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Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

[OAR Docket #02-1603]

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10:15-27-5. Transfer of conditional credits [AMENDED]
10:15-27-6. Proctoring [AMENDED]
10:15-27-7. Reciprocal application [REVOKED]
10:15-27-9. Permit [AMENDED]
10:15-27-11. Duplicate certificate or license [AMENDED]
Subchapter 29 Continuing Professional Education
10:15-29-3. CPE compliance period for new CPAs and PAs [AMENDED]
10:15-29-4. Required CPE for issuance of a permit [AMENDED]
10:15-29-5. Reciprocity [AMENDED]
10:15-29-6. Reporting and documentation by registrants [AMENDED]
10:15-29-7. Qualifying subjects [AMENDED]
10:15-29-9. Penalties for noncompliance with the CPE requirement [AMENDED]
10:15-29-10. Exceptions [AMENDED]
Subchapter 31 Standards for Continuing Professional Education
10:15-31-1. General standards for structured CPE [AMENDED]
10:15-31-2. Standards for structured CPE program development [AMENDED]
10:15-31-3. Standards for structured CPE program presentation [AMENDED]
10:15-31-4. Standards for structured CPE program measurement [AMENDED]
10:15-31-5. Standards for structured CPE program reporting by participant [AMENDED]
10:15-31-6. Documentation and record-keeping standards for CPE sponsors [AMENDED]
Subchapter 35 Reinstatement
10:15-35-1. Application for reinstatement [AMENDED]
10:15-35-2. Evaluation of applications for reinstatement [AMENDED]
10:15-35-4. Hearing on application for reinstatement [AMENDED]
10:15-35-5. Duplicate certificate or license [AMENDED]
Subchapter 37 Enforcement Procedures
10:15-37-1. Initiation of investigation [AMENDED]
10:15-37-2. Investigation committee [REVOKED]
10:15-37-4. Individual investigator [AMENDED]
10:15-37-5. Filing of formal complaint [AMENDED]
10:15-37-6. Formal proceedings [AMENDED]

10:15-37-10. Investigation costs [AMENDED]
10:15-37-11. Felony convictions and pleas [AMENDED]
Subchapter 39 Rules of Professional Conduct
10:15-39-1. Application [AMENDED]
10:15-39-2. Special definitions [AMENDED]
10:15-39-3. Independence [AMENDED]
10:15-39-4. Integrity and objectivity [AMENDED]
10:15-39-5. Disclosure of other compensation and financial interest in transactions [AMENDED]
10:15-39-6. Competence and technical standards [AMENDED]
10:15-39-7. Responsibilities to clients [AMENDED]
10:15-39-8. Other responsibilities and practices [AMENDED]
10:15-39-9. Professional misconduct [AMENDED]

SUMMARY:

Subchapter 1, General Provisions, amendments will involve correction of grammatical errors, defining the computer-based examination (CBT) and the new terms associated with the CBT. Subchapter 3. Amendments expand requirements for certification and licensure due to the new experience requirement as provided in Title 59, Section 15.9.D. Subchapters 5 through 19 will be amended to implement the CBT, which will be launched in April 2004. The content, delivery, dates, scheduling, conditioning requirements, proctoring, application processes and examination fee are all affected by the new CBT. Subchapter 20, Practice Requirements, is a new section which will enhance public protection by requiring certain information to be displayed on firms' and practitioners' websites. Subchapter 21, Reciprocity, will be amended to limit the time that the proof that an applicant's certificate is in good standing can be filed with the application. Subchapter 22, Substantial Equivalency, is a new section which will delineate how the substantial equivalence provision of Title 59, Section 15.12A will be administered. Subchapter 23, Registration, amendments include clarifying language with no substantive amendments. Subchapter 25, Permits, includes a provision for a registrant to prepare tax returns for immediate family without holding a permit to practice public accounting. Subchapter 27, Fees, amendments will provide for an increase in the examination fee. Title 59, Section 15.10A. currently limits the examination fee to \$300. The grading service charges \$36 per section; but the application fee currently in the rules is only \$30 per section. The total costs of the examination not only include the \$30 per section grading fee, but direct costs such as examination site rental, mailing costs, and personnel costs. When the CBT is implemented, it will require a direct cost of between \$100 and \$134.50 per section with a total of \$470.00 for all four sections. These direct costs do not include any administrative costs incurred by the Board. The amendments will also provide for elimination of the reciprocal application fee to conform to Title 59, Section 15.13.E. as amended in the 2002 Legislative Session. There is also a provision to assess an escalated permit fee if a firm fails to timely renew the permit. Individual registrants already must pay an escalated

permit fee so this proposed rule would be consistent with the individual registrants' requirement. Subchapter 29, Continuing Professional Education (CPE), and Subchapter 31, Standards for Continuing Professional Education, national standards have been developed on the continuing education requirement for CPAs and PAs. The proposed amendments will implement these standards. Subchapter 37, Enforcement Procedures, one of the amendments is proposed to require that a complaint be filed with the Board only on a signed written format. This protects the due process rights of a registrant. The amendments also propose to eliminate the provision for an Investigation committee. The Board, in recent years, has utilized professional contracts with individual investigators as provided in 10:15-37-4 rather than a full committee. Subchapter 39, Rules of Professional Conduct, in light of recent federal regulation, the Rules of Professional Conduct must be amended to conform to both federal and nationally recognized organizations such as the Federal Accounting Standards Board, Governmental Accounting Standards Board, SEC and the American Institute of CPAs, especially when there is a conflict between the Board's rules and a national standard. The provision for the retention of client records is expanded and clarified.

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5

COMMENT PERIOD:

Written and oral comments will be accepted through close of business February 21, 2003 by contacting Edith Steele, Executive Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: okaccybd@oklaosf.state.ok.us or FAX: 405-521-3118.

PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:30 a.m. on February 21, 2003 in the office of the Board, Suite 165, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Edith Steele at the above address during the period from January 16, 2003 through February 21, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available after January 15, 2003 from the Oklahoma Accountancy Board at the address and contact numbers listed above.

CONTACT PERSON:

Edith Steele at 405-521-2397

[OAR Docket #02-1603; filed 12-16-02]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #02-1621]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix A. Fine Matrix [NEW]

SUMMARY:

The primary purpose of the proposed appendix is to create a guideline for the imposition of administrative penalties in relation to violations of a portion of the Oklahoma Agricultural Code and corresponding rules. The implementation of the fine matrix within this appendix will allow the Department of Agriculture, Food, and Forestry to assess penalties, for the referenced violations, within the parameters set by statute and to do so consistently on a case-by-case basis. In addition, Section 116, an un-codified section, of Senate Bill 1402 which was passed in 2000 requires that the Department promulgate rules establishing fees in order for the fee changes of 1999 to take effect.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 § 2-4(2), 2 O.S. 2001 § 2-18, and 2000 Okla. Sess. Laws § 116 of S.B. 1402

COMMENT PERIOD:

Persons may submit written and oral comments to Janet Stewart at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., February 18, 2003 in the Plant Industry Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Janet Stewart at the above address during the period from January 16, 2003 through February 18, 2003.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Janet Stewart, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Janet Stewart, (405) 522-5803

[OAR Docket #02-1621; filed 12-20-02]

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Stan Stromberg, (405) 521-3741

[OAR Docket #02-1614; filed 12-20-02]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #02-1617]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #02-1614]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 25. Meat Inspection
Part 1. General Provisions
35:15-25-1 [AMENDED]
35:15-25-3 [AMENDED]

SUMMARY:

The amendments of these rules will update our incorporation by reference of federal meat inspection regulations to be current with Title 9 CFR as required to maintain the "at least equal to" federal requirement.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), 2-4(7), 2-4(22), 2-4(25), 2-4(29), and 6-181 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Stan Stromberg at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., February 18, 2003 in the Plant Industry Conference Room, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Stan Stromberg, Director, Meat Inspection Services, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Animal Health Reportable Diseases
35:15-3-1 [AMENDED]
35:15-3-2 [NEW]
35:15-3-3 [NEW]

SUMMARY:

The purpose of the proposed rules is to clarify the information that must be reported by persons engaged in the practice of veterinary medicine to the State Veterinarian regarding contagious and infectious diseases. The proposed rules divide the contagious and infectious diseases into two (2) lists, the A List and the B List. The A List of diseases requires immediate notification to the State Veterinarian on the disease diagnosed, as well as, specific information on the owner and infected animal. The B List of diseases requires notification to the State Veterinarian on the disease, the species infected, as well as, the county where the infected animal resides.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., February 18, 2003 in the Plant Industry Conference Room at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Dr. Burke Healey at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Dr. Burke Healey, (405) 522-6134

[OAR Docket #02-1617; filed 12-20-02]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #02-1618]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 47. Chronic Wasting Disease (CWD) in ~~Cervids~~
Cervidae

Part 7. Interstate Movement Requirements
35:15-47-19 [NEW]

SUMMARY:

The proposed rule is necessary to update Oklahoma's Chronic Wasting Disease (CWD) rules regarding persons that unlawfully import cervidae into the state of Oklahoma. The rule provides specific and necessary options to persons that have unlawfully imported cervidae into the state, protects the industry, and details responsibilities if the unlawfully imported cervidae have or develop CWD. These rules are needed to address a current importation problem in the state and to promote the continued growth and economic development of the cervidae industry in Oklahoma.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agriculture Code; 2 O.S. 2001 § 2-4(2,7 and 17), 6-3, 6-124, 6-151, 6-153, and 6-291

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003, through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., February 18, 2003 in the Plant Industry Conference Room, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Dr. Burke Healey at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Dr. Burke Healey, (405) 522-6134

[OAR Docket #02-1618; filed 12-20-02]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #02-1619]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Livestock Dealers and Livestock Special Sales

Part 3. Livestock Special Sales
35:15-9-11 [NEW]

SUMMARY:

The addition of 35:15-9-11 provides requirements for obtaining permits for swine special sales. These requirements are necessary to continue implementation of the swine disease prevention and eradication programs that are mandated by Oklahoma and federal laws.

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; Title 2, Oklahoma Statutes 2001, §§ 2-4(2),(16), & (20); 6-2; 9-142(3); and 9-147(A)(3); Oklahoma State Board of Agriculture

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 18, 2003 in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Dr. Burke Healey at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Dr. Burke Healey, (405) 522-6134

[OAR Docket #02-1619; filed 12-20-02]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #02-1620]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 21. Swine Pseudorabies [REVOKED]
35:15-21-1 through 35:15-21-20 [REVOKED]
- Subchapter 22. Swine Pseudorabies [NEW]
Part 1. General Provisions [NEW]
35:15-22-1 [NEW]
- Part 3. Requirements for Swine Entering Oklahoma [NEW]
35:15-22-31 through 35:15-22-35 [NEW]
- Part 5. Requirements for a Qualified Pseudorabies Negative Herd [NEW]
35:15-22-51 through 35:15-22-53 [NEW]
- Part 7. Requirements for Swine Exhibitions [NEW]
35:15-22-71 [NEW]
- Part 9. Requirements for Approved Markets [NEW]
35:15-22-91 [NEW]
- Part 11. Pseudorabies Testing, Vaccine, and Quarantine Procedures [NEW]
35:15-22-110 through 35:15-22-115 [NEW]
- Part 13. Violations of Requirements for Testing or Movement of Swine Into or Within the State of Oklahoma [NEW]

35:15-22-131 [NEW]

35:15-22-132 [NEW]

SUMMARY:

The proposed rules revoke Subchapter 21 pertaining to swine pseudorabies and replace it with Subchapter 22. The new Subchapter updates many outdated rules to reflect current standards and federal recommendations for detecting, controlling, and eradicating swine pseudorabies. The new Subchapter also reorganizes the pseudorabies rules for increased readability. These changes are necessary for the continued growth and protection of the swine industry in Oklahoma.

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; Title 2, Oklahoma Statutes 2001, §§ 2-4(2), (7), & (29); 6-2; 6-124 et seq.; 6-150 et seq.; and Oklahoma State Board of Agriculture

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 8:00 a.m., February 18, 2003 in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Dr. Burke Healey at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Dr. Burke Healey, (405) 522-6134

[OAR Docket #02-1620; filed 12-20-02]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. PLANT INDUSTRY**

[OAR Docket #02-1616]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide
Part 22. Wood Infestation Reports [NEW]
35:30-17-100 through 35:30-17-107 [NEW]

SUMMARY:

The proposed rules are necessary to provide standards for individuals who prepare Wood Infestation Reports in the state of Oklahoma. The rules provide specific requirements for forms, inspections, and qualifications for performing inspections. These rules are necessary to protect purchasers of property who rely on the wood infestation report in making a decision to complete the purchase.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agriculture Code; 2 O.S. 2001 § 2-4(2 and 18), 3-81(43), and 3-86(A)(5)

COMMENT PERIOD:

Persons may submit written and oral comments to Bill Taylor at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 18, 2003 in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Bill Taylor at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Bill Taylor, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Bill Taylor, (405) 522-6347

[OAR Docket #02-1616; filed 12-20-02]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 35. MILK AND MILK PRODUCTS**

[OAR Docket #02-1615]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
35:35-1-2 [AMENDED]
35:35-1-3 [AMENDED]

SUMMARY:

The primary purpose of the proposed amendments is to update citations to sections of USDA Regulations and sections of the Code of Federal Regulations that are incorporated by reference within these rules. The proposed amendments to these rules accomplish this goal by updating references to USDA rules and publications, as well as the actual Code of Federal Regulations. The remaining amendments are included for the sole purpose of "cleaning up" the language used in this subchapter in an effort to make the rules more readable and easier to understand.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 § 2-4(2) and 2 O.S. 2001 § 7-404

COMMENT PERIOD:

Persons may submit written and oral comments to Frank Harris at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., February 18, 2003 in the Plant Industry Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Frank Harris, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

Notices of Rulemaking Intent

CONTACT PERSON:

Frank Harris, (405) 522-6123

[OAR Docket #02-1615; filed 12-20-02]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 50. AQUACULTURE [NEW]

[OAR Docket #02-1622]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Private Commercial Production [NEW]

Part 1. General Provisions [NEW]

35:50-1-1 [NEW]

35:50-1-2 [NEW]

Part 3. Licensing, Reporting, and Records [NEW]

35:50-1-30 through 35:50-1-38 [NEW]

SUMMARY:

The purpose of the proposed rules is to meet the needs of the new program moved to this agency by Senate Bill 920 that became effective November 1, 2002. The rules lay out a framework for the initial and renewal of aquaculture licenses, expansion requirements, cost of aquatic culture decals, record keeping, technical services, complaints, inspections, annual reporting, and emergency notifications. This rule is needed to promote the continued growth and economic development of the aquaculture industry in Oklahoma.

AUTHORITY:

Oklahoma State Board of Agriculture; Senate Bill 920 passed the 48th Legislature, Second Session. New language to be codified in the Oklahoma Agriculture Code, 2 O.S. § 6-311 et seq. (2002)

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2003 through February 18, 2003.

PUBLIC HEARING:

A public hearing will be held at 3:30 p.m., February 18, 2003 in the Plant Industry Conference Room, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Dr. Burke Healey at the above address during the period from January 16, 2003 through February 18, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Director, Animal Industry Services, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

CONTACT PERSON:

Dr. Burke Healey, Director, Animal Industry Services, (405) 522-6134

[OAR Docket #02-1622; filed 12-20-02]

TITLE 85. STATE BANKING DEPARTMENT CHAPTER 10. SUPERVISION, REGULATION AND ADMINISTRATION OF BANKS AND THE OKLAHOMA BANKING CODE

[OAR Docket #02-1641]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Departmental Requirements

85:10-3-18 Records and retention [AMENDED]

Subchapter 5. Requirements, Standards, and Procedures for an Internal Control Program

85:10-5-3 Minimum control elements for bank internal control program [AMENDED]

85:10-5-3.1 Additional Elements for Fiduciary Activities of Trust Departments and Trust Companies [NEW]

SUMMARY:

The proposed amendment to rule 85:10-3-18 will amend the record retention requirements relating to trust departments. The amendment will restore the schedule inadvertently adjusted during 2002 rulemaking. The intended effect of the amendment is to restore the record retention requirements for trust departments to the status prior to the 2002 amendment to rule 85:10-3-18.

The proposed amendment to rule 85:10-5-3 will limit its application to only banks. This amendment is made in conjunction with the proposed new rule (85:10-5-3.1) that will apply only to trust departments and trust companies. The intended effect of the rule is to clarify its application to only banks.

The proposed new rule 85:10-5-3.1 will establish minimum control elements for trust departments and trust companies. The new rule is needed because the minimum internal control elements applicable to banks do not address some of the unique aspects of a trust department or trust company. The intended effect of the rule is to create a more safe and sound trust department or trust company.

AUTHORITY:

State Banking Board; 6 O.S., § 203(3).

COMMENT PERIOD:

Written and oral comments will be accepted during the period from January 16, 2003, through February 18, 2003, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Wednesday, February 19, 2003, at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105. Anyone who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Banking Department 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 during the period from January 16, 2003, through February 18, 2003, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, (405) 521-2782.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 30, 2003.

CONTACT PERSON:

Dudley Gilbert, Legal Counsel, State Banking Department, (405) 521-2782.

[OAR Docket #02-1641; filed 12-20-02]

**TITLE 135. COMMISSION ON CHILDREN AND YOUTH
CHAPTER 1. GENERAL COURSE AND METHOD OF OPERATION**

[OAR Docket #02-1639]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Course and Method of Operation
- 135:1-1-3 [AMENDED]
- 135:1-1-4 [AMENDED]
- 135:1-1-6 [AMENDED]
- 135:1-1-7 [REVOKED]
- 135:1-1-9 [REVOKED]

- 135:1-1-10 [REVOKED]
- Subchapter 3. Additional Powers and Duties
- 135:1-3-3 [AMENDED]
- 135:1-3-4 [AMENDED]

SUMMARY:

The proposed changes delete obsolete language; update existing provisions with reference to the newly created Community Partnership Boards in accordance with legislative changes made at Laws 200, ch. 302; adding a new provision clarifying the convening of special meeting; and add a provision regarding the authority of the Director to convene issue-specific task groups as provided for at 10 O.S. 2001 § 601.5(B).

AUTHORITY:

Commission on Children and Youth; 10 O.S. § 1150.2

COMMENT PERIOD:

Written and oral comments will be accepted until the end of business day on **February 19, 2003**, at the Oklahoma Commission on Children and Youth offices, or comments may be mailed to the Oklahoma Commission on Children and Youth, 4545 N. Lincoln Boulevard, Suite 114, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

PUBLIC HEARING:

A public hearing will be held at **9:00 a.m., February 20, 2003**, in the Oklahoma Commission on Children and Youth conference room, 166, at 4545 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available in the office of the Oklahoma Commission on Children and Youth, 4545 N. Lincoln Boulevard, Suite 114, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available at the Oklahoma Commission on Children and Youth offices at the above-noted address on and after December 26, 2002.

CONTACT PERSON:

Debbie K. McCowan, Oklahoma Commission on Children and Youth, (405) 522-4709.

[OAR Docket #02-1639; filed 12-20-02]

**TITLE 135. COMMISSION ON CHILDREN AND YOUTH
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION**

[OAR Docket #02-1640]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 7. Oklahoma Planning and Coordinating Council for Services to Children and Youth [REVOKED]

Subchapter 9. Regional and District Planning and Coordination Boards for Services to Children and Youth

135:10-9-1 [AMENDED]

135:10-9-2 [AMENDED]

Subchapter 13. [REVOKED]

Subchapter 15. [REVOKED]

Subchapter 19. [REVOKED]

SUMMARY:

The proposed changes delete obsolete language and update existing provisions with references to the newly created Community Partnership Boards in accordance with legislative changes made at Laws 2000, ch. 302.

AUTHORITY:

Commission on Children and Youth; 10 O.S. § 1150.2

COMMENT PERIOD:

Written and oral comments will be accepted until the end of business day on **February 19, 2003**, at the Oklahoma Commission on Children and Youth offices, or comments may be mailed to the Oklahoma Commission on Children and Youth, 4545 N. Lincoln Boulevard, Suite 114, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing will be held at **9:00 a.m., February 20, 2003**, in the Oklahoma Commission on Children and Youth conference room, 166, at 4545 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules are available in the office of the Oklahoma Commission on Children and Youth, 4545 N. Lincoln Boulevard, Suite 114, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available at the Oklahoma Commission on Children and Youth offices at the above-noted address on and after December 26, 2002.

CONTACT PERSON:

Debbie K. McCowan, Oklahoma Commission on Children and Youth, (405) 522-4709.

[OAR Docket #02-1640; filed 12-20-02]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 25. WATER QUALITY STANDARDS IMPLEMENTATION PLAN [NEW]

[OAR Docket #02-1612]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25 [NEW]

SUMMARY:

This rulemaking is necessary to adopt a new chapter for Title 155 of the Oklahoma Administrative Code, which chapter establishes Water Quality Standards Implementation Rules for the Conservation Commission (OCC) as required by 27A O.S. Section 1-1-202(B). The OCC is an agency of the state established to provide education, technical assistance and cost share assistance for eligible persons in the state to encourage and implement practices on the land to conserve or protect the natural resources of the state, including land and water. The OCC assists landowners on a voluntary basis and does not regulate individuals in the classic sense, i.e. the OCC does not issue permits, licenses, compliance orders, etc. and therefore does not enforce the water quality standards against individuals. The OCC also administers the Abandoned Mine Land Reclamation Program in Oklahoma, which addresses safety concerns on abandoned coalmine properties. Therefore these Water Quality Standards Implementation Rules describe the measures taken by the OCC to comply with Water Quality Standards during the conduct of programs under OCC jurisdiction, but does not specify measures to enforce the standards against individuals.

AUTHORITY:

Oklahoma Conservation Commission, 27A O.S. Section 1-3-101 (F) (11) and Section 3-2-101.

COMMENT PERIOD:

Persons wishing to present their views, orally or in writing, may do so at the Water Quality Division Office of the Conservation Commission at 5225 North Shartel, Suite 102, Oklahoma City, Oklahoma 73118 before 4:30 P.M. on February 17, 2003. In addition, persons may submit oral or written comments during the public hearing described below. The proposed new rules are scheduled to be presented to the Conservation Commission at its regular meeting on March 3, 2003. The Commission may or may not choose to consider additional comments at its March 3, 2003 meeting.

PUBLIC HEARING:

A hearing on the proposed rules is scheduled for February 18, 2003 at 1:00 P.M. in the Board Room of the Agriculture Department located at 2800 North Lincoln Blvd., Oklahoma City, Oklahoma. Persons may present their views on the proposed rules orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Because the Conservation Commission assists landowners on a voluntary basis and does not regulate individuals, the Commission does not expect these rules to create additional costs for business entities. However, the Commission requests that any business entities that believe they are affected by these proposed rules provide the Commission, within the Comment Period from January 15, 2003 through February 17, 2003, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lawrence R. Edmison at 5225 North Shartel, Suite 102, Oklahoma City, Oklahoma 73118 before 4:30 P.M. on January 17, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be reviewed at the Water Quality Division Office of the Conservation Commission on and after January 15, 2003 at 5225 North Shartel, Suite 102, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review on and after January 15, 2003 at the Water Quality Division Office of the Conservation Commission at 5225 North Shartel, Suite 102, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Lawrence R. Edmison, Water Quality Division Director, 405/810-1009.

[OAR Docket #02-1612; filed 12-20-02]

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

[OAR Docket #02-1650]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 33. Control of Emission of Nitrogen Oxides [AMENDED]

SUMMARY:

The Department proposes this revision to Section 1.2 of Subchapter 33 to eliminate an unintended barrier to the construction of a new glass plant in the State due to an inability of glass-melting furnaces to meet NO_x (nitrogen oxides) emission limits for fuel-burning equipment contained in OAC

252:100-33-2. DEQ seeks to remove this unintended barrier to industrial growth as quickly as possible to prevent the loss of a new industry to the State. In order to accomplish this, the DEQ proposes to exempt glass melting furnaces that are subject to BACT requirements from the requirements of Subchapter 33.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S.Supp. §§ 2-2-101, 2-2-201; and Oklahoma Clean Air Act §§ 2-5-101 *et seq.*

COMMENT PERIOD:

Oral comments may be made at the January 15, 2003 hearing and the February 28, 2003, Environmental Quality Board meeting.

PUBLIC HEARINGS:

Wednesday, January 15, 2003 - 9:00 a.m. hearing, at the Department of Environmental Quality, Room 101, 707 N. Robinson, Oklahoma City, Oklahoma.

Scheduled before the Environmental Quality Board at 9:30 a.m. on February 28, 2003, at the Department of Environmental Quality, Room 101, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Air Quality Division of DEQ and on the DEQ website (www.deq.state.ok.us), Air Quality Division, What's New, or copies may be obtained from the contact person by calling (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

CONTACT PERSON:

Please direct comments to Joyce Sheedy, Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677; (405) 702-4100.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4100.

[OAR Docket #02-1650; filed 12-23-02]

Notices of Rulemaking Intent

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #02-1604]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 10. State Agreement Program
Part 101. State Agreement Program Fees
252:410-10-121. State agreement annual registration fee for generally licensed devices [NEW]

SUMMARY:

The purpose of the proposed amendment to 252:410-10-101 is to add a new fee for the registration of certain generally licensed devices containing sources of radioactive material. In March 2002, the Environmental Quality Board promulgated rules adopting by reference the January 1, 2001 publication of Title 10 of the Code of Federal Regulations (10 CFR), which included amendments, published December 18, 2000 at 65 Fed. Reg. 79161-79190, relating to a registration requirement for these generally licensed devices. To date, the registration requirement has not been implemented but will be upon adoption of the registration fee proposed in this notice.

AUTHORITY:

Environmental Quality Board and Radiation Management Advisory Council powers and duties, 27A O.S. §§ 2-2-101; 2-2-104; 2-2-201; 2-9-104; and 2-9-105

COMMENT PERIOD:

Written comments were accepted prior to and at the Radiation Management Advisory Council hearing which was held on November 6, 2002. Oral comments were allowed at said Advisory Council hearing. Oral comments may be made at the Environmental Quality Board meeting on February 28, 2003.

PUBLIC HEARINGS:

Notice was published in the Oklahoma Register on October 1, 2002 for the Radiation Management Advisory Council which was held at 10:00 a.m. on November 6, 2002, at Tulsa Technology Center, 3850 N. Peoria, Tulsa, OK. A public hearing will be held before the Environmental Quality Board on February 28, 2003 at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by this rule provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

The proposed rule may be obtained from the contact person or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, 73102.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Contact Mike Broderick at mike.broderick@deq.state.ok.us or (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three days in advance of the hearing, TDD Relay Number 1-800-522-8506.

This notice is for the purpose of announcing the date and location of the Environmental Quality Board which was undetermined at the time of the publication of the original notice announcing the meeting of the Radiation Management Advisory Council.

[OAR Docket #02-1604; filed 12-16-02]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #02-1609]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacists
317:30-5-78.1. [AMENDED]
(Reference APA WF # 02-29)

SUMMARY:

Medical Providers-Fee for Service, Pharmacists specific, rules are revised to move from a pay and chase system to a cost avoidance system for pharmacy claims. Revisions are needed as information received from the Center for Medicare and Medicaid Services (CMS) indicates an Agency Waiver expires February 2003 and will not be renewed due to a recent OIG report showing the deficiency of the pay and chase system.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 433.139(e)

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2003 through February 14, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 20, 2003 at 9:00 AM at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #02-1609; filed 12-19-02]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #02-1610]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-14. [AMENDED]

(Reference APA WF # 02-26)

SUMMARY:

Medical Providers-Fee for Service, Physicians specific, rules are in need of revision to add coverage for iron injections. When medically necessary and documented by objective evidence of failure to respond to oral iron, iron injections would become a covered Medicaid service. Iron injections would be more cost effective than paying for blood transfusions

for individuals with severe anemia or other blood related conditions.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2003 through February 14, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 20, 2003 at 9:00 A.M. at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #02-1610; filed 12-19-02]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #02-1611]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-7 [AMENDED]

Part 69. Certified Registered Nurse Anesthetists

317:30-5-607 [AMENDED]

Notices of Rulemaking Intent

Part 79. Dentists
317:30-5-696 [AMENDED]
(Reference APA WF # 02-27)

SUMMARY:

Medical Providers-Fee for Service, Physicians specific, rules are in need of revision to delete redundant and potentially confusing language regarding epidural anesthesia. Rules regarding the coverage for epidural anesthesia are adequately addressed under existing language for local anesthesia.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2003 through February 14, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 20, 2003 at 9:00 A.M. at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #02-1611; filed 12-19-02]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #02-1608]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Nursing Facility Services
317:35-19-21. [AMENDED]

(Reference APA WF # 02-31)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility, Nursing Facility Services specific, rules are revised to correct an improper policy reference. A clerical error was made during a previous rule revision.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2003 through February 14, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2003 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development,
405-522-7272.

[OAR Docket #02-1608; filed 12-19-02]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION**

[OAR Docket #02-1635]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Scope, Applicability, and General Provisions
340:25-1-1.1 through 340:25-1-2.1 [AMENDED]

Subchapter 5. Operational Policies

Part 9. Disclosure of Information

340:25-5-66 through 340:25-5-67 [AMENDED]

Part 15. Case Initiation, Case Management, and Case Closure

340:25-5-110.1 [AMENDED]

340:25-5-114 [AMENDED]

340:25-5-118 [AMENDED]

340:25-5-123 through 340:25-5-124.1 [AMENDED]

340:25-5-124.2 [NEW]

340:25-5-133 [NEW]

Part 17. Past Support

340:25-5-140.1 [AMENDED]

Part 21. Establishment

340:25-5-178 [AMENDED]

340:25-5-179.1 [AMENDED]

340:25-5-183 [AMENDED]

340:25-5-185.1 [AMENDED]

Part 22. Review and Modification

340:25-5-198.1 through 340:25-5-198.2 [AMENDED]

Part 23. Enforcement

340:25-5-200.2 [NEW]

340:25-5-201.1 [NEW]

Part 31. Consumer Reporting Agencies - Credit Bureaus

340:25-5-265.1 [AMENDED]

Part 37. Recovery

340:25-5-305 [AMENDED]

340:25-5-312 [AMENDED]

340:25-5-336 [AMENDED]

Part 39. Accounting and Distribution

340:25-5-350.1 [AMENDED]

340:25-5-350.3 through 340:25-5-351 [AMENDED]

(Reference APA WF # 02-32 and 02-44)

SUMMARY:

The need for these proposed rules was identified during the Child Support Enforcement Division (CSED) annual review of rules in OAC 340:25 and CSED's review of changes in state and federal laws. CSED intends for these changes to ensure

compliance with state and federal laws, to improve the quality and cost-effectiveness of CSED's services, and in the case of rules relating to transferring cases to Oklahoma's tribal child support office, to supersede and give permanent effect to emergency rules.

CSED's proposed permanent rule amendments: (1) revise definitions for district office, IV-A, and unreimbursed public assistance; (2) correct the Internet address for CSED; (3) clarify rules on release of address of record and other confidential information both externally and within the Oklahoma Department of Human Services (OKDHS); (4) add description of OKDHS forms; (5) clarify the notice process when noncooperation with CSED is determined; (6) delete reference to good cause; (7) clarify when cases may not be closed under certain circumstances; (8) delete subsection about tribal office case transfers and add cross reference to new rule OAC 340:25-5-124.2; (9) add clarifying language and a provision for transfer of cases due to conflict of interest; (10) clarify that administrative establishment court actions are transferred rather than dismissed; (11) add procedures for tribal office case transfers to incorporate change in status of tribal office; (12) add procedures for redirection of child support payments when physical custody changes; (13) add information to clarify interest rules for interstate cases and when interest is authorized by statute and delete conflicting language; (14) add subsection to explain actual child care expenses; (15) clarify when support for a prior period is established; (16) clarify docketing procedures; (17) add exception to review of support order when a military reservist is recalled to active duty; (18) add provision for circumstances under which spousal support obligation is enforced; (19) add provision for amendment of income assignment and modification of support order when obligor obtains custody of child; (20) add requirement for notice to noncustodial parent regarding request for full credit bureau report and circumstances when notice will be sent; (21) add clarification regarding the types of overpayments; (22) change repayment schedule for overpayments; (23) update terminology; (24) provide for return of overcollections to noncustodial parent rather than payor unless the parent's address is unknown; (25) add rule for issuing payments made out to the custodial person only; (26) change provision for return of undistributed collections to the noncustodial parent rather than the payor; (27) add clarification regarding types of public assistance assigned to arrears as cash assistance from the IV-A and IV-E programs; (28) correct or clarify statutory cites; and (29) simplify language or improve clarity.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Sections 453, 454, 454A, and 454B of the Social Security Act; Section 1738B of Title 28 of the United States Code; Sections 302.31, 302.32, 302.38, 307.11, 307.13, and Part 310 of Title 45 of the Code of Federal Regulations; Section 1171.3 of Title 12 of the Oklahoma Statutes; Sections 112, 112A, 413, and 601-604 of

Notices of Rulemaking Intent

Title 43 of the Oklahoma Statutes; and Sections 237 and 238 of Title 56 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2003 through February 14, 2003 during regular business hours by contacting, Marty Irwin, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-0211.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2003 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #02-1635; filed 12-20-02]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #02-1638]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 10. Oklahoma Children's Services (OCS)

340:75-1-150 through 340:75-1-151 [AMENDED]

340:75-1-151.1 through 340:75-1-151.2 [NEW]

340:75-1-152 [AMENDED]

340:75-1-152.1 through 340:75-1-152.2 [REVOKED]

340:75-1-152.3 through 340:75-1-152.9 [NEW]

340:75-1-153 [REVOKED]

340:75-1-154 [AMENDED]

340:75-1-155 [NEW]

Part 11. Comprehensive Home-Based Services (CHBS)

340:75-1-175 through 340:75-1-176 [AMENDED]

340:75-1-177 through 340:75-1-178 [REVOKED]

340:75-1-179 [AMENDED]

340:75-1-180 through 340:75-1-184 [REVOKED]

Part 12. Independent Living [NEW]

340:75-1-185 [NEW]

Subchapter 6. Permanency Planning

Part 13. Independent Living

340:75-6-115.2 [REVOKED]

(Reference APA WF # 02-47)

SUMMARY:

The proposed revisions to Subchapters 1 and 6 of Chapter 75 reflect changes in the Oklahoma Children's Services (OCS) contracts for FY 2003. The rules provide for transferring to OCS contractors the responsibility for ongoing case management and services to families at-risk who are not involved with the court system. The proposed rules improve readability, eliminate unnecessary language, conform with current formatting guidelines, coordinate with the KIDS system, and correct and update cites.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 7001-1.2, 7003-2.4, 7003-5.6, 7004-1.6, the Independent Living Act, and 7004-2.1 of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted January 16 through February 14, 2003 during regular business hours by contacting Millie Carpenter, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-6325.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #02-1638; filed 12-20-02]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #02-1636]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care
340:110-1-5 through 340:110-1-6 [AMENDED]
340:110-1-8.3 [AMENDED]
340:110-1-9 through 340:110-1-9.1 [AMENDED]
340:110-1-9.3 through 340:110-1-9.5 [AMENDED]
340:110-1-10 [AMENDED]
340:110-1-20 [AMENDED]

(Reference APA WF # 02-46)

SUMMARY:

Division of Child Care (DCC) Licensing Services rules are revised in Subchapter 1 to improve the program and services provided to child care facilities by the Oklahoma Department of Human Services (OKDHS) licensing field staff. Proposed revisions clarify current rules and procedures and provide direction to licensing staff who regulate and consult with licensed child care facilities in meeting requirements for licensure.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and the Oklahoma Child Care Facilities Licensing Act, Sections 401 et seq. of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2003 through February 14, 2003 during regular business hours by contacting Mitzi Lee or Susan Case, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3561.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #02-1636; filed 12-20-02]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #02-1637]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
Part 3. Licensing Services - Residential Care and Agencies
340:110-1-40 through 340:110-1-47 [AMENDED]
340:110-1-47.1 through 340:110-1-47.2 [NEW]
340:110-1-51 through 340:110-1-55 [AMENDED]

(Reference APA WF # 02-45)

SUMMARY:

Division of Child Care (DCC) Licensing Services rules are revised in Subchapter 1 to to improve the program and services provided by the Oklahoma Department of Human Services (OKDHS) to residential facilities and child-placing agencies. Revisions clarify or upgrade the current requirements and provide direction to licensing staff who assist residential facilities and child-placing agencies meet requirements for licensure.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and the Oklahoma Child Care Facilities Licensing Act, Sections 401 et seq. of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2003 through February 14, 2003 during regular business hours by contacting Mitzi Lee or Susan Case, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3561.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #02-1637; filed 12-20-02]

Notices of Rulemaking Intent

TITLE 515. PARDON AND PAROLE BOARD [NEW] CHAPTER 1. PROCEDURES OF THE PARDON AND PAROLE BOARD [NEW]

[OAR Docket #02-1613]

RULEMAKING ACTION:

Notice of proposed PERMANENT rule making.

PROPOSED RULES:

Chapter 1. [NEW]

SUMMARY:

The proposed rules establish the office location and hours of the Pardon and Parole Board; the procedures followed by the Pardon and Parole Board in accordance with the Oklahoma Open Meeting Act and the Open Records Act; and the procedures followed by the Pardon and Parole Board in the notification of delegations, District Attorneys and victims or victim's representatives concerning parole dockets and recommendations.

AUTHORITY:

Pardon and Parole Board, 57 O.S. § 355 (2001).

COMMENT PERIOD:

Persons may submit written comments to Cary Pirrong, General Counsel, at 4040 N. Lincoln Boulevard, Suite 219, Oklahoma City, Oklahoma 73015-5221. During the period from January 15, 2003 through February 14, 2003.

PUBLIC HEARING:

Before the Pardon and Parole Board on February 18, 2003, at 2:00 p.m., at the Lexington Correctional Center, Lexington, Oklahoma. Each person wishing to present their views on the proposed rules will be allowed two minutes and must sign in by 2:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Pardon and Parole Board's office located at 4400 N. Lincoln Boulevard, Suite 219, Oklahoma City, Oklahoma. Copies may also be obtained by written request mailed to the attention of Cary Pirrong, General Counsel, 4040 N. Lincoln Boulevard, Suite 219, Oklahoma City, Oklahoma 73105-5221.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared and is available for review at the Pardon and Parole Board offices, 4400 N. Lincoln Boulevard, Suite 219, Oklahoma City, Oklahoma., as required by 75 O.S. § 303(D).

CONTACT PERSON:

Contact Cary Pirrong, General Counsel, at (405) 427-8601 extension 228, if you have any questions.

[OAR Docket #02-1613; filed 12-20-02]

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #02-1630]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

550:1-1-6 [AMENDED]

Subchapter 3. Organization of Board

550:1-3-3 [AMENDED]

550:1-3-4 [AMENDED]

550:1-3-5 [AMENDED]

Subchapter 7. Collections and Disbursements

550:1-7-4 [AMENDED]

SUMMARY:

The proposed amendments to Subchapter 1 would provide for an authorized employee of a participating municipality to submit a notice of change of address to the System on behalf of an active member. The proposed amendments to Subchapter 3 would provide for nomination petitions and election ballots to be sent to active members home/permanent addresses on file with the System, amend the time frame for some stages of the election process, amend procedures for determining the winning nominee in a contested election, and provide for the Board to order a new election if the election results are affected by a material impropriety. The proposed amendments to Subchapter 7 would provide for payments to be made to an estate having a value of less than \$10,000.00 upon receipt of a properly executed Affidavit of Heirship.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 17, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, February 19, 2003, in the Conference Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after January 28, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

CONTACT PERSON:

Robert J. Wallace, Executive Director, (405) 840-3555 Ext. 26, or Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #02-1630; filed 12-20-02]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #02-1632]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Collections and Disbursements
- 550:1-7-2.1 [NEW]
- 550:1-7-5 [NEW]

SUMMARY:

The proposed rules establish the conditions under which in-service distributions from the Oklahoma Police Pension System are permitted. The proposed rules also establish the conditions under which benefits payable by the System can be paid by means of a Direct Rollover.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 17, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, February 19, 2003, in the Conference Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after January 28, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

CONTACT PERSON:

Robert J. Wallace, Executive Director, (405) 840-3555 Ext. 26, or Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #02-1632; filed 12-20-02]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 10. RETIREMENT AND PENSION BENEFIT PROGRAM**

[OAR Docket #02-1631]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 550:10-1-2 [AMENDED]
- 550:10-1-4 [AMENDED]

SUMMARY:

The proposed amendments pertain to medical standards for police officers and the job description of a police officer.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 17, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, February 19, 2003, in the Conference Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after January 28, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

CONTACT PERSON:

Robert J. Wallace, Executive Director, (405) 840-3555 Ext. 26, or Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #02-1631; filed 12-20-02]

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN

[OAR Docket #02-1633]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:15-1-2 [AMENDED]

SUMMARY:

The proposed amendments establish when contributions and interest will cease to be credited to a member's Deferred Option Plan account, and amend the options available to members/beneficiaries for receiving payment of a Deferred Option Plan account balance.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 17, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, February 19, 2003, in the Conference Room of the Oklahoma

Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after January 28, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

CONTACT PERSON:

Robert J. Wallace, Executive Director, (405) 840-3555 Ext. 26, or Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #02-1633; filed 12-20-02]

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 20. PURCHASE OF TRANSFERRED CREDITED SERVICE

[OAR Docket #02-1634]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:20-1-2 [AMENDED]

SUMMARY:

The proposed amendments establish the conditions under which payments to the Oklahoma Police Pension and Retirement System may be made by use of a direct trustee-to-trustee transfer.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 17, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, February 19, 2003, in the Conference Room of the Oklahoma

Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after January 28, 2003, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

CONTACT PERSON:

Robert J. Wallace, Executive Director, (405) 840-3555 Ext. 26, or Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #02-1634; filed 12-20-02]

**TITLE 570. STATE BOARD FOR PROPERTY AND CASUALTY RATES
CHAPTER 10. FILING PROCEDURES, INTERPRETATIONS AND ADDITIONAL BOARD RULES**

[OAR Docket #02-1600]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

570:10-1-36. Use of lack of prior insurance in underwriting or rating [NEW]

570:10-1-37. Use of auto accidents in underwriting or rating [NEW]

SUMMARY:

The purpose of new rule 570:10-1-36 is to prohibit insurers from penalizing the insurance consumer for not having continuous prior liability coverage that is not required by Oklahoma's Financial Responsibility Law, Chapter 7 of Title 47. The purpose of new rule 570:10-1-37 is to prohibit insurers from penalizing the insurance consumer for automobile accidents when the insurance consumer was less than fifty percent (50%) at fault pursuant to the contributory negligence laws of this state.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 901.1, 902.2 and 907.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 21, 2003, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 6, 2003, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the State Insurance Department, within the comment period set out above, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to January 30, 2003, and may be obtained from the State Insurance Department at the above address.

CONTACT PERSON:

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

[OAR Docket #02-1600; filed 12-13-02]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #02-1581]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 (2) and 913.5.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or

Notices of Rulemaking Intent

hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1581; filed 12-9-02]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM

[OAR Docket #02-1582]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System
[AMENDED]

SUMMARY:

The 2002 Legislature enacted statutes which require additions, revocations and amendments to the existing rules. In addition, rule changes are proposed to reflect changes in federal law. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 (2) and 913.5.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1582; filed 12-9-02]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 15. UNIFORM RETIREMENT SYSTEM FOR JUSTICES AND JUDGES

[OAR Docket #02-1583]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

SUMMARY:

The 2002 Legislature enacted statutes which require additions, revocations and amendments to the existing rules. In addition, rule changes are proposed to reflect changes in federal law. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 (2) and 20 O.S. Section 1108.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1583; filed 12-9-02]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 20. INVESTMENTS

[OAR Docket #02-1584]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Investments [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 (2).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1584; filed 12-9-02]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 25. DEFERRED COMPENSATION

[OAR Docket #02-1585]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Deferred Compensation [AMENDED]

SUMMARY:

Rule changes are proposed to reflect changes in federal law. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1701.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1585; filed 12-9-02]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 30. QUALIFIED DOMESTIC
RELATIONS ORDER**

[OAR Docket #02-1586]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Qualified Domestic Relations Order
[AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S., Section 923 (B)(10).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1586; filed 12-9-02]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 35. DEFERRED SAVINGS
INCENTIVE PLAN**

[OAR Docket #02-1587]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Deferred Savings Incentive Plan [AMENDED]

SUMMARY:

Rule changes are proposed to reflect changes in federal law. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707 (B).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2003, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2003, in the Board Room of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Lydia Lee, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after January 30, 2003, at the offices of the Oklahoma Public Employees Retirement System, 6601 N. Broadway Extension, Suite 129, Oklahoma City, Oklahoma 73116.

CONTACT PERSON:

Lydia Lee, (405) 858-6737.

[OAR Docket #02-1587; filed 12-9-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #02-1572]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Rules of Operation
- 610:1-7-23 Petition requesting promulgation, amendment, or repeal of rules; form and procedure [NEW]
- 610:1-7-24 Petitions for declaratory rulings; form and procedure [NEW]

SUMMARY:

The proposed rules set forth the necessary instructions for persons wishing to petition the OSRHE to request promulgation, amendment, or repeal of a rule, or to request a declaratory ruling.

AUTHORITY:

State Regents for Higher Education, OKLA. CONST. Art XIII-A; 70 O.S., §3206

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1572; filed 12-6-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #02-1577]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. Purchasing [NEW]
- 610:1-11-1 Purpose [NEW]
- 610:1-11-2 Purchasing authority for OneNet statewide contracts [NEW]
- 610:1-11-3 Definitions [NEW]
- 610:1-11-4 General contracting and purchasing provisions [NEW]
- 610:1-11-5 Vendor registration [NEW]
- 610:1-11-6 Vendor retention and removal from bidders list [NEW]
- 610:1-11-7 Competitive bidding [NEW]
- 610:1-11-8 Request for Proposals process [NEW]
- 610:1-11-9 Group purchasing acquisitions [NEW]

Notices of Rulemaking Intent

610:1-11-10 Sole Source contracts [NEW]
610:1-11-11 Emergency acquisition process [NEW]
610:1-11-12 Purchases \$2,500 or less [NEW]
610:1-11-13 Purchases between \$2,501 and \$25,000 [NEW]
610:1-11-14 Purchases in excess of \$25,000 [NEW]
610:1-11-15 Purchases in excess of \$100,000 [NEW]
610:1-11-16 Professional services contracts [NEW]
610:1-11-17 Training [NEW]

SUMMARY:

The proposed rules set forth the necessary instructions and guidelines for vendors or other interested parties regarding the purchasing processes for the OSRHE.

AUTHORITY:

State Regents for Higher Education, OKLA. CONST. Art XIII-A; 70 O.S., §3206, 74 O.S. §§85.3A, 85.9.

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, during the period from January 15, 2003 to February 14, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1577; filed 12-6-02]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #02-1573]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Chancellor's Scholarship Program
610:25-3-3 General principles for operation of program [AMENDED]

SUMMARY:

The recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

State Regents for Higher Education, 70 O.S., §3206(i)

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1573; filed 12-6-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #02-1574]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Chiropractic Education Assistance Scholarship Program [AMENDED]
610:25-19-2.1 Eligibility [AMENDED]

SUMMARY:

The recommended policy changes relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or qualified alien.

AUTHORITY:

59 O.S. § 161.16; 70 O.S. § 3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1574; filed 12-6-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #02-1575]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Future Teachers' Scholarship Program
610:25-9-2 Eligibility [AMENDED]

SUMMARY:

The recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien. The proposed changes also delete obsolete language referring to student subpopulation categories of ACT score percentiles. This criterion is not used for scholarship eligibility purposes.

AUTHORITY:

State Regents for Higher Education, 70 O.S., § 698.1

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1575; filed 12-6-02]

Notices of Rulemaking Intent

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #02-1576]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Oklahoma Tuition Aid Grant Program
- 610:25-7-2. Legislative authority [AMENDED]
- 610:25-7-3. Administration of grants and payments [AMENDED]
- 610:25-7-6. Eligibility; amount of grant; application procedures and deadlines; disbursement of funds [AMENDED]
- 610:25-7-9. Authorized institutional representative [NEW]
- 610:25-7-10. Refunds and institutional liability [NEW]

SUMMARY:

The amendments describe: the criteria for determining part-time vs. full-time enrollment; the maximum number of awards allowed for each student; the process for determining a student's financial need; and requirements for institutions participating in the program. In addition, a recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the grant must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

State Regents for Higher Education; 70 O.S. §626.1; 70 O.S. §3206(i)

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1576; filed 12-6-02]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #02-1578]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 29. Tulsa Reconciliation Education Scholarship Act [AMENDED]
- 610:25-29-1 Purpose [AMENDED]
- 610:25-29-2 Definitions [AMENDED]
- 610:25-29-3 Eligibility requirements [AMENDED]
- 610:25-29-4 Principles for awards, continuation of awards, disbursements, refunds, and applications [AMENDED]
- 610:25-29-5 Trust funds [AMENDED]

SUMMARY:

During the 2002 legislative session, the Legislature passed HB 2238 which amended the statutes creating the scholarship program. HB 2238 also created a state income tax refund "check-off" for donations to the Tulsa Reconciliation Education Scholarship (TRESP) beginning with the 2003 tax year. Rules to be amended as a result of the legislation include; the geographic residential boundary for persons eligible to participate in the TRESP changed from the Tulsa city limits to the Tulsa School District boundaries, terminology for "vocational-technical" changed to "career technology", and a new TRESP scholarship category limited to two students from each Tulsa high school was created.

In addition, the recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

Oklahoma State Regents for Higher Education, 70 O.S. § 2620

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655

Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1578; filed 12-6-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #02-1579]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. William P. Willis Scholarship Program
610:25-5-2 Eligibility [AMENDED]

SUMMARY:

The recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

70 O.S. § 2292; Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1579; filed 12-6-02]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #02-1598]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Academic Scholars Program
610:25-1-3. General principals for operation of program [AMENDED]
610:25-1-4. Eligibility Requirements and Term of Scholarship Award [AMENDED]
610:25-1-7. Fiscal aspects of program [AMENDED]

SUMMARY:

The proposed rule changes increase the minimum academic requirements to qualify as an Institutional Nominee for the Academic Scholars scholarship. The rule changes also incorporate statutory amendments approved in HB 1440 which passed during the 2002 session. The statutory amendments allow the State Regents to set the scholarship awards at an amount "not to exceed" the average cost of tuition, fees, room and board, and books. Previously the statute mandated the award be "equivalent" to these costs. The amendments also modify the process by which the State Regents make scholarship awards to Institutional Nominees. Amendatory language authorizes the Chancellor rather than the State Regents to approve additional semesters awarded about the eight semester limit and clarifies that award payments will be sent to the institution in which the student is enrolled. In addition, the recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

70 O.S. §2401 et seq; 70 O.S. Supp. 1999 §3206(i); Oklahoma State Regents for Higher Education

Notices of Rulemaking Intent

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Ned Bastow, General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1598; filed 12-13-02]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION

CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #02-1599]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 23. Oklahoma Higher Learning Access Program (OHLAP)
- 610:25-23-2. Eligibility of participants [AMENDED]
- 610:25-23-3. Applications [AMENDED]
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-5. Securing OHLAP benefits [AMENDED]
- 610:25-23-8. Administrative responsibilities [AMENDED]

SUMMARY:

The rule changes are primarily to accommodate statutory amendments in HB 2738 of the 2002 legislative session that expand eligibility for the Oklahoma Higher Learning Access Program (OHLAP) to students attending non-accredited schools. Additional changes unrelated to HB 2738 include

administrative clarifications on: (1) the tax years that can be used for application purposes; (2) the June 30 deadline for submission of applications; and (3) the submission of certification forms by school contact persons. An amendment is also being made that incarcerated persons shall not be eligible to receive OHLAP benefits. In addition, the recommended policy change relates to the eligibility of persons who are not United States citizens. Proposed language adds a requirement that recipients of the scholarship must be a United States citizen, a non-citizen national of the United States, or a qualified alien.

AUTHORITY:

70 O.S. Supp. 1999 §2601 et seq.; 70 O.S. Supp. 1999, §3206 (i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 14, 2003.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Ned Bastow, General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, on and after January 30, 2003.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #02-1599; filed 12-13-02]

TITLE 710. OKLAHOMA TAX COMMISSION

CHAPTER 22. BOATS AND MOTORS

[OAR Docket #02-1644]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 22. Boats and Motors [AMENDED]

SUMMARY:

The 2001 Legislature enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas:

Section 710:22-2-1 has been amended to implement the provisions of House Bill 2375, § 3. The bill provides for a special lien for a person who finds an abandoned vessel upon the waterways of the state, and existing rules must be modified to reflect the new provisions of law. [63:4217, 4217.1]

In addition, other rule changes are proposed to make clarifications of policy, to improve readability, to correct scrivener' errors, to update statutory citation, and to insure accurate internal cross-references.

AUTHORITY:

68 O.S., § 203; 63 O.S. § 4004; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 26, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Thursday, February 27, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** is expected to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due** to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1644; filed 12-19-02]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #02-1645]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

The 2001 Legislature enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas:

Section 710:50-15-76 has been amended to implement House Bill 2073. The Coal Credits were modified to create a single amount of credit. Additionally, the credit, previously available only to corporations, will now be available to all qualifying persons except individuals.

Existing rule 710:50-15-63 has been amended to implement the provisions of House Bill 2613, which increased the amount which can be claimed as a deduction for qualified adoption expense from \$10,000.00 to \$20,000.00 per calendar year.

A new Section has been promulgated to implement the provisions of the Oklahoma College Savings Plan Act, House Bill 2908, which specifies the amount of the contributions which may be deducted for Oklahoma income tax purposes as \$2,500.00 per account.

A new Section has been promulgated to implement Senate Bill 1256, which amended the Employer Child Care Credit by authorizing a twenty percent (20%) income tax credit in lieu of a deduction from taxable income. The amount of expense on which the credit is based is capped at \$3,100.00 per child receiving care, which is paid for by an employer in a facility that has received at least a two-star rating from the Oklahoma Department of Human Services. If an employer elects to provide on-site child care facilities, the expenses are capped at \$50,000.00. Finally, if the employer pays any fees or grants for child care resources, the amount of these expenses is capped at \$5,000.00.

New rules have been promulgated to implement the provisions of the Rural Economic Development Loan Act, which was created by Senate Bill 1442, to provide loans, at a reduced rate, to finance qualified rural economic development projects. Financial institutions making loans under the Act will be entitled to a credit equal to the amount of taxable income received from the loan. The credit is limited each year to five percent (5%) of the amount of annual payroll directly

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attributable to new jobs that are directly created as a result of the loan made under the Act. The credit may be claimed for any number of years necessary, until the total amount of credit is claimed. There is a five-year carryover provision for any unused credit.

Section 710:50-15-32, dealing with "*Incubator Incentives*" has been amended to allow income tax free status for distributions made to partners or shareholders of SubChapter S Corporations, in keeping with the provisions of Senate Bill 1442.

A new rule has been promulgated to implement the provisions of Senate Bill 1451, which established an income tax credit for Oklahoma manufacturers of advanced small wind turbines. The credit is to be based on the square-footage of the rotor-swept area of advanced small wind turbines manufactured in this state. For calendar year 2003, the credit per square foot is \$25.00; for calendar year 2004, the credit per square foot is \$12.50; and for calendar year 2005, the credit per square foot is \$6.25. There is also the opportunity to transfer any unused credit for ten (10) years following the year of qualification. The first year in which credits may be transferred is 2004.

Section 710:50-17-51, which deals with "*Adjustments Necessary to Arrive at Oklahoma Taxable Income for Corporations*", has been amended by the addition of paragraph (21). The new language was promulgated by emergency rulemaking procedures to implement 68 O.S. § 2358.6, a new law which prescribes the method by which corporations that claim federal "bonus depreciation" under the "*Job Creation and Workers Assistance Act of 2002*" must treat that allowance for Oklahoma Income Tax purposes. The new law requires an "add-back" of eighty percent (80%) of the amount claimed for federal purposes, and then permits that the remaining bonus allowance to be claimed in twenty-five percent (25%) increments over the following four years. The emergency rule has been effective since December 10, 2002.

New Section 710:50-15-49. "*Deduction for Oklahoma or Federal Government Retirement Income*," originally effective October 8, 2002, as an emergency rule, clarifies Commission policy and make explicit the Oklahoma tax treatment of various retirement benefits with respect to the \$5,500.00 statutory deduction. The new rule expressly includes disability retirement benefits within the defined eligibility.

Section 50-3-60, the "*Innocent Spouse*" provision will be amended to conform with recent opinions of the Oklahoma Attorney General's Office.

Section 50-19-1 has been amended to allow for expanded filing formats.

In addition, other rule changes are proposed to make clarifications of policy, to improve readability, to correct scrivener' errors, to update statutory citation, and to insure accurate internal cross-references.

AUTHORITY:

68 O.S., §§ 203, 2357.11(C)(2), 2357.30(C), 2357.31(D), 2358(D)(14)(c), 2367(3), 2368(D),(F),(H), and 2369; 74 O.S. §§ 5064.7(B), 5075(B), 5078(B)]; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 21, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Tuesday, February 25, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** is expected to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1645; filed 12-19-02]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #02-1646]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

The 2001 Legislature enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas:

Section 710:60-7-8. has been amended to implement Senate Bill 897, § 1, which provides for a credit from the Motor Vehicle Excise Tax for a vehicle which is a replacement for one destroyed by the tornado of October 9, 2001. [68:2103.1(2)]

Section 710:60-5-53. has been amended to implement Senate Bill 1413, § 1, which allows qualifying insurance companies to be issued Oklahoma salvage titles on vehicles which have been stolen, but not yet recovered. [47:1105(O)]

Section 710:60-1-3. has been amended to implement Senate Bill 1413, § 2, which clarifies that release of confidential Motor Vehicle information may be provided under proper circumstances to an operator of a private toll transportation facility. [47:1109(2)]

New Section 710:60-3-23. has been promulgated to implement the provisions of Senate Bill 1413, § 3, which allows a credit for unused registration fees to be applied to a vehicle which is a replacement for one destroyed by the tornado of October 9, 2001. [47:1132.3(B)]

New Section 710:60-3-133. has been promulgated to implement the provisions of Senate Bill 983, which allows an owner of a manufactured home that has been permanently affixed to real estate, to make application for cancellation of the Oklahoma certificate of title to the manufactured home. [47:1110(E)]

In addition, other rule changes are proposed to make clarifications of policy, to improve readability, to correct scrivener' errors, to update statutory citation, and to insure accurate internal cross-references.

AUTHORITY:

47 O.S. §§ 1109(D), 1113A(C), and 1149; 68 O.S. §§203, 2110; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 17, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the

proposed rules, 2:00 p.m. Tuesday, February 18, 2003, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1646; filed 12-19-02]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #02-1647]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

Appendix A. Estimated mileage chart for new IRP registrants [REVOKED]

Appendix A. Estimated mileage chart for new IRP registrants [NEW]

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SUMMARY:

This amendment revokes and readopts a chart of estimated mileage to be used by new Oklahoma registrants under the International Registration Plan in certain situations prescribed by *OAC* 710:60-4-15. The new chart adheres to the provision of Section 800 of the Plan, which requires that such a chart be based upon actual mileage driven in the state.

AUTHORITY:

47 O.S. § 1149, 1120(G); 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 17, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Tuesday, February 18, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although this **rulemaking action** may have an economic impact on a segment of small businesses, it has been determined that review under the Oklahoma Small Business Regulatory Review Act is inapplicable, because the Tax Commission (OTC) is implementing the provisions of 47 O.S. Supp. 2001, § 1120(G) and Section 800 of the International Registration Plan, of which Oklahoma is a signatory state. Nevertheless, the Commission requests that, as required by 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1647; filed 12-19-02]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #02-1648]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 60. Motor Vehicles

Subchapter 4. Registration Pursuant to the International Registration Plan

710:60-4-3. Registration [AMENDED]

710:60-4-6. ~~Owner operator vehicles~~—Registration as an owner-operator [AMENDED]

710:60-4-10. Renewal applications [AMENDED]

710:60-4-11. Enforcement [AMENDED]

710:60-4-13. Amended mileage/adding states [AMENDED]

SUMMARY:

The amendments to Sections 710:60-4-3, 710:60-4-6, and 710:60-4-10 have been made in an effort to comply with the requirements of the Oklahoma Motor Vehicle License and Registration Act (Act) and with Section 906 of the International Registration Plan (IRP). Both the statutes and the IRP require that persons registering vehicles under the IRP provide a street address, telephone number, and such other information as will ensure that every owner-operator who claims Oklahoma as a base jurisdiction under the IRP can be located for audit purposes. These amendments bring the existing rules into strict conformity with the statutory requirements. [47:1120]

The remaining amendments to Sections 710:60-4-11 and 710:60-4-13 have been promulgated to bring the rules into conformity with the staggered registration provisions of the Act. [47:1115]

AUTHORITY:

47 O.S. § 1149, 1115; 1120; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 17, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North

Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Tuesday, February 18, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This **rulemaking action** may have an economic impact on a segment of small businesses. However, it has been determined that review under the Oklahoma Small Business Regulatory Review Act is inapplicable, because the Tax Commission (OTC) is implementing the provisions of the Oklahoma Motor Vehicle License and Registration Act and Section 906 of the International Registration Plan, of which Oklahoma is a signatory state. The Commission does request that, as required by 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1648; filed 12-19-02]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #02-1649]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- Chapter 60. Motor Vehicles
- Subchapter 4. Registration Pursuant to the International Registration Plan
- 710:60-4-5. Established place of business—~~requirements~~ [AMENDED]

SUMMARY:

Recent changes to the IRP tighten the requirement that registrants must have an established place of business within the jurisdiction in which they base-plate vehicles. The terms of the IRP are incorporated by Section 1120 of Title 47 of the Oklahoma Statutes and *OAC* 710:60-4-20. Section 710:60-4-5 of the existing rules must be amended to comply with the new requirements of Section 218, as it has been amended by the terms of Ballot 264. The changes to Section 218 were approved by a majority of the signatory member-states and will become effective October 1, 2003, thus the proposed rule will bear a delayed effective date of October 1, 2003.

AUTHORITY:

47 O.S. § 1149, 1120; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 17, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Tuesday, February 18, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This **rulemaking action** may have an economic impact on a segment of small businesses. However, it has been determined that review under the Oklahoma Small Business Regulatory Review Act is inapplicable, because the Tax Commission (OTC) is implementing the provisions of the Oklahoma Motor Vehicle License and Registration Act and Section 218 of the International Registration Plan, of which Oklahoma is a

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signatory state. The Commission does request that, as required by 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1649; filed 12-19-02]

TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION

[OAR Docket #02-1606]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Teacher Preparation Program Accreditation
712:10-5-1 through 712: 10-5-2 [Amended]

Subchapter 7. Teacher Assessment
712:10-7-1 [Amended]

SUMMARY:

Pursuant to 70 O.S. Supp. 1998, §6-180, the Oklahoma Teacher Preparation Act, the Oklahoma Commission for Teacher Preparation shall develop and administer a competency-based system of teacher assessment. Permanent rules are necessary in program accreditation to allow the number of team members on a site visit to be determined by the size of the institution and number of programs offered. Permanent rules in assessment will mandate that teacher education candidates (excluding alternative candidates) successfully pass all three parts of the competency exam before receiving a license. This is a result of SB 1595 passed during the 2002 legislation session.

AUTHORITY:

Oklahoma Teacher Preparation Act; 70 O.S. Sections 6-180 through 6-202; Oklahoma Commission for Teacher Preparation.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 20, 2003 at the following address: Oklahoma Commission for Teacher Preparation, 4545 North Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 20, 2003 at Langston University OKC Campus, 4205 Lincoln Boulevard, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OCTP requests that business entities affected by these proposed rules provide the OCTP, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, - labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Ted Gillispie, at the above address, before the close of the comment period on February 20, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Commission for Teacher Preparation, 4545 North Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be available for review after January 15, 2003 at the Oklahoma Commission for Teacher Preparation office at the address listed above.

CONTACT PERSON:

Ted Gillispie, Executive Director, (405) 525-2612

[OAR Docket #02-1606; filed 12-18-02]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS

[OAR Docket #02-1623]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 35. Revenue Bond and Note Issuance [NEW]

SUMMARY:

The proposed permanent rules provide the basis for issuing revenue bonds and notes. Sections 1881 through 1886 of

Title 74 of the Oklahoma Statutes (SB 1271, 2002 Legislative Session) authorize the Oklahoma Tourism and Recreation Commission to issue revenue bonds and notes. These rules serve to articulate the criteria, requirements, qualifications, and procedures for the issuance of such revenue bonds and notes.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1882.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 12:05 p.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 12:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, (405) 522-1051.

[OAR Docket #02-1623; filed 12-20-02]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS**

[OAR Docket #02-1624]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 37. Pay Incentive Plan [NEW]

SUMMARY:

The proposed permanent rules provide the basis for allowing the Oklahoma Tourism and Recreation Commission to develop and implement pay incentive plans for the State Parks and Resorts Divisions, Golf Operations, and Oklahoma Today Magazine to improve the financial performance of the Oklahoma Tourism and Recreation Department. Section 1847.1 of Title 74 of the Oklahoma Statutes (SB 1271, 2002

Legislative Session) provides the authorization for the creation and implementation of the program.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.1(A)(14).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 1:00 p.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, (405) 522-1051.

[OAR Docket #02-1624; filed 12-20-02]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 25. STATE LODGES OPERATIONS**

[OAR Docket #02-1625]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Lodge Division Employee Pay Incentive Plan [REVOKED]

SUMMARY:

The proposed permanent rules, in addition to the proposed rule changes to new Subchapter 37 of Chapter 15 of Title 725 of the Oklahoma Administrative Code, provide the basis for allowing the Oklahoma Tourism and Recreation Commission to develop and implement pay incentive plans for the State Parks and Resorts Divisions, Golf Operations, and Oklahoma Today Magazine to improve the financial performance of the Oklahoma Tourism and Recreation Department. Section 1847.1 of Title 74 of the Oklahoma Statutes (SB 1271, 2002

Notices of Rulemaking Intent

Legislative Session) provides the authorization for the creation and implementation of the program. The proposed permanent rule serves as clean up.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.1(A)(14).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 1:00 p.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, (405) 522-1051.

[OAR Docket #02-1625; filed 12-20-02]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #02-1626]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 18. Special Use Areas

725:30-18-1. State Capitol Park [REVOKED]

725:30-18-4. Quartz Mountain State Park [REVOKED]

SUMMARY:

The proposed permanent rule seeks to revoke the references to the Oklahoma Tourism and Recreation Department's control, operation, and maintenance of the State Capital Park grounds as well as Quartz Mountain State Park in order to reflect legislation enacted during the 2001 Legislative Session. Pursuant to state statutes, the control, operation, and maintenance of the State Capitol Park grounds were

transferred to the Department of Central Services effective July 1, 2002. Further, the control, operation, and maintenance of the Quartz Mountain Arts and Conference Center and Nature Park were transferred to the Oklahoma State Regents for Higher Education. Statutory References: 70 O.S. §4450 through 4452, 74 O.S. §1803.1, 74 O.S. §1811.4. Legislation Reference: SB 567, 2001 Legislative Session.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.1.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 3:00 p.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, Oklahoma Tourism and Recreation Department, (405) 522-1051.

[OAR Docket #02-1626; filed 12-20-02]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #02-1627]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 22. ~~Private~~ Concessions Leases [AMENDED]

SUMMARY:

The proposed rules define the process of obtaining concession operations on Oklahoma Tourism and Recreation Department properties. The proposed rules describe the Department's review for determining the need for the

operation as well as the process for bidding, evaluating, and recommending the award of lease contracts. General requirements applicable to the lessee are noted along with the authority for modification of leases from time to time. A provision allowing short duration use permits is defined and parameters for authorizing certain capital improvements are described.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.1(A)(14).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 2:00 p.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Robb Gray at the above address during the period from January 16, 2003 to February 17, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, (405) 522-1051.

[OAR Docket #02-1627; filed 12-20-02]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 30. DIVISION OF STATE PARKS**

[OAR Docket #02-1628]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 23. Mineral Leases and Operations [NEW]
- 725:30-23-1. Purpose and Authority [NEW]
- 725:30-23-2. Review Determination [NEW]
- 725:30-23-3. Bidding Process [NEW]
- 725:30-23-4. Rules and Regulations [NEW]
- 725:30-23-5. Damages and Fees [NEW]

SUMMARY:

These proposed permanent rules define the process of obtaining mineral leases and managing mineral operations on Oklahoma Tourism and Recreation Department properties. The Department review for determining whether to lease minerals at a Department property is described along with the bidding process and award. General rules and regulations applicable to mineral operations are defined and damages and fees are set.

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.1.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Robb Gray, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 10:00 a.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Robb Gray at the above address during the period from January 16, 2003 to February 17, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Tourism and Recreation Department at the above address.

CONTACT PERSON:

Robb Gray, Operations Analyst, Oklahoma Tourism and Recreation Department, (405) 522-1051.

[OAR Docket #02-1628; filed 12-20-02]

Notices of Rulemaking Intent

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 35. THE OKLAHOMA FILM OFFICE

[OAR Docket #02-1629]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Oklahoma Film Enhancement Rebate Program [AMENDED]

SUMMARY:

The proposed permanent rules to Subchapter 1 seek to conform the Oklahoma Film Office Oklahoma Film Enhancement Rebate Program rules to statutory changes passed during the 2002 Legislative Session (SB 1434).

AUTHORITY:

Oklahoma Tourism and Recreation Commission; 74 O.S. §1847.A(11)

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 18, 2003 at the following address: Dino Lalli, Oklahoma Film Office, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

PUBLIC HEARING:

A public hearing will held at 11:00 a.m. on Tuesday, February 18, 2003 at the Oklahoma Tourism and Recreation Department 1st floor conference room, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403. Anyone who wishes to speak must sign in at the door by 11:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Tourism and Recreation Department, Oklahoma Film Office, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102-5403.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S. §303 (D), a rule impact statement will be prepared and available on and after January 30, 2003, and may be obtained from the Oklahoma Film Office at the above address.

CONTACT PERSON:

Dino Lalli, Director, Oklahoma Film Office, (405) 522-0651.

[OAR Docket #02-1629; filed 12-20-02]

TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 25. RECORDKEEPING AND SUPERVISION REQUIREMENTS

[OAR Docket #02-1607]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Recordkeeping And Supervision Requirements [AMENDED]

SUMMARY:

The proposed revisions to chapter 25, includes clarification of name change for veterinary technicians.

AUTHORITY:

59 O.S. Supp.2000, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted January 16, 2003 through February 16, 2003 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on February 28, 2003, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #02-1607; filed 12-19-02]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

**TITLE 610. STATE REGENTS FOR HIGHER
EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID
AND SCHOLARSHIPS**

[OAR Docket #02-1597]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Oklahoma Teacher Education Loan Program [REVOKED]

610:25-13-1. Purpose [REVOKED]

610:25-13-2. Eligibility [REVOKED]

610:25-13-3. Application procedure [REVOKED]

610:25-13-4. Terms and conditions of loans [REVOKED]

610:25-13-5. Annual loan limit [REVOKED]

610:25-13-6. Aggregate loan limit [REVOKED]

610:25-13-7. Study load requirements [REVOKED]

610:25-13-8. Certification of compliance [REVOKED]

SUBMITTED TO GOVERNOR:

December 13, 2002

SUBMITTED TO HOUSE:

December 13, 2002

SUBMITTED TO SENATE:

December 13, 2002

[OAR Docket #02-1597; filed 12-13-02]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency [action]. . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #02-1592]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 11. Importation of Livestock, Poultry, and Pets

Part 1. General

35:15-11-1 [AMENDED]

Part 7. Livestock

35:15-11-19 [REVOKED]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma, Title 2 O.S. 2001, §§ 2-4(2)(7)(16)(17)(29); 6-2; 6-150 et seq.; Oklahoma State Board of Agriculture

DATES:

Adoption:

October 23, 2002

Approved by Governor:

December 5, 2002

Effective:

Immediately upon Governor's approval

Expiration

Effective through July 14, 2003 unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Board of Agriculture finds that imminent peril to the public health, safety and welfare requires the adoption of these rules in order to protect the livestock industry in Oklahoma and consumers. Ratitae are the only avian influenza susceptible species required to have a negative test before entering the state. As such, the requirement places an extreme financial burden on the ever-growing ratitae section of the livestock industry. This increased financial burden is then passed on to Oklahoma consumers.

ANALYSIS:

The amendment of 35:15-11-1 does away with the incorporation by reference of a definition from the 1991 statutes specifically. By revoking 35:15-11-19, ratitae being imported into the state will face less requirements, however, they will still face the same requirements as other species susceptible to avian influenza.

CONTACT PERSON

Dr. Burke Healey, Director, Animal Industry Services, (405) 522-6134

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D):

SUBCHAPTER 11. IMPORTATION OF LIVESTOCK, POULTRY, AND PETS

PART 1. GENERAL

35:15-11-1. General import requirements

(a) All livestock, as defined in 2 O.S. ~~4991~~ Section 6-150, ~~et seq.~~, must have a certificate of veterinary inspection or an approved commuter herd agreement on file prior to entry into Oklahoma.

(b) The President of the Board of Agriculture or the Director of Animal Industry Services shall be authorized to impose pre-entry test requirements on any species if it becomes known that the threat of disease exists which could place the livestock industries of Oklahoma at risk or become a public health hazard.

PART 7. LIVESTOCK

35:15-11-19. Requirements for ratitae [REVOKED]

(a) ~~All members of the family ratitae (including, but not limited to ostrich, emu, rhea) shall meet the following requirements:~~

~~(1) A certificate of veterinary inspection issued by a licensed, accredited veterinarian within thirty (30) days prior to entry;~~

~~(2) A permit obtained prior to entry with the permit number recorded on the certificate of veterinary inspection;~~

~~(3) Individual animal identification by microchip or other permanent identification approved by the Oklahoma Board of Agriculture with this identification recorded on the certificate of veterinary inspection; and,~~

~~(4) A negative USDA (United States Department of Agriculture) approved serological test for avian influenza, within thirty (30) days prior to entry, on all animals regardless of age.~~

Emergency Adoptions

(b) ~~Ratitae moving direct to slaughter or to the facility of a licensed veterinarian for treatment and/or surgery, with return to premise of origin are exempt from test requirements.~~

[OAR Docket #02-1592; filed 12-10-02]
(format accepted 12-16-02)

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. PLANT INDUSTRY

[OAR Docket #02-1593]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 17. Combined Pesticide

Part 3. Certification, Conduct of Examinations, and Recertification

35:30-17-4 [AMENDED]

Part 5. Prerequisites for Licensing

35:30-17-10 [AMENDED]

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 3-85(A)(1)

DATES:

Adoption:

October 23, 2002

Approved by Governor:

December 5, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Board of Agriculture finds that an imminent peril to the public health, safety and welfare requires the adoption of this rule in order to protect the pesticide applicator industry in Oklahoma and consumers. The increased cost of insurance has placed a burden on the pest control industry and increasing the required deductible should allow for more affordable cost. In addition, allowing applicators to attend a hands-on training course instead of a practical demonstration will reduce the burden on the applicator and the liability of the State.

ANALYSIS:

This rule amends the Oklahoma Combined Pesticide Law by increasing the deductible requirement for insurance and allows completion of a course instead of a practical demonstration.

CONTACT PERSON:

Bill Taylor, (405) 522-6347

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 17. COMBINED PESTICIDE

PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND RECERTIFICATION

35:30-17-4. Examination of applicants for certification

(a) The written examination for certification of commercial and noncommercial applicators shall include two (2) phases. Phase I shall consist of general knowledge common to all licensed categories and shall be successfully completed before examination is attempted in any license category. Phase II shall consist of specific knowledge for each licensed category. An applicant may test in as many different categories as desired. ~~An applicant who successfully completes the Phase II exam in the structural pest category shall be issued a temporary certification for a period of eight (8) months, contingent upon completion of the practical examination. This temporary certification shall be issued to any applicant only once in any twelve (12) month period. This temporary certification may be suspended or revoked for any violation of the Combined Pesticide Law & Rules and the applicator subject to any applicable penalties. Phase I and II may be completed at the structural pest training facility at Oklahoma State University.~~

(b) ~~In addition, a~~ A practical examination shall also be required for commercial and noncommercial applicators in the following categories: Structural Pest, General Pest, Fumigation, and Food Processing. An individual shall successfully complete the practical examination within twelve (12) months of passing the Phase II written examination in the above categories. ~~Failure to meet the twelve (12) month deadline shall require an individual to re-take the Phase II written examination. For Structural Pest, the practical examination shall be successfully completed at the structural pest training facility at Oklahoma State University within eight (8) months. Failure to meet the eight (8) month deadline shall require an individual to re-take the Phase II written examination.~~

(c) The practical examination ~~shall, for General Pest, Fumigation and Food Processing, shall include the successful completion of an actual pesticide application in the desired license category. Each practical exam shall be performed at a location secured by the applicant and shall include a thorough knowledge in the handling of pesticides, labels and labeling requirements, storage, transportation, mixing, application, disposal, and safety. The Structural Pest Category shall be conducted at the structural pest training facility at Oklahoma State University which includes the successful completion of an approved training program which demonstrates a thorough knowledge in the handling of pesticides, labels and labeling requirements, storage, transportation, mixing, application, disposal, insect biology and safety.~~ and The facility at Oklahoma State University meets the following conditions for treatment in the Structural Pest Category: crawl space, voids, and a concrete floor, garage floor, or patio slab.

(d) A service technician shall be certified upon successful completion of a written service technicians examination. An individual shall not act, do business, or advertise as a service technician unless a service technician identification has been issued by the Board. A service technicians' identification shall be issued in the name of the licensed entity. The licensee shall return the service technician identification to the Board upon

termination of the employee. A service technician identification shall be valid for five (5) years unless suspended, canceled, revoked, or the service technician is no longer employed by the licensed entity. Recertification may be required at any time by the Board.

(e) Private applicators shall complete a certification form and an education program or written examination as required by the Board. Private applicators in the Fumigation category shall be required to complete the certification form and a closed book written ~~and on-site practical exam~~ and successfully complete the Fumigation practical at the training facility at Oklahoma State University within twelve (12) months of passing the Fumigation written exam.

(f) An individual shall not act, do business, or advertise as a certified applicator unless all qualifications and standards required by the Board have been met. A certificate in any category shall be valid for five (5) years unless suspended, canceled, or revoked. Recertification may be required by the Board, but shall not exceed one recertification in a five (5) year period.

(g) Successful completion of any written examination shall be a score of 70% or greater.

PART 5. PREREQUISITES FOR LICENSING

35:30-17-10. Application insurance requirements

(a) The Board shall not issue an applicator's license until the applicant or agent has furnished evidence of financial responsibility. A liability insurance policy or certification shall protect persons who may suffer legal damages as a result of the pesticide operations of the applicant. The policy need not apply to damages or injury to agricultural crops, plants, or land being worked on by the applicant.

(b) The liability insurance shall provide for not less than \$50,000 per occurrence and \$100,000 aggregate bodily injury and not less than \$50,000 per occurrence and \$100,000 aggregate for property damage. Liability insurance shall be maintained at all times during the licensed period. The Board shall be notified by the insurer fifteen (15) days prior to any applicant's request for a reduction or cancellation of the liability insurance. The total and the aggregate of the insurer for all claims shall be limited to the face amount of the liability insurance policy. The Board may accept a liability insurance policy with a deductible clause in an amount not exceeding ~~\$1,000~~ \$5,000 for all applicators. If the applicant has not satisfied the requirement of the deductible amount in any prior legal claim, the deductible clause shall not be accepted by the Board unless the applicant has furnished the Board with additional liability insurance which satisfies the amount of the deductible.

(c) If the furnished liability insurance becomes unsatisfactory, the applicant shall upon notice immediately provide a new liability insurance. Upon failure to do so, the Board shall cancel the license and give notice. It shall be unlawful to engage in the business of applying pesticides until the insurance

is brought into compliance and the license is reinstated by the Board.

*[OAR Docket #02-1593; filed 12-10-02]
(format accepted 12-16-02)*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS**

[OAR Docket #02-1596]

RULEMAKING ACTION:

Emergency adoption

RULES:

Subchapter 3. Application, Examination and Licensing [AMENDED]

AUTHORITY:

Oklahoma Board of Chiropractic Examiners; 59 Section 161.11

DATES:

Adoption:

October 17, 2002

Approved by Governor:

December 5, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTION:

N/A

INCORPORATIONS BY REFERENCES:

N/A

FINDING OF EMERGENCY:

The Oklahoma Board of Chiropractic Examiners recently had changes to the statute that pertains to educational requirements for licensure in Oklahoma needed rule changes were necessary to be in compliance with the changes set forth in 161.11 of the Chiropractic Practice Act.

ANALYSIS:

This rule was amended to reflect the requirements for licensure through reciprocity with the legislative change to reflect a relocation of practice.

CONTACT PERSON:

Beth Scott (405) 524-6223

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D):

SUBCHAPTER 3. APPLICATION, EXAMINATION AND LICENSING

140:10-3-5. Application for an original license by reciprocity relocation of practice

(a) An application to the Board for an original license by reciprocity relocation of practice to practice chiropractic in this state shall be made on a form created and approved by the Board and pass an oral interview and a practical examination. the applicant may also be required to appear before the Board for a personal interview, and shall be assessed a jurisprudence examination.

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- (b) The Board may, in its discretion, refuse to grant an original license by ~~reciprocity-relocation of practice~~ to any applicant and may require the applicant to take the oral examination required by the Act.
- (c) The application shall be signed and verified under oath by the applicant. The application shall include:
- (1) ~~A passport photo attached to the appropriate page of the application, an original, un-retouched black and white photograph of the applicant, taken within six (6) months prior to the date of submission of the application, showing the applicant's head and shoulders, front view, which photograph shall be approximately two inches (2"x2") in size.~~
 - (2) the affidavits of two (2) chiropractic physicians who are not related to or under financial obligation to the applicant and which state that the applicant is of good moral character;
 - (3) a copy of the applicant's high school ~~diploma final transcripts~~, or equivalent, certified as being true and correct copy.
 - (4) a copy of the applicant's pre-chiropractic college or university transcript or transcripts, certified:
 - (A) by an official of the issuing college or university as being true and correct; and
 - (B) By an official of the University of Oklahoma as containing at least sixtyhours (60) of college credit accepted by the University of Oklahoma;
 - (5) A copy of the applicant's diplomas from an accredited chiropractic college, certified by an official of the issuing college as being true and correct;
 - (6) Submit documentary evidence to the Board that the applicant has been inactive practice for five (5) years immediately preceding the date of the application. ~~A copy of the applicant's current license to practice chiropractic in another state, country, territory, or province, certified by an officer of the issuing licensure board as being a true and correct copy; and~~
 - (7) A money order, certified check or cashiers check payable to the Board, in the amount of Three Hundred Dollars (\$300.00), as payment of the application fee. Such fee is not refundable under any circumstances.
- (d) Except as otherwise approved in writing by the Board, an application and all accompanying documents must be completed ~~as set forth in the Act and application and received by the Board no later than thirty (30) days prior to the date of the next examination in order for the applicant to take such examination.~~
- (e) All documents accompanying an application for an original license by ~~reciprocity~~ **relocation of practice**, that are written in any language other than English shall be translated, at the expense of the applicant, into the English language and certified under seal of the proper consulate. The translation shall be submitted with the application.
- (f) All applicant's must submit a certified copy of his/her birth certificate and/or naturalization papers if they were born any where other than the United States.
- (fg) The review of each application for an original license by ~~reciprocity-relocation of practice~~ shall be conducted by the Board, and notice of the approval or disapproval thereof shall

be given by the Secretary-Treasurer in the same manner as for an application for an original license by examination.

(gh) A fraudulent or false statement as to any material fact which is contained in any application for an original license by reciprocity, or the failure to provide any requested information shall constitute sufficient cause for the disapproval of the application.

(h) ~~An application of an original license by reciprocity shall not be required to take the written portion to the examination administered by the Board, but shall be required to pass only an oral interview and the practical portion of such examination:-~~

[OAR Docket #02-1596; filed 12-10-02]
(format accepted 12-13-02)

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES

[OAR Docket #02-1594]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 3. Eligibility for Benefits
340:65-3-5 [AMENDED]
(Reference APA WF # 02-26)

AUTHORITY:
Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Public Law 104-19].

DATES:

Adoption:
October 22, 2002

Approved by Governor:
December 5, 2002

Effective:
January 1, 2003

Expiration:
Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:
Subchapter 3. Eligibility for Benefits
340:65-3-5 [AMENDED]
(Reference APA WF # 02-17)

Gubernatorial approval:
April 29, 2002

Register publication:
19 Ok Reg 1918

Docket number:
02-983

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:

Emergency approval is requested as the Agency finds that an imminent peril exists in preserving the safety of children who might be left in an unsafe environment while waiting for a child care application to be processed. Approval of the proposed rule will expedite the delivery of child care services by limiting time frames for processing child care applications to two working days from the date all necessary verification is received.

ANALYSIS:

The purpose of the proposed rule is to require statewide implementation of near real-time (NRT) application processing time frames for Child Care Services.

OAC 340:65-3-5 is revised by adding language that defines the usage of NRT for application processing and requires the statewide implementation of a two-day application processing time frame for Child Care Services.

CONTACT PERSON:

Dena Thayer at (405)521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2003:

SUBCHAPTER 3. ELIGIBILITY FOR BENEFITS

340:65-3-5. Certification process

Each application is processed by a certification of eligibility or ineligibility unless denied at the applicant's request.

(1) **Application processing time limits.** An application must be processed within certain time limits. When information is to be provided by the applicant, the request must be in writing and must allow the applicant sufficient time to obtain the information. If near real-time (NRT) benefit processing time frames are used, application processing must be completed within two working days of the date required verification is provided.

(A) When it is not possible to process the application timely, the applicant is notified in writing of the specific reasons for the delay. The applicant is also informed of his or her right to request a fair hearing and the procedures for requesting the hearing. An application is completed timely if the first month's benefits or notice of eligibility or ineligibility is processed within ~~the specified time limits listed in (i)–(xvii) of this subparagraph.~~

- (i) Temporary Assistance for Needy Families (TANF) - 30 days;
- (ii) Title IV-E Foster Care - 30 days;
- (iii) Energy Crisis Assistance Program (ECAP) - 48 hours;
- (iv) ~~Food Stamps~~ Stamp Program - 30 days;
- (v) Medical Assistance and ~~Categorically Related to Pregnancy Related Services~~ categorically related to pregnancy related services - 20 days;
- (vi) ~~Presumptive Eligibility for Pregnant Women~~ eligibility for pregnant women - 5 working days;
- (vii) Medical Assistance and ~~Categorically Related~~ categorically related to Aid to the Aged - 30 days;
- (viii) Medical Assistance and ~~Categorically Related~~ categorically related to Aid to the Blind or Disabled - 60 days;
- (ix) Medical Assistance only and ~~Categorically Related~~ categorically related to Aid to Families with Dependent Children - 20 days, or 30 days if establishing incapacity;

- (x) Medical Assistance for Optional Tuberculosis (TB) Coverage group - 45 days;
- (xi) Medical Assistance ~~Long Term Care~~ long-term care request on active State Supplemental Payment or Medical Assistance case - 45 ~~Days~~ days;
- (xii) Children with Special Health Care Needs - 45 days;
- (xiii) Diversion Assistance - 7 working days;
- (xiv) TANF Emergency Assistance - 5 working days;
- (xv) Low Income Home Energy Assistance Program (LIHEAP) - 30 days;
- (xvi) Refugee Medical Assistance - 30 days; and
- (xvii) Child Care Services - ~~30 days~~ 2 working days from the date required verification is provided.

(B) An application is not denied when it cannot be processed timely due to:

- (i) circumstances beyond the control of the applicant which result in failure or delay on the part of the applicant to provide needed information;
- (ii) failure or delay on the part of an examining physician to supply needed information;
- (iii) failure or delay on the part of the Social Security Administration in making a decision on disability; or
- (iv) administrative or other emergency that could not reasonably be controlled by the county office.

(2) **Certification of eligibility for cash assistance.** The county does not delay certification of eligibility for cash assistance pending a decision on a request for non-hospital medical care.

- (A) If all conditions of TANF eligibility are established for the month of application, certification is effective the date of application.
- (B) Certification cannot be effective prior to the application date.
- (C) When an application is taken and all other conditions of eligibility are determined prior to a child's entry to the home, the certification date cannot be prior to the actual date of entry.
- (D) To be certified for TANF the case must meet all conditions of eligibility for the month of certification as well as the date of authorization. The date of authorization is the date the certification is processed. If current eligibility exists, retroactive payment can be authorized for any month eligibility is established. A certification is valid even if a month of ineligibility is determined between application and authorization. An application denied in error must have payment authorized for the period eligibility is established without regard to eligibility at the time of authorization. ~~Also, the~~ The applicant is not penalized if the authorization is delayed beyond the time ~~limits~~ limit for disposition due solely to Agency failure to take ~~the~~

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timely action. In this case, the payment is authorized for the period eligibility is established without regard to eligibility at the time of the delayed authorization.

(E) An applicant who is ineligible for the month of application but is eligible for a subsequent month, is certified effective the first day of the subsequent month.

(3) **Certification of ineligibility.** When an applicant is ineligible, a computer-generated notice is sent to the applicant giving the effective date and explaining the reason for ineligibility. If the applicant is dissatisfied with the action taken, the applicant may request a fair hearing within the period of time specified in the notice.

(4) **Proration of TANF benefits.** The proration of TANF benefits applies when a new assistance case is determined eligible during the month of application. Certification is made effective from the date of application. Proration also applies when an individual is added to an existing case.

(A) For the month of application only, the TANF benefits are prorated from the date of application. The TANF benefits that the recipient would be eligible to receive if proration did not apply must be determined prior to the computation.

(B) The formula used for the prorated amount is: $31 - \text{application date} \times \text{TANF money benefit} \div 30 = \text{the prorated payment}$. The prorated payment is rounded down to the lower dollar amount.

(C) This proration policy is applied regardless of whether the family received assistance the prior month. If the prorated benefit is below \$10, the family is not eligible for a money payment but is eligible for medical benefits for the entire month. When food stamps are being requested in the TANF case for the month the TANF payment is prorated, the food stamp unearned income is automatically updated to show the TANF benefit before proration. The notification to the client is computer-generated and shows the amount for the initial month and following month. When proration is applied to the TANF benefit the family is eligible for medical benefits for the entire month and receives a medical card. The family is eligible for the full TANF benefit effective the following month.

*[OAR Docket #02-1594; filed 12-10-02]
(format accepted 12-16-02)*

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #02-1580]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Adoptions

Part 14. Post Adoption Services
340:75-15-128 through 340:75-15-128.6 [AMENDED]
340:75-15-128.7 [REVOKED]
(Reference APA WF #02-28)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 7510-1.1 et seq. of Title 10 of the Oklahoma Statutes; 45 Code of Federal Regulations 1356.40; and Administration for Children and Families (ACF) Child Welfare Manual.

DATES:

Adoption:

October 22, 2002.

Approved by Governor:

December 5, 2002

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency approval is requested as the Agency finds compelling public interest to preserve the health, safety, and welfare of children. The state statute is effective November 1, 2002. Compliance with federal law is critically important and violations or incorrect application can result in lost benefits to children and fiscal sanctions to the state. Further, these rules provide direction to the Adoption Assistance program and impact both private agency and public agency applicants. Without the expansion of the rules to include these revisions, delay may be caused in creating permanency for some children.

ANALYSIS:

The revisions to Subchapter 15 incorporate amendments to the Oklahoma Adoption Assistance Act, Sections 7510-1.1 through 7510-1.6 of Title 10 of the Oklahoma Statutes. Senate Bill 1329 made significant amendments to the Adoption Assistance program administered by DHS. The amendments are effective November 1, 2002 and require state compliance through the rulemaking process. Rules are revised to comply with various sections of the Code of Federal Regulations (CFR) and the Administration for Children and Families (ACF) Child Welfare Manual. Other revisions move critical guidelines that are currently located in Instructions to Staff to rules, in order to comply with the Administrative Procedures Act and Administrative Rules on Rulemaking. The revisions provide direction to adoption staff assisting families in adopting children with special needs.

340:75-15-128.1(a)(2)(A) revises the language regarding monthly assistance payments to reflect a range of payments from zero to a maximum based on the age of the child. This more accurately denotes that the assistance payments are the result of individualized negotiations with adoptive families considering the needs of the child and circumstances of the family.

340:75-15-128.1(a)(2)(B)(v) and (vi) are revised to read that in order for a child to be considered for either DOC Rates V or VI the child must be approved by DDSD to receive the Intermediate Care Facility for the Mentally Retarded Waiver (Community Waiver). A child approved for the Community Waiver is subject to redetermination by the Developmental Disabilities Services Division (DDSD) and possible movement from the Community Waiver to In-Home Supports Waiver (IHSW). In this event, the child would not be eligible for DOC Rates V or VI.

340:75-15-128.1(a)(4) is revised to reduce the amount of non-recurring adoption assistance to a maximum of \$1,200 actual expenses for each child. Two exceptions are cited in which a higher amount may be paid if these circumstances are clearly documented. The amount paid for reimbursement of non-recurring expenses when a child in the custody of the Department of Human Services (DHS) disrupts from a trial adoptive home is reduced from a maximum payment of \$1000 to \$500 actual expenses per child.

340:75-15-128.1(a)(4)(E) adds new language regarding relocation by an adoptive family to another state as cited in federal law.

340:75-15-128.1(c) is revised to reflect that modifications of the Adoption Assistance Agreement are prospective only and may not be retroactive, and may be readjusted when certain circumstances change, including eligibility for a specific DOC rate. The adoption assistance payment amount may not be automatically adjusted without the agreement of the adoptive parent(s) except for an across-the-board decrease or increase in the foster care maintenance or DOC rates. If the parties cannot come to an agreement, DHS establishes the

payment amount. DHS may require and select a licensed or certified examiner to reevaluate the child's condition, if the child's eligibility is in question.

340:75-15-128.1(e) is revised to correct an error. A copy of the Final Decree of Adoption must be dated after October 1, 1997.

340:75-15-128.3 modifies eligibility for state funded adoption assistance per legislative amendment. The revision defines a child as one who at the time of adoptive placement has not attained the age of 18 years; was in the court-ordered custody of DHS or a federally recognized Indian tribe as defined by the federal Indian Child Welfare Act and the Oklahoma Indian Child Welfare Act, and meets the definition of a child with special needs. A significant revision is that children placed by licensed private nonprofit agencies are no longer eligible for state funded adoption assistance.

340:75-15-128.5(b) adds new language regarding interstate adoptive placements to comply with federal law.

340:75-15-128.5(f)(3) adds a provision regarding applications made after finalization of adoption that under no circumstance may the beginning date be prior to the adoptive family's initial application for assistance that was denied, or five years, whichever is less.

340:75-15-128.6 revises the process regarding denials and fair hearings; adds the requirement for a Notice of Intent to Deny Adoption Assistance and Final Notice to Deny Adoption Assistance; and sets forth how these notices are used. This rule revision reflects the revisions to Form H-4, Resource Family Request for a Fair Hearing, and how the form is used.

CONTACT PERSON:

Dena Thayer, Rules & Policy Management Unit, 405-521-4326.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 15. ADOPTIONS

PART 14. POST ADOPTION SERVICES

340:75-15-128. Adoption ~~subsidy assistance~~ Assistance Program

~~The Adoption Assistance Program was established to provide permanency for eligible children with special needs in public and tribal foster care by providing ongoing financial and medical assistance on their behalf to the families who adopt them. Title IV-E at Section 473 of the Social Security Act provides for a federal adoption assistance program to assist states in providing assistance to eligible special needs children. If a special needs child is not eligible for federally funded adoption assistance, the child may be eligible for state funded assistance under the Subsidized Adoption Act, Section 7510-1.1 et seq. of Title 10 of the Oklahoma Statutes.~~

(a) The purpose of the Adoption Assistance Program is to help secure and support safe and permanent adoptive families for children with special needs. Adoption assistance is designed to provide adoptive families of any economic stratum with needed social services, and medical and financial support to care for children considered difficult to place. Unlike the foster care program, adoptive parents are primarily responsible for the child's support. Benefits provided through the Adoption Assistance Program are designed to supplement the resources of the adoptive family.

(b) The Department of Human Services (DHS) promotes the Adoption Assistance Program by providing information to

families who apply for adoption through DHS about the availability of adoption assistance for eligible children with special needs.

(1) DHS provides information to Oklahoma licensed child-placing agencies and federally recognized Indian tribes about the availability of adoption assistance for eligible children with special needs.

(2) DHS does not have the responsibility to seek out and inform individuals who are unknown to DHS about the possibility of adoption assistance for children with special needs who are also unknown to DHS.

(c) Title IV-E at Section 473 of the Social Security Act provides for a federal adoption assistance program to assist states in providing assistance to eligible children with special needs. If a child with special needs is not eligible for federally funded adoption assistance, the child may be eligible for state funded assistance under the Oklahoma Adoption Assistance Act, Section 7510-1.1 et seq. of Title 10 of the Oklahoma Statutes.

340:75-15-128.1. General ~~adoption~~ Adoption assistance benefits

(a) ~~Benefits of general adoption~~ Adoption assistance benefits may include Medicaid coverage, a monthly assistance payment, special services, reimbursement of non-recurring adoption expenses, or any combination of such these. Children eligible for Title IV-E assistance are also eligible for available Title XX services.

(1) Medicaid. The child is eligible for the Oklahoma Medicaid program or the Medicaid program in the state of residence, if Title IV-E eligible. All necessary medical and dental care under the scope of that program is compensable at usual and customary charges. [OAC 340:75-15-129]

(2) Monthly assistance payments. ~~Payments are negotiated between the adoption specialist and the family.~~ [OAC 340:75-15-128.2, Instructions to Staff 2]

(A) Agreements must be signed by the adoptive parents and the Agency prior to the finalization of the adoption. [OAC 340:75-15-128.2(b)]

(B) Payments can be made prior to finalization of the adoption if the application is for pre-finalization assistance. Payment begins with the effective date shown on the agreement.

(C) If the family does not request pre-finalization assistance, the payment starts the day following the adoption finalization. A child may be eligible for monthly assistance payments to provide financial support to families who adopt children considered difficult to place.

(A) The standard rates for monthly adoption assistance payments are described in (i) through (iv) of this subparagraph.

(i) Ages 0 - 5: Ranges from \$0 to a maximum of \$300 plus Difficulty of Care (DOC) Rate I, II, III, or IV, if eligible.

(ii) Ages 6 - 12: Ranges from \$0 to a maximum of \$360 plus DOC Rate I, II, III, or IV, if eligible.

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(iii) Ages 13 - 18: Ranges from \$0 to a maximum of \$420 plus DOC Rate I, II, III, or IV, if eligible.

(iv) Ages 6 - 18: Ranges from \$0 to a maximum of \$420 plus DOC Rate V or VI, if eligible.

(B) DOC rate descriptions. The descriptions in this subparagraph are guidelines from which the most appropriate DOC rate can be determined for the eligible child. Not every situation will clearly fit into one DOC rate category. Consideration of the child's age is part of determining the appropriate rate category. Documentation that the child's needs, conditions, or behaviors fit the rate category is required from professional sources outside the adoptive family as well as from the adoptive family itself. Updated documentation may be required by the Department of Human Services (DHS) from time to time to establish a child's ongoing eligibility for a particular DOC rate.

(i) DOC Rate I. The rate is \$50 per month more than the standard rate. A child approved for DOC Rate I has one or more of the needs, conditions, or behaviors described in (I) through (IV) of this subparagraph. The child:

(I) requires ongoing scheduled medical or psychological appointments that routinely occur more than twice weekly;

(II) displays emotional difficulties that result in destruction of property;

(III) requires medical or educational supplies on a routine basis that are not compensable through Medicaid; or

(IV) requires daily physical therapy performed by the adoptive parent(s).

(ii) DOC Rate II. The rate is \$100 per month more than the standard rate. A child approved for DOC Rate II has one or more of the needs, conditions, or behaviors listed in DOC Rate I, and, in addition:

(I) requires 24-hour intensive supervision due to severe medical or emotional needs;

(II) requires special food preparation and feeding due to a condition that restricts normal eating;

(III) requires special equipment for transportation that results in restricted mobility for the child and the adoptive parent(s);

(IV) displays incontinence of the bladder and bowel that is not age appropriate;

(V) displays multiple disabilities, birth defects, or brain damage that prevents normal intellectual or physical functioning;

(VI) requires strict monitoring of medication;

(VII) requires assistance in movement which is very difficult due to the child's size;

(VIII) requires post-hospitalization care such as frequent changing of bandages, tubes, and special hygiene techniques; or

(IX) displays emotional disturbances, developmental delay, or mental retardation that results in behavior such as constant difficulties in school, aggressive and delinquent activities, destructiveness, resistance to authority, and sexual disturbances.

(iii) DOC Rate III. The rate is \$150 per month more than the standard rate. A child approved for DOC Rate III has one or more of the needs, conditions, or behaviors in each of DOC Rates I and II, and, in addition:

(I) requires medical supplies, special equipment, or educational supplies which are not compensable through Medicaid on a routine basis; or

(II) requires specialized substitute care.

(iv) DOC Rate IV. The rate is \$225 per month more than the standard rate. A child approved for DOC Rate IV has one or more of the needs, conditions, or behaviors described in each of DOC Rates I, II, and III and requires such specialized care that normally the child would be in institutional or inpatient psychiatric care. The child:

(I) requires special equipment, such as apnea monitor, suction machine, gastrostomy tube, oxygen, tracheotomy tube, and shunt;

(II) requires special feeding or nursing care around the clock;

(III) requires frequent nighttime supervision and care that is not age appropriate;

(IV) displays such frequent seizures or other abnormal physical reactions that 24-hour monitoring is required;

(V) displays bizarre, socially unacceptable behavior, violent tendencies, potentially harmful behavior to self or others, or sexually predatory behavior to others or animals;

(VI) required previous inpatient mental health treatment or has recently been discharged from an inpatient facility;

(VII) requires such intensive care that the adoptive parent(s) is severely restricted in normal daily activities and is frequently home-bound;

(VIII) requires frequent 24-hour awake supervision; or

(IX) requires post-hospitalization care for severe burns.

(v) DOC Rate V. In order for a minor child to be considered for DOC Rate V, the child must be approved by the Developmental Disabilities Services Division (DDSD) to receive the Intermediate Care Facility for the Mentally Retarded Waiver (Community Waiver). [OAC 317:40-1-1(d)(1)(C) and 317:40-5-51] A child approved by DDSD to receive the Community Waiver who is not in specialized foster care at the time of application for adoption assistance or whose history of annual

service utilization has been within the per capita allowance of the DDS In-Home Supports Waiver (IHSW) is subject to redetermination by DDS and possible movement from the Community Waiver to the IHSW. In that event, the child would not be eligible for DOC Rate V. A child approved for DOC Rate V has one or more of the needs, conditions, or behaviors described in (I) through (V) of this subparagraph. The child:

- (I) is able to independently perform basic daily living skills: bathes and dresses alone, follows simple instructions, possesses basic survival skills; and is aware of danger to self and others. Close level of support is \$30 per day;
- (II) needs assistance in accessing and utilizing services such as education, employment, health care, recreation, and leisure;
- (III) needs assistance in establishing long-term relationships with family and friends;
- (IV) may present a variety of behavioral challenges; or
- (V) may present a variety of physical challenges.

(vi) DOC Rate VI. In order for a minor child to be considered for DOC Rate VI, the child must be approved by DDS to receive the Community Waiver. [OAC 317:40-1-1(d)(1)(C) and 317:40-5-51] A child approved by DDS to receive the Intermediate Care Facility for the Mentally Retarded Waiver (Community Waiver) who is not in specialized foster care at the time of application for adoption assistance or whose history of annual service utilization has been within the per capita allowance of the DDS In-Home Supports Waiver (IHSW) is subject to redetermination by DDS and possible movement from the Community Waiver to the IHSW. In that event, the child would not be eligible for DOC Rate VI. A child approved for DOC Rate VI has one or more of the needs, conditions, or behaviors described in (I) through (IV) of this subparagraph. The child:

- (I) meets the criteria of DOC Rate V, and needs assistance in accessing and utilizing services such as education, employment, health care, recreation, and leisure activities. Maximum level of support is \$40 per day;
- (II) requires regular and frequent supervision and support to participate in activities and personal relationships;
- (III) is rated at health care levels III through VI, as described in OAC 340:100-5-26(d), which require increased support and provider expertise. The child may require constant or intense physical support because of any secondary health or physical condition; or

(IV) may have episodic, frequent, or ongoing behavioral challenges and may require support to establish and maintain life in a community setting.

(3) Special services. Special services payments are used to meet the child's needs which cannot be met by the adoptive parent(s) and which are not covered under any other program.

(A) These services include corrective appliances, which may include costs of leg braces, prostheses, walkers, and similar appliances as long as such appliances cannot be secured through any other program for which the child would qualify.

(B) Tutoring and private school tuition are not covered as special services, as the public school systems are mandated to provide all children with special needs with an appropriate public education.

(C) The special services are reviewed at least annually and may be approved for a limited time.

(D) The amount paid ~~is~~ does not ~~to~~ exceed the reasonable fee for the service rendered.

(E) The special service is negotiated with the ~~family~~ adoptive parent(s), approved by the State Office, ~~Division of Children and Family Services~~ Division (DCFS CFSD), Adoption Assistance Section, and included in Form DCFS-68, Adoption Assistance Agreement, or through a modification of the family's Agreement.

(4) Reimbursement of non-recurring adoption expenses. Certain non-recurring expenses incurred by or on behalf of the adoptive parent(s) in connection with the adoption of a child with special needs may be reimbursed.

(A) Reimbursable expenses. The term "non-recurring adoption expenses" means the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs, are not incurred in violation of state or federal law, and have not been reimbursed from other sources or funds. Financial reimbursement is available to the adoptive parent(s) of an eligible child for:

- (i) adoption fees;
- (ii) court costs;
- (iii) attorney fees;
- (iv) adoptive home study fee;
- (v) costs incurred to obtain health and psychological reports on family members;
- (vi) supervision of the adoptive placement by another agency;
- (vii) transportation, food, and lodging for the adoptive parent(s) and child during the placement process; and
- (viii) cost of fingerprinting paid by the adoptive parent(s).

(B) Eligibility. The child must meet all of the eligibility criteria for a child with special needs as set forth in OAC 340:75-15-128.4 and have been placed for adoption in accordance with applicable state and local

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laws. The child does not have to be in the custody of the Department of Human Services (DHS) or a federally recognized tribe at the time of finalization of the adoption. The child does not have to meet the Title IV-E categorical eligibility requirements for adoption assistance as set forth in OAC 340:75-15-128.2.

(C) Amount of reimbursement. Reimbursement of non-recurring adoption expenses, as defined in OAC 340:75-15-128.1(a)(4)(A), may be approved on behalf of the eligible child as described in (i) and (ii) of this subparagraph.

(i) **Finalized adoption.** Assistance is limited to documented actual expenses incurred up to a maximum of \$1,200 per child if the adoption is finalized. In the event an Order Terminating Parental Rights or an Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent had to be obtained in the adoption case, a request for reimbursement up to a maximum of \$2,000 per child will be considered by DHS on a case by case basis. In cases where siblings are adopted as a unit, each child is treated as an individual with separate reimbursement for non-recurring expenses.

(ii) **Non-finalized adoption.** A potential adoptive parent(s) whose trial adoption disrupts prior to finalization on or after January 1, 1999 may be eligible for up to a maximum reimbursement of \$500 per child.

(D) Approval and payment. The request for reimbursement of non-recurring adoption expenses must be approved and Form DCFS-68, Adoption Assistance Agreement, signed by the adoptive parent(s) and DHS designee prior to finalization of the adoption. Payment is made directly to the adoptive parent(s) for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor(s), such as attorney(s) and private adoption agency, for the fee(s) which the itemized statement indicates has not yet been paid in full by the adoptive parent(s).

(E) Interstate placement. The provisions of OAC 340:75-15-128.5(b) apply to reimbursement of non-recurring adoption expenses in interstate adoptions.

(4b) Overpayments. State Office, Children and Family Services Division, Adoption Assistance Section staff immediately notify notifies the adoptive parents parent(s) when it is discovered that an overpayment has occurred. The adoptive parent parent(s) is responsible for repayment, even if he or she is not responsible for causing the overpayment. In the event the adoptive parent parent(s) was previously the adopted child's foster parent parent(s) and foster care payments continued after adoption assistance payments began, a repayment plan is required. The adoptive parent(s) is notified in writing of the overpayment and given 30 days in which to repay. Failure to repay results in an automatic reduction of no less than 10% of each future month's payment until the overpayment is satisfied.

Any other types of overpayments are handled in the same manner.

(5c) Termination or modification Modification. The adoptive parents may request a modification of the agreement for adoption assistance at any time. Form DCFS-68, Adoption Assistance Agreement, may be modified and the adoption assistance payment amount may be readjusted periodically when warranted by a change in circumstances and with the concurrence of the adoptive parent(s). A change in the child's eligibility for the DOC rate being paid constitutes a change in circumstance. The adoption assistance payment amount may not be automatically adjusted without agreement of the adoptive parent(s) except for an across-the-board reduction or increase in DHS foster care maintenance rates or DOC rates. Modification of Form DCFS-68, Adoption Assistance Agreement, is prospective only and may not be retroactive. If the parties cannot come to an agreement, DHS establishes the payment amount. The parents adoptive parent(s) have has a duty to keep the Department DHS informed of circumstances that would make them the child ineligible for adoption assistance payments or eligible for payments of a different amount. DHS may require the adoptive parent(s) to provide updated documentation of a child's ongoing eligibility for the payment amount being received. DHS may require evaluation of a child by a suitably licensed or certified examiner selected by DHS if the child's eligibility is in question.

(d) Termination. Once an agreement is signed and in effect, it is only terminated under three circumstances if one of the conditions described in (1) through (3) of this subsection is met. The three conditions for termination are:

(A1) the The child has attained the age of 18, or the age of 21 if it has been determined that the child has a mental or physical disability which would warrant continuation of adoption assistance. To continue adoption assistance after the age of 18, the adoptive parents parent(s) must submit documentation of a continuing mental or physical disability prior to the child's 18th birthday and yearly thereafter;

(B2) a A determination is made by the state agency DHS that the adoptive parents parent(s) are is no longer legally responsible for support of the child; or

(C3) the state agency DHS determines that the adoptive parents parent(s) are is no longer providing financial support to the child. If a child is placed in out-of-home care including psychiatric care, residential, therapeutic, or family foster family care and the adoptive parent parent(s) continues to provide financial support to the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.

(6e) Death of adoptive parents or dissolution of the adoption. Any child who was receiving Title IV-E adoption assistance at the time of the death of all adoptive parents or at the time the adoption dissolves may be eligible for adoption assistance if he or she is adopted again after October 17, 1997 October 1, 1997. State option children Children receiving state funded adoption assistance are eligible if adopted after May 29, 1998. To be eligible, the child must continue to meet the special needs criteria and all of the requirements in (A)—**(D)** (1) through (4) of this paragraph must be met.

~~(A1)~~ The prospective adoptive family parent(s) must make application on Form DCFS-54, Adoption Subsidy Assistance Application.

~~(B2)~~ The prospective adoptive family parent(s) must provide a copy of a filed Petition for Adoption from a district or tribal court if requesting pre-final adoption assistance or a copy of a file-stamped Petition for Adoption if requesting prefinalization adoption assistance or a Final Decree of Adoption if requesting adoption assistance to begin dated after October 17, 1997, if assistance is to start following after adoption.

~~(C3)~~ The state DHS must be able to document the child was receiving Title IV-E or state option funded assistance at the time of the death of the adoptive parents parent(s) or at the time the adoption dissolved.

~~(D4)~~ The state DHS must document be provided documentation that the new adoptive parents parent(s) are is not the biological parents parent(s).

(f) Relocation by adoptive family to another state. An Adoption Assistance Agreement signed on or after October 1, 1983 shall remain in effect regardless of the state in which the adoptive parent(s) is a resident at any given time.

340:75-15-128.2. Eligibility requirements for Title IV-E general adoption assistance

(a) The child. The requirements for a child to be eligible for Title IV-E adoption assistance are outlined in paragraphs (1) – through (4) of this subsection.

(1) The child is Aid to Families with Dependent Children (AFDC) eligible and meets the definition of a child with special needs.

(A) This eligibility requirement includes a determination on the method of removal from the child's home. If the child was removed from the home pursuant to a:

(i) judicial removal, such determination must be made in the first hearing that sanctions the removal and must indicate that it was contrary to the child's welfare to remain in the home;

(ii) voluntary relinquishment, ~~The the~~ relinquishment may be considered a judicial removal only if the child is voluntarily relinquished to the Department of Human Services (DHS), a tribe with whom DHS has a Title IV-E agreement, or to a private, nonprofit agency, and there is a petition to the court to remove the child from the home within six months of the time the child lived with a specified relative, and there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare; or

(iii) voluntary placement agreement, the child must have actually received Title IV-E foster care payments, and DHS or a tribe with whom DHS has a Title IV-E agreement must have responsibility for placement and care of the child in order for the child to be eligible for Title IV-E adoption assistance.

(B) The child must meet the AFDC eligibility criteria both at the time of removal and in the month the adoption petition is filed.

(C) The special needs determination must be made prior to the finalization of the adoption.

(2) The child is eligible for Supplemental Security Income (SSI) benefits at the time the adoption petition is filed and meets the definition of a child with special needs prior to finalization of the adoption. How the child was removed from his or her home or whether the state has responsibility for the child's placement and care is irrelevant.

(3) The child is eligible as a child of a minor parent and meets the definition of a child with special needs.

(A) This eligibility requirement is met if:

(i) the child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated; and

(ii) the special needs determination is made prior to finalization of the adoption.

(B) There is no requirement that the child must have been removed from home as a result of a judicial determination or pursuant to a voluntary placement agreement.

(C) If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for Title IV-E adoption assistance must be determined based on the child's current and individual circumstances.

(4) The child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

(A) When a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents parent(s) ~~die dies~~, the child may continue eligibility for Title IV-E adoption assistance in a subsequent adoption.

(B) The manner of a child's removal from the adoptive home is irrelevant.

(b) The adoptive family. There is no means test for the family prospective adoptive parent(s) to determine eligibility for adoption assistance. A prospective adoptive parent who has a felony conviction at any time for child abuse or neglect; spousal abuse; crimes against children, including child pornography; or crimes involving violence, including rape, sexual assault, or homicide is not eligible for Title IV-E adoption assistance. A prospective adoptive parent who has a felony conviction for physical assault, battery, or a drug related offense committed in the past five years is not eligible for Title IV-E ~~general or non-recurring~~ adoption assistance.

340:75-15-128.3. Eligibility requirements for state option funded adoption assistance

(a) A child may be determined by the Department of Human Services (DHS) eligible for state option-funded adoption assistance if he or she does not meet the eligibility requirements for

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Title IV-E ~~adoption assistance, but~~ and at the time of adoptive placement:

- (1) ~~was a resident of the state of Oklahoma~~ has not attained the age of 18 years;
- (2) ~~was in the court-ordered custody of the Oklahoma Department of Human Services DHS, a licensed private nonprofit child placing agency or a federally recognized Indian tribe as defined by the federal Indian Child Welfare Act and the Oklahoma Indian Child Welfare Act; and~~
- (3) ~~met the definition of a child with special needs as set forth in OAC 340:75-15-128.4; and~~
- (4) ~~had been removed from his or her home as a result of:~~

(A) ~~a judicial determination to the effect that remaining in the home would be contrary to the child's welfare, or~~

(B) ~~a voluntary placement by the parents if there has been a judicial determination within the first 180 days of the placement that the placement is in the best interest of the child.~~

(b) The adoption assistance benefits an eligible child may receive are set forth in OAC 340:75-15-128.1. If DHS determines a child is eligible for an adoption assistance payment, the payment amount is determined by DHS within the range of rates set forth in OAC 340:75-15-128.1(a)(2) based on the needs of the child and circumstances of the adoptive parent(s). The other provisions of OAC 340:75-15-128.1 regarding overpayments, termination or modification, death of adoptive parent(s), or dissolution of the adoption, and relocation by adoptive parent(s) to another state also apply to state funded adoption assistance.

(c) The provisions of OAC 340:75-15-128.5 apply to state funded adoption assistance except as specifically indicated otherwise.

(bd) Adoptive parents who have a history of conviction(s) for felony offense(s) as described in OAC 340:75-15-88(d)(4)(D) may be determined eligible for state ~~option~~ funded general adoption assistance on a case by case basis in consultation with the State Office, Children and Family Services Division (CFSD), Adoption Assistance Section. [OAC 340:75-15-88(e)]

(ee) The only exception to the requirement in OAC 340:75-15-128.5(d) that Form DCFS-68, Adoption Assistance Agreement, must be signed by the adoptive parent(s) and DHS before finalization of the adoption is when Assistance may be approved after finalization of the adoption if the child is determined to have a causative pre-existing condition which was not identified or known prior to the legal finalization of the adoption and which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization. The child must also meet the definition of a child with special needs. [OAC 340:75-15-128.4]

- (1) The application procedure is the same as for Title IV-E applications made after finalization- as set forth in [OAC 340:75-15-128.5(d)(4) 340:75-15-128.5(f)(4)]. There is no requirement that the family adoptive parent(s) prevail at a fair hearing.

(2) The benefits are the same as for Title IV-E state funded adoption assistance approved prior to finalization of the adoption. [OAC 340:75-15-128.3]

(3) If eligible for a monthly adoption assistance payment, the adoptive parents child may also be entitled to receive retroactive payments for the two months prior to the date the adoption assistance was approved, if requested and documentation is produced that shows the child was receiving verified treatment or assessment during those two months, and the parent(s) request the retroactive payment.

340:75-15-128.4. Determination of special needs

A child must be determined to have special needs to be eligible for federally funded adoption assistance. [OAC 340:75-15-128.2] state funded adoption assistance. [OAC 340:75-15-128.3] or reimbursement of non-recurring adoption expenses. [OAC 340:75-15-128.1(a)(4)] A child is determined to have special needs by meeting all the criteria in paragraphs (1) - through (3) of this subsection.

(1) **Child cannot return home.** The state Department of Human Services (DHS) has determined that the child cannot or should not be returned to the home of his or her parents-parent(s). The documentation required to show that a child cannot or should not be returned home is:

(A) a Petition for Termination of Parental Rights;

(B) an Order of Termination of Parental Rights from a court of competent jurisdiction;

(C) for a child under the jurisdiction of the court, a signed Relinquishment of Parental Rights;

(D) satisfied by other official documentation when it is determined a child can be adopted in accordance with state or tribal law without a Termination of Parental Rights or Relinquishment; or

(E) verification of the death of parent(s), if the child is orphaned.

(2) **Special factors or conditions.** DHS has determined that because of one or more of the factors or conditions listed in (A) through (G) of this paragraph, the child cannot be placed with adoptive parent(s) without providing adoption assistance. The child meets at least one of the factors or conditions listed in (A) - (G) of this paragraph.

(A) **Physical disability.** Physical disability is defined as a condition which requires regular treatment with a specific diagnosis given by the child's physician.

(B) **Mental disability.** The child meets the eligibility criteria for educable multi-handicapped (EMH) or trainable multi-handicapped (TMH) classes and has been evaluated by a licensed psychologist, psychometrist, school, or recognized diagnostic center. A child with a demonstrable need for intensive adult supervision beyond ordinary age needs also qualifies.

(C) **Age.** If no other special needs criteria are met, the child is eight years of age or older.

(D) **Sibling relationship.** The child is one of two siblings placed together if at least one child meets an

additional special factor or needs condition. Three or more siblings placed together qualify without any additional special factor or condition.

(E) **Emotional disturbance.** It is recognized that all children placed for adoption experience emotional disturbance. To meet this criteria emotional disturbance must be:

- (i) established by a physician, a psychologist, behavioral therapist, or social worker;
- (ii) corroborated by a Child Welfare worker's observations of the child's behavior;
- (iii) corroborated by one or more caregivers such as foster parent, Head Start or school personnel, church nursery, or day care provider; and
- (iv) documented with a specific diagnosis and prognosis, if applicable.

(F) **Racial or ethnic factor.** Indian, Hispanic, Oriental, and African-American children age three years or older ~~are considered to meet special needs criteria if efforts to place without assistance are unsuccessful.~~

(G) **High risk of physical or mental disease.** The child who exhibits high risk of physical or mental disease for conditions which are not presently being treated may qualify. If no other special ~~needs criteria~~ factors or conditions are met, no monthly payment is made until there are documented symptoms of physical or mental disease. Indicators of high risk physical or mental disease are:

- (i) social and medical history such as mental illness of biological parents and family;
- (ii) events or life experiences such as severe sexual abuse; and
- (iii) prenatal exposure to drugs or alcohol.

(3) **Unsuccessful efforts to place the child without assistance.** A reasonable but unsuccessful effort has been made to place the child without assistance, except where it would be against the best interests of the child because of such factors as a strong emotional tie to a foster ~~parents~~ parent(s) who are is planning to adopt the child or placement with a relative.

(A) Documentation of efforts to place a child without assistance is required and includes specific recruitment of a potential parent(s) who could meet the child's special needs. Examples include:

- (i) area staffings;
- (ii) adoption parties;
- (iii) adoption resource exchanges; and
- (iv) media and internet efforts.

(B) Form DCFS-54, Adoption Assistance Application, [OAC 340:75-15-128.5] must include a statement of the reasons the child could not be placed in an adoptive home without adoption assistance, including:

- (i) the specific factors that make it difficult to place the child;
- (ii) a description of the efforts to place the child without assistance; and

(iii) the reasons it is not in the best interests of the child to attempt to place for adoption without assistance.

340:75-15-128.5. Adoption assistance application procedures

(a) **Application process.** To apply for adoption assistance, Form DCFS-54, Adoption Assistance Application, for general and non-recurring adoption assistance is completed by the prospective adoptive parent(s), custodial agency, or tribe on behalf of the child and family and is submitted to the State Office, Children and Family Services Division (CFSD), Adoption Assistance Section for approval. If a monthly payment is requested, the worker makes a good faith effort to negotiate an adoption assistance payment with the adoptive family. If the parties cannot come to an agreement, the Department of Human Services (DHS) establishes the payment amount. The payment is based on the amount that is needed to meet the child's special needs, not to exceed the amount the child would have received in traditional foster family care. Therapeutic foster care is not included in this definition per Section 7510-1.5 of Title 10 of the Oklahoma Statutes. If the child is eligible for a Difficulty of Care (DOC) payment, this rate becomes the maximum for monthly payment. Updated supporting documentation for DOC eligibility may be required at any time.

(b) **Interstate adoptive placements.** The provisions of the Adoption Assistance Program of the state in which the application is made govern the terms of an adoption assistance agreement, including, but not limited to, the rates of the adoption assistance payments.

(1) For federally funded adoption assistance in interstate adoptions, application is made to:

(A) Oklahoma, if the child is in the custody of the Department of Human Services (DHS) or a tribe and receiving Title IV-E foster care and placed for adoption in another state;

(B) the other state, when an Oklahoma child is placed by any other entity;

(C) the other state, when a child is placed in Oklahoma by the public child welfare agency of another state or a tribal child in Title IV-E foster care of another state; or

(D) Oklahoma, when a child is placed in Oklahoma from another state by any other entity and there is compliance with the provisions of the Interstate Compact on the Placement of Children.

(2) For state funded adoption assistance in interstate adoptions, application is made to Oklahoma only when the child is in the legal custody of DHS or an Oklahoma tribe, as defined in OAC 340:75-15-128.3(a)(2), at the time of adoption, regardless of the residence of the adoptive parent(s) by whom the child is being adopted. A child placed in Oklahoma from another state is not eligible for state funded adoption assistance in Oklahoma.

(c) **Determination of adoption assistance benefits.**

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(1) Each Adoption Assistance Agreement is tailored to the individual situation, not according to a set of predetermined guidelines.

(2) The adoptive parent(s) is advised by the adoption specialist of the different components of adoption assistance, including special services, coverage under Title XIX Medicaid, reimbursement of non-recurring adoption expenses, and a monthly assistance payment.

(A) If the child is eligible for Title IV-E adoption assistance, the amount of assistance payment, if any, is determined through agreement between the adoptive parent(s) and DHS on an amount within the range of adoption assistance rates in OAC 340:75-15-128.1(a)(2), up to a maximum amount which must not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(i) The adoption specialist works with the adoptive parent(s) to reach agreement on the assistance amount, taking into consideration the circumstances of the adopting parent(s) and the needs of the child.

(ii) If the parties cannot come to an agreement, DHS establishes the payment amount.

(B) If the child is eligible for state funded adoption assistance, DHS determines the adoption assistance payment amount within the range of rates in OAC 340:75-15-128.1(a)(2) based on the needs of the child and circumstances of the adoptive family. The maximum amount of adoption assistance may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(C) For federally funded or state funded adoption assistance, a zero payment agreement may be reached at the time Form DCFS-68, Adoption Assistance Agreement, is signed.

(i) The zero payment agreement applies in cases where a risk of physical or mental disease exists but is not manifested, no other special factor or condition exists, and the other two criteria set forth in OAC 340:75-128.4(1) and (3) are met.

(ii) If documented symptoms of a physical or mental disease are later manifested, Form DCFS-68 may be modified by agreement of the adoptive parent(s) and CFSD.

(D) For federally funded or state funded adoption assistance, if the child is eligible for a Difficulty of Care (DOC) Rate, this rate is the maximum monthly assistance payment. Recommendations for DOC

Rates V and VI are made in consultation with the Developmental Disabilities Services Division, Community Services Unit.

(E) For federally funded or state funded adoption assistance, updated supporting documentation for continuing eligibility may be required of the adoptive parent(s) by DHS at any time.

~~(b)~~ **Adoption Assistance Agreement, Form DCFS-68.** The agreement Form DCFS-68, Adoption Assistance Agreement, must be signed by all parties the adoptive parent(s) and DHS prior to finalization of the adoption for the general Title IV-E federally funded adoption assistance, state funded adoption assistance, and non-recurring assistance.

(1) Adoption assistance must be approved and the initial agreement signed prior to the child attaining 18 years of age.

~~(2) Assistance may be paid to the adoptive family at the time the child enters the home.~~ When a child enters the home has been determined eligible by DHS, adoption assistance may commence at the time of adoptive placement and prior to the or at the time of finalization of the adoption. ~~Requests for pre-finalization adoption assistance are included in the application packet.~~

~~(c)~~ **Annual reviews.** The adoption assistance Form DCFS-68, Adoption Assistance Agreement, is reviewed annually by the State Office, CFSD, Adoption Assistance Section. Form DCFS-44, Adoption Assistance Annual Review, is mailed to the adoptive family parent(s).

~~(d)~~ **Application made after finalization of adoption.** This Subsection applies only to Title IV-E federally funded adoption assistance. The provision for state funded application made after finalization of adoption is found at OAC 340:75-15-128.3(e). Federal regulations require that Form DCFS-68, the Adoption Assistance Agreement, ~~Form DCFS-68,~~ be signed and in effect at the time of, or prior to, the final decree of adoption. However, if the adoptive parents parent(s) feel feels they he or she have has wrongly been denied benefits on behalf of an adoptive child, they he or she have has the right to a fair hearing, even if he or she applied for adoption assistance after finalization of the adoption. If the family adoptive parent(s) prevails in a fair hearing, the state DHS may determine whether the child would have met all eligibility requirements at the time of the placement in the adoptive home and at finalization of the adoption and reverse its earlier decision to deny benefits.

(1) **Eligibility.** A child may be eligible for Title IV-E post adoption assistance only if:

(A) the adoptive parent parent(s) prevails in a fair hearing and it is determined that the family adoptive parent(s) proved an extenuating circumstance exists, such as:

(i) relevant facts regarding the child, the biological family, or the child's background are were known and were not presented to the adoptive parents parent(s) prior to the legalization finalization of the adoption;

(ii) denial of assistance was based upon a means test of the adoptive family parent(s);

- (iii) erroneous determination by ~~the state~~ DHS that a child was ineligible for adoption assistance; or
 - (iv) ~~the state agency~~ DHS was required and failed to advise ~~the adoptive parents~~ parent(s) of the availability of the Title IV-E adoption assistance program; and
- (B) at the time of the placement in the adoptive home and at finalization of the adoption, the child met all eligibility requirements. [OAC 340:75-15-128.2 and 340:75-15-128.4]
- (2) **Benefits.** The benefits are the same as ~~for general adoption assistance.~~ [OAC 340:75-15-128.3] those listed in OAC 340:75-15-128.1.
- (3) **Payment.** ~~Upon approval, the adoptive parents and the state may negotiate the beginning date of the assistance, but under no circumstance may the beginning date be prior to the adoptive family's initial application for assistance that was denied. If adoption assistance payments are approved by DHS, they will begin effective the date of approval. DHS will consider retroactive payments on a case by case basis, but in no event for a period that exceeds five years or the date the initial application for assistance was denied, whichever is less.~~
- (A) ~~For children adopted on or before October 1, 1986 the payment cannot precede the date of the final decree of adoption.~~
 - (B) ~~For those children adopted after October 1, 1986 the payments may begin at the time of the initial denial of the application if the child was in adoptive placement; or back to the date of the adoptive placement, if later than the initial denial date.~~
- (4) **Procedures.** The procedures for securing Title IV-E post adoption assistance are identified in (A) - and (B) of this paragraph.
- (A) **Application packet.** The application includes:
- (i) a court order showing the child was removed from the home by a judicial determination to the effect that remaining in the home was contrary to the welfare of the child;
 - (ii) Form DCFS-54, Adoption Subsidy Assistance Application;
 - (iii) Form SC-1, SoonerCare Health Benefits Application;
 - (iv) description of child's special needs which meet the eligibility criteria;
 - (v) documentation of special needs from ~~physician~~ physician(s), therapist, social worker worker(s), adoptive parent parent(s), or other professionals, as required; and
 - (vi) criminal background check.
- (B) **Application process.** Application for Title IV-E post adoption assistance is made by the adoptive parent(s) to the State Office, ~~DCFS CFSD,~~ Adoption Assistance Section and is reviewed by the Adoption Assistance Review Committee.

340:75-15-128.6. Denial and fair hearing

- (a) **Denial Notice of intent to deny adoption assistance.** The application for adoption assistance may be denied if the child does not meet eligibility criteria. Form DCFS-99, Notice of Intent to Deny Adoption Assistance, is sent to the adoptive parent(s) by certified mail.
- (b) **Additional review.** ~~Following denial of the application issuance of Form DCFS-99, the adoptive parents parent(s) are is given 30 days from the date on Form DCFS-99 to provide additional proof of eligibility by filing Part B of Form DCFS-50, Request for Review of Denial, including and attaching additional information or documentation that might affect the approval of the original application. If the family adoptive parent(s) provides additional information, the application is reviewed by the Adoption Assistance Review Committee, and a final determination is delayed, pending the review. If the Adoption Assistance Review Committee denies the application, Form DCFS-100, Final Notice of Denial of Adoption Assistance, is sent to the adoptive parent(s) by certified mail.~~
- (c) **Request for fair hearing.** ~~The adoptive family may request a fair hearing in writing regarding any adoption assistance decision once they have completed the request for review of denial process per (b) of this Section and received a second denial letter. The family may request a fair hearing in writing at initial denial if they do not have additional information for consideration, but believe the child qualifies for adoption assistance benefit.~~
- (1) There is an opportunity for an administrative fair hearing for any adoptive parent(s) whose:
 - (A) application for adoption assistance has been:
 - (i) denied or not acted upon with reasonable promptness; or
 - (ii) approved in an amount less than requested; or
 - (B) Form DCFS-68, Adoption Assistance Agreement, has been:
 - (i) modified without the concurrence of the adoptive parent(s); or
 - (ii) terminated by the Department of Human Services (DHS). [OAC 340:2-5-91(b)]
 - (2) The adoptive parent(s) may request a fair hearing:
 - (A) upon receipt of Form DCFS-99 if he or she does not have additional information or documentation to submit for further consideration by the Adoption Assistance Review Committee, but believes the child is eligible for adoption assistance benefits; or
 - (B) if the adoptive parent(s) has requested a review of denial pursuant to subparagraph (b) of this Section and received Form DCFS-100 and still believes the child is eligible for adoption assistance benefits.
 - (3) The request for a fair hearing is submitted in writing to DHS using The family files OAC 340:2, Appendix G, Form H-4, Resource Family Request for a Fair Hearing, within 30 days of the date of:
 - (A) ~~the written notice of denial~~ Form DCFS-99; or
 - (B) Form DCFS-100, if a review of denial process is requested.

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340:75-15-128.7. Non-recurring adoption assistance

[REVOKED]

(a) ~~**Reimbursement expenses.** The term "non-recurring adoption expenses" is defined as the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs, which are not incurred in violation of state or federal law, and which have not been reimbursed from other sources or funds. Financial reimbursement is available to the adoptive family for:~~

- ~~(1) adoption fees;~~
- ~~(2) court costs;~~
- ~~(3) attorney fees;~~
- ~~(4) adoptive home study fee;~~
- ~~(5) costs incurred to obtain health and psychological reports on family members;~~
- ~~(6) supervision of the adoptive placement by another agency;~~
- ~~(7) transportation, food, and lodging for the adoptive parents and child during the placement process; and~~
- ~~(8) cost of fingerprinting paid by the adoptive parent.~~

(b) ~~**Eligibility.** The child must meet the eligibility criteria for a child with special needs. [OAC 340:75-15-128.5] The child does not have to be in the custody of the Department or a federally recognized tribe at the time of finalization of the adoption. The child does not have to meet the Title IV-E eligibility requirements.~~

(c) ~~**Benefits.** The benefits of non-recurring adoption assistance are listed in (1) through (3) of this subsection.~~

- ~~(1) **Finalized adoptions.** Assistance is limited to documented actual expenses incurred up to a maximum of \$2,000 per child if the adoption is finalized.~~
- ~~(2) **Non-finalized adoptions.** Potential adoptive parents whose trial adoption disrupts prior to finalization on or after January 1, 1999 may be eligible for a maximum of \$1,000 per child in non-recurring adoption assistance.~~
- ~~(3) **Payment.** Reimbursement is made directly to the adoptive family for those services for which verification has been submitted indicating the charges have been paid. All other outstanding expenses are paid directly to the vendors.~~

(d) ~~**Approval.** The non-recurring adoption assistance must be approved and the Adoption Assistance Agreement, Form DCFS-68, signed by all parties prior to finalization of the adoption.~~

[OAR Docket #02-1580; filed 12-6-02]
(format accepted 12-10-02)

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 10. FACILITIES MANAGEMENT

[OAR Docket #02-1601]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

Subchapter 1. Use of Public Areas of Capitol Building and Plazas [REVOKED]

580:10-1-1 through 580:10-1-4 [REVOKED]

Subchapter 2. General Provisions [NEW]

580:10-2-1 through 10-2-5 [NEW]

Subchapter 5. Use of Public Areas of Capitol and Plazas [NEW]

580:10-5-1 [NEW]

580:10-5-3 through 10-5-8 [NEW]

Subchapter 7. Use of State Capitol Park [NEW]

580:10-7-1 through 10-7-3 [NEW]

Subchapter 9. Operation of Buildings Owned, Used or Occupied by or on Behalf of the State [NEW]

Part 3. Use of Capitol Conference Center and the Concourse Theater [NEW]

580:10-9-8 through 10-9-10 [NEW]

AUTHORITY:

Department of Central Services; 74 O.S., Section 63

DATES:

Adoption:

October 8, 2002

Approved by Governor:

November 15, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

580:10-5-1 [RESERVED]

Gubernatorial approval:

August 19, 2002

Register publication:

19 Ok Reg 3001

Docket number:

02-1316

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These emergency rules are adopted to facilitate the effective administration of the statutory mandates of 74 O.S., Section 1811.4, wherein the Department of Central Services is responsible for the maintenance and operation of the State Capitol Park; and, to further establish procedures for use of the Capitol and Capitol Park to ensure safety for visitors and state employees as well as protect the Capitol, its contents, the Plazas, and the State Capitol Park; which are each necessary for the preservation of public health, safety and welfare.

ANALYSIS:

Rules in Subchapter 5 establish information for use of the State Capitol and Capitol Plazas which include defining areas available for public use, reservation request and approval procedures for use of the public areas, authorized and prohibited activities and waiver request provisions.

Rules in Subchapter 7 establish requirements and procedures for use of the State Capitol Park based upon the transfer of statutory responsibility for the park from the Department of Tourism to the Department of Central Services. The rules include reservation request and approval procedures for use of the public areas, authorized and prohibited activities and waiver request provisions.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, 522-6597

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 1. USE OF PUBLIC AREAS OF CAPITOL BUILDING AND PLAZAS [REVOKED]

580:10-1-1. Purposes; Department of Central Services' responsibilities and authority [REVOKED]

- (a) Any citizen of the State of Oklahoma may request the use of the public areas of the Oklahoma State Capitol Building and the South Plaza, the North Plaza, or the West Plaza of the State Capitol Building.
- (b) The Department of Central Services is statutorily responsible for adopting rules for:
 - (1) Preserving the State Capitol and the Plazas from defacement;
 - (2) Protecting the property, occupants and historic treasures in the State Capitol;
 - (3) Assuring that the use of the State Capitol and the Plazas will not pose an increased risk to the state due to overcrowding in the event of fire or other emergency; and
 - (4) Assuring that the corridors and other areas of the State Capitol and the Plazas do not become congested to the extent that individuals employed in these areas are unable to effectively carry out their functions.
- (c) The rules contained in OAC 580:10-1-1 are designed to assure that the existing state law and that public funds not be expended for private purposes. Approval will be revoked and the event or exhibit discontinued when the Department of Central Services' rules or state law have been violated or when the conditions set out in the reservation have been breached.
- (d) The Director of the Department of Central Services reserves the right to deny or restrict access to the State Capitol and the Plazas for any reason. The Director of the Department of Central Services also reserves the right to waive any of the rules contained in OAC 580:10-1 if such waiver is in the best interest of the state.

580:10-1-2. Definitions [REVOKED]

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Art exhibit" means an exhibit composed solely of paintings, sculptures, or other artistic media, not involving a gathering of people. All art exhibits must be approved by the State Capitol Preservation Commission and will be placed on the walls of the east and/or north galleries only. In the case of art that cannot be hung on the walls, tables and pedestals will be used in the east and/or north galleries only.

"Capitol" means the Oklahoma State Capitol Building.

"CPC" means the Oklahoma State Capitol Preservation Commission.

"Event" means an assembly or gathering of people for a single purpose. Such gatherings shall not exceed 24 hours in duration.

"Exhibit" means any display that does not involve a gathering of people, is not considered art work, and is free standing, leaving a clear aisle way of at least six (6) feet on either side and no more than two aisles.

"Plazas" mean the North Plaza, the South Plaza, and the West Plaza of the State Capitol Building only. These areas do not include the grounds or sidewalks adjacent to the North Plaza, the South Plaza, or the West Plaza

"Private purpose event or exhibit" means an assembly or gathering of people for a private purpose that is closed to the general public or requires admission fees or special admission requirements.

"Public area" means those areas in the Capitol open to the general public for general visitation.

"Public purpose event or exhibit" means an event that shall relate to a public purpose (i.e., events and exhibits sponsored by a state agency or a political subdivision shall be considered a public purpose).

580:10-1-3. Use of public areas of Capitol and Plazas [REVOKED]

The provisions contained in 580:10-1-3 outline the process for requesting the use of the public areas of the Capitol or the Plazas for exhibits, art exhibits and events. They also contain the rules pertaining to the use of the Capitol and the Plazas.

(1) **General Provisions.** The provisions in 580:10-1-3(1)(A) through (D) apply to all events, and to exhibits of ten (10) working days or less. Such events and exhibits require the prior written approval of the Department of Central Services.

(A) An application must be completed and received including a check for applicable fees by the Department of Central Services at least ten (10) working days prior to the date of the proposed event or exhibit.

(B) Requests must be received between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding official state holidays.

(C) Reservations may contain additional conditions and time limitations consistent with the rules in OAC 580:10-1 and state law.

(D) If a request for a reservation is denied, a letter will be sent to the requesting party indicating the reason(s) for the denial.

(2) **Provisions for events.** In addition to the provisions in 580:10-1-3(1), the provisions in 580:10-1-3(2) shall apply to events.

(A) The Department of Central Services reserves the right to limit the number of events in an area in one day and to restrict events so they will not occur concurrently. All events will be reserved on a first-come, first-served basis (see 580:10-1-4(d)(2) for exceptions).

(B) Reservations issued by the Department of Central Services authorize events to be held in the requested areas only.

(3) **Provisions for art and non-art exhibits.** The provisions in 580:10-1-3(3) shall apply to art and non-art exhibits.

(A) Approval for exhibits of more than ten (10) working days will be given by the CPC.

(B) Approval for all art exhibits will be given by the CPC.

(C) For information regarding the process for approval by the CPC for exhibits of more than ten (10)

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working days, and/or art exhibits, please contact the Department of Central Services.

(D) Aisle ways will be maintained as in the definition of "exhibit" in 580:10-1-2.

(4) **Rules for all events, exhibits and art exhibits.** The rules in 580:10-1-3(4) apply to all events, exhibits and art exhibits. They are intended for the safety of those visiting the Capitol as well as the safety of the employees in the building and its contents.

(A) No structures will be erected nor will any other miscellaneous paraphernalia be allowed anywhere inside the Capitol or on the Plazas during events unless prior approval has been obtained by the Department of Central Services

(B) No intoxicating beverage or substance will be consumed on state property (37 O.S. Section 8).

(C) Public areas of the Capitol and the Plazas will not be used for events or exhibits requiring the use of cooking or heating elements of any kind, with the exception of the Capitol Cafeteria and the snack bar.

(D) No materials of any kind will be placed on vehicles in any state parking lot in conjunction with any event or exhibit.

(E) All materials used in conjunction with any event or exhibit must be removed from the area immediately following the event or exhibit. Exceptions may be made by the Director of the Department of Central Services.

(F) All signs must be on hand sticks and will be used on the Plazas only. Signs or banners of any kind will not be allowed in the Capitol.

(G) No banners, signs, or any materials will be taped, tacked, nailed, hung, or otherwise placed in any manner on or in the Capitol or in any manner on the Plazas. This also includes, but is not limited to the walls, in elevators, and/or in rest rooms. Such material will be removed without notice.

(H) No entrance or exit to the Capitol will be blocked in any way.

(I) No individual shall congregate with another individual or individuals nor block or partition off either partially or completely any corridor, hallway, passageway, rotunda, or other public space in the Capitol or on the Plazas in a manner so as to unreasonably interfere with the passing or movement of any other individual through such public space or create any unreasonable risk to such works of art or other public property or occupants contained in the Capitol. For this reason, no events or exhibits are permitted in the corridors of the 3rd, 5th, or 6th floors of the Capitol.

(J) No merchandise will be sold, fees collected, or monetary donations accepted in the Capitol or on the Plazas nor will fund raising events in which money is collected in the Capitol or on the Plazas be permitted. Exceptions may be granted for certain state agencies and non-profit organizations that are selling goods to

promote the function of that agency or non-profit organization. Exceptions will be left to the discretion of the Director of the Department of Central Services.

(K) No event or exhibit will be scheduled for the purpose of promoting a profit making organization or individual for any reason. This includes displaying business cards and other means considered by the Department of Central Services to be promotional.

(L) Audio devices used at a decibel level that is disturbing or disruptive to the ongoing work of employees in the Capitol or on the Plazas will be adjusted accordingly if requested by the Department of Central Services.

(M) If any event or exhibit begins to pose a hazard, as determined by the Department of Central Services, to the participants, general public, building or contents of the building, it will be discontinued.

(N) Any electrical cords used for events or exhibits must be placed so they do not create a potential hazard to the public or employees that may be in the area. Electrical cords must be placed out of the flow of traffic or taped securely to the floor.

(O) Compressed gas cylinders will not be brought into the Capitol or on the Plazas without the prior approval of the Department of Central Services unless such cylinders are used by a state agency in connection with the official duties of that agency.

(P) Waste of any kind will not be allowed to accumulate in any area or in any manner so as to create a potential hazard to life or property. No confetti, balloons, rice, birdseed or other similar substances will be used in conjunction with any events or exhibits. Lit candles will not be used inside the Capitol for any reason.

(Q) Stairs will not be blocked for any reason except for janitorial purposes.

(R) All reservations for the Blue Room and the Governor's Art Gallery will be made through the Office of the Governor.

(S) The number of participants in the Blue Room and Governor's Art Gallery shall conform with the occupancy limits set forth by the State Fire Marshal.

(T) A refundable security deposit of Two Hundred Fifty Dollars (\$250.00) will be required before a reservation for the Blue Room or Governor's Art Gallery is confirmed. The security deposit will be returned after the event and after the Blue Room and the Governor's Art Gallery have been inspected for damages. If damages are found, the security deposit will be forfeited. Any damages in excess of the amount of the security deposit will be billed to the responsible party.

(U) No vehicles will be allowed to park on the North or South Plazas unless authorized by the Director of the Department of Central Services in the furtherance of a specific state purpose.

580:10-1-4. Public versus private purpose; conditions for private use [REVOKED]

(a) ~~Events and exhibits held in the State Capitol or on the Plazas shall relate to a public purpose. However, the use of the Capitol or the Plazas for a private purpose event or exhibit may be allowed but will be subject to the conditions in this section.~~

~~(1) The event/exhibit is subject to being preempted by a public purpose event, even if the private event was scheduled earlier;~~

~~(2) The event/exhibit shall be subject to the fee schedule below.~~

- ~~(A) Chair—\$1.00~~
- ~~(B) Table—\$6.00~~
- ~~(C) Table top Lectern/Microphone—\$10.00~~
- ~~(D) Large Sound System—\$30.00~~
- ~~(E) Floor Model Lectern—\$10.00~~
- ~~(F) Stage—\$30.00~~
- ~~(G) Easel—\$2.00~~

~~(b) The Department of Central Services will be the final authority in determining whether an event or exhibit may be scheduled and if it relates to a public or private purpose. The Office of the Governor shall be the final authority in determining whether an event or exhibit may be scheduled in the Blue Room or the Governor's Art Gallery and if it relates to a public or private purpose.~~

SUBCHAPTER 2. GENERAL PROVISIONS

580:10-2-1. Purpose

This Chapter provides information and establishes procedures for the Director of Central Services to administer the operations of all buildings owned, used or occupied by or on behalf of the state, the Capitol, Capitol plazas, and the State Capitol Park.

580:10-2-2. Definitions

The following words or terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Art" means fine art of museum quality representing the highest quality of art objects available to include paintings, graphic arts, art photography and sculpture, aesthetically aligned with recognized values, created by the conscious use of skill and creative imagination.

"Art exhibit" means an exhibit composed primarily of art.

"Capitol" means the State Capitol Building.

"Capitol Conference Center" means Room 104 of the Capitol.

"Commercial activity" means selling or offering merchandise, food or services for the benefit of an individual or business entity organized for profit.

"Concourse Theater" means Room C50 located in the concourse between the Will Rogers Building and the Sequoyah Building.

"CPC" means the State Capitol Preservation Commission.

"Demonstration" means a gathering of persons which may include demonstrating, picketing, speech making, marching, holding of vigils and other like forms of conduct which involve the communication or expression of views engaged in by one or more persons, the conduct of which has the effect, intent or propensity, to draw a crowd or onlookers.

"Department" means the Department of Central Services.

"Director" means the Director of Central Services.

"Event" means an assembly or gathering of people for a single purpose.

"Exhibit" means a display whether free standing or affixed to structures.

"Plaza" means the outdoor area adjacent to the Capitol under the authority of the Department of Central Services.

"Private purpose" means an event or exhibit subject to special admission requirements.

"Public area" means those portions of the Capitol for general visitation or use under the control of the Department of Central Services.

"Public purpose" means an event or exhibit for general visitation or use.

"Reservation" means an accommodation the Department approves and a sponsor secures in advance for an event, art exhibit, demonstration, exhibit or meeting.

"Sponsor" means an individual that requests use of a public area on behalf of an individual, group or state agency.

"State agency" means any state board, bureau, commission, department, authority, public trust, interstate commission, the Judiciary, the Legislature, or the Office of the Governor.

"State Capitol Park" or "park" means all portions of the State Capitol grounds and within such boundaries as are located in the State Capitol Complex, including the Governor's Mansion and all properties within the public right-of-way along Lincoln Boulevard north from the north boundary line of Northeast 13th Street to the south boundary line of Northeast 28th Street and along Business Route 66, known as Northeast 23rd Street, from the east edge of Santa Fe Street east to the west edge of Kelley Avenue in Oklahoma City, Oklahoma, as designated on the amended plat filed in the office of the Secretary of state as File Number 155 in the State Property Records. [74 O.S., §1811.4]

580:10-2-3. Statutory citations

Statutory citations refer to the most recent codification of statutes.

580:10-2-4. Forms

Forms or instructions will be developed for use by the public to facilitate requirements of this chapter. The Department shall provide forms upon request.

580:10-2-5. Waivers

The Director may waive any requirement of this chapter unless statutes mandate the requirement.

Emergency Adoptions

- (1) All requests for waivers shall be in writing and must include justification for the waiver request.
- (2) The Department shall respond in writing as to the approval, conditional approval, or denial of a waiver request.

SUBCHAPTER 5. USE OF PUBLIC AREAS OF CAPITOL AND PLAZAS

580:10-5-1. Purpose

The provisions of this Subchapter prescribe conditions and procedures for Capitol access and use of designated public areas of the Capitol or Plazas for exhibits, art exhibits and events to ensure the safety of persons visiting the Capitol, employees, the building and the building contents.

580:10-5-3. Use of public areas

(a) **Reservation requests.** All events, exhibits and art exhibits to be in the public areas of the Capitol or plazas, whether for a public or private purpose, require prior written approval of the Department.

(1) A sponsor shall submit an application for a reservation together with a check for any applicable fees (Reference 580:10-5-5) to the Department at least ten (10) working days but no more than six (6) months prior to the beginning date of the proposed event or exhibit. The application must be submitted during the Department's business hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays.

(2) The application shall specify the desired date, time period, public use area, a description of the event or exhibit. The Department may request additional information as determined necessary to facilitate the reservation.

(3) The Department may impose conditions and time limitations pursuant to the rules of this subchapter and state law.

(4) If the Department denies a request for a reservation, the Department will issue written notice to the requesting sponsor indicating the reasons for denial. Reservation requests which indicate that the sponsor may allow or encourage conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others shall not be approved by the Department.

(b) **Prioritization of reservations.** Except as otherwise provided, the Department shall issue approved reservations on a first-come, first-served basis and may limit the number of reservations in the public areas or plazas.

(c) **Reservation limitations.** Reservations authorize events only in the public areas or plazas specified in the approved application. Event participants shall not block or inhibit passage through the Capitol public areas or plaza common areas, side-walks, hallways, aisles or passageways.

580:10-5-4. Provisions for exhibits and art exhibits

(a) In addition to the approval requirements of 580:10-5-3, all art exhibits shall be approved by CPC prior to the date of the art exhibit.

(b) In addition to the approval requirements of 580:10-5-3, any exhibit which exceeds ten (10) working days shall be approved by CPC prior to the date of the exhibit.

(c) The Department provides information to a sponsor to seek CPC approval for exhibits and art exhibits upon request.

(d) Exhibits and art exhibits shall not block or inhibit passage through hallways, aisles or passageways.

580:10-5-5. Private purpose; conditions for use

The Department shall determine whether an event, exhibit or art exhibit in the Capitol or a plaza for a private purpose pertains primarily to a private purpose. Private purpose events are subject to the conditions in this subsection.

(1) The event, exhibit or art exhibit is subject to being preempted by a public purpose event, even if the private event was scheduled earlier; and

(2) Equipment may be available for use during an event, exhibit or art exhibit and shall be subject to the fee schedule below:

- (A) Chair - \$1.00
- (B) Table - \$6.00
- (C) Tabletop Lectern/Microphone - \$10.00
- (D) Large Sound System - \$30.00
- (E) Floor Model Lectern - \$10.00
- (F) Stage - \$30.00
- (G) Easel - \$2.00

580:10-5-6. Provisions for events, exhibits and art exhibits

(a) The following provisions apply to all events, exhibits or art exhibits:

(1) Sponsors shall confine events, exhibits and art exhibits to the public areas specified in the reservation and shall not relocate to, install, or erect additional paraphernalia in other areas of the Capitol or plazas unless the Department grants prior approval.

(2) No intoxicating beverage or substance will be dispensed or consumed on state property.

(3) Use of cooking or heating elements of any kind is prohibited.

(4) Placement of materials of any kind on structures, fixtures or vehicles in a state parking lot in conjunction with an event, exhibit or art exhibit is prohibited.

(5) Unless authorized in the reservation application, affixing banners, signs, or materials in any manner on or in the Capitol or plazas, or to an appurtenance of the Capitol or plaza is prohibited. The Department may remove and dispose of, or cause to be removed and disposed of, the signs or banners without notice.

(A) Plaza. Use of handheld signs and signs on hand sticks are allowed.

(B) Capitol. Unless authorized in a reservation, signs or banners of any kind are prohibited in the Capitol.

(6) No individual or group may restrict access to, from or within the Capitol or a plaza.

(7) No individual or group shall cause unreasonable risk to works of art, public property or persons within the Capitol or plaza.

(8) The Department prohibits commercial activity, collection of fees, solicitation of money, or fund raising events which solicit or collect money, in the Capitol or on a plaza. State agencies and non-profit organizations that sell goods to benefit or promote the function of the agency or non-profit organization may request an exemption from the Director.

(9) Events, exhibits or art exhibits for the purpose of promoting a profit making organization or individual are prohibited. Display of business cards or other means the Department considers promotional are prohibited.

(10) Use of audio devices may be restricted or altered to a decibel level which does not disturb or disrupt other persons in the Capitol or on a plaza.

(11) The Department may order or seek to cause cessation of an event, exhibit or art exhibit which may pose a hazard, as determined by the Department, to an individual, group, building, contents of the building, or building fixtures and appurtenances.

(12) A sponsor shall place electrical cords and cables used for events, exhibits or art exhibits so that the cords and cables limit potential hazard to persons in the area. Electrical cords and cables must be placed out of walkways unless secured to the floor.

(13) Compressed gas cylinders are prohibited for use in conjunction with an event, exhibit or art exhibit, unless specifically identified and approved in the reservation.

(14) Waste accumulation of any kind in any area or manner so as to create a potential hazard to health, safety or property is prohibited.

(15) Open flames (including candles), confetti, balloons, rice, birdseed or other similar substances in conjunction with events, exhibits or art exhibits are prohibited.

(b) Requirements at end of event, exhibit or art exhibit.
A sponsor shall remove all materials used in conjunction with or created by an event, exhibit or art exhibit immediately following the conclusion of the event, exhibit or art exhibit.

(c) Unauthorized events or activities.
Security personnel will be notified upon detection of unauthorized events or activities.

580:10-5-7. Governor's Art Gallery and Blue Room

(a) A sponsor that desires to use the Blue Room and the Governor's Art Gallery shall contact the Office of the Governor. The Governor's Office may approve or disapprove an event, exhibit or art exhibit.

(b) A sponsor shall state the number of persons the sponsor anticipates to attend the event on the reservation application. The Governor's Office shall limit the number of participants in

the Blue Room and Governor's Art Gallery to conform with the occupancy limits set by the State Fire Marshal.

(c) Upon approval of an event, exhibit or art exhibit by the Governor's Office, the sponsor shall pay a security deposit of Two Hundred Fifty Dollars (\$250.00) to the Governor's Office prior to the event, exhibit or art exhibit. If, upon inspection following the event, inspectors find no damages the Governor's Office will return the security deposit to the sponsor. If inspectors find damages, the sponsor shall forfeit the security deposit or a portion of the security deposit. The sponsor is responsible and shall be billed for any damages that exceed the security deposit amount.

580:10-5-8. Vehicles on plaza

Parking or driving vehicles on a plaza is strictly prohibited unless for a specific state purpose. Prior written authorization must be issued by the Director for the purpose.

SUBCHAPTER 7. USE OF STATE CAPITOL PARK

580:10-7-1. Purpose

The provisions of this Section prescribe conditions and procedures for the use of the public areas of the State Capitol Park for noncommercial demonstrations and events to ensure the safety of persons visiting the Park, employees, and preservation of the Park. For the purposes of this subchapter, the areas within the perimeter fence of the Governor's Mansion are not considered public areas.

580:10-7-2. Use of State Capitol Park

(a) Reservation requests.
All demonstrations and events to be on the State Capitol Park, whether for a public or private purpose, require prior written approval of the Department.

(1) A sponsor shall submit an application for a reservation together with a check for any applicable fees to the Department at least ten (10) working days prior to the beginning date of the proposed demonstration or event. The application must be submitted during the Department's business hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays.

(2) The application shall specify the desired date, time period, public use area, a description of the demonstration or event. The Department may request additional information as determined necessary to facilitate the reservation.

(3) The Department may impose conditions and time limitations pursuant to the rules of this subchapter and state law.

(4) Reservations for use of the Park are also subject to the provisions of 580:10-5-5.

(5) If the Department denies a request for a reservation, the Department will issue written notice to the requesting sponsor indicating the reasons for denial. Reservation requests which indicate that the sponsor may allow or encourage conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others shall not be approved by the Department.

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(b) **Prioritization of reservations.** Except as otherwise provided, the Department shall issue approved reservations on a first-come, first-served basis and may limit the number of reservations in the public use areas of the park.

(c) **Reservation limitations.** Reservations authorize demonstrations and events only in the public area and during the time period specified in the approved application.

580:10-7-3. Park use information

(a) **Conditions.** The provisions of this section shall apply to the use of the State Capitol Park, which includes all demonstrations or events approved by the Director pursuant to this Subchapter.

(1) Individuals may carry handheld signs, placards and banners. Affixing or securing signs, placards or banners to a building, fixture, tree or any other fixed structure is prohibited.

(2) Use of audio devices and musical instruments may be restricted or altered to a decibel level which does not disturb other persons.

(3) Digging, which includes driving stakes into the ground, is prohibited.

(4) Injuring, removing, molesting, burning or vandalizing botanical, paleontological, archaeological or historical features and structures is prohibited.

(5) Contained fires may be authorized based upon intended use and climatological conditions.

(6) Discharging or setting off fireworks is prohibited. The Department may authorize the use of fireworks during holidays and events based upon intended use and climatological conditions.

(7) Assembling, congregating or acting individually in such a way as to obstruct sidewalks, walkways, or entrances and exits to buildings is prohibited.

(8) Possession of firearms, explosives, clubs, missiles, chemicals, incendiary devices, or other like devices is prohibited.

(9) The placement, setting up or erection of tents, sleeping bags, bed rolls, or bedding of any kind for the purpose of camping or remaining overnight is prohibited.

(10) Throwing stones, bottles or other objects with the intent to injure another person or damage property is prohibited.

(11) Use of a motorized vehicle on sidewalks or grounds shall be restricted to emergency, maintenance, construction, development, or authorized building access purposes as determined by the Department.

(12) Burial of human or animal remains is prohibited.

(13) No intoxicating beverage or substance will be dispensed or consumed on state property.

(14) Waste accumulation of any kind in any area or manner so as to create a potential hazard to health, safety or property is prohibited.

(b) **Requirements at end of demonstration or event.** A sponsor shall remove all facilities, equipment, temporary structures and materials used in conjunction with or created by a demonstration or event immediately following the conclusion of the demonstration or event.

(c) **Unauthorized demonstrations and events.** Security personnel will be notified upon detection of unauthorized demonstrations or activities.

SUBCHAPTER 9. OPERATION OF BUILDINGS OWNED, USED OR OCCUPIED BY OR ON BEHALF OF THE STATE

PART 3. USE OF CAPITOL CONFERENCE CENTER AND THE CONCOURSE THEATER

580:10-9-8. Purpose

The provisions of this Part prescribe procedures and conditions for the use of the Capitol Conference Center and the Concourse Theater, designated by the Director as meeting rooms for public purposes.

580:10-9-9. Reservation of meeting rooms

(a) **Reservation.** Use of a meeting room by a state agency requires prior written approval of the Department.

(1) A state agency shall submit an application for a reservation to the Department.

(2) The application shall specify the desired date, time period and meeting room requested. The Department may request additional information determined necessary to facilitate the reservation.

(A) Use of audio visual devices, teleconferencing, voice or data outlets must be specified in a reservation request.

(B) Training to use audio visual devices or teleconferencing arrangements must be scheduled at least five (5) days prior to the approved reservation date.

(3) The Department may impose conditions and time limitations pursuant to the rules of this Part and state law.

(4) If the Department denies a request for a reservation, the Department will issue written notice to the requesting state agency indicating the reasons for denial.

(b) **Prioritization of meeting room reservations.** Except as otherwise provided, the Department shall issue approved reservations on a first-come, first-served basis and may limit the number of reservations for a meeting room.

(c) **Reservation limitations.** Reservations authorize meetings only in the specified meeting room during the specified time period.

(d) **Unauthorized meetings.** The Department may notify security personnel upon detection of unauthorized meetings.

580:10-9-10. Use of meeting rooms

(a) **Conditions.** The following conditions shall apply to the use of all meeting rooms reserved pursuant to this Part:

(1) The number of attendees shall not exceed the maximum room occupancy.

(2) Possession and consumption of food in meeting rooms is prohibited.

- (3) Possession and consumption of beverages in meeting rooms may be limited or prohibited.
- (4) Smoking in meeting rooms is prohibited.
- (5) Affixing, by any means, materials to walls or apertures in a meeting room is prohibited except as provided by specific meeting room information.
- (b) Meeting supplies. The reserving agency is responsible for providing all materials or supplies for use with equipment or devices in meeting rooms.
- (c) Requirements at end of meeting. Immediately following the conclusion of the meeting, the reserving state agency shall:
 - (1) Remove all materials used in conjunction with or created by the meeting;
 - (2) Deposit all waste in an appropriate container; and,
 - (3) Return tables and chairs to the standard configuration.
- (d) Damages. The Department shall bill the state agency reserving the meeting room for damage occurring to the room, furniture, fixtures or equipment during the reserved period of time.

[OAR Docket #02-1601; filed 12-13-02]
(format accepted 12-19-02)

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

[OAR Docket #02-1602]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 1. General Provisions
590:10-1-14. Compensation for retirement purposes [NEW]
Subchapter 7. Retirement Benefits
590:10-7-3. Longevity and other annual lump-sum payments [AMENDED]

AUTHORITY:
Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §901.

DATES:
Public hearing:
October 24, 2002

Adoption:
October 24, 2002

Approved by Governor:
December 11, 2002

Effective:
January 1, 2003

Expiration:
Effective through July 14, 2003, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
Promulgation of emergency rules necessary to implement House Bill 1660 and SB 1223 enacted during the 2002 regular legislative session.

ANALYSIS:
House Bill 1660 and SB 1223 each clarify the Board of Trustees' authority to define "compensation" for retirement purposes; and also grants rule-making

authority. The new rule under Subchapter 1 defines the term "compensation" as "salary" and "wages" generally. The rule provides specific examples of payments which are and are not compensation for retirement purposes. The rule provides that the employer is responsible for deducting retirement contributions appropriately. The amended rule in Subchapter 7 averages lump sum payments for the purpose of computing final average compensation.

CONTACT PERSON:
Lydia Lee, (405) 858-6737

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2003:

SUBCHAPTER 1. GENERAL PROVISIONS

590:10-1-14. Compensation for retirement purposes
(a) Compensation for retirement purposes, as determined by the Board of Trustees, shall be limited to salary and wages as follows:

- (1) "Salary" means a predetermined or fixed amount of cash remuneration that is made payable by the participating employer to the employee in exchange for services rendered personally by the employee for the participating employer but excluding any type of overtime payments paid to an employee for service rendered in excess of full-time;
- (2) "Wages" means cash remuneration, dependent upon the hours of work, that is made payable by the participating employer to the employee in exchange for services rendered personally by the employee for the participating employer excluding any type of overtime payments paid to an employee for service rendered in excess of full-time.

(b) Subject to the limitations contained elsewhere in the retirement act or in these rules, salary and wages include, by way of example and not by limitation, the following:

- (1) any longevity payments made to employees based upon a standardized plan which recognizes length of service to the employer.
- (2) pay differential which is paid to employees in return for special or hazardous shifts or in return for additional training or duties.
- (3) amounts deducted from the employee's paycheck for retirement and deferred compensation contributions.
- (4) pre-tax cafeteria purchases which are not funded by the employer or the employee's benefit allowance.
- (5) performance, skill, or mission critical based pay adjustments.

(c) Any payments made by an employer to an employee which do not meet the definition of salary or wages as set forth in subsection (a) of this rule are not to be considered compensation for retirement purposes, including but not limited to the following:

- (1) payments which are for reimbursement for expenses incurred by the employee.

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- (2) payments for maintenance or allowances, including, but not limited to, uniform allowances, clothing allowances, or housing allowances.
- (3) any payments or amounts made available to an employee for insurance benefits or benefits allowances, including any amounts paid directly to the employee.
- (4) illegal payments made to an employee by an employer.
- (5) payments made in error to an employee.
- (6) payments made by the employer for services rendered by the employee, which services are not part of the employee's job duties and responsibilities of his or her job position with the participating employer.
- (7) payments in the form of tips or commissions paid to an employee in the course of his or her employment.
- (8) payments made to other than the employee by the participating employer which are not deducted from the employee's paycheck.
- (9) workers compensation benefit payments.
- (10) any payments made by a participating employer to a non-employee, such as compensation to Board or Commission members.
- (11) payments made in anticipation of employment, such as signing bonuses.
- (12) any payments which are excluded from retirement compensation by law.
- (d) The provisions of this rule shall be effective for all compensation paid for service by an employee to the employer on or after January 1, 2003. It shall be the responsibility of the employer to ensure that the appropriate retirement contributions are deducted or paid correctly and in accordance with this rule.

SUBCHAPTER 7. RETIREMENT BENEFITS

590:10-7-3. Longevity and other annual lump-sum payments

(a) Only three (3) highest annual longevity payments will be added into the sum of three years of salary (thirty-six months) used in computing the final average compensation. If a retiring member is scheduled to receive a prorated longevity payment at or near the effective date of retirement, the prorated longevity payments will be used only in the amount actually paid and if it is one of the three highest longevity payments. ~~The final average salary shall not be reduced if the annual longevity payment causes any one month's salary to exceed the maximum monthly compensation level, provided the annual salary including longevity does not exceed the maximum compensation level.~~

(b) Lump-sum annual payments that are included as compensation for retirement purposes, shall be averaged over the previous twelve (12) months of salary immediately preceding the month of payment for use in computing the final average compensation. These lump-sum payments include those which

are paid on an annual basis at the discretion of the employer such as performance or skill based pay adjustments.

[OAR Docket #02-1602; filed 12-13-02]
(format accepted 12-19-02)

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #02-1605]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 17. Oklahoma Taxable Income for Corporations
Part 5. Determination of Taxable Corporate Income
710:50-17-51. Adjustments to arrive at Oklahoma Taxable income for corporations [AMENDED]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

DATES:

Adoption:

October 24, 2002 (Commission Order No. 2002-10-24-010)

Approved by Governor:

December 10, 2002

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A compelling public interest was determined to exist in that Senate Bill 1415 became effective July 1, 2002, and must be implemented timely for the upcoming Income Tax filing season if taxpayers and tax preparers are to be able to comply with the new law.

ANALYSIS:

The amendment implements 68 O.S. § 2358.6, a new section of law which prescribes the method by which corporations that claim federal "bonus depreciation" under the "Job Creation and Workers Assistance Act of 2002" must treat that allowance for Oklahoma Income Tax purposes. The new law requires an "add-back" of eighty percent (80%) of the amount claimed for federal purposes, and then permits that the remaining bonus allowance to be claimed in twenty-five percent (25%) increments over the following four years.

CONTACT PERSON:

Carolyn Swifthurst, Tax Policy Analyst, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, 405-521-3133.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S. SECTION 253(D):

SUBCHAPTER 17. OKLAHOMA TAXABLE INCOME FOR CORPORATIONS

PART 5. DETERMINATION OF TAXABLE CORPORATE INCOME

710:50-17-51. Adjustments to arrive at Oklahoma taxable income for corporations

The following is a partial list and not inclusive of all the allowable and unallowable adjustments that may be made to Federal taxable income to arrive at Oklahoma taxable income for corporations: [See: 68 O.S. §2358]

(1) **Taxes based on income.** [See: 68 O.S. §2358(A)(5)]

(A) Taxes based on or measured by income shall not be allowed as a deduction.

(B) Type of taxes that are based on or measured by income are:

- (i) State and Local Income Taxes,
- (ii) Foreign Income Taxes, and
- (iii) some Franchise Taxes that are based on or measured by income.

(2) **Federal income taxes.** Federal Income Taxes are not deductible.

(3) **Federal loss carryback/carryforward.** A Federal net operating loss carryover or carryback will not be utilized in determining Oklahoma taxable income. For the allowance of Oklahoma Net Operating Loss deduction refer to (4) of this Section.

(4) **Oklahoma net operating loss carryback/carryover.** An election may be made to forego the Net Operating Loss (NOL) carryback period. A written statement of the election must be part of the timely filed Oklahoma loss year return.

(A) **Oklahoma net operating loss.** [See: 68 O.S. §2358(A)(3)]

(i) An Oklahoma Net Operating Loss (NOL) may be carried back or over in accordance with 26 U.S.C.A. §172 until December 31, 1992. However, no Oklahoma NOL can be carried back to years beginning before January 1, 1981 unless there is a Federal NOL carryback from the same loss year to the same carryback year.

(I) For net operating losses incurred for the years beginning after December 31, 1992, and before December 31, 1993, the loss **carryback** shall be for a period of three (3) years;

(II) For net operating losses incurred for tax years beginning after December 31, 1993, and before December 31, 1994, the loss **carryback** shall be for a period of two (2) years;

(III) For net operating losses incurred for tax years beginning after December 31, 1994, and before December 31, 1995, the loss **carryback** shall be for a period of one (1) year;

(IV) For net operating losses incurred for tax years beginning after December 31, 1995, and before January 1, 2001, no loss **carryback** shall be allowed; and

(V) For net operating losses incurred for tax years beginning on or after January 1, 2001, the loss **carryback** shall be for a period as allowed in the Internal Revenue Code.

(ii) Any Oklahoma Net Operating Loss (NOL) carryback not allowed, due to no Federal loss carryback to the same year, may still be carried back to the years beginning after December 31, 1980, or carried over until utilized, without regard to a Federal loss.

(B) **Oklahoma net operating loss computation for carryback to years beginning before January 1, 1981.** The following shall apply to Oklahoma net operating loss before January 1, 1981:

(i) Consolidated federal filing: In the loss year, the percentage of the Oklahoma loss to all loss companies in the consolidation. (If no consolidated loss, there is no NOL allowable.)

(ii) Separate company federal filing: In the loss year, the percentage of the Oklahoma loss to Federal loss. (If no Federal loss, there is no NOL allowable.) This percentage is then applied to the Federal NOL (each loss year separately) when it is taken (absorbed) on the filed Federal Return. The Oklahoma NOL can be used in the same Oklahoma year it is used on the filed Federal Return year.

(5) **Oklahoma accrued income tax.** Oklahoma will allow a deduction for Oklahoma Accrued Income Tax. The Oklahoma Accrued Income Tax is computed by dividing Oklahoma Net Income by the number 21 (twenty-one) for tax years beginning after December 31, 1984, and the number 26 (twenty-six) for tax years beginning before January 1, 1985. For tax years beginning after December 31, 1989, the number 17.6667 shall be used. There is no deduction for Oklahoma Accrued Income Tax when Oklahoma Net Income is a loss. [See: 68 O.S. §2358(A)(5)] When credits are allowed, the accrual of Oklahoma tax will not be allowed on the amount of Oklahoma taxable income that is covered by the credit. Tax accrual is allowed on the amount of income for which tax is actually paid. The example in Appendix A of this Chapter shows how the accrual should be calculated. A schedule such as the example should be attached and submitted with Form 512.

(6) **Expenses allocated to nontaxable income.** 68 O.S. §2358(A)(4) provides that deductions should be allocated to assets that may produce nontaxable income. When a corporation has an investment in subsidiaries, other corporation's bonds, U.S. Obligations or other types of securities that produce income which is excluded from Oklahoma income, an adjustment is required. The expense adjustment is used to more clearly reflect true income. The manner in which this adjustment is made is as follows: A fraction, or percentage, is computed by dividing the average of investment in assets, the income from which is nontaxable by the average of total assets. This result is then applied to certain expenses claimed on the return. Generally, interest expense is the only expense against which this result is applied. However, facts and circumstances may indicate that other expenses should be considered in this allocation. This adjustment will be considered in all cases where deemed appropriate. [See: 68 O.S. §2358(A)(4)]

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- (7) **Interest income.**
- (A) **U. S. obligations.** Interest income from U.S. obligations are excluded from Federal taxable income to arrive at Oklahoma taxable income. Interest income received from FNMA, GNMA, or the Internal Revenue Service is not income from an obligation of the U.S. government and cannot be excluded to arrive at Oklahoma taxable income.
- (B) **Other interest income.**
- (i) Interest income is to be directly allocated to the domiciliary situs of the taxpayer; except that interest income received from accounts receivable income shall be included in apportionable income.
- (ii) There shall be added to Oklahoma taxable income, interest income on obligations of any state or political subdivision thereof which is not otherwise exempted pursuant to Federal laws or laws of this State, to the extent said interest is not included in federal taxable income or adjusted gross income.
- (8) **Dividends.** Dividends are to be allocated to the domiciliary situs of the taxpayer. [See: 68 O.S. §2358(A)(4)(b)]
- (9) **Domestic International Sales Corporation (DISC) and Foreign Sales Corporation (FSC) Commission Expense.** Expenses incurred in producing DISC and FSC Dividend income shall be allocated on the same basis as the DISC and FSC Dividend income. [See: 68 O.S. §2358(A)(4)]
- (10) **Net oil and gas income.** Income or loss from oil and mining production or royalties, and gains or losses from sales of such property, shall be allocated in accordance with the situs of such property. General and administrative expenses will be allocated on the basis of Oklahoma direct expense to total direct expense. [See: 68 O.S. §2358(A)(4)(a)]
- (11) **Oklahoma 22% depletion.** Oklahoma depletion on oil and gas may be computed at twenty-two percent (22%) of gross income derived from each Oklahoma property during the taxable year.
- (A) For tax years beginning January 1, 1997, and prior to December 31, 1999, and for tax years beginning on or after January 1, 2001, and ending on or before December 31, 2004, major oil companies, as defined by 52 O.S. §288.2(4), shall be limited to fifty (50%) of net income for such property (computed without allowance for depletion).
- (B) During years not specified herein, the Oklahoma depletion allowance, for all taxpayers, shall not exceed fifty (50%) of the net income of the taxpayer (computed without allowance for depletion) from the property.
- (C) The percentage depletion calculated shall not be a duplication of the depletion allowed on the Federal Income Tax Return. [See: 68 O.S. §2353(10)]
- (12) **Net rental income and safe harbor leasing.** The following provisions apply to the treatment of net rental income and safe harbor leasing:
- (A) Net Rental Income is separately allocated. [See: 68 O.S. §2358(A)(4)]
- (B) A schedule of Net Rental Income is required to be filed with the return showing gross income and all expenses (depreciation, repairs, taxes, interest, general and administrative expense, etc.).
- (13) **Royalties; patents; copyrights.** [See: 68 O.S. §2358(A)(5)]
- (A) Income from patent or copyright royalties is apportionable.
- (B) Income from which expenses have been deducted in producing such patent or copyright royalties in arriving at apportionable income (including the purchase of such patent or copyright royalties) shall be apportionable.
- (14) **Capital gains or loss - 4797 gains or loss.**
- (A) Gains (losses) from the sale or other disposition of unitary assets or any other assets used in the unitary enterprise are apportionable. [See: 68 O.S. §2358(A)(5)]
- (B) Gains (losses) from sale of property, the income from which is separately allocated shall also be separately allocated.
- (15) **Partnership income or loss from corporate partners.**
- (A) Partnership income or loss shall be separately allocated. [See: 68 O.S. §2358(A)(4)]
- (B) The Oklahoma distributive share of partnership income as determined under 68 O.S. §2358 and 68 O.S. §2362 shall be allocated to Oklahoma.
- (16) **Overhead allocation.** The Commission may adjust or allocate overhead expenses to or from a parent or subsidiary, or between divisions in order to more accurately reflect the overhead expenses. [See: 68 O.S. §2366]
- (17) **Federal new jobs credit deduction.** For tax years beginning after December 31, 1980, the Federal New Jobs deduction is disallowed due to Oklahoma's own Investment/New Jobs Credit.
- (18) **Deductions related to directly allocated income/loss.** Deductions incurred in producing income of a nonunitary nature shall be allocated on the same basis as the income. (Examples: Liquidation of subsidiaries, worthless stock loss, bad debts due subsidiaries on sale of stock, etc.) [See: 68 O.S. §2358(A)(4)]
- (19) **Intercompany eliminations.** There are no provisions to allow intercompany eliminations in computing the income of each company filing an Oklahoma Consolidated Return.
- (20) **Other income.** Generally, other income, unless it is separately allocable under 68 O.S. §2358(A)(4) is apportionable. [See: 68 O.S. §2358(A)(5)]
- (21) **Add-back of federal bonus depreciation for Oklahoma Income Tax purposes.** Generally, corporations claiming the federal bonus depreciation (as allowed under provisions of the federal *Job Creation and Workers Assistance Act of 2002*) are required to add back a portion of

the bonus depreciation and then claim it in later years for Oklahoma Income Tax purposes.

(A) Corporations filing Oklahoma Income Tax Returns will have to add back eighty percent (80%) of any bonus depreciation claimed under provisions of the federal *Job Creation and Workers Assistance Act of 2002*. Any amount added back can be claimed in later years. Twenty-five percent (25%) of the amount of bonus depreciation added back may be subtracted in the first taxable year beginning after the bonus depreciation was added back, and twenty-five percent (25%) of the bonus depreciation added back may be deducted in each of the next three succeeding taxable years.

(B) The provisions relating to the add-back of the federal bonus depreciation apply only to C-Corporations and are not applicable to corporations which have elected to be treated as Subchapter S Corporations pursuant to 26 U.S.C. § 1361 et seq. of the Internal Revenue Code, nor to Limited Liability Companies.

*[OAR Docket #02-1605; filed 12-16-02]
(format accepted 12-19-02)*

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2002-16.

EXECUTIVE ORDER 2002-16

I, Frank Keating, Governor of the State of Oklahoma, hereby direct that appropriate steps be taken to fly all American and Oklahoma flags on State property at half staff from 8:00 a.m., Saturday, December 21, 2002 until 8:00 a.m., Monday, December 23, 2002, to honor Senator Dwight Leonard, who died on Tuesday, December 17, 2002.

Dwight Leonard, a long-time Beaver Lawyer, rancher and farmer, died one month before his 96th birthday. He was born on the family homestead near Beaver, Oklahoma Territory, on January 20, 1907, ten months before Oklahoma became a state. Leonard's long and productive life in Beaver was devoted to public service, the practice of law and his greatest love of all, farming and ranching.

Dwight Leonard served in the Oklahoma State Senate from 1942 to 1950 where he represented the district comprised of Cimarron, Texas, Beaver and Harper counties. While in the Senate, he served on the Appropriations and Revenue and Taxation Committees, authored the Oklahoma Brand Registration Act, and obtained funds for paving State Highway 3 through the Oklahoma Panhandle and for building new dormitories

at Panhandle State University. In May 2001, Leonard was honored by Governor Keating and the Oklahoma State Senate for his accomplishments and for being the oldest living former or present member of the Senate. Leonard embodied the traits of integrity, devotion to family and pride in one's work that characterized the pioneers who settled Oklahoma.

This Executive Order shall be forwarded to the Director of the Department of Central Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 20 day of December, 2002.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Frank Keating

ATTEST:
Kay Dudley
SECRETARY OF STATE

[OAR Docket #02-1652; filed 12-20-02]

Local Projects

Executive Order 95-26 requires executive agencies to "announce the availability of contracts for local project funds by publication in the *Oklahoma Register* at least one month prior to the deadline for applications for such contracts" [EO 95-26 (5)].

A "local project funding contract" is defined as "an agreement between a state agency and either a local government or private entity, or both, in which the state agency agrees to provide funding to the local government or private entity who agrees to accomplish a public purpose. In addition, the direct benefits of such a contract accrue primarily to the local population rather than the state as a whole.... Local project funding contracts do not include contracts subject to state competitive bidding requirements." [EO 95-26 (1)].

For additional information on local projects, see Executive Order 95-26 and Attorney General Opinion 87-100.

OKLAHOMA DEPARTMENT OF LIBRARIES Local Project Funding Contract Announcement

[OAR Docket #02-1642]

DESCRIPTION OF PROJECT: CONTINUING EDUCATION GRANT

Grants to public libraries for continuing education for staff members who hold Oklahoma public library certification and meet other eligibility criteria. Staff members will attend continuing education events related to their work that are held outside of their own library or library system.

FUNDS AVAILABLE:

Federal funds (Library Services & Technology Act from the Institute of Museum and Library Services) totaling \$20,000. Public libraries and public library systems may apply for \$500 grants for up to 4 staff members meeting eligibility criteria.

ELIGIBILITY:

Public libraries may apply for \$500 grants for one, two, three, or four staff members. No awards of more than \$2000 will be made to any public library or public library system. Eligible staff members hold current Oklahoma public library certification, are employed by the applicant public library or public library system, received salary of less than \$35,000 in 2001 and 2002, and have not already received a total of three continuing (conference) education grants in prior years. Public libraries and public library systems must be eligible for state aid in FY03.

CRITERIA FOR AWARD:

The Department will award grants to libraries for 40 certified, eligible public library staff members. If the number of applications exceeds the available funds, grants will be awarded based on the applying library's local income per capita reported on Annual Reports filed with ODL by September 30, 2002. Applications will be ranked by ascending order of local income per capita (lower local income per capita ranked higher).

AUTHORITY:

Public Law 98-480 as amended and LSTA 5-year plan as approved by Institute of Museum and Libraries Services and associated FY03 LSTA annual program as approved by the board of the Oklahoma Department of Libraries.

APPLICATION DEADLINE:

February 17, 2003

CONTACT PERSON:

Virginia Dietrich, Continuing Education Specialist
Office of Library Development, Oklahoma Dept. of
Libraries

200 NE 18th St.

Oklahoma City, OK 73105

405/522-3315 or 1-800-522-8116

gdietch@oltn.odl.state.ok.us

[OAR Docket #02-1642; filed 12-19-02]
