to expire early (i.e., earlier than September 14 following the next legislative session), cite the specific expiration date instead of "Effective through September 14 . . .," as follows:  
Effective through (specific date)
- <sup>32</sup> If no emergency actions will be superseded by this emergency action, type "n/a" under the heading SUPERSEDED EMERGENCY ACTIONS, and do not include the four subheadings.
- <sup>33</sup> If no standards/rules are being incorporated by reference in the emergency rules, type "n/a" under the heading INCORPORATIONS BY REFERENCE, and do not include the three subheadings.
- <sup>34</sup> a. If a "contingent" effective date has been specified in the preamble of the emergency rule document (see footnote 30a), 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:
- b. If a later effective date has been specified in the preamble (see footnote 30b), 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):

## **EXAMPLE 9 - PERMANENT RULE DOCUMENT (PER) (FOR "FINALLY ADOPTED" RULES)**

---

The following example illustrates the format and content for a PERMANENT rule document (PER). Rule documents consist of a document heading, preamble, enacting clause, regulatory text, and attestation. A transmittal sheet, as illustrated in Example 1, must accompany the document.

*See 655:10-7-3, 655:10-7-11, 655:10-7-13, 655:10-7-14, 655:10-7-16, and Example 10A for additional information on document headings, preambles, enacting clauses, regulatory text, and attestations.*

A "permanent rule document" must be submitted to the OAR within 30 calendar days after "final adoption" of the permanent rules. The agency must submit the following to the OAR for publication in the *Register*:

- X Two copies of the transmittal sheet and permanent rule document, with the regulatory text corrected if necessary for format compliance (as identified in any "red-marked pages" returned to agency after OAR's format review), including at least one original attestation. 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.
  - X A CD/DVD copy of the rule document, not including the attestation and transmittal sheet.
  - X The "red-marked pages" or "format approved pages" that were returned to the agency after the OAR's format review.
- 

### **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS**

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

Subchapter 3. Patient Rights [REVOKED]  
310:667-3-1 through 310:667-3-6 [REVOKED]  
Subchapter 5. Compliance with Federal, State, and Local Laws  
310:667-5-3 [AMENDED]  
Subchapter 9. Medical Staff  
Part 1. General Provisions  
310:667-9-5 [NEW]  
Appendix A. Ventilation Requirements for Areas Affecting  
Patient Care in Hospitals and Outpatient Facilities [REVOKED]  
Appendix A. Ventilation Standards for Areas Affecting Patient  
Care in Hospitals and Outpatient Facilities [NEW]  
Appendix E. Hot Water Use [NEW]

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S., §§ 1-701 et seq.

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:**

November 8, 2013

**COMMENT PERIOD:**

December 2, 2013 through January 2, 2014

**PUBLIC HEARING:**

January 3, 2014

**ADOPTION:**

January 3, 2014

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

January 10, 2014

**LEGISLATIVE APPROVAL:** <sup>35</sup>

Approved May 19, 2014 by HJR 1058

**LEGISLATIVE DISAPPROVAL:** <sup>36</sup>

Disapproved May 19, 2014 by HJR 1059

**APPROVED BY GOVERNOR'S DECLARATION:** <sup>37</sup>

Approved by Governor's declaration on June 5, 2014

**FINAL ADOPTION:** <sup>38</sup>

June 5, 2014

**EFFECTIVE:**

August 11, 2014

**SUPERSEDED EMERGENCY ACTIONS:** <sup>39</sup>

**Superseded rules:**

Subchapter 5. Compliance with Federal, State, and Local Laws

310:667-5-3 [AMENDED]

Subchapter 9. Medical Staff

Part 1. General Provisions

310:667-9-5 [NEW]

**Gubernatorial approval:**

September 15, 2013

**Register publication:**

31 Ok Reg 292

**Docket number:**

13-1440

**INCORPORATIONS BY REFERENCE:** <sup>40</sup>

**Incorporated standards:**

National Fire Protection Association 101 Life Safety Code, 2001 edition

**Incorporating rules:**

310:667-5-3

**Availability:**

8:00 a.m. to 5:00 p.m., Monday through Friday at Medical Facilities Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, 405-521-0000

**ANALYSIS:**

*([P]repare, in plain language, an analysis of [the] rules. The analysis shall include but not be limited to a reference to any statute that the rule interprets, any related statute or any related rule. [75:252(B)])*

**CONTACT PERSON:**

John Doe, Chief, Medical Facilities Division, OSDH, 1000 N.E. 10th, Oklahoma City, OK 73117-1299, 405-521-0000, John.Doe@osdh.ok.gov

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2014:**

*[Begin regulatory text here - Include any applicable Subchapter and Part headings (see Example 12 and 655:10-7-14)]*

*[Add attestation, beginning on a new page after the regulatory text (see Example 10A and 655:10-7-16)]*

- 
- <sup>35</sup> Include this heading only if the Legislature approves the permanent rules by joint or omnibus 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. Type the following:  
Approved [effective date of joint or omnibus resolution approving the rules] by [number of joint or omnibus resolution]
- <sup>36</sup> Include this heading only if the Legislature disapproves the permanent rules by joint or omnibus 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, AND the rules were later approved and finally adopted by Governor's Declaration.  
Disapproved [effective date of joint or omnibus resolution disapproving the rules] by [number of joint or omnibus resolution]
- <sup>37</sup> Include this heading only if the permanent rules were approved and finally adopted by Governor's declaration.
- <sup>38</sup> The "Final adoption" date is the date the proposed permanent rules are approved pursuant to 75 O.S., Sections 250.3(5) and 308(E).
- <sup>39</sup> If no emergency actions will be superseded by the permanent action, type "n/a" under the heading SUPERSEDED EMERGENCY ACTIONS, and do not include the four subheadings.
- <sup>40</sup> If no standards/rules are being incorporated by reference in the permanent rules, type "n/a" under the heading INCORPORATIONS BY REFERENCE, and do not include the three subheadings.

## EXAMPLE 10 - ATTESTATION

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The following examples illustrate the format and content for an attestation in a permanent rule document and emergency rule document.

See 655:10-7-16 for further information about attestations and 655:10-1-6 for information about attestation officers.

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### EXAMPLE A - ATTESTATION FOR PERMANENT RULES

#### ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of (amendments to<sup>41</sup>, additions to<sup>42</sup>, revoked<sup>43</sup>, new<sup>44</sup>) Chapter (Chapter number), (Chapter heading), which (was, were) considered finally adopted by (title of rulemaking entity) on (date) under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such (rule, rules) (was, were) finally adopted in substantial compliance with the Administrative Procedures Act.

(signature of attestation officer)  
(name of attestation officer)  
(title of attestation officer)  
(name of agency)  
(date of signature)

## EXAMPLE B - ATTESTATION FOR EMERGENCY RULES

### ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of (amendments to<sup>41</sup>, additions to<sup>42</sup>, revoked<sup>43</sup>, new<sup>44</sup>) Chapter (Chapter number), (Chapter heading), which (was, were) adopted by (title of rulemaking entity) on (date) under emergency rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such (rule, rules) (was, were) adopted in substantial compliance with the Administrative Procedures Act.

(signature of attestation officer)  
(name of attestation officer)  
(title of attestation officer)  
(name of agency)  
(date of signature)

---

<sup>41</sup> Use the "amendments to" option if the agency is amending, adding, revoking, renumbering, and/or reserving Sections or Appendices in an existing Chapter.

<sup>42</sup> Use the "addition to" option if the agency is adding new Sections only to an existing Chapter.

<sup>43</sup> Use the "revoked" option if the agency is revoking an entire Chapter.

<sup>44</sup> Use the "new" option if the agency is adopting an entirely new Chapter.

## EXAMPLE 11 - NOTICE OF ERROR IN PUBLISHED DOCUMENT (ERR)

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The following example illustrates the format and content for a Notice of Error in Published Document (ERR). See 655:10-7-35(c) for further explanation of information to be included under each heading. See 655:10-13-3 for restrictions on correcting published documents.

---

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

**ACTION:**

Notice of error in published document

**DOCUMENT CORRECTED:**

**Document type:**

Permanent rule document (preamble) <sup>45</sup>

**Rules:**

Subchapter 3. Codification of Rules

Part 1. General Provisions

655:10-3-1 through 655:10-3-3 [AMENDED]

Part 9. Miscellaneous Codification Requirements [REVOKED]

655:10-3-42 through 655:10-3-53 [REVOKED]

Subchapter 9. Submission of Documents

655:10-9-7 [NEW]

**Register publication:**

30 Ok Reg 348

**Docket number:**

12-55

**CORRECTIONS:**

Information cited in the preamble under the heading AUTHORITY was incorrect. It should read as follows:

Secretary of State; 75 O.S., §§ 250 et seq.; Executive Order 95-26

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<sup>45</sup> Identify the type of document being corrected, as follows: *[Note: These are the only documents, or parts of documents, that can be corrected after publication in the Register.]*

Permanent rule document (preamble)

Permanent rule document (enacting clause)

Statement of Submission for to Governor and Legislature

Notice of Legislative Disapproval of Rules

Notice of Withdrawn Rules

## EXAMPLE 12 - REGULATORY TEXT

---

The following example illustrates the numbering and formatting style for regulatory text to be submitted to the Governor and Legislature for review (and later submitted to the OAR for publication in the Register). It illustrates the use of underscoring and strikeouts to identify new and deleted language in new, amended, revoked, amended and renumbered, and reserved sections, as well as a revoked and reenacted Appendix. Note that any applicable Subchapter and Part headings must be included, and amendments to these headings must also be identified using underscoring and strikeouts.

Regulatory text is prepared in this manner, regardless of whether it is an emergency or permanent action, and regardless of whether the regulatory text is being submitted to the Governor/Legislature for review or to the OAR (in a "permanent rule document" after final adoption or an "emergency rule document" after gubernatorial approval) for publication in the Register.

**See Subchapter 5 (Rule Drafting Requirements) and Subchapter 3 (Codification of Rules) for additional information on preparing regulatory text.**

---

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

*[Note: The preamble and enacting clause are inserted here in emergency rule documents (see Example 8) and in permanent rule documents after "final adoption" (see Example 9).]*

#### SUBCHAPTER 3. CODIFICATION OF RULES PART 5. CODE NUMBERING, HEADINGS, AND TAGLINES

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

(a) **Chapter numbers.** The Chapter number is an arabic number assigned to a major area of regulatory control within the agency's rulemaking authority, as described in 655:10-3-10(2). Chapters 1 through 9 of each Title are used only for rules required by 75 O.S., Sections 302, 305, and 307. [See 655:10-5-7 (relating to "required rules"); see also 655:10-3-27 (relating to gapping numbers)]

(b) **Chapter headings.** Each Chapter requires a brief heading which reflects its subject matter.

(c) **Format.** Chapter numbers and headings are formatted in regulatory text and document headings as follows:

(1) The word CHAPTER is followed by a space, the Chapter number, a period, two spaces, and the Chapter heading as described in (b) of this Section. This information is typed in uppercase letters, bolded, and centered.

(2) No punctuation follows the Chapter heading.

(3) The following is an example of a Chapter number and heading:

#### **CHAPTER 15. LICENSURE FOR HOSPITALS AND RELATED INSTITUTIONS**

(d) **Assignment.** Chapter numbers and headings are assigned by the OAR, in consultation with the agency. Prior to the adoption of a new Chapter, the agency must ~~receive approval from~~ contact the OAR for ~~use~~ assignment of ~~the~~ a Chapter number and approval of the heading.

## PART 7. REGULATORY TEXT

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

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

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

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

## PART 9. MISCELLANEOUS CODIFICATION REQUIREMENTS

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

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

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

~~(2) **Unnecessary terminology.**~~

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

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

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

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

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

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

**SUBCHAPTER 5. RULE DRAFTING REQUIREMENTS**

**655:10-5-9. [RESERVED]**

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

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

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

**(2) Unnecessary terminology.**

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

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

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

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

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

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

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

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

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

**(3) O.S. Sections vs OAC Sections.** References to Sections in the Oklahoma Statutes must be similar in style to acceptable O.S. citation format, as identified in the front of each edition

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

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

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

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

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

#### **SUBCHAPTER 11. REVIEW OF DOCUMENTS**

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

~~(a) **Optional use.** An agency may request a format "pre review" of rules prior to adoption, gubernatorial and legislative review, or publication. The pre review process is optional. However, agencies are encouraged to utilize the pre review option early in the rulemaking process to avoid any procedural or substantive problems which may impede the promulgation of the rules. A pre review of rules pursuant to this Section does not replace the formal review required in 655:10-11-1.~~

~~(b) **Procedure.** Upon submission of rules or a rule document for pre-review, the OAR shall review the document for format compliance as time allows. If approved, the OAR shall stamp each copy of the document as "format approved" and return to the agency. If rejected, the OAR shall advise the issuing agency of the reasons for the rejection.~~

~~(c) **Agency responsibility.** Because pre-review is an optional step in the rulemaking process, the agency may proceed, without the OAR's pre-review approval, with any succeeding steps in the rulemaking process. The agency is responsible for meeting any deadlines associated with the remaining steps in the rulemaking process. Failure of the OAR to approve or reject a document submitted for pre review pursuant to this Section does not affect the formal rulemaking process.~~

**APPENDIX A. TABLE OF INTERNAL CITATIONS [REVOKED]  
APPENDIX A. TABLE OF INTERNAL (OAC) CITATIONS [NEW]**

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

<b>WHEN REFERRING TO:</b>	<b>CITE IN THIS STYLE:</b>
Another Section of the OAC 20:10-1-1	
A lettered or numbered subdivision of another Section of the OAC .....	20:10-1-1(a) 20:10-1-1(a)(1) 20:10-1-1(a)(1)(A) 20:10-1-1(a)(1)(A)(i) 20:10-1-1(a)(1)(A)(i)(I)
Another subsection of the same Section .....	(a) of this Section
Another paragraph of the same subsection .....	(1) of this subsection
Another subparagraph of the same paragraph .....	(A) of this paragraph
Another unit of the same subparagraph .....	(i) of this subparagraph
Another subunit of the same unit.....	(I) of this unit
A subdivision of another subsection of the same Section .....	(a)(1) of this Section .....(a)(1)(A) of this Section .....(a)(1)(A)(i) of this Section .....(a)(1)(A)(i)(I) of this Section
A subdivision of another paragraph of the same subsection .....	(1)(A) of this subsection .....(1)(A)(i) of this subsection .....(1)(A)(i)(I) of this subsection
A subdivision of another subparagraph of the same paragraph .....	(A)(i) of this paragraph (A)(i)(I) of this paragraph
A subdivision of another unit of same subparagraph .....	(i)(I) of this subparagraph
Another Title of the OAC .....	Title 20 of the OAC - OR - OAC 20
Another Chapter of the same Title.....	Chapter 10 of this Title - OR - OAC 20:10
A Chapter of another OAC Title .....	OAC 20:10
Another Subchapter of the same Chapter .....	Subchapter 10 of this Chapter
A Subchapter of another Chapter of same Title.....	Subchapter 10 of Chapter 10 of this Title - OR - OAC 20:10-10
A Subchapter of another OAC Title .....	OAC 20:10-10
Another Part of the same Subchapter .....	Part 1 of this Subchapter
A Part of another Subchapter of same Chapter.....	Part 1 of Subchapter 1 of this Chapter
A Part of another Chapter of same Title .....	Part 1 of Subchapter 1 of Chapter 10 of this Title - OR - OAC 20:10-1, Part 1

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