

1 ENGROSSED HOUSE  
2 BILL NO. 1297

By: Osburn of the House

3 and

4 Rader of the Senate

5  
6 An Act relating to statutes and reports; amending 75  
7 O.S. 2021, Sections 250.9, 255, 256, and 257.1, which  
8 relate to the Administrative Procedures Act;  
9 requiring electronic publishing of the Oklahoma  
10 Administrative Code and The Oklahoma Register;  
11 authorizing download of certain documents; removing  
12 requirement for indexing and supplements; and  
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 75 O.S. 2021, Section 250.9, is  
16 amended to read as follows:

17 Section 250.9 A. There is hereby established an Office of  
18 Administrative Rules within the Office of the Secretary of State.  
19 The Office of Administrative Rules shall have the primary  
20 responsibility for publishing "The Oklahoma Register" and the  
21 "Oklahoma Administrative Code" and otherwise implementing the  
22 provisions of Article I of the Administrative Procedures Act. The  
23 Secretary of State shall provide for the adequate staffing of the  
24 Office to implement the provisions of this section including but not  
limited to an ~~editor-in-chief~~ editor in chief.

1        B. The Secretary shall cause to be published in electronic  
2 form, and may cause to be published in printed form, at the least  
3 cost possible to the state, the "Oklahoma Administrative Code" and  
4 "The Oklahoma Register". In the event of any discrepancy between  
5 the electronic and printed form of the Code or "The Oklahoma  
6 Register", the electronic form shall prevail unless it is  
7 conclusively shown, by reference to the rulemaking filings made with  
8 the Secretary, that the electronic form contains an error in  
9 publication.

10        SECTION 2.        AMENDATORY        75 O.S. 2021, Section 255, is  
11 amended to read as follows:

12        Section 255. A. 1. The Secretary of State is hereby  
13 authorized, directed, and empowered to publish "The Oklahoma  
14 Register" not less than monthly for the publication of new rules,  
15 any amendment, revision or revocation of an existing rule, emergency  
16 rules, any notices of such rulemaking process and Executive Orders  
17 as are required by law to be published in "The Oklahoma Register".  
18 Said rules or amendments, revisions, or revocations of existing  
19 rules shall be published in the first issue of "The Oklahoma  
20 Register" published pursuant to Sections 251, 253, 256, 303, 303.1,  
21 ~~303.2~~ and 308 of this title after the date of acceptance by the  
22 Secretary.

23        2. The Secretary shall cause a copy of each publication of "The  
24 Oklahoma Register" to be sent to those county clerks who request it,

1 to members of the Legislature upon request, and to such other  
2 agencies, libraries, and officials as the Secretary may select. The  
3 Secretary may charge recipients of the publication a cost sufficient  
4 to defray the cost of publication and mailing. If the Secretary  
5 determines that the entity requesting copies could download "The  
6 Oklahoma Register" through the Internet, then the Secretary may  
7 comply by providing "The Oklahoma Register" to the entity via  
8 Internet, at no charge.

9 3. The Secretary shall cause a copy of all rules, all new  
10 rules, and all amendments, revisions, or revocations of existing  
11 rules to be on file and available for public examination in the  
12 Office during normal office hours.

13 4. The Secretary shall promulgate rules to systematize the  
14 designations of rules. To establish said system or to preserve  
15 uniformity of designations, the Secretary may require the agency to  
16 change the title or numbering of any rule or any amendment,  
17 revision, or revocation thereof.

18 B. The Secretary is authorized to provide for the publication  
19 of rules in summary form when the rules are of such length that  
20 publication of the full text would be too costly. The summary shall  
21 be prepared by the agency submitting the rules and shall state where  
22 the full text of the rule may be obtained.

23 C. The notice required pursuant to the provisions of Section  
24 303 of this title shall be published in "The Oklahoma Register"

1 prior to the adoption of a new rule, or amendment, revision or  
2 revocation of any existing rule. The notice shall include the  
3 information required by Section 303 of this title.

4 SECTION 3. AMENDATORY 75 O.S. 2021, Section 256, is  
5 amended to read as follows:

6 Section 256. A. 1. The Secretary of State shall provide for  
7 the codification, compilation, ~~indexing~~ and publication of agency  
8 rules and Executive Orders in a publication which shall be known as  
9 the "Oklahoma Administrative Code" in the following manner:

10 a. On or before January 1, 1992, the Secretary shall  
11 compile Executive Orders which are effective pursuant  
12 to paragraph 3 of subsection B of this section, and  
13 agency rules which have been submitted pursuant to the  
14 agency schedule of compliance and have been accepted  
15 as properly codified, as set forth in this section,  
16 and rules promulgated by the Secretary. Such  
17 compilation shall be maintained by the Office of  
18 Administrative Rules and shall be updated by agencies,  
19 in a manner prescribed by the Secretary, to reflect  
20 subsequent permanent rulemaking. Prior to publication  
21 of the first "Code", as set forth in subparagraph b of  
22 this paragraph, the compilation shall constitute the  
23 official permanent rules of the state. Effective  
24

1 January 1, 1992, any permanent rule not included in  
2 such compilation shall be void and of no effect.

- 3 b. On or before December 1, 1992, the Secretary shall  
4 have ~~indexed and~~ published the "Oklahoma  
5 Administrative Code". To effectuate this provision,  
6 the Secretary may contract for the publishing ~~and~~  
7 ~~indexing, or both~~ of the "Oklahoma Administrative  
8 Code". Any permanent rule not published in the "Code"  
9 shall be void and of no effect. A finally adopted  
10 rule filed and published in "The Oklahoma Register"  
11 may be valid until publication of the next succeeding  
12 "Code" or "Code" supplement following the date of its  
13 final adoption. Provided, a permanent rule which is  
14 finally adopted after the closing date for publication  
15 in a "Code" or "Code" supplement as announced by the  
16 Secretary may be valid until publication of the next  
17 succeeding "Code" or "Code" supplement. A permanent  
18 rule which is published in "The Oklahoma Register"  
19 after the closing date for publication in the first  
20 "Code", as announced by the Secretary, shall be void  
21 and of no effect upon publication of the next  
22 succeeding "Code" or "Code" supplement, if not  
23 published in the "Code" or "Code" supplement.

24

1        2. Compilations or revisions of the "Code" or any part thereof  
2 shall be supplemented or revised annually. The "Code" shall be  
3 organized by state agency and shall be arranged, ~~indexed~~ and printed  
4 in a manner to permit separate publications of portions thereof  
5 relating to individual agencies.

6        3. Annual supplements to the "Code" shall be cumulative.  
7 Emergency rules shall not be published in the "Code" or in any  
8 supplements thereto.

9        4. ~~The "Code" and the supplements shall include a general~~  
10 ~~subject index and an agency index of all rules and Executive Orders~~  
11 ~~contained therein.~~ "The Oklahoma Register" shall also include a  
12 sections-affected index of the "Code". The "Code" and supplements  
13 shall contain such notes, cross-references and explanatory materials  
14 as required by the Secretary.

15        5. The Secretary in preparing such rules for publication in the  
16 "Code" or supplements shall omit all material shown in canceled  
17 type. The Secretary shall not prepare any rule for publication in  
18 the "Code" which amends or revises a rule unless the rule so  
19 amending or revising conforms to the provisions of the  
20 Administrative Procedures Act.

21        6. The Secretary is authorized to determine a numbering system  
22 and other standardized format for documents to be filed and may  
23 refuse to accept for publication any document that does not  
24 substantially conform to the promulgated rules of the Secretary.

1 B. 1. Rules submitted and accepted for publication in the  
2 "Code" by August 15 of each year shall be published in the next  
3 succeeding "Code" or supplement thereto.

4 2. As soon as possible after August 15 of each year, the  
5 Secretary shall assemble all rules and Executive Orders, except  
6 emergency rules, promulgated after the publication of the preceding  
7 "Code" or "Code" supplement in accordance with the provisions of the  
8 Administrative Procedures Act for publication in the "Oklahoma  
9 Administrative Code". The "Code" or supplements thereto should be  
10 published as soon as possible after August 30 of each year.

11 3. Executive Orders of previous gubernatorial administrations  
12 shall terminate ninety (90) calendar days following the inauguration  
13 of the next Governor unless otherwise terminated or continued during  
14 that time by Executive Order. Copies of all Executive Orders shall  
15 be published ~~and indexed~~ in the "Oklahoma Administrative Code". All  
16 Executive Orders placing agencies or employees under the State Merit  
17 System of Personnel Administration shall remain in effect unless  
18 otherwise modified by action of the Legislature.

19 C. The Secretary is hereby authorized and empowered to publish  
20 or to contract to publish the "Oklahoma Administrative Code", and to  
21 publish or contract to publish such annual cumulative supplements so  
22 as to keep the "Code" current. All such agreements shall provide  
23 that the publisher shall make such publications in such form and  
24

1 arrangement as shall be approved by the Secretary. The Secretary  
2 may publish or authorize the publication of the "Code" in part.

3 D. The Secretary is authorized to correct spelling errors in  
4 rules submitted for publication in the "Code" or any such  
5 supplements or in "The Oklahoma Register". Any other errors in  
6 rules submitted for publication in the "Code" may be noted in  
7 editorial notes provided by the Secretary.

8 E. The Secretary shall make copies of the "Code" generally  
9 available at a cost sufficient to defray the cost of publication and  
10 mailing. Except as otherwise provided by Section 257.1 of this  
11 title, the Secretary is authorized to sell or otherwise distribute  
12 the "Code" and its supplements.

13 F. 1. The codification system, derivations, cross\_references,  
14 notes of decisions, source notes, authority notes, numerical lists,  
15 and codification guides, other than the actual text of rules,  
16 indexes, tables and other aids relevant to the publication of the  
17 "Oklahoma Administrative Code" and "The Oklahoma Register" shall be  
18 the property of the state and may be reproduced only with the  
19 written consent of the Secretary. The information which appears on  
20 the same page with the text of a rule may be reproduced incidentally  
21 with the reproduction of the rule, if the reproduction is for the  
22 private use of the individual and not for resale. No person shall  
23 attempt to copyright or publish the "Oklahoma Administrative Code"  
24 or "The Oklahoma Register", in printed or electronic media, without



1 expressed written consent of the Secretary of State. The Secretary  
2 shall notify the Speaker of the Oklahoma House of Representatives  
3 and the President Pro Tempore of the Oklahoma State Senate of any  
4 requests to copyright or publish the "Oklahoma Administrative Code"  
5 or "The Oklahoma Register", prior to consent by the Secretary.

6 2. The Secretary ~~may~~ shall provide for the electronic access to  
7 the "Oklahoma Administrative Code" and "The Oklahoma Register" by:

- 8 a. ~~subscription~~ Internet access at no charge, or  
9 b. an exclusive or a nonexclusive contract for public and  
10 private access.

11 3. Publications of rules by agencies are not official  
12 publications.

13 4. The sale or resale of the "Oklahoma Administrative Code" or  
14 any part thereof by the Secretary of State shall be exempt from any  
15 requirement mandating acquisition of a resale number and payment of  
16 sales tax.

17 SECTION 4. AMENDATORY 75 O.S. 2021, Section 257.1, is  
18 amended to read as follows:

19 Section 257.1 A. The Secretary of State is authorized to enter  
20 into and make reciprocal agreements with other states to allow  
21 exchanges of administrative codes of such states.

22 B. 1. Each of the following offices shall be entitled to  
23 receive, as soon as available from the Secretary, without cost, one  
24 copy of the printed volumes of the "Code" ~~and the supplements~~

1 ~~thereto or, upon request from an office, one copy of the "Code" and~~  
2 ~~the supplements thereto on compact disc:~~

- 3 a. ~~County~~ county clerk of each county;
- 4 b. Clerk of the Supreme Court;
- 5 c. Attorney General;
- 6 d. Governor;
- 7 e. Speaker of the Oklahoma House of Representatives and  
8 the President Pro Tempore of the Oklahoma State  
9 Senate;
- 10 f. the Research, Legal and Fiscal Divisions of the House  
11 of Representatives;
- 12 g. the Legislative Division of the Senate; and
- 13 h. the Department of Libraries for the Law Library.

14 2. The Department of Libraries is authorized to obtain number  
15 of copies of the "Code" and the supplements thereto necessary for  
16 use for deposit with the Publications Clearinghouse pursuant to  
17 Sections 3-113.1 through 3-115 of Title 65 of the Oklahoma Statutes.  
18 The Secretary is authorized to retain sufficient copies for exchange  
19 purposes with other states for copies of their rules.

20 C. If the Secretary determines that the entity requesting  
21 copies pursuant to subsection B of this section could download the  
22 "Oklahoma Administrative Code" through the Internet, then the  
23 Secretary may comply by providing the "Oklahoma Administrative Code"  
24 to the entity via the Internet, at no charge.

