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

*[OAR Docket #03-3331]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 15. Pesticides [REVOKED]

### **SUMMARY:**

The proposed rulemaking will revoke all of Subchapter 15. The contents of Subchapter 15 have been revised and exist in other subchapters and subsections. This rulemaking deletes unnecessary and duplicative rules.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), 2-4(29), and 3-81 et. seq.

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Bill Taylor at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 2, 2004 to February 3, 2004.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., February 3, 2004, in the Plant Industry conference room, located on the second floor 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 Cathy Clinton, Legal Services Division, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or at [www.oda.state.ok.us](http://www.oda.state.ok.us) under Hearings.

### **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, [billt@oda.state.ok.us](mailto:billt@oda.state.ok.us)

*[OAR Docket #03-3331; filed 12-4-03]*

## TITLE 175. STATE BOARD OF COSMETOLOGY CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #03-3332]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Board Structure and Agency Administration

175:1-3-1. [AMENDED]

175:1-3-2. [AMENDED]

Subchapter 5. Rules of Practice

175:1-5-1. [AMENDED]

175:1-5-4. [AMENDED]

175:1-5-5. [AMENDED]

175:1-5-6. [AMENDED]

175:1-5-7. [AMENDED]

175:1-5-9. [AMENDED]

175:1-5-10. [AMENDED]

175:1-5-11. [REVOKED]

175:1-5-13. [AMENDED]

Subchapter 7. Board Records and Forms

175:1-7-2. [AMENDED]

175:1-7-3. [AMENDED]

### **SUMMARY:**

The proposed amendments provide for general clean-up of the rules and clarification of current Board policy and procedures. It moves specific subsections of rules to where they more appropriately fit the subject matter.

### **AUTHORITY:**

59 O.S., 1991, § 199.3 (A); State Board of Cosmetology

### **COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on February 9, 2004. Comments may be submitted to Betty Moore, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma 73107. The comment period is from December 19, 2003 to February 9, 2004.

### **PUBLIC HEARING:**

A public hearing has been scheduled for Monday, February 9, 2004 at 9:00 a.m. in Shephard Mall, 2401 NW 23<sup>rd</sup> Street, Suite 65, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

# Notices of Rulemaking Intent

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## 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 Betty Moore at the above address during the period from December 19, 2003 to February 8, 2004. The Board is not aware of any business entities affected by these proposed rules.

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma. Copies may be obtained by written request mailed to the attention of Betty Moore, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma 731007.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 19, 2003.

## CONTACT PERSONS:

Betty Moore, Executive Director (405) 521-2441, Jennifer McRee, Principal Assistant (405) 521-2441.

*[OAR Docket #03-3332; filed 12-5-03]*

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## TITLE 175. STATE BOARD OF COSMETOLOGY CHAPTER 10. LICENSURE OF COSMETOLOGISTS, SCHOOLS AND RELATED ESTABLISHMENTS

*[OAR Docket #03-3334]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. Licensure of Cosmetology Schools

Part 1. Initial School Licensing

175:10-3-1. [AMENDED]

175:10-3-2. [AMENDED]

175:10-3-3. [AMENDED]

175:10-3-5. [AMENDED]

Part 3. Student Registration and Entrance Requirements

175:10-3-15. [REVOKED]

175:10-3-16. [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-30. [AMENDED]

175:10-3-31. [AMENDED]

175:10-3-32. [REVOKED]

175:10-3-34. [AMENDED]

175:10-3-37. [AMENDED]

175:10-3-38. [AMENDED]

175:10-3-39. [AMENDED]

175:10-3-40. [AMENDED]

175:10-3-42. [AMENDED]

175:10-3-44. [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-51. [AMENDED]

175:10-3-52. [AMENDED]

175:10-3-53. [AMENDED]

175:10-3-55. [AMENDED]

175:10-3-56. [AMENDED]

175:10-3-60. [AMENDED]

175:10-3-61. [AMENDED]

175:10-3-62. [AMENDED]

175:10-3-63. [AMENDED]

175:10-3-64. [AMENDED]

175:10-3-67. [AMENDED]

175:10-3-69. [REVOKED]

175:10-3-70. [REVOKED]

175:10-3-71. [AMENDED]

175:10-3-72. [REVOKED]

175:10-3-73. [AMENDED]

175:10-3-75. [AMENDED]

175:10-3-77. [AMENDED]

175:10-3-78. [AMENDED]

Subchapter 5. Licensure of Cosmetology Establishments

175:10-5-1. [AMENDED]

175:10-5-2. [AMENDED]

175:10-5-4. [NEW]

Subchapter 7. Sanitation and Safety Standards for Cosmetology Establishments, Salons and Schools

175:10-7-1. [AMENDED]

175:10-7-3. [AMENDED]

175:10-7-4. [AMENDED]

175:10-7-5. [AMENDED]

175:10-7-6. [AMENDED]

175:10-7-7. [AMENDED]

175:10-7-9. [REVOKED]

175:10-7-10. [REVOKED]

175:10-7-11. [AMENDED]

175:10-7-12. [AMENDED]

175:10-7-13. [AMENDED]

175:10-7-14. [AMENDED]

175:10-7-15. [AMENDED]

175:10-7-17. [AMENDED]

175:10-7-18. [AMENDED]

175:10-7-19. [AMENDED]

175:10-7-20. [AMENDED]

175:10-7-21. [REVOKED]

175:10-7-24. [REVOKED]

175:10-7-25. [AMENDED]

Subchapter 9. Licensure of Cosmetologists and Related Occupations

Part 1. Apprenticeship

175:10-9-1. [AMENDED]

175:10-9-2. [AMENDED]

175:10-9-3. [AMENDED]

175:10-9-4. [AMENDED]

175:10-9-5. [AMENDED]

- 175:10-9-6. [REVOKED]
- 175:10-9-7. [AMENDED]
- Part 3. State Board Examination
- 175:10-9-25. [AMENDED]
- 175:10-9-26. [AMENDED]
- 175:10-9-27. [REVOKED]
- 175:10-9-28. [AMENDED]
- 175:10-9-29. [AMENDED]
- 175:10-9-30. [AMENDED]
- 175:10-9-31. [AMENDED]
- 175:10-9-32. [AMENDED]
- 175:10-9-33. [AMENDED]
- Part 5. Demonstrators; Cosmetic Studios; Trade Shows; Guest Artists; Wig Dressing
- 175:10-9-50. [AMENDED]
- 175:10-9-52. [AMENDED]
- 175:10-9-53. [AMENDED]
- 175:10-9-54. [AMENDED]
- Subchapter 11. License Renewal, Fees and Penalties
- 175:10-11-1. [AMENDED]
- 175:10-11-2. [AMENDED]
- Subchapter 13. Reciprocal and Crossover Licensing
- 175:10-13-1. [AMENDED]
- 175:10-13-2. [AMENDED]
- Subchapter 15. Inspections, Violations and Enforcement
- 175:20-15-1. [AMENDED]
- 175:10-15-2. [AMENDED]
- 175:10-15-4. [REVOKED]
- Subchapter 17. Emergency Cosmetology Service
- 175:10-17-1. [AMENDED]
- 175:10-17-2. [REVOKED]

**SUMMARY:**

The Board is proposing rules as deemed appropriate and necessary to further the purposes of the Cosmetology Act. House Bill 1150 was passed during the 2003 legislative session and became effective November 1, 2003. The proposed changes in rules implement House Bill 1150 which provides for conversion of clock hours to credit hours in cosmetology courses taught in Oklahoma cosmetology schools. The amendments also provide for general clean-up of the rules and clarification of current Board policy and procedures. It moves specific sub-sections of rules to where they more appropriately fit the subject matter.

**AUTHORITY:**

59 O.S. § Section 199.3 (A); State Board of Cosmetology

**COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on February 9, 2004. Comments may be submitted to Betty Moore, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma 73107. The comment period is from December 19, 2003 to February 9, 2003.

**PUBLIC HEARING:**

A public hearing has been scheduled for Monday, February 9, 2004 at 9:00 a.m. in Shephard Mall, 2401 NW 23<sup>rd</sup> Street,

Suite 65, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The only known business entity affected by these rules are cosmetology schools. There may be some direct and indirect costs to implement a credit hour program but it is anticipated that the costs will be minimal compared to the revenue that will be generated through tuition fees collected for the teaching of these courses. Cosmetology schools in the state of Oklahoma affected by these proposed rules are requested to provide the agency during the period from December 19, 2003 to February 8, 2004. The Board is not aware of any other business entity affected by these proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma. Copies may be obtained by written request mailed to the attention of Betty Moore, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 15, 2003.

**CONTACT PERSONS:**

Betty Moore, Executive Director (405) 521-2441 and Jennifer McRee, Principal Assistant (405) 521-2441.

*[OAR Docket #03-3334; filed 12-5-03]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 1. STATE BOARD OF EDUCATION**

*[OAR Docket #03-3323]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Due Process

210:1-5-6. [AMENDED]

**SUMMARY:**

The proposed change will allow the Board Chairperson to designate a person to sign verification on Complaints for certificate revocation when the Chairperson is not immediately available. There has been an increase in the number of Complaints for certificate revocations over the last several years and, as a result, more Complaints are presented to the Board. The change is needed due to the increased numbers of Complaints, which must be filed and presented to the Board and to streamline the process to avoid possible delay.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

# Notices of Rulemaking Intent

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## COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2004 at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

## PUBLIC HEARING:

A public hearing will be held at 9 a.m. on Thursday, February 19, 2004 at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 11:05 a.m.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

## COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## RULE IMPACT STATEMENT:

A Rule Impact Statement for the amendments has been prepared, as required by law, and is available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## CONTACT PERSON:

Valerie Payne, 405-521-3308

*[OAR Docket #03-3323; filed 12-4-03]*

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## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 265. HEARING AID DEALERS AND FITTERS-REGULATIONS

*[OAR Docket #03-3348]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions

310:265-1-2. [AMENDED]

310:265-1-3. [AMENDED]

Subchapter 3. Examinations

310:265-3-1. [AMENDED]

Subchapter 5. License Requirements

310:265-5-3. [AMENDED]

310:265-5-4. [AMENDED]

310:265-5-6. [AMENDED]

Subchapter 7. Regulatory Enforcement

310:265-7-1. [AMENDED]

310:265-7-2. [AMENDED]

310:265-7-3. [NEW]

## SUMMARY:

Proposed revisions require sound levels to be measured and recorded on the sales agreement for hearing testing conducted outside the registered place of business and if the testing environment exceeds 45dB, the testing shall be considered hearing screening. Proposed language defines hearing screening. Proposed revisions further define the practice of fitting and dealing in hearing aids and establish a 30-day refund policy. Amended language states nothing shall restrict a person licensed by this state as an audiologist or physician from practicing the profession for which licensed. Language is proposed to limit a person from taking any portion of the state examination more than three (3) times. Amended language requires licensed persons to notify the Commissioner in writing of each business address where the licensee engages in the fitting of hearing aids. Proposed language requires hearing aid dealers and fitters to provide the purchaser with a written receipt or contract containing the information in the Consumer Protection Act regarding the purchaser's right to cancel the hearing aid purchase within 30 days. Proposed language requires that the hearing aid provider's receipt, or an attachment to the receipt, include questions regarding the client's history. Language has been amended to increase the number of continuing education hours from eight hours to ten clock hours, effective January 30, 2005. Language has been added to include license revocation or suspension for conviction of a felony; for misrepresenting any material fact or claiming the services performed or materials used are superior to that which is ordinarily performed or used in the business unless such claims can be documented; the name of the business is not clearly advertised as a hearing aid business; including an educational degree after the hearing aid dealer or fitter's name that does not qualify the degree as to its field or includes the title "Dr." where the degree is a non-medical doctorate and the advertisement does not disclose that fact; including any type of certification designation after a hearing aid dealer and fitter's name that does not indicate the meaning of the certification designation; advertising an offered or sale price without the make and model of the hearing aid, the price of the added features, the price of any additional testing or fitting fees, and the manufacturer's suggested retail price and discounted price; advertising a special promotional offer without providing the details of the offer in the advertisement; and failing to provide information in response to a written request made by the department within 30 days. Language has been added against selling a hearing instrument to a person under 18 years of age unless the licensee receives a medical evaluation signed by a board certified otolaryngologist stating the client may be considered a candidate for a hearing instrument (a licensed physician may provide the medical evaluation if a licensed otolaryngologist is not available within 100 miles of the person's residence). Language has been added stating a licensed audiologist should perform the evaluation and rehabilitation. Language has been added stating an Oklahoma licensed hearing aid dealer and fitter shall not infer directly or indirectly in advertisement or written material that

the dealer and fitter is licensed as a physician or audiologist or performs diagnostic procedures to determine the cause of a hearing impairment. Proposed language provides a complaint procedure for filing and investigating a complaint, and for disciplinary action by the Department.

**AUTHORITY:**

Oklahoma State Board of Health; 59 O.S. 2001, Section 858-621 et seq.

**COMMENT PERIOD:**

January 2, 2004 through February 12, 2004. Interested persons may informally discuss the proposed rules with Consumer Health Services staff; or before February 12, 2004, may submit written comments to Rocky McElvany, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004, may send electronic mail to rockym@health.state.ok.us or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, February 12, 2004 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

**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 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 before February 12, 2004, to Rocky McElvany, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004 may send electronic mail to rockym@health.state.ok.us

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or by electronic mail request to rockym@health.state.ok.us

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Rocky McElvany, Chief, Consumer Health Services, (405) 271-5243.

*[OAR Docket #03-3348; filed 12-9-03]*

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 285. LODGING ESTABLISHMENTS**

*[OAR Docket #03-3349]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Facility Maintenance  
310:285-3-14. [AMENDED]

**SUMMARY:**

The proposal amends Subchapter 3 of the present Lodging Establishment Regulations in order to add bulk gravy and waffle mixes to the Continental Breakfast served in lodging facilities. The changes require a two-compartment sink be provided and a handwashing sink be provided in the preparation area with sanitizing soap and towels, where bulk gravy and waffle mixes are being prepared. Currently, the preparation of food is being served without proper physical equipment for personal hygiene to protect the consumer. Newly constructed establishments will have to comply with the proposed language, but facilities that are currently providing food in OAC 310:285-3-14 (b)(1) and (2) must comply with a handwashing sink and two-compartment sink within 24 months of adoption of this rule revision. The intent is to maintain public protection from foodborne illness in lodging facilities. The changes involve clarification of language and modification to regulations. The substantiveness is: if food service is provided at a lodging establishment and bulk gravy and waffle mixes are being served, then handwashing sinks and two-compartment sinks shall be required to be accessible and properly designed to prevent cross-contamination. Equipment is limited to a two-compartment sink and hand sink. Any other type of food service in a lodging establishment shall meet the requirements of Chapter 256 of the Food Service Establishment Regulations.

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-1201.

**COMMENT PERIOD:**

January 2, 2004, through, February 12, 2004. Interested persons may discuss informally the proposed rules with Protective Health Services staff; or before February 12, 2004, may submit written comment to Ted Evans, Director, Consumer Protection Division, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004, may send electronic mail to tede@health.state.ok.us or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, February 12, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

## Notices of Rulemaking Intent

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### 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 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 before February 12, 2004, to Ted Evans, Director, Consumer Protection Division, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004, may send electronic mail to [tede@health.state.ok.us](mailto:tede@health.state.ok.us)

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Consumer Health Services of Protective Health Services at the Oklahoma State Department of Health, 1000 Northeast 10<sup>th</sup> Street, Oklahoma City, OK 73117-1299.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available for review at the Consumer Health Services of Protective Health Services at the Oklahoma State Department of Health, 1000 Northeast 10<sup>th</sup> Street, Oklahoma City, OK 73117-1299.

### CONTACT PERSON:

Ted Evans, Director, Consumer Protection Division, Consumer Health Services, (405) 271-5243

*[OAR Docket #03-3349; filed 12-9-03]*

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### TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 546. FEE SCHEDULE FOR PUBLIC HEALTH LABORATORY SERVICE

*[OAR Docket #03-3350]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

310:546-1-2. [AMENDED]

### SUMMARY:

The proposed amendment to this rule will update the fee schedule for Newborn Disorder Screening approved by the State Board of Health. The proposed fee will be consistent with approved Medicaid rate for Oklahoma.

### AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 1-106.1

### COMMENT PERIOD:

January 2, 2004 through February 12, 2004. Interested persons may discuss informally the proposed rules with John J. Mathewson, Ph.D., Chief, Public Health Laboratory; or may before February 12, 2004, submit written comment to John J. Mathewson, Ph.D., Chief, Public Health Laboratory, Oklahoma State Department of Health, 1000 N.E. 10th Street,

Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

### PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 12, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, 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 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 before February 12, 2004 to John J. Mathewson, Ph.D., Chief, Public Health Laboratory, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to [Johnjm@health.state.ok.us](mailto:Johnjm@health.state.ok.us)

### COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Public Health Laboratory, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

John J. Mathewson, Ph.D., Chief, Public Health Laboratory, (405) 271-5070

*[OAR Docket #03-3350; filed 12-9-03]*

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### TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 550. NEWBORN METABOLIC DISORDER SCREENING PROGRAM REGULATIONS

*[OAR Docket #03-3351]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

310:550-1-1. [AMENDED]

310:550-1-2. [AMENDED]

Subchapter 3. Testing of Newborns

310:550-3-1. [AMENDED]

Subchapter 5. Specimen Collection

310:550-5-1. [AMENDED]

310:550-5-2. [AMENDED]

Subchapter 7. Hospital Recording

310:550-7-1. [AMENDED]

- Subchapter 9. Standard for Certified Laboratories [REVOKED]
- 310:550-9-1. [REVOKED]
- Subchapter 11. Advisory Committee
- 310:550-11-1. [AMENDED]
- Subchapter 13. Parent and Health Care Provider Education
- 310:550-13-1. [AMENDED]
- Subchapter 15. Follow-up for Certified Laboratories [REVOKED]
- 310:550-15-1. [REVOKED]
- Subchapter 17. Follow-up for Physicians
- 310:550-17-1. [AMENDED]
- Subchapter 19. Reporting
- 310:550-19-1. [AMENDED]
- Subchapter 21. Information
- 310:550-21-1. [AMENDED]
- Subchapter 23. Procedures
- 310:550-23-1. [AMENDED]
- Appendix A. Instructions for Filter Paper Sample Collections [REVOKED AND REENACTED]
- Appendix B. Report Forms [REVOKED AND REENACTED]
- Appendix C. Refusal of the Newborn Screening Blood Test Religious Tenets and Practices Refusal [NEW]

**SUMMARY:**

This proposal amends the existing rule. This action will establish a rules framework for the practice of a more encompassing and expanded newborn screening program. These amendments require all newborns be screened for three additional disorders of Cystic Fibrosis, Congenital Adrenal Hyperplasia, and Medium-chain acyl coenzyme A dehydrogenase deficiency (MCAD), and clarify definitions, testing of newborns and parental refusal requirements, specimen collection and physician ordering requirements, hospital recording requirements, standards for certified laboratories for testing and follow-up, physician follow-up and reporting.

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S. 1991, Sections 1-533 et. seq.

**COMMENT PERIOD:**

January 2, 2004 through February 12, 2004. Interested persons may discuss informally the proposed rules with Pamela King, State Genetics Coordinator, Screening, Special Services and SoonerStart; or may before February 12, 2004, submit written comment to Pamela King, MPA, RN, State Genetics Coordinator, Screening, Special Services and SoonerStart, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, February 12, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, 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 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 before February 12, 2004 to Pamela King, MPA, RN, State Genetics Coordinator, Screening, Special Services and SoonerStart, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to pamk@health.state.ok.us.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from staff of Screening, Special Services and SoonerStart, Family Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Pamela King, MPA, RN, State Genetics Coordinator, Screening, Special Services and SoonerStart, (405) 271-6617

*[OAR Docket #03-3351; filed 12-9-03]*

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 661. HOSPICE REGULATIONS**

*[OAR Docket #03-3352]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 310:661-1-2. [AMENDED]
- Subchapter 2. Licenses
- 310:661-2-1. [AMENDED]
- 310:661-2-4. [AMENDED]
- 310:661-2-6. [AMENDED]
- 310:661-2-7. [NEW]
- Subchapter 5. Minimum Standards
- 310:661-5-4. [AMENDED]
- Subchapter 6. Hospice Inpatient Service Requirements [NEW]
- 310:661-6-1. [NEW]
- 310:661-6-2. [NEW]
- 310:661-6-3. [NEW]
- 310:661-6-4. [NEW]
- 310:661-6-5. [NEW]
- 310:661-6-6. [NEW]

## Notices of Rulemaking Intent

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- 310:661-6-7. [NEW]  
Subchapter 7. Infractions
- 310:661-7-1. [AMENDED]
- 310:661-7-2. [AMENDED]  
Subchapter 8. Hospice Inpatient Facility Physical Plant  
[NEW]
- 310:661-8-1. [NEW]
- 310:661-8-2. [NEW]
- 310:661-8-3. [NEW]
- 310:661-8-4. [NEW]
- 310:661-8-5. [NEW]
- 310:661-8-6. [NEW]
- 310:661-8-7. [NEW]
- 310:661-8-8. [NEW]
- 310:661-8-9. [NEW]
- 310:661-8-10. [NEW]
- 310:661-8-11. [NEW]
- 310:661-8-12. [NEW]
- 310:661-8-13. [NEW]
- 310:661-8-14. [NEW]
- Appendix A. Filter Efficiencies for Central Ventilation and  
Air Conditioning Systems in Hospices [NEW]

### SUMMARY:

The amendments to Chapter 661 add a definition, allow each licensed hospice program to operate a single inpatient hospice facility with twelve or fewer beds, clarify some actions that do or do not constitute a change of ownership of a licensed hospice, increase the fees to obtain an initial hospice license or to renew a license to a total of \$500 each, set a graduated fee schedule for the review of construction plans for inpatient hospice facilities based on the cost of design and construction of the building project, establish service requirements for inpatient hospice facilities including nursing services, dietary services, pharmaceutical services, disaster preparedness, and infection control, and establish requirements for the physical plant for inpatient hospice facilities.

### AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104; 63 O.S. Section 1-860.1. et seq.

### COMMENT PERIOD:

January 2, 2004 through February 12, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 12, 2004, may submit written comments to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004 may send electronic mail to gary@health.state.ok.us; or may ask to present written or oral views at the hearing.

### PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 12, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th St., Oklahoma City, OK 73117-1299.

### 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 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 before February 12, 2004 to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004 may send electronic mail to gary@health.state.ok.us

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Medical Facilities Division, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299 or by email request to medicalfacilities@health.state.ok.us

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Gary Glover, Chief, Medical Facilities, (405) 271-6576

*[OAR Docket #03-3352; filed 12-9-03]*

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

*[OAR Docket #03-3353]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:667-1-3. [AMENDED]
- Subchapter 19. Medical Records Department
- 310:667-19-10. [AMENDED]
- Subchapter 23. Diagnostic and Treatment Services
- 310:667-23-2. [AMENDED]
- Subchapter 39. Critical Access Hospital
- 310:667-39-11. [AMENDED]
- Subchapter 40. Emergency Hospital
- 310:667-40-11. [AMENDED]
- Subchapter 51. Rehabilitation Hospital and Rehabilitation  
Unit Construction Requirements
- 310:667-51-15. [AMENDED]
- Appendix D. Filter Efficiencies for Central Ventilation  
and Air Conditioning Systems in General Hospitals  
[REVOKED AND REENACTED]

**SUMMARY:**

The proposed amendments add a requirement for hospitals to report data on quality indicators, correct an error in a reference to practitioner authentication of medical record entries, allow one practitioner to authenticate another practitioner's reports of history and physical examinations and discharge summaries if certain conditions are met, make the requirements for a hand washing station or a dispenser containing a hand degerming agent consistent for patient rooms in both general hospitals and rehabilitation hospitals/units, and revokes and reenacts an Appendix in order to insert a footnote which was omitted in error in a previous revision.

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-705.

**COMMENT PERIOD:**

January 2, 2004 through February 12, 2004. Interested persons may informally discuss the proposed rules with staff; or before February 12, 2004, may submit written comments to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before February 12, 2004 may send electronic mail to Gary@health.state.ok.us; or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, February 12, 2004 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

**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 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 before February 12, 2004 to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004 may send electronic mail to Gary@health.state.ok.us

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Medical Facilities Division, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to medicalfacilities@health.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Gary Glover, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #03-3353; filed 12-9-03]

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 675. NURSING AND SPECIALIZED FACILITIES**

[OAR Docket #03-3354]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 13. Staff Requirements  
310:675-13-14. [NEW]

**SUMMARY:**

The proposal creates a new section in Subchapter 13, Staff Requirements, titled, "Flexible staff-scheduling." The new section implements the flexible staff-scheduling provisions of 63:1-1925.2(B)(5) in House Bill 2218 passed in the house and senate on May 23, 2002 and approved by the Governor on June 6, 2002. The law stipulates that facilities may implement flexible staff scheduling if they have met the direct-care staff to resident ratios in 63:1-1925.2(B)(3). This section of law provided for increased direct-care staff to resident ratios beginning September 1, 2003 subject to the availability of funds. These funds were not provided. The proposed rule allows facilities to voluntarily meet the increased direct-care staff to resident ratios in 63:1-1925.2(B)(3) and thereby qualify for flexible staff-scheduling which was not subject to the availability of funds.

The propose rules specify the coordinated implementation of the flexible staff-scheduling program with the Oklahoma Health Care Authority. The rules provide that a request to participate in the program must be submitted to the Department in writing; the criteria, pursuant to the statute, the department will use in determining eligibility; the method for submitting monthly staffing reports to the Oklahoma Health Care Authority; the criteria, pursuant to the statute, the Department will use in determining re-establishment of eligibility; and, the notification requirements of the department in determinations of eligibility.

The proposed rules provide for shift-based, staff-to-resident ratios for non-compliant facilities consistent with incremental increases to the flexible staff-scheduling ratio.

The rule allows certain long term care facilities subject to the Nursing Home Care Act the ability to be flexible in staffing the facility to meet the needs of resident programs and needs while meeting certain minimum staffing requirements.

**AUTHORITY:**

Oklahoma State Board of Health: 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-675 et seq.

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

January 2, 2004 through February 12, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 12, 2004, may submit written comments to James Joslin, Director, Long Term Care Survey, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004, may send electronic mail to james@health.state.ok.us; or may ask to present written or oral views at the hearing.

### PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 12, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### 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 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 before February 12, 2004 to James Joslin, Director, Long Term Care Survey, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 12, 2004 may send electronic mail to james@health.state.ok.us.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Long Term Care Service, Protective Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to james@health.state.ok.us.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2004 at the same location listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

James Joslin, Director, Long Term Care Survey, (405) 271-6868

*[OAR Docket #03-3354; filed 12-9-03]*

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### TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM

*[OAR Docket #03-3335]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 36. Affordable Housing Tax Credit Program  
[AMENDED]

### SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan (QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to comply with anticipated U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to the requirements of the Code and Treasury Regulations.

### AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Pamela Miller at Oklahoma Housing Finance Agency on or before February 10, 2004. Written comments will be accepted until 4:00 p.m. on February 10, 2004. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pamela Miller.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 10, 2004, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

### PUBLIC HEARING:

A public hearing will be held: February 10, 2004 at 1:00 P.M., at the offices of OHFA, 100 NW 63<sup>rd</sup>, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

### COPIES OF PROPOSED RULES:

Copies of the Rules may be obtained by contacting John Marshall, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8263. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

**RULE IMPACT STATEMENT:**

A rule impact statement will be issued and made available on or before January 17, 2004 at the offices of OHFA.

**CONTACT PERSON:**

Pamela Miller, 1-(405)-419-8134.

*[OAR Docket #03-3335; filed 12-8-03]*

**TITLE 330. OKLAHOMA HOUSING  
FINANCE AGENCY  
CHAPTER 40. GUIDELINES FOR HOUSING  
PILOT PROGRAM**

*[OAR Docket #03-3336]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 40. Guidelines For Housing Pilot Program  
[AMENDED]

**SUMMARY:**

The Oklahoma Housing Finance Agency ("OHFA") is authorized under the Oklahoma Homeless Prevention Act, 74 O.S. §2900 et seq., to make available to local government agencies, local housing authorities or nonprofit agencies, certain State funds as same are made available through Appropriations of the Oklahoma Legislature. These State funds are to be utilized in providing housing or housing assistance to homeless persons or families or mentally ill persons in need of housing. In furtherance thereof, OHFA has adopted these Chapter 40 Rules for the implementation of a Housing Pilot Program respecting utilization of said State funds. As funds are made available, grants will be made to local government agencies, local housing authorities or nonprofit agencies to lease vacant housing units which are subject to government control or which have been donated by any public or private entity for use by homeless individuals or families and mentally ill persons in need of housing.

OHFA has determined that certain procedural changes would facilitate administration of the Housing Pilot Program. Accordingly, these Chapter 40 Rules have been amended to reflect those changes. The Rules provide guidelines which OHFA follows in allocating appropriations pursuant to state and federal regulations. The Rules also provide an overview of the program and are intended to provide a general description of OHFA's guidelines and procedures as they relate to the operation of the Housing Pilot Program.

**AUTHORITY:**

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 10, 2004. Written comments will be accepted until 4:00 p.m. on February 10, 2004. Written comments should be sent to

Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Nancy English.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 10, 2004, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

**PUBLIC HEARING:**

A public hearing will be held: February 10, 2004 at 9:00 A.M., at the offices of OHFA, 100 NW 63<sup>rd</sup>, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

**COPIES OF PROPOSED RULES:**

Copies of the Rules may be obtained by contacting Nancy English, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8273. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

**RULE IMPACT STATEMENT:**

A rule impact statement will be issued and made available on or before January 17, 2004 at the offices of OHFA.

**CONTACT PERSON:**

Nancy English, 1-(405)-419-8273.

*[OAR Docket #03-3336; filed 12-8-03]*

**TITLE 330. OKLAHOMA HOUSING  
FINANCE AGENCY  
CHAPTER 60. OKLAHOMA HOUSING  
TRUST FUND RULES**

*[OAR Docket #03-3337]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 60. Oklahoma Housing Trust Fund Rules  
[AMENDED]

**SUMMARY:**

Senate Bill 786 provided for and created the Oklahoma Housing Trust Fund (OHTF). House Bill 3065 capitalized the OHTF with \$1 million in State appropriated funds. Through Senate Bill 786 OHFA was designated as the administrator of the OHTF for purposes of placing project funding with eligible recipients such as, for-profit and nonprofit developers and builders, units of local government, and political subdivisions.

The proposed changes to the Rules will provide clarity and additional guidance about the program and outline the forms of assistance, application selection, application packets, and conditions of financial assistance. The intent is to be more definitive and to structure the Rules to provide consistency with our other programs, which will ensure that diligence and

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stewardship is improved. The application selection process will have more guidance which will improve the overall consistency of the program.

### **AUTHORITY:**

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may submit written or oral comments to Andre Blakley at Oklahoma Housing Finance Agency on or before February 10, 2004. Written comments will be accepted until 4:00 p.m. on February 10, 2004. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Andre Blakley.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 10, 2004, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

### **PUBLIC HEARING:**

A public hearing will be held: February 10, 2004 at 10:00 A.M., at the offices of OHFA, 100 NW 63<sup>rd</sup>, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

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

Copies of the Rules may be obtained by contacting Andre Blakley, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8235. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be issued and made available on or before January 17, 2004 at the offices of OHFA.

### **CONTACT PERSON:**

Andre Blakley, 1-(405)-419-8235.

*[OAR Docket #03-3337; filed 12-8-03]*

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### **TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 70. PERFORMANCE BASED CONTRACT ADMINISTRATION PROGRAM RULES**

*[OAR Docket #03-3338]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 70. Performance Based Contract Administration Program Rules [NEW]

### **SUMMARY:**

The Oklahoma Housing Finance Agency (OHFA) is authorized by the United States Department of Housing and Urban Development (HUD) to administer the Performance Based Contract Administration Program (PBCAP) in accordance with the Annual Contribution Contract (ACC) for project-based Section 8 in the state of Oklahoma. The ACC is a contract between the OHFA and HUD. The Annual Contributions Contract was awarded by HUD pursuant to a proposal submitted in response to HUD's published Request for Proposals for Public Housing Agencies to provide contract administration services for units receiving project-based Section 8 housing assistance ( Federal Register, Volume 64, Number 96, 27357 (5/19/99), amendment no. 1 (8/2/99) and amendment no. 2 (11/15/99).

The proposed rules are being offered to facilitate the administration of the PBCAP Program and provide guidelines which OHFA will follow in administering the PBCAP Program. The rules will also provide an overview of the program and are intended to provide a general description of the procedures as they relate to the operation of the PBCAP Program.

### **AUTHORITY:**

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 10, 2004. Written comments will be accepted until 4:00 p.m. on February 10, 2004. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Rhonda Watson.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 10, 2004, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed rules.

### **PUBLIC HEARING:**

A public hearing will be held: February 10, 2004, at 8:30 A.M., at the offices of OHFA, 100 NW 63<sup>rd</sup>, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

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

Copies of the Rules may be obtained by contacting Rhonda Watson, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, 1-(405) 419-8104. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

**RULE IMPACT STATEMENT:**

A rule impact statement will be issued and made available on or before January 17, 2004 at the offices of OHFA.

**CONTACT PERSON:**

Rhonda Watson, 1-(405)-419-8104.

*[OAR Docket #03-3338; filed 12-8-03]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 1. FUNCTION AND STRUCTURE OF THE DEPARTMENT**

*[OAR Docket #03-3344]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

340:1-1-1. [AMENDED]

340:1-1-19. [NEW]

(Reference APA WF # 03-37)

**SUMMARY:**

Chapter 1 rules are revised to reflect Oklahoma Department of Oklahoma (OKDHS) and issue a rule denoting OKDHS complies with the Open Meetings Act.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Section 301 et seq. of Title 25 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 2, 2004 through February 2, 2004 during regular business hours by contacting Dena Thayer, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4326.

**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 2, 2004 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:**

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:**

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

*[OAR Docket #03-3344; filed 12-9-03]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 2. ADMINISTRATIVE COMPONENTS**

*[OAR Docket #03-3343]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Human Resources Management Division (HRMD)

Part 3. Personnel Regulations Relative to Individual Employee

340:2-1-28. through 340:2-1-29. [AMENDED]

340:2-1-34. [AMENDED]

Part 7. Recruitment, Selection, and Placement Policy and Procedures

340:2-1-78. [AMENDED]

340:2-1-82. [AMENDED]

340:2-1-93. [NEW]

(Reference APA WF#03-36)

**SUMMARY:**

Human Resources Management Division (HRMD) rules are revised to reflect: (1) probationary employees cannot apply for job announcements; (2) the immediate supervisor must close out the employee review not later than 30 calendar days prior to the end of the probationary period; (3) reinstated employees must be notified and acknowledge in writing that probation is a condition of a job offer; (4) an applicant whose reinstatement eligibility date expires within 21 calendar days of the closing date of an announcement is notified that there is insufficient time for the selection process to be completed prior to the end of the eligibility date; (5) the applicant is advised that he or she may apply through the Office of Personnel Management; (6) that supervisors and managers must respond to reference requests initiated within the Oklahoma Department of Human Services (OKDHS) and the conditions of that response including examples of prohibited information; (7) explain alternate methods of application submission; (8) applications for professional-level positions must be electronically prepared and that handwritten or illegible applications are not accepted; (9) electronic application submissions require the applicant's signature attesting to the authenticity of the information; (10) the selecting official is responsible for validation of the position's required experience and education, including the titles of forms the official may utilize; (11) changes in grammar to reflect current OKDHS standards; (12) correct titles for OKDHS forms; and (13) create new rules to clarify applicants who have been involuntarily discharged from employment in the classified service may still apply for appointment under the reinstatement provisions of Merit Rules; (14) clarify discharge information is included in the application; and (15) clarify bona fide job offers to any previously discharged employee must have written approval from the division director or equivalent level of management.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Sections 840-4.2, 840-4.13, 840-4.15 of Title 74 of the Oklahoma Statutes,

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 2, 2004 through February 2, 2004 during regular business hours by contacting Tina Tate, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-0591.

### **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 2, 2004 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:**

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:**

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

*[OAR Docket #03-3343; filed 12-9-03]*

## **TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #03-3324]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

365:1-1-2. Office of the Insurance Commissioner  
[AMENDED]

Subchapter 9. Description of Forms and Instructions

365:1-9-1. Company licensure forms [AMENDED]

365:1-9-15.1. License renewals and reinstatements  
[AMENDED]

365:1-9-19. Request for Assistance and Prompt Pay  
~~form~~Forms [AMENDED]

### **SUMMARY:**

The proposed amendments to Rule 365:1-1-2 change the names of two divisions of the Insurance Department, amends the general description of the Legal Division of the Department to include the Anti-Fraud Unit and adds the words "other person/entities" to more clarify the fact that various persons

and entities other than insurance companies are included in the responsibilities of the various divisions of the Department. The proposed amendments to Rule 365:1-9-1 deletes the certificate of similarity form requirement for alien and foreign insurers, because this form has been replaced by an Affidavit of Filing and Financial Statement Attestation pursuant to 36 O.S. § 311(A) (House Bill 1721). The proposed amendments to Rule 365:1-9-15.1 deletes subsections (e) and (f), because the Insurance Code addresses the matters involved in those subsections relating to reactivation of agent and limited lines producer licenses that become inactive as a result of a lack of any company appointments. The proposed amendments to Rule 365:1-9-19 add the Prompt Pay Form to the rule pursuant to 36 O.S. § 1219(H) (Senate Bill 635).

### **AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### **REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

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

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3324; filed 12-4-03]

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 10. LIFE, ACCIDENT AND  
HEALTH**

[OAR Docket #03-3325]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 21. Recognition Of The 2001 CSO Mortality Table For Use In Determining Minimum Reserve Liabilities And Nonforfeiture Benefits Regulation 365:10-21-4. 2001 CSO Mortality Table [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 365:10-21-4 change the date that the 2001 CSO Mortality Table may be used by insurance companies to July 14, 2003 from January 1, 2004.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 1510 and 4029.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance

Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3325; filed 12-4-03]

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 15. PROPERTY AND CASUALTY**

[OAR Docket #03-3326]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions 365:15-1-3. Property and casualty form filings [AMENDED]
- Subchapter 7. Commercial Property and Casualty Competitive Loss Cost Rating Regulation 365:15-7-3. Property and casualty rate, loss cost and manual rule filings [AMENDED]
- 365:15-7-12. Resubmittal of ~~disapproved~~ filings. [AMENDED]
- 365:15-7-25. Multi tiering. [NEW]
- Appendix B. Oklahoma Workers' Compensation Small Deductible Acceptance/Rejection Form [REVOKED]
- Appendix B. Oklahoma Workers' Compensation Small Deductible Acceptance/Rejection Form [NEW]

**SUMMARY:**

The proposed amendments to Rule 365:15-1-3 provide for form filings by line of business for ease and timeliness of the review of filings; removes "filing memorandum," because filing memorandum are now part of the NAIC Uniform Transmittal document, thus making a separate document unnecessary; provides that companies filing as a group may submit only the transmittal forms to reduce the cost of copying and storage for the insurance industry and the Insurance Department; provide for a side by side comparison of changes made by a filing and the inclusion of the Insurance Department's assigned filing number with a filing; and clarify filing resubmission procedures. The proposed amendments to Rule 365:15-1-15 change the reference "initial page" to the words "Declaration page" for clarification. The proposed amendments to 365:15-Appendix B are due to changes to 85 O.S. § 64.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. § 307.1.

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3326; filed 12-4-03]*

## TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

*[OAR Docket #03-3358]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 9. Medical Professional Liability Rate Setting [NEW]  
365:15-9-1. Purpose [NEW]

365:15-9-2. Severability [NEW]

365:15-9-3. Notice to policyholders [NEW]

365:15-9-4. Stenographer for hearing [NEW]

365:15-9-5. Purchasing groups [NEW]

365:15-9-6. Rating organizations [NEW]

365:15-9-7. Right to appeal [NEW]

365:15-9-8. Miscellaneous

Appendix D. Notification of Policyholders of Application for Rate Change [NEW]

### SUMMARY:

The proposed new rules implement Section 6821 of Title 36 relating to medical professional liability rate setting and approval by the Insurance Commissioner.

### AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 6831.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3358; filed 12-9-03]

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 25. LICENSURE OF AGENTS,  
ADJUSTERS, BAIL BONDSMEN,  
COMPANIES, PREPAID FUNERAL  
BENEFITS, AND VIATICAL AND LIFE  
SETTLEMENTS PROVIDERS AND  
BROKERS**

[OAR Docket #03-3327]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Agents, Brokers, Adjusters and Limited Representatives

365:25-3-1. Insurance agents continuing education [AMENDED]

365:25-3-17. Agriculture Revenue License [NEW]

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

365:25-7-31. Adequacy of surplus [AMENDED]

Part 7. Companies In Hazardous Financial Condition

365:25-7-44. Risk-based Capital Instructions [NEW]

Part 13. ~~Required Diskettes~~ Electronic Filings

365:25-7-75. ~~Diskette~~ Electronic filings of \_\_\_\_\_ quarterly financial statements [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 365:25-3-1 clarify the beginning of the twenty-four month period within which insurance producer continuing education must be completed; add the requirement that continuing education course providers notify the Insurance Commissioner of repetition of a continuing education course; and provide that continuing education course approval will be valid for a period of five years and that material changes to a course shall be resubmitted for approval. The proposed new rule 365:25-3-17 sets out the requirements for licensing of producers to sell livestock risk insurance and livestock mortality insurance and is currently effective as an emergency rule with an effective date of August 4, 2003. The proposed amendments to Rule 365:25-7-31 correct a reference to a statutory provision. The proposed new Rule 365:25-7-44 adopts the the risk-based capital instructions of the National Association of Insurance Commissioners for use in preparing Risk-based Capital (RBC) Reports for submission to the Insurance Department. The proposed amendments to Rule 365:25-7-75 remove the references to the electronic filing of annual financial statements due to the fact that 36 O.S. § 311 (Senate Bill 1721) was amended effective November 1, 2003 to require electronic filing of annual statements with the NAIC.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 311.2, 1435.19, 1522(10) and 1530(B).

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3327; filed 12-4-03]

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 40. HEALTH MAINTENANCE  
ORGANIZATIONS (HMO)**

[OAR Docket #03-3328]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## Notices of Rulemaking Intent

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### PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
  - 365:40-1-1. Purpose [NEW]
  - 365:40-1-2. Definitions [NEW]
  - 365:40-1-3. Medicaid HMOs
  - 365:40-1-4. Severability provision [NEW]
- Subchapter 3. Financial [NEW]
  - Part 1. HMO Forms and instructions [NEW]
    - 365:40-3-1. Licensure forms [NEW]
    - 365:40-3-2. Deposit of securities forms [NEW]
  - Part 3. Holding Company System [NEW]
    - 365:40-3-10. Definitions [NEW]
    - 365:40-3-11. Compliance with Article 16A of Title 36 [NEW]
    - 365:40-3-12. Annual Registration Statements [NEW]
    - 365:40-3-13. Transactions with affiliates [NEW]
    - 365:40-3-14. Prior approval pursuant to 36 O.S. § 6903(C) [NEW]
    - 365:40-3-15. Notice of amendments or modifications pursuant to 36 O.S. § 6903(C) [NEW]
    - 365:40-3-16. Redomestication [NEW]
    - 365:40-3-17. Forms: general requirements [NEW]
    - 365:40-3-18. Forms: incorporation by reference, summaries and omissions [NEW]
    - 365:40-3-19. Acquisition of control; statement filing (HMO Form A) [NEW]
    - 365:40-3-20. Pre-acquisition notification [NEW]
    - 365:40-3-21. Annual registration of HMOs; statement filing (HMO Form B) [NEW]
    - 365:40-3-22. Dividend to stockholders [NEW]
    - 365:40-3-23. Extraordinary dividends and other distributions [NEW]
    - 365:40-3-24. Adequacy of surplus [NEW]
    - 365:40-3-25. Failure to file [NEW]
  - Part 5. Miscellaneous [NEW]
    - 365:40-3-30. Liabilities [NEW]
    - 365:40-3-31. Name of HMO [NEW]
    - 365:40-3-32. Standards for determining hazardous financial condition [NEW]
    - 365:40-3-33. Commissioner's authority [NEW]
- Subchapter 5. Life, Accident & Health Division and Claims and Consumer Assistance Division Rules [NEW]
  - Part 1. General Provisions [NEW]
    - 365:40-5-1. Definitions [NEW]
  - Part 3. Rating System [NEW]
    - 365:40-5-10. Definitions [NEW]
    - 365:40-5-11. Community rating [NEW]
    - 365:40-5-12. Community rating by class [NEW]
    - 365:40-5-13. Adjusted community rating [NEW]
    - 365:40-5-14. Rates to reflect risk-sharing arrangements [NEW]
  - Part 5. Basic And Supplemental Health Care Services [NEW]
    - 365:40-5-20. Basic health care services [NEW]
    - 365:40-5-21. Supplemental health care services [NEW]
    - 365:40-5-22. Benefit changes [NEW]
    - 365:40-5-23. Identification cards [NEW]
  - Part 7. Point Of Service Option [NEW]
    - 365:40-5-30. Definitions [NEW]
    - 365:40-5-31. Purpose/scope [NEW]
    - 365:40-5-32. Responsibilities of the HMO [NEW]
  - Part 9. HMO Requirements And Prohibitions [NEW]
    - 365:40-5-40. Services to members [NEW]
    - 365:40-5-41. Membership [NEW]
    - 365:40-5-42. Individual conversion contracts [NEW]
    - 365:40-5-43. Premiums/co-payments [NEW]
    - 365:40-5-44. Internal grievance system [NEW]
    - 365:40-5-45. Guaranteed renewal [NEW]
    - 365:40-5-46. Small group offering [NEW]
    - 365:40-5-47. Special enrollment periods [NEW]
  - Part 11. Coordination Of Benefits [NEW]
    - 365:40-5-50. Purpose [NEW]
    - 365:40-5-51. Definitions [NEW]
    - 365:40-5-52. Effect on benefits [NEW]
    - 365:40-5-53. Right to receive and release necessary information [NEW]
    - 365:40-5-54. Benefit payments [NEW]
    - 365:40-5-55. Subrogation [NEW]
    - 365:40-5-56. Small claim waivers [NEW]
    - 365:40-5-57. Public education [NEW]
    - 365:40-5-58. Retroactivity [NEW]
    - 365:40-5-59. Facility of payment [NEW]
    - 365:40-5-60. Right of recovery [NEW]
  - Part 13. Termination Of Members, Providers and Continuation of Benefits [NEW]
    - 365:40-5-70. Termination of group or individual contracts [NEW]
    - 365:40-5-71. Termination of providers [NEW]
    - 365:40-5-72. Continuation of benefits [NEW]
    - 365:40-5-73. Disenrollment for cause [NEW]
    - 365:40-5-74. Certification of creditable coverage [NEW]
  - Part 15. Discontinuation of HMO [NEW]
    - 365:40-5-80. Notice [NEW]
    - 365:40-5-81. Individual market [NEW]
    - 365:40-5-82. Group market [NEW]
    - 365:40-5-83. Market reentry [NEW]
  - Part 17. Confidentiality of Medical Information and Liability [NEW]
    - 365:40-5-90. Responsibility of HMO [NEW]
  - Part 19. Request For Assistance and Prompt Pay Form [NEW]
    - 365:40-5-100. Request for assistance [NEW]
    - 365:40-5-101. Prompt Pay Form and Requirements [NEW]
  - Part 21. Geographic Service Area Variations [NEW]
    - 365:40-5-110. Accessibility of providers [NEW]
    - 365:40-5-111. Marketing and enrolling [NEW]
    - 365:40-5-112. Geographic area filings [NEW]
  - Part 23. Reimbursement of Claims [NEW]
    - 365:40-5-120. Purpose [NEW]
    - 365:40-5-121. Requirement to reimburse claims for point of service [NEW]
    - 365:40-5-122. Responsibilities [NEW]

- 365:40-5-123. Reimbursement criteria [NEW]
- 365:40-5-124. Claims payment report [NEW]
- 365:40-5-125. Elements of a clean claim [NEW]
- 365:40-5-126. Disclosure requirements [NEW]
- 365:40-5-127. Disclosure of processing procedures [NEW]
- 365:40-5-128. Failure to promptly pay [NEW]
- 365:40-5-129. Date of claim receipt [NEW]
- 365:40-5-130. Terms of contracts [NEW]
- 365:40-Appendix A. HMO Form A [NEW]
- 365:40-Appendix B. HMO Form B [NEW]
- 365:40-Appendix C. HMO Form C [NEW]
- 365:40-Appendix D. HMO Form D [NEW]
- 365:40-Appendix E. HMO Form E [NEW]
- 365:40-Appendix F. HMO Form R [NEW]
- 365:40-Appendix G. Prompt Pay Form [NEW]

**SUMMARY:**

The proposed new rules set forth the requirements for licensing and regulation of Health Maintenance Organizations pursuant to Senate Bill 635 which is effective November 1, 2003 including the Health Maintenance Organization Act of 2003, 36 O.S. § 6901, et seq. These rules are currently effective as emergency rules with an effective date of November 1, 2003.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1 and 6923.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 10, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3328; filed 12-4-03]*

**TITLE 377. OFFICE OF JUVENILE AFFAIRS  
CHAPTER 3. ADMINISTRATIVE SERVICES**

*[OAR Docket #03-3345]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 19. Contract, Procurement, and Support Services

377:3-19-1. through 377:3-19-3. [AMENDED]

**SUMMARY:**

Rules are being amended to outline the OJA's contract requirements and standardize the process.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

**COMMENT PERIOD:**

Written comments will be accepted during regular business hours from January 2, 2004 through February 2, 2004 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on February 5, 2004 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 Robert Morey at the above address during the comment period.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention

## Notices of Rulemaking Intent

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of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 17, 2004 at the above address for the Office of Juvenile Affairs.

### **CONTACT PERSON:**

Robert Morey, Office of Policy, (405)530-2820

*[OAR Docket #03-3345; filed 12-9-03]*

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## **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT**

*[OAR Docket #03-3346]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 11. Case Records and Reports  
377:25-11-2. Dispositional study [AMENDED]

### **SUMMARY:**

Rules are being amended to remove duplication of information. Case planning will be moved to 377:25-09-02, as amended.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

### **COMMENT PERIOD:**

Written comments will be accepted during regular business hours from January 2, 2004 through February 2, 2004 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on February 5, 2004 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 Robert Morey at the above address during the comment period.

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

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs'

office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 17, 2004 at the above address for the Office of Juvenile Affairs.

### **CONTACT PERSON:**

Robert Morey, Office of Policy, (405)530-2820

*[OAR Docket #03-3346; filed 12-9-03]*

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## **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT**

*[OAR Docket #03-3347]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Pre-Court  
Part 3. Intake/Preliminary Inquiry  
377:25-3-15. through 377:25-3-26. [AMENDED]

### **SUMMARY:**

Rules are being amended to remove all information that is procedure at nature. Rules are also being amended to outline the use of an intake assessment during this process.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

### **COMMENT PERIOD:**

Written comments will be accepted during regular business hours from January 2, 2004 through February 2, 2004 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on February 5, 2004 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 Robert Morey at the above address during the comment period.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 17, 2004 at the above address for the Office of Juvenile Affairs.

**CONTACT PERSON:**

Robert Morey, Office of Policy, (405)530-2820

*[OAR Docket #03-3347; filed 12-9-03]*

**TITLE 570. STATE BOARD FOR PROPERTY AND CASUALTY RATES  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #03-3330]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking  
**PROPOSED RULES:**

Subchapter 1. General Rules  
570:1-1-2. Definitions [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 570:1-1-2 change the definition of the term "automatic rate revision" due to changes to 36 O.S. § 902.1.

**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 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 19, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3330; filed 12-4-03]*

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

*[OAR Docket #03-3329]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking  
**PROPOSED RULES:**

- 570:10-1-2. Definitions [AMENDED]
- 570:10-1-3. Filing procedure for rates, loss costs, rating plans, schedules, manuals and revisions thereto [AMENDED]
- 570:10-1-7. Automatic rate revisions [AMENDED]
- 570:10-1-10. Fidelity and surety filings [REVOKED]
- 570:10-1-38. Waiver of premium [NEW]
- 570:10-1-39. Multi tiering [NEW]
- 570:10-1-40. Resubmittal of rejected filings [NEW]

**SUMMARY:**

The proposed amendments to Rule 570:10-1-2 change the definition of "automatic rate revision" due to amendments to 36 O.S. § 902.1. The proposed amendments to Rule 570:10-1-3 provide for form filings by line of business for ease and timeliness of the review of filings; provide for the inclusion of the Insurance Department's assigned filing number with a filing for a change in rates; and delete the wording requiring filing fees for "rules of application only," because amendments to 36 O.S. § 348.1(A)(3) clarifies that the filing fees are now required; remove "filing memorandum," because filing memorandum are now part of the NAIC Uniform Transmittal document, thus making a separate document unnecessary; provide that companies filing as a

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group may submit only the transmittal forms to reduce the cost of copying and storage for the insurance industry and the Insurance Department; add a provision allowing withdrawal of pending filings before approval or disapproval in the same manner as Insurance Department Rule 365:15-1-3(b)(9)(H) which applies to all property and casualty filings; and set out the documentation that is to be submitted with a filing for commercial loss costs, manual rules and rates in a similar fashion to Insurance Department Rule 365:15-1-3(b)(9) which outlines the requirements for a filing for manual rule or rates. The proposed amendments to Rule 570:10-1-7 reflect the changes to 36 O.S. § 902.1 and to 36 O.S. § 929, both of which were effective on November 1, 2003. The revocation of Rule 570:10-1-10 is proposed, because fidelity, surety and guaranty bonds are exempt from rate and manual rule filing pursuant to 36 O.S. § 997(A)(4)(f). Proposed new Rule 570:10-1-38 is currently applicable to property and casualty filings pursuant to Insurance Department Rule 365:15-7-23 for filings under the Insurance Commissioner's jurisdiction and should be applicable to filings under the Board's jurisdiction. Proposed new Rule 570:10-1-39 provides for the submission of eligibility requirements for each tier of a multi tiered filing. Proposed new Rule 570:10-1-40 clarifies the procedure for resubmission of filings.

### **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 2, 2004, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> 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 February 19, 2004, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### **REQUEST 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. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on February 2, 2004.

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

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> 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 2, 2004, 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 #03-3329; filed 12-4-03]*

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

*[OAR Docket #03-3316]*

### **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 17, 2004, 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 19, 2004, 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 16, 2004, 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 #03-3316; filed 12-4-03]*

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

*[OAR Docket #03-3317]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Public Employees Retirement System  
[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 17, 2004, 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 19, 2004, 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 16, 2004, 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 #03-3317; filed 12-4-03]*

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

*[OAR Docket #03-3318]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Uniform Retirement System for Justices and Judges [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 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 17, 2004, 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 19, 2004, 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,

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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 16, 2004, 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 #03-3318; filed 12-4-03]*

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

*[OAR Docket #03-3319]*

**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 17, 2004, 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 19, 2004, 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 16, 2004, 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 #03-3319; filed 12-4-03]*

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

*[OAR Docket #03-3320]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Deferred Compensation [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 1701.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 17, 2004, 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 19, 2004, 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 16, 2004, 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 #03-3320; filed 12-4-03]*

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

*[OAR Docket #03-3321]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Qualified Domestic Relations Orders [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 17, 2004, 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 19, 2004, 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 16, 2004, 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 #03-3321; filed 12-4-03]*

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

*[OAR Docket #03-3322]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 35. Deferred Savings Incentive Plan [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 1707 (B).

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 17, 2004, 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 19, 2004, 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

## Notices of Rulemaking Intent

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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 16, 2004, 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 #03-3322; filed 12-4-03]*

## **TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 15. EDUCATIONAL OUTREACH**

*[OAR Docket #03-3341]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Use of Towers, Facilities, and Communications Services

610:15-1-1. Purpose [AMENDED]

610:15-1-2. Towers and facilities use [AMENDED]

610:15-1-3. Communications services use [AMENDED]

### **SUMMARY:**

This action is necessary to implement fully the lease rates with respect to OneNet towers and facilities with the purpose of aligning rates with current industry standards. Further, the action is intended to update the applicable rule language, OAC 610:15-1, to replace the operational designation of the "Educational Telecommunications Network (ETN)" with "OneNet".

### **AUTHORITY:**

70 O.S. §§ 2166, 2167, and 2252; 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 2, 2004.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 2, 2004.

### **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, before the close of the comment period on February 2, 2004.

### **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.

### **CONTACT PERSON:**

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

*[OAR Docket #03-3341; filed 12-8-03]*

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

*[OAR Docket #03-3339]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 31. Oklahoma Tuition Equalization Grant [NEW]

610:25-31-1. Purpose [NEW]

610:25-31-2. Definitions [NEW]

610:25-31-3. Eligibility Requirements [NEW]

610:25-31-4. Fiscal Policies [NEW]

### **SUMMARY:**

During the 2003 session, the Oklahoma Legislature passed SB 520, creating the "Oklahoma Tuition Equalization Act of 2003". The act provides for grants to Oklahoma residents attending not-for-profit, independent or private accredited colleges in Oklahoma. The act assigns administrative responsibilities for the grant program to the State Regents.

### **AUTHORITY:**

70 O.S. §2630 et seq.; 70 O.S. §3953.4; 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 2, 2004.

**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 2, 2004.

**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 16, 2004.

**CONTACT PERSON:**

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

*[OAR Docket #03-3339; filed 12-8-03]*

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

*[OAR Docket #03-3340]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 33. Regional Baccalaureate Scholarship Program [NEW]
- 610:25-33-1. Purpose [NEW]
- 610:25-33-2. Definitions [NEW]
- 610:25-33-3. General Provision [NEW]
- 610:25-33-4. Eligibility Requirements [NEW]
- 610:25-33-5. Criteria for Continued Eligibility [NEW]
- 610:25-33-6. Fiscal Policies [NEW]

**SUMMARY:**

The Regional University Baccalaureate Scholarship (RUBS) enables public regional universities to provide a four year scholarship to academically promising Oklahoma students enrolled in a baccalaureate program. This scholarship provides students awards of \$3,000 per year for tuition, fees, room and board, and required textbooks at regional universities in The Oklahoma State System of Higher Education. In addition, the institutions provide awardees with a tuition waiver scholarship. Participants in the program must be residents of Oklahoma.

**AUTHORITY:**

70 O.S., §3206(i); 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 2, 2004.

**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 2, 2004.

**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 16, 2004.

**CONTACT PERSON:**

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

*[OAR Docket #03-3340; filed 12-8-03]*

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

*[OAR Docket #03-3342]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 23. Oklahoma Higher Learning Access Program
- 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]
- 610:25-23-7. Payment of awards; policies and limitations [AMENDED]

**SUMMARY:**

The Oklahoma Higher Learning Access Program (OHLAP) was created in 1992. Students must enroll in the program in the 8th, 9th, or 10th grade. The program requires students to complete a 17-unit core curriculum, achieve at least a 2.5 GPA in the core and a 2.5 GPA overall, attend school regularly, and refrain from drug abuse or delinquent acts. Students

## Notices of Rulemaking Intent

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completing the requirements qualify for a scholarship equal to public college tuition. Participation is limited to students from families with an income of \$50,000 or less.

The proposed rule changes address the following issues: (1) Incorporation of the statutory changes made in SB 326 passed during the 2003 legislative session. The bill eliminated the lower funding priority for OHLAP students that enroll in the 10th grade. Under the new law, funding priority will go first to those OHLAP students already in college. Once those in college are funded, priority will go to those new OHLAP high school graduates with the greatest financial need; (2) Clarification that OHLAP applicants will have the opportunity to provide required documentation that was omitted from their application. OHLAP applications that remain incomplete by the time the student graduates from high school will not be accepted; (3) Clarification that any change in regular college admission curricular requirements will automatically apply to the OHLAP curricular requirements. The amendments add Advanced Placement Statistics to the list of acceptable math courses (as approved by the State Regents in June 2003); (4) Clarification that students graduating from a secondary program accredited by the North Central Association Commission on Accreditation and School Improvement (NCA-CASI) shall be considered to have graduated from a high school for the purposes of qualifying for OHLAP benefits. For example, the University of Oklahoma Independent Learning High School grants high school diplomas completely through distance learning and is fully accredited by NCA-CASI. This rule change will provide that Oklahoma students participating in this type of program may qualify for the OHLAP scholarship, even though they are not physically attending a "high school" facility.

### **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 2, 2004.

### **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 4, 2004.

### **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 16, 2004.

### **CONTACT PERSON:**

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

*[OAR Docket #03-3342; filed 12-8-03]*

## **TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #03-3311]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Program Divisions within the Department  
612:1-5-2. Division of Vocational Rehabilitation (DVR)  
[AMENDED]

612:1-5-4.1. Management Services Division (MSD)  
[AMENDED]

Subchapter 9. Compliance With Section 504 of the  
Rehabilitation Act of 1973

612:1-9-3. Required statement on DRS printed documents  
[AMENDED]

### **SUMMARY:**

The proposed changes to Chapter 1 involve the name change of the Supported Employment Services to Employment Support Services and the duties they perform. It also involves the streamlining and policy changes necessary to comply with the Rehabilitation Act.

### **AUTHORITY:**

Commission for Rehabilitation Services; 74 O.S. § 166.2

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 02, 2004 through February 4, 2004, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

### **PUBLIC HEARING:**

Public hearings will be held as follows:

Monday, February 2, 2004,

3:00 P.M. - 5:00 P.M.,

Department of Rehabilitation Services

2<sup>nd</sup> Floor Conference Room,

3535 N.W. 58<sup>th</sup>

Oklahoma City, Oklahoma

Tuesday, February 3, 2004,

3:00 P.M. - 5:00 P.M.,

Department of Human Services

2609 S.W. Lee Blvd.,

Lawton, Oklahoma  
Wednesday, February 4, 2004,  
3:00 P.M. - 5:00 P.M.,  
Tulsa Speech and Hearing Association  
8740 E. 11<sup>th</sup>, Suite A  
Tulsa, Oklahoma

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58<sup>th</sup>, Suite 500, Oklahoma City, Oklahoma 73112.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2004, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

Larry Bishop, Rulemaking Liaison, (405) 951-3408

*[OAR Docket #03-3311; filed 12-1-03]*

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES  
CHAPTER 3. MANAGEMENT SERVICES  
DIVISION**

*[OAR Docket #03-3312]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
612:3-1-3. Functions of the division [AMENDED]  
Subchapter 5. Policy Development and Program Standards  
Part 3. Policy Development  
612:3-5-13. Drafting of new or revised policy [AMENDED]

**SUMMARY:**

The proposed changes to Chapter 3 involve the streamlining of policy by removing superfluous information and time frames.

**AUTHORITY:**

Commission for Rehabilitation Services; 74 O.S. § 166.2

**COMMENT PERIOD:**

Written and oral comments will be accepted January 02, 2004 through February 4, 2004, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

**PUBLIC HEARING:**

Public hearings will be held as follows:  
Monday, February 2, 2004,  
3:00 P.M. - 5:00 P.M.,

Department of Rehabilitation Services  
2<sup>nd</sup> Floor Conference Room,  
3535 N.W. 58<sup>th</sup>  
Oklahoma City, Oklahoma  
Tuesday, February 3, 2004,  
3:00 P.M. - 5:00 P.M.,  
Department of Human Services  
2609 S.W. Lee Blvd.,  
Lawton, Oklahoma  
Wednesday, February 4, 2004,  
3:00 P.M. - 5:00 P.M.,  
Tulsa Speech and Hearing Association  
8740 E. 11<sup>th</sup>, Suite A  
Tulsa, Oklahoma

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58<sup>th</sup>, Suite 500, Oklahoma City, Oklahoma 73112.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2004, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

Larry Bishop, Rulemaking Liaison, (405) 951-3408

*[OAR Docket #03-3312; filed 12-1-03]*

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES  
CHAPTER 10. VOCATIONAL  
REHABILITATIVE REHABILITATION  
AND VISUAL SERVICES**

*[OAR Docket #03-3314]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
612:10-1-2. Definitions [AMENDED]  
Subchapter 5. Guidelines for Evaluating the Limitations and Rehabilitation Needs of Certain Disability Groups [REVOKED]  
Subchapter 7. Vocational Rehabilitation and Visual Services  
Part 1. Scope of Vocational Rehabilitation and Visual Services  
612:10-7-2. Counselor's responsibilities [AMENDED]  
612:10-7-4. Basic eligibility requirements for vocational rehabilitation services [AMENDED]

## Notices of Rulemaking Intent

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612:10-7-6. Assessment for determining eligibility [AMENDED]  
612:10-7-8. Order of selection [AMENDED]  
Part 3. Case Processing Requirements  
612:10-7-33. Supervisory caseload reviews [AMENDED]  
Part 5. Case Status and Classification System  
612:10-7-50. Status 10 - accepted for services and IPE under development [AMENDED]  
612:10-7-51. Status 12 - IPE completed but services not initiated [AMENDED]  
Part 7. Social Security Administration Programs  
612:10-7-73. Social Security referrals [REVOKED]  
612:10-7-74. Verification of Social Security Disability beneficiary status [REVOKED]  
612:10-7-75. Refusal of RVS Services [REVOKED]  
612:10-7-76. Failure to cooperate [REVOKED]  
612:10-7-77. Social Security Closures [REVOKED]  
Part 9. Actions Requiring Review and Approval  
612:10-7-87. Actions requiring supervisor's approval [AMENDED]  
612:10-7-88. Actions requiring field coordinator's approval [AMENDED]  
Part 11. Physical and Mental Restoration Services  
612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]  
612:10-7-104. Drugs and supplies [AMENDED]  
Part 15. Training  
612:10-7-142. General guidelines for training services [AMENDED]  
Part 19. Special Services for Individuals Who are Blind, Deaf, or Have Other Severe Disabilities  
612:10-7-197. Interpreter service fees [REVOKED]  
612:10-7-198. Telecommunication services and devices for individuals with hearing impairments [REVOKED]  
Subchapter 9. Rehabilitation ~~Teacher~~ Teaching Services  
Part 1. General Provisions  
612:10-9-1. Philosophy and scope of program [AMENDED]  
612:10-9-2. ~~Client~~ Consumer rights [AMENDED]  
612:10-9-3. Rehabilitation ~~teacher's~~ of the Blind Specialist's role [AMENDED]  
Part 3. Case Processing and Recording  
612:10-9-13. Case recording standards [AMENDED]  
612:10-9-14. Interim recording [REVOKED]  
612:10-9-15. Case status [AMENDED]  
612:10-9-17. Status 02 - applicant [AMENDED]  
612:10-9-18. Status 08 - closure from application [AMENDED]  
612:10-9-19. Status 10 - case accepted [AMENDED]  
612:10-9-20. Status 22 - services initiated [AMENDED]  
612:10-9-21. Status 26 - successful closure [AMENDED]  
612:10-9-22. Status ~~2829~~ - unsuccessful closure [AMENDED]  
Part 5. Services  
612:10-9-32. Diagnosis and evaluation [AMENDED]  
612:10-9-33. Communication [AMENDED]

612:10-9-34. Personal management [AMENDED]  
612:10-9-35. Home management [AMENDED]  
612:10-9-36. Counseling and guidance [AMENDED]  
612:10-9-37. ~~Other Sources~~ Referral for Support Services  
612:10-9-38. Vocational rehabilitation [AMENDED]  
Subchapter 11. Independent Living Rehabilitation Services  
Part 1. Scope of ILRS  
612:10-11-9. Consumer Independence Support Services [NEW]  
Subchapter 13. Special Services for the Deaf and Hard of Hearing  
Part 1. Service Programs  
612:10-13-1. Mission of the program [AMENDED]  
612:10-13-2. Interpreter services [AMENDED]  
612:10-13-3. Interpreter service fees [AMENDED]  
612:10-13-4. Special services and devices for individuals with hearing and speech impairments [AMENDED]  
Part 3. Certification of Interpreters  
612:10-13-16. Evaluation [AMENDED]  
612:10-13-17. Evaluation team [AMENDED]  
612:10-13-18. Fees [AMENDED]  
612:10-13-19. Refunds [AMENDED]  
612:10-13-20. Certification maintenance [AMENDED]  
612:10-13-21. Code of ethics [AMENDED]  
612:10-13-24. QAST Advisory Committee [AMENDED]

### SUMMARY:

The proposed changes to Chapter 10 involve: adding criteria for referral to Consumer Independence Support Services; deleting synopses of some diseases in Subchapter 5 and moving corresponding policy to Subchapter 7; adopting a 90 day timeframe for developing an IPE; deleting repeating policy sections including those that have become obsolete due to the "Ticket to Work" program; increasing fees for licensing interpreters in order to make the break-even point; and updating, clarifying and streamlining policy.

### AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

### COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2004 through February 4, 2004 during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

### PUBLIC HEARING:

Monday, February 2, 2004,  
3:00 P.M. - 5:00 P.M.,  
Department of Rehabilitation Services  
2<sup>nd</sup> Floor Conference Room,  
3535 N.W. 58<sup>th</sup>  
Oklahoma City, Oklahoma  
Tuesday, February 3, 2004,  
3:00 P.M. - 5:00 P.M.,  
Department of Human Services  
2609 S.W. Lee Blvd.,  
Lawton, Oklahoma  
Wednesday, February 4, 2004,

3:00 P.M. - 5:00 P.M.,  
Tulsa Speech and Hearing Association  
8740 E. 11<sup>th</sup>, Suite A  
Tulsa, Oklahoma

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, 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:**

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58<sup>th</sup>, Suite 500, Oklahoma City, Oklahoma 73112.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2004, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

Larry Bishop, Rulemaking Liaison, (405) 951-3408

*[OAR Docket #03-3314; filed 12-1-03]*

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES  
CHAPTER 20. SPECIAL SCHOOLS**

*[OAR Docket #03-3315]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 2. Contracted Instructional personnel
- 612:20-2-1. Purpose [AMENDED]
- 612:20-2-13. Dismissal/Nonreemployment Hearing [AMENDED]
- 612:20-2-17. Full-time administrators; Appeal of dismissal or nonreemployment [AMENDED]
- 612:20-2-31. Reduction in Force for Contracted Instructional Personnel [NEW]

**SUMMARY:**

Changes to state statutes now require the addition of new policy for the School for the Deaf and the School for the Blind.

**AUTHORITY:**

Commission for Rehabilitation Services; 74 O.S. § 166.2

**COMMENT PERIOD:**

Written and oral comments will be accepted January 02, 2004 through February 4, 2004, during regular business hours by contacting Larry Bishop, Department of Rehabilitation

Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

**PUBLIC HEARING:**

Monday, February 2, 2004,  
3:00 P.M. - 5:00 P.M.,  
Department of Rehabilitation Services  
2<sup>nd</sup> Floor Conference Room,  
3535 N.W. 58<sup>th</sup>  
Oklahoma City, Oklahoma  
Tuesday, February 3, 2004,  
3:00 P.M. - 5:00 P.M.,  
Department of Human Services  
2609 S.W. Lee Blvd.,  
Lawton, Oklahoma  
Wednesday, February 4, 2004,  
3:00 P.M. - 5:00 P.M.,  
Tulsa Speech and Hearing Association  
8740 E. 11<sup>th</sup>, Suite A  
Tulsa, Oklahoma

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58<sup>th</sup>, Suite 500, Oklahoma City, Oklahoma 73112.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2004, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

Larry Bishop, Rulemaking Liaison, (405) 951-3408

*[OAR Docket #03-3315; filed 12-1-03]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 10. AD VALOREM**

*[OAR Docket #03-3359]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 10. Ad Valorem [AMENDED]

**SUMMARY:**

Proposed amendments to Subchapter 7. Manufacturing Facilities, have been proposed to implement statutory changes set out by Senate Bill 300 of the 49th Legislature, First Regular Session, (2003), which made several modifications to the qualification requirements and expanded some exemptions if certain payroll and capital investment criteria are met.

## Notices of Rulemaking Intent

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Proposed amendments to Subchapter 9. Manufactured Homes, have been proposed to clarify procedures, correct references and terminology, and correct scrivener's errors.

Proposed new Subchapter 13. Valuation of Certain Oil Refinery Assets has been added to implement the provisions of House Bill 1712 of the 49th Legislature, First Regular Session, (2003), which created an exemption from ad valorem taxation for property used wholly as a facility, device, or method for the desulphurization of gasoline or diesel fuel.

### **AUTHORITY:**

68 O.S., §§ 203, 2817, 2902(H); Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 11, 2004, 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. February 13, 2004**, 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.

### **REQUEST 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 any business entity 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 17, 2004, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

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

*[OAR Docket #03-3359; filed 12-9-03]*

## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING**

*[OAR Docket #03-3360]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

### **PROPOSED RULES:**

Chapter 90. Withholding [AMENDED]

### **SUMMARY:**

The 2003 Legislature enacted statutory changes which require additions, revocations, and amendments to the existing rules in this area. The majority of the proposed changes have been previously promulgated in an emergency rule which was effective October 7, 2003, and implemented new law requiring certain withholding and reporting duties for "pass-through" entities. Additionally, other amendments are proposed to reconcile the rules with controlling statutes, to improve readability, to correct scrivener' errors, and to update citation and internal cross-references.

### **AUTHORITY:**

68 O.S. §§ 203, 2385.3, 2385.13, 2385.15, 2385.17, 2385.27; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 4, 2004, 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. February 6, 2004**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUEST FOR COMMENTS:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity 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 no later than January 16, 2004 from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Carolyn Swifthurst, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [cswifthurst@oktax.state.ok.us](mailto:cswifthurst@oktax.state.ok.us)

*[OAR Docket #03-3360; filed 12-9-03]*

**TITLE 785. OKLAHOMA WATER  
RESOURCES BOARD  
CHAPTER 25. DAMS AND RESERVOIRS**

*[OAR Docket #03-3356]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

785:25-1-4. Variances and waivers [NEW]

Subchapter 3. Responsibility, Classification and Design Standards

785:25-3-7. Minimum outlet conduit capacities [AMENDED]

**SUMMARY:**

The staff of the Oklahoma Water Resources Board ("OWRB") proposes to recommend that a new rule be added to Subchapter 1 on General Provisions to provide that the OWRB may consider and grant waivers to requirements of other rules of the chapter for good cause shown on a case by case basis, if sound engineering principles and practices are shown and if the action taken pursuant to a variance or waiver will not increase risk to life or property. Staff also proposes to recommend that the rule on minimum outlet conduit capacities be amended by deleting the paragraph containing a height of conduit requirement based on storage for domestic use.

**AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S. 2001, §105.27; 82 O.S. 2001, §110.1 and following; 82 O.S. 2001, §1085.2

**COMMENT PERIOD:**

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the

period from January 2, 2004 through February 3, 2004. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for adoption on February 10, 2004 or March 9, 2004. The Board may consider additional comments at its February 10, 2004 or March 9, 2004 meetings.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on February 3, 2004, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City.

**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 from January 2, 2004 through February 3, 2004 to Dean A. Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after January 2, 2004, at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405/530-8800 or at [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us)

*[OAR Docket #03-3356; filed 12-9-03]*

**TITLE 785. OKLAHOMA WATER  
RESOURCES BOARD  
CHAPTER 30. TAKING AND USE OF  
GROUNDWATER**

*[OAR Docket #03-3355]*

**RULEMAKING ACTION:**

Notice of PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

785:30-1-2. Definitions [AMENDED]

Subchapter 3. Permit Application Requirements

785:30-3-5. Approval of application [AMENDED]

785:30-3-6. Well spacing [AMENDED]

Subchapter 5. Groundwater Permits

785:30-5-2. Temporary permits [AMENDED]

## Notices of Rulemaking Intent

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Subchapter 9. Maximum Annual Yield Determinations  
785:30-9-2. Determination of maximum annual yield  
[AMENDED]

### SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") proposes to recommend that amendments to certain existing rules be adopted by the OWRB. A primary reason that triggers the need for such rule amendments is the enactment of Senate Bill 288 during the 2003 legislative session which addressed sensitive sole source groundwater basins. Staff proposes that the OWRB adopt amendments to address the statute changes enacted by Senate Bill 288 through emergency rulemaking. The proposals for amendments are as follows:

Oklahoma Administrative Code (OAC) 785:30-1-2 should be amended to add a new definition of "degrade or interfere".

OAC 785:30-3-5 is proposed to be amended to add provisions about approval of an application to withdraw groundwater from a sensitive sole source groundwater basin as described in Senate Bill 288. Additionally, language would be added to explain that a moratorium was imposed by Senate Bill 288 on certain use outside the counties that overlie a sensitive sole source groundwater basin. Finally, language would be added to explain the procedure to be followed in making the determination of whether a proposed use would likely degrade or interfere with springs or stream emanating from a sensitive sole source groundwater basin.

OAC 785:30-3-6 on well spacing is proposed to be amended to clarify language about the basin where other existing wells draw water, and to clarify how location exceptions are considered, particularly with respect to existing wells.

OAC 785:30-5-2 on temporary permits is proposed to be amended to clarify the general procedures for revalidation of temporary permits and to interpret and clarify the meaning of language in Senate Bill 288 about revalidation of existing temporary permits to withdraw groundwater from a sensitive sole source groundwater basin that allows for municipal or public water supply use in areas outside any county that overlies the sensitive sole source groundwater basin. The amendments would state that the request to revalidate shall be considered a new permit application, and that such an application would be processed. The Board staff would give instructions to the applicant about providing notice (by publication and by certified mail) pursuant to existing rules on notice of new permit applications. The amendment would also indicate that a bifurcated procedure would be implemented in that an initial determination would be made as to whether the application meets the four elements for approval in the groundwater law prior to enactment of Senate Bill 288. If after that part of the proceeding it is shown and the Board finds affirmatively on the four elements, a second proceeding would be conducted so the Board could make a determination as to whether the proposed use would be likely to degrade or interfere with springs or streams emanating from water originating from a sensitive sole source groundwater basin.

The language would establish that upon agreement by the applicant that a condition could be placed on the permit that the use would not degrade or interfere with springs or streams, the burden to show that such use would degrade or interfere with springs and streams would shift to the applicant.

OAC 785:30-9-2 on determining the maximum annual yield of groundwater basins or subbasins would be amended to implement the provisions of Senate Bill 288 and would specify that for sensitive sole source groundwater basins or subbasins, the yield would ensure that any permit for removal of water from the basin or subbasin would not reduce the natural flow of springs or stream emanating from the basin or subbasin, and that the Board would presume that removal will not reduce the natural flow if domestic uses and appropriate uses having springs and stream as the source of supply will not be injured.

### AUTHORITY:

Oklahoma Water Resources Board, 82 O.S. 2001, §1020.1 and following; 82 O.S. 2001, §1085.2

### COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2004 through February 3, 2004. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for adoption on February 10, 2004 or March 9, 2004. The Board may consider additional comments at its February 10, 2004 or March 9, 2004 meetings.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 3, 2004, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City.

### 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 from January 2, 2004 through February 3, 2004 to Dean A. Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after January 2, 2004, at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405/530-8800 or at [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us)

*[OAR Docket #03-3355; filed 12-9-03]*

**TITLE 785. OKLAHOMA WATER  
RESOURCES BOARD  
CHAPTER 35. WELL DRILLER AND PUMP  
INSTALLER LICENSING**

*[OAR Docket #03-3357]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 785:35-1-2. Definitions [AMENDED]
- Subchapter 3. Licensing and Certifications
- 785:35-3-1. Licensing procedures [AMENDED]
- Subchapter 7. Minimum Standards for Construction of Wells
- 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]
- 785:35-7-1.1. Minimum standards for construction of heat exchange wells [NEW]
- Subchapter 9. Minimum Standards for Pump Installation
- 785:35-9-1. Minimum standards for pump installation [AMENDED]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
- 785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings. [AMENDED]

**SUMMARY:**

- (a) amending OAC Section 785:35-1-2 to add certain definitions associated with heat exchange wells and sand point wells. The new definitions are needed to reflect the latest technological advances in the heat exchange industry and to sand point wells;
- (b) amending OAC Section 785:35-3-1 to add a separate and specific examination for the category of heat exchange well drilling for which separate and permanent rules are being proposed;
- (c) amending OAC Section 785:35-7-1 regarding location of a water well from a source of pollution. The amendment would effectively require that all water wells be located, at a minimum, 50 feet from sources of pollution with the exceptions of closed or tight sewer lines and existing or proposed lagoons. The amendment further requires that all water wells be located 10 feet from a closed or tight sanitary sewer line and 300 feet from an existing or proposed lagoon. This amendment also clarifies the location from sources of pollution and construction requirements for certain non-drinking (lawn irrigation) water wells;

(d) amending OAC Section 785:35-7-1 regarding the installation of cement grout surface seal for water well construction. The amendment would allow, as an alternative, five (5) feet of bentonite to be installed below five (5) feet of cement grout for a minimum standard total of ten (10) feet seal. This amendment would also require that if both surface and production casing are used, the surface seal shall in all instances be installed outside the surface casing and may be installed between the surface and production casings.

(e) amending OAC Section 785:35-7-1 to add a gravel pack requirement for water well construction. This amendment would require that when gravel pack is installed in a water well, the gravel pack shall be selected and the gravel installed around the production casing in a manner to prevent or minimize the infiltration of sand and fines from the geologic formation that may be mixed and pumped from the well.

(f) amending OAC Section 785:35-7-1 to add requirements for sand point well construction. This amendment would allow sand point wells to be installed to a maximum depth of 30 feet if constructed with a pilot hole to allow for the installation of three (3) feet of cement grout at the surface;

(g) adding a new OAC Section 785:35-7-1.1 in regards to minimum construction standards for heat exchange wells. The amendment was adopted as an emergency rule July 2003 and should be permanently added to reflect the latest technological advances in the heat exchange industry;

(h) amending OAC Section 785:35-9-1 regarding pump installation standards to allow use of National Ground Water Association technical manuals as an alternative resource for pump installation standard. The technical manuals will be specifically named and incorporated by reference;

(i) amending OAC Section 785:35-11-2 regarding the plugging requirements for contaminated monitoring wells. The amendment would require the overdrilling of the casing when plugging a contaminated monitoring well if the top of the screen is less than 20 feet below land surface. The same size auger used to drill the borehole would be required to drill out the casing. This change is proposed to make the monitoring well plugging requirements consistent with the requirements of the Oklahoma Corporation Commission.

**AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S. 2001, §§1085.2 and 1020.16

**COMMENT PERIOD:**

Persons may submit written comments to Kent Wilkins, Coordinator of State Well Drillers and Pump Installers Program, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2004 through February 3, 2004. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for adoption on February 10, 2004 or March 9, 2004. The Board may consider additional comments at its February 10, 2004 or March 9, 2004 meetings.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on February 3, 2004, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City.

### **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 from January 2, 2004 through February 3, 2004 to Dean A. Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

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

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen

Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after January 2, 2004, at the same location listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Kent Wilkins, Coordinator of State Well Drillers and Pump Installers Program, Planning and Management Division (405) 530-8800; or at [khwilkins@owrb.state.ok.us](mailto:khwilkins@owrb.state.ok.us)

*[OAR Docket #03-3357; filed 12-9-03]*

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# 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.*

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## **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION**

*[OAR Docket #03-3307]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review.

### **RULES:**

435:1-1-2. Description of organization [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 25, 2003

### **SUBMITTED TO HOUSE:**

November 25, 2003

### **SUBMITTED TO SENATE:**

November 25, 2003

*[OAR Docket #03-3307; filed 12-1-03]*

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## **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS**

*[OAR Docket #03-3308]*

### **RULEMAKING ACTION:**

Statement of submission for gubernatorial and legislative review.

### **RULES:**

Subchapter 4. Application and Examination Procedures for  
Licensure as Physician and Surgeon

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 25, 2003

### **SUBMITTED TO HOUSE:**

November 25, 2003

### **SUBMITTED TO SENATE:**

November 25, 2003

*[OAR Docket #03-3308; filed 12-1-03]*

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## **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS**

*[OAR Docket #03-3309]*

### **RULEMAKING ACTION:**

Statement of submission for gubernatorial and legislative review.

### **RULES:**

Subchapter 17. Medical Micropigmentation

435:10-17-1. Purpose [AMENDED]

435:10-17-2. Definitions [AMENDED]

435:10-17-3. Duties and responsibilities [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 25, 2003

### **SUBMITTED TO HOUSE:**

November 25, 2003

### **SUBMITTED TO SENATE:**

November 25, 2003

*[OAR Docket #03-3309; filed 12-1-03]*

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## **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 40. REGISTERED ELECTROLOGISTS**

*[OAR Docket #03-3310]*

### **RULEMAKING ACTION:**

Statement of submission for gubernatorial and legislative review.

### **RULES:**

435:40-1-4.1. Infection Control Standards [NEW]

435:40-1-6. Curriculum of study and internship  
requirements [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 25, 2003

### **SUBMITTED TO HOUSE:**

November 25, 2003

### **SUBMITTED TO SENATE:**

November 25, 2003

*[OAR Docket #03-3310; filed 12-1-03]*

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## Submissions for Review

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

*[OAR Docket #03-3361]*

#### RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

#### RULES:

- Subchapter 3. Registration and Licensing
  - Part 1. General Provisions
    - 710:60-3-12. Staggered registration [AMENDED]
    - 710:60-3-13. Non-staggered registration [AMENDED]
    - 710:60-3-14. Transfer of ownership registration [AMENDED]
    - 710:60-3-20. Display of vehicle license plates [AMENDED]
    - 710:60-3-23. ~~October 9, 2001, tornado~~ Tornado registration fee credit [AMENDED]
  - Part 11. Other Vehicles
    - 710:60-3-114. Fractionation tanks (frac tanks) not eligible for registration [NEW]
- Subchapter 5. Motor Vehicle Titles
  - Part 3. Application for Certificates of Title
    - 710:60-5-30. Applications for certificates of title [AMENDED]
  - Part 11. Liens
    - 710:60-5-113. ~~Out of state~~ ~~lienholder~~ Lienholder notification [AMENDED]
    - 710:60-5-116. Mechanics' liens under Title 42 of the Oklahoma Statutes [AMENDED]
- Subchapter 7. Motor Vehicle Excise Tax
  - 710:60-7-8. ~~October 9, 2001, tornado~~ Tornado excise tax credit [AMENDED]
- Subchapter 9. Motor Vehicle License Agents/Agencies
  - Part 9. Specific Fiscal Duties
    - 710:60-9-94. Procedures for reporting and collecting returned checks [AMENDED]

#### SUBMITTED TO GOVERNOR:

December 5, 2003

#### SUBMITTED TO HOUSE:

December 5, 2003

#### SUBMITTED TO SENATE:

December 5, 2003

*[OAR Docket #03-3361; filed 12-9-03]*

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

*[OAR Docket #03-3362]*

#### RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

#### RULES:

- Subchapter 4. Registration Pursuant to the International Registration Plan
  - 710:60-4-4. Proof of ownership [AMENDED]
  - 710:60-4-6. Registration as an owner-operator [AMENDED]
  - 710:60-4-16. Application disapproval [AMENDED]
  - 710:60-4-17. Temporary operating authority [AMENDED]
  - 710:60-4-20. Incorporation by reference [AMENDED]

#### SUBMITTED TO GOVERNOR:

December 5, 2003

#### SUBMITTED TO HOUSE:

December 5, 2003

#### SUBMITTED TO SENATE:

December 5, 2003

*[OAR Docket #03-3362; filed 12-9-03]*

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# 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 rule[s] . . . . [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 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #03-3303]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 3. Returns and payments  
710:90-3-11. Income tax withholding for pass-through entities [NEW]

### AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

### DATES:

#### Adoption:

October 7, 2003 (Commission Order No. 2003-10-07-23)

#### Approved by Governor:

November 21, 2003

#### Effective:

Immediately upon Governor's approval.

#### Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

House Bill 1356 was enacted into law by the 49th Legislature, 1st Regular Session, and become effective on August 29, 2003. The bill provided for pass-through entities to withhold Oklahoma income tax on distributions made to non-resident members. In its Order adopting this rule through emergency rulemaking procedures, the Commission made a finding that the need to provide timely guidance with respect to the applicability of the requirement and the manner in which affected entities should report and remit the withholding constituted a compelling public interest.

### ANALYSIS:

Definitions for terms used in the enabling statute have been set out and unique filing considerations for the various entities to which the requirement applies have been explained. The rule describes various instances in which an entity will not be subject to withholding, as well as various exclusions. Due dates, filing schedules, registration requirements, and required reports are explained.

### 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 3. RETURNS AND PAYMENTS

### 710:90-3-11. Income tax withholding for pass-through entities

(a) **General provisions.** Generally, any pass-through entity that makes a distribution to a non-resident member is required to deduct and withhold Oklahoma income tax from each distribution being made with respect to Oklahoma source income.

(b) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Member"** means:

- (A) A shareholder of an S-Corporation;
- (B) A partner in a general partnership;
- (C) A partner in a limited partnership;
- (D) A partner in a limited liability partnership;
- (E) A member of a limited liability company; or,
- (F) A beneficiary of a trust.

(2) **"Non-resident"** means an individual who is not a resident of, or domiciled in, this state; a business entity which does not have a commercial domicile in this state; or a trust which is not organized in this state.

(3) **"Pass-through entity"** means:

- (A) A corporation that is treated as an S-Corporation under the Internal Revenue Code;
- (B) A general partnership;
- (C) A limited partnership;
- (D) A limited liability partnership;
- (E) A trust; or,
- (F) A limited liability company that is not taxed as a corporation for federal income tax purposes.

(4) **"Pass-through entity"** does not include an entity which is disregarded for income tax purposes under the Internal Revenue Code.

(c) **S-Corporations; general, limited, or limited liability partnerships; limited liability companies.** In the case of S-Corporations; general, limited, or limited liability partnerships; and limited liability companies, withholding of five percent (5%) is required on the Oklahoma portion of the cash distribution or the Oklahoma net distributed income if determinable at the time of distribution. In the case of S-Corporations paying the tax on behalf of non-resident shareholders (68 O.S. § 2365) or partnerships filing composite returns on behalf of non-resident partners, the non-resident

## Emergency Adoptions

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members withholding can be claimed on the return filed by the S-Corporation or the partnership.

(d) **Trusts.** For trusts, withholding of five percent (5%) is required on the Oklahoma portion of the cash distribution or the Oklahoma distributed net income if determinable at the time of distribution.

(e) **Non-resident members not subject to withholding.** Persons, other than individuals, who are exempt from federal income tax are not subject to having income tax withheld under this Section. Organizations granted an exemption under Section 501(c)(3) of the Internal Revenue Code are not subject to having income tax withheld under this Section. Also, insurance companies subject to the Oklahoma Gross Premiums Tax and therefor exempt from Oklahoma income tax under 68 O.S. § 2359(c) are not subject to having income tax withheld under this Section.

(f) **When pass-through entities are not required to withhold.** Withholding is not required in the following instances:

(1) When an entity is not required to file a federal income tax return, or properly elects out of such duty;

(2) When a pass-through entity is making distributions of income not subject to Oklahoma income tax;

(3) When a pass-through entity has withheld tax on royalty interest income pursuant to 68 O.S. § 2385.25 et seq.;

(4) When a pass-through entity is making distributions to another pass-through entity; or,

(5) When a distribution made by a pass-through entity has been determined to be not subject to the provisions of this Section by the Commission.

(g) **Due dates for payment of pass-through withholding.** Pass-through entities that withhold on distributions are required to file an Oklahoma Tax Commission Form OW-9-C and pay the Oklahoma income tax withheld on a quarterly basis, pursuant to this subsection:

(1) **First quarter.** For distributions made during January, February, and March, the amount withheld is due no later than April 30;

(2) **Second quarter.** For distributions made during April, May, and June, the amount withheld is due no later than July 31;

(3) **Third quarter.** For distributions made during July, August, and September, the amount withheld is due no later than October 31; and

(4) **Fourth quarter.** For distributions made during October, November, and December, the amount withheld is due no later than January 31 of the following year.

(h) **Required reports.** The pass-through entity is required to provide non-resident members and the Oklahoma Tax Commission an annual written statement showing the name of the pass-through entity, to whom the distribution was paid, the amount of the distribution, and the amount of Oklahoma income tax withheld. Further, the statement must also furnish the non-resident member's name, address, and social security number or Federal Employer Identification Number. To accomplish this:

(1) Each pass-through entity must provide non-resident members with an Oklahoma Tax Commission Form 500-B, by last day of the second month after the end of its taxable year, showing the member's respective amount of income and the tax withheld.

(2) Each non-resident member must enclose a copy of the Form 500-B to the Oklahoma income tax return as verification for this withholding. Copies of Form 500-Bs, along with the Oklahoma Tax Commission Form 501, must be sent to the Oklahoma Tax Commission by the same date.

(i) **Non-resident members entitled to credit, or refund, from Oklahoma income taxes paid.** Any non-resident member from whom an amount is withheld pursuant to the provisions of this Section, and who files an Oklahoma income tax return is entitled to a credit for the amount withheld. If the amount withheld is greater than the tax due, the non-resident member will be entitled to a refund of the amount of the overpayment.

(j) **Pass-through entities must register.** Pass-through entities that make distributions subject to Oklahoma withholding must register with the Oklahoma Tax Commission.

[OAR Docket #03-3303; filed 12-1-03]

# 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

**1:2003-28.**

### EXECUTIVE ORDER 2003-28

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Pearl Harbor Remembrance Day, directed that appropriate steps be taken to fly at half staff all American flags and Oklahoma flags at the State Capitol on Sunday, December 7, 2003, to honor the many Oklahoma and United States citizens who perished on December 7, 1941, as a result of the infamous attack by the Japanese on Pearl Harbor, Hawaii.

On that day, 2,403 service people were killed, including 429 aboard the USS Oklahoma. Eight of the 429 aboard the USS Oklahoma were Oklahoma citizens. The loss of those people was a heavy burden for all Americans to bear. The flying of these flags at half staff was a symbol from Oklahomans that demonstrated our remembrance of those killed and or sympathy for their families.

This Executive Order was implemented on December 7, 2003.

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 8th day of December, 2003.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage  
Secretary of State

[OAR Docket #03-3363; filed 12-9-03]

**1:2003-29.**

### EXECUTIVE ORDER 2003-29

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and Section 840-2.20A of Title 74 of the Oklahoma Statutes, do hereby revoke Executive Order 1999-06 and appoint the Commissioner of the Oklahoma Department of Public Safety to serve as my designee for authorizing agencies or parts of agencies to maintain minimum services when hazardous weather becomes a safety threat, causes undue delays or prohibits employees from traveling to and from work.

Those employees authorized to be absent from work due to these conditions shall be governed by the appropriate administrative rules of the Office of Personnel Management concerning options available to account for lost time.

This Executive Order shall be forwarded to the Commissioner of the Oklahoma Department of Public Safety and to the Secretary for Human Resources and Administration who shall cause the provisions of this order to be implemented by all appropriate agencies of state government. Copies of this Executive Order shall be supplied to each Cabinet Secretary.

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 9th day of December, 2003.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage  
Secretary of State

[OAR Docket #03-3364; filed 12-10-03]

