

Volume 22  
Number 3  
October 15, 2004  
Pages 73 - 80

# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Brad Henry, Governor**  
**M. Susan Savage,**  
**Secretary of State**  
**Peggy Coe, Managing Editor**

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This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 92 copies have been prepared and distributed at a cost of \$82.32. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

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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 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 20. OKLAHOMA STATE EMPLOYEES' DIRECT DEPOSIT RULES**

*[OAR Docket #04-1308]*

### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Policies and Procedures

530:20-1-2. [AMENDED]

530:20-1-3. [AMENDED]

530:20-1-4. [AMENDED]

530:20-1-14. [AMENDED]

530:20-1-16. [AMENDED]

Subchapter 3. OPM Administrative Policies and Procedures

530:20-3-7. [AMENDED]

### **SUMMARY:**

The purpose of these proposed rule amendments is to harmonize the rules with legislation promulgated during the 2004 legislative session.

### **AUTHORITY:**

The Administrator of the Office of Personnel Management; Title 74 O.S., § 292.12(B).

### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, ATTENTION: Chanda Graham, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [chanda.graham@opm.state.ok.us](mailto:chanda.graham@opm.state.ok.us). The comment period will begin on October 15, 2004. To be assured of consideration prior to the adoption of emergency rules, written comments must be received no later than 5:00 p.m., Friday, November 5, 2004.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 1:30P.M., Thursday, November 4, 2004, Concourse Theater, Sequoyah/Will Rogers Concourse, Oklahoma City, Oklahoma.

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

N/A.

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

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning October 15, 2004. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

### **CONTACT PERSON:**

Chanda R. Graham, Chief Policy Attorney, (405) 522-1736.

*[OAR Docket #04-1308; filed 9-22-04]*

## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 22. BOATS AND MOTORS**

*[OAR Docket #04-1309]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

Chapter 22. Boats and Motors [AMENDED]

### **SUMMARY:**

The 2003-2004 Legislative Session enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas:

Existing Section 710:22-3-1 has been amended to conform with the provisions of House Bill 2441 which provides that vessels or motors used for participating in a contest are not subject to the statutory restrictions for demonstration permits issued to licensed dealers. [63:4035(A)]

Existing Section 710:22-5-8 has been amended to conform with the provisions of House Bill 2132 which established an elective three-year registration period at a reduced rate for vessels or motors. [63:4019]

Existing Sections 710:2-5-9 has been amended to reflect the new three-year registration option provided for by HB 2132, and to conform with the provision of House Bill 2441, which defined the term "antique boat" and authorized the Tax Commission to promulgate rules for the placement of the required registration decal in an alternate location for antique boats. [63:4030]

In addition, other rule changes improve readability, correct scrivener' errors, update statutory citation, and insure accurate internal cross-references.

# Notices of Rulemaking Intent

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## **AUTHORITY:**

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

## **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., November 26, 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. November 30, 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** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

## **COPIES OF PROPOSED RULES:**

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

## **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after October 29, 2004, from the same source listed above for obtaining copies of proposed rules.

## **CONTACT PERSON:**

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

[OAR Docket #04-1309; filed 9-23-04]

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

[OAR Docket #04-1310]

## **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

## **PROPOSED RULES:**

Chapter 60. Motor Vehicles [AMENDED]

## **SUMMARY:**

The 2003-2004 Legislative Session enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas:

Existing Sections 710:60-1-3; 710:60-3-21; 710:60-3-22; 710:60-3-54; 710:60-3-92; 710:60-3-202; 710:60-5-1; 710:60-9-120; and 710:60-9-134 have been amended to conform to the provisions of Senate Bill 1120. 710:60-1-3 was modified pursuant to Section 3 of the bill, which allows the Commission to release confidential information regarding commercial registrations. 710:60-3-21 was modified pursuant to Section 4 of the bill, which provides for a charge of \$4.00 for all replacement license plates. Previously, a payment of \$4.00 was required for a replacement plate in every month except the month of renewal. 710:60-3-22 was modified pursuant to Section 5 of the bill, which expands the fee and excise tax waiver available for vehicles donated to nonprofit charitable organizations. 710:60-3-54 was modified pursuant to Section 2 of the bill, which allows licensed motor vehicle dealers to reassign out-of-state titles to used motor vehicles under certain circumstances. 710:60-3-92 was modified pursuant to Section 9 of the bill, which removes provisions of the commercial vehicle registration process that require the filing of an affidavit of commercial use. 710:60-3-202 was modified pursuant to Section 1 of the bill, which defines "special mobilized machinery" to include the term "devices." 710:60-5-1 was modified pursuant to Section 2 of the bill, which provides an exception to registration requirements for vehicles titled by anyone in another state and used in interstate commerce. Previously, the exception applied only if the vehicle was titled and used in interstate commerce by the person applying for registration in Oklahoma. 710:60-9-120 was modified pursuant to Section 10 of the bill, which requires motor license agents to reimburse the Commission for all costs incurred when relocating an existing agency, except in cases of emergency or unforeseen business conditions beyond the control of the agent, when they may be waived. 710:60-9-134 was modified pursuant to Section 11 of the bill, which authorized the Commission to utilize motor license agents to perform additional duties. **47:1109 / 47:1113 / 47:1115(G) / 47:1105 / 47:1133.1 / 47:1102 / 47:1105 / 47:1143.2 / & 47:1140**

Existing Section 710:60-3-20 has been amended to implement the provisions of House Bill 1896 §3 which states that operating a vehicle in this state requires that the license plate be clearly visible at all times, regardless of where

registered, and prohibits covering a license plate with any material whatsoever. [47:1113(A)(2)]

Existing Sections 710:60-3-114 and 710:60-7-4 have been amended to conform to the provisions of Senate Bill 1504 §1-2 which provides "frac tanks" shall qualify for the annual registration set out in Section 1133 and be subject to the levy of vehicle excise tax. [47:1133 / 68:2103]

Existing Sections 710:60-3-150; 710:60-3-151; 710:60-3-152; 710:60-3-160; 710:60-3-168; 710:60-3-169; and 710:60-3-170 have been amended to delete references to obsolete forms and to conform to the provisions of House Bill 1994, which provides that if a person qualifies for a disabled veterans license plate and is also eligible for an insignia as a physically disabled person under the provisions of 47 O.S. Section 15-112, the person will be eligible to receive a disabled veterans license plate that also displays the international accessibility symbol. [47:1135.1-1135.6]

Existing Section 710:60-5-60 has been amended to comply with the provisions of House Bill 2470 § 30 which provides that vehicles sold by licensed sellers to foreign buyers pursuant to the Automotive Dismantlers and Parts Recycler Act must have titles stamped to indicate that they are for export and cannot be transferred in the United State. Sellers must also supply the Tax Commission with certain information from those sales. [47:1105(T)]

Existing Section 710:60-5-115 has been amended to conform to House Bill 2230 which provides for recognition under Oklahoma law of security interests in vehicles registered by federally-recognized Indian Tribes, when they are validly perfected under the applicable tribal laws and the lien is noted on the face of the tribal certificate of title. [47:1110]

Existing Section 710:60-5-116 §1 has been amended so as be consistent with the provisions of House Bill 2101 which grants class AA wreckers an exemption from all prior years' tag fees, stop flag fees, and any other fees imposed by state law from prior ownership of the vehicle when performing any abandoned vehicle auction. [42:91.1]

Existing Sections 710:60-3-11; 710:60-3-17; 710:60-3-98; 710:60-3-133; 710:60-3-162; 710:60-5-4; 710:60-5-7; 710:60-5-111; 710:60-5-113 and 710:60-5-115 have been amended to clarify policy, simplify procedures, and streamline forms and required documentation in various areas.

In addition, other rule changes improve readability, correct scrivener' errors, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 47 O.S. §§ 1113(A)(2) and 1149; 68 O.S. §§ 203 and 2110

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., November 26, 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. November 30, 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** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after October 29, 2004, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

[OAR Docket #04-1310; filed 9-23-04]



# 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 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 250. FEE SCHEDULE FOR ENVIRONMENTAL CONSUMER HEALTH SERVICES**

*[OAR Docket #04-1311]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **PROPOSED RULES:**

Subchapter 1. General Provisions

310:250-1-2. [AMENDED]

Subchapter 3. License Classifications and Associated  
Fees For ~~Environmental~~ Consumer Health Services  
[AMENDED]

310:250-3-1. [AMENDED]

310:250-3-2. [AMENDED]

310:250-3-3. [AMENDED]

310:250-3-4. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

September 24, 2004

### **SUBMITTED TO HOUSE:**

September 24, 2004

### **SUBMITTED TO SENATE:**

September 24, 2004

*[OAR Docket #04-1311; filed 9-24-04]*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 256. FOOD SERVICE ESTABLISHMENTS**

*[OAR Docket #04-1312]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **PROPOSED RULES:**

Subchapter 5. Food

310:256-5-67. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

September 24, 2004

### **SUBMITTED TO HOUSE:**

September 24, 2004

### **SUBMITTED TO SENATE:**

September 24, 2004

*[OAR Docket #04-1312; filed 9-24-04]*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 610. ALCOHOLISM TREATMENT CENTERS REGULATIONS [REVOKED]**

*[OAR Docket #04-1313]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **PROPOSED RULES:**

Subchapter 1. General Provisions [REVOKED]

310:610-1-1. through 1-4. [REVOKED]

Subchapter 3. Construction [REVOKED]

310:610-3-1. through 3-5. [REVOKED]

Subchapter 5. Standards [REVOKED]

310:667-5-1. through 5-4. [REVOKED]

### **SUBMITTED TO GOVERNOR:**

September 24, 2004

### **SUBMITTED TO HOUSE:**

September 24, 2004

### **SUBMITTED TO SENATE:**

September 24, 2004

*[OAR Docket #04-1313; filed 9-24-04]*

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# 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."

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## TITLE 1. EXECUTIVE ORDERS

**1:2004-32.**

### EXECUTIVE ORDER 2004-32

I, Mary Fallin, 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 63 O.S. §§683.1 et seq., hereby declare that because there exists a state of emergency in the State of Alabama due to Hurricane Ivan, it is necessary to expedite restoration of services and relief in that State. In order to accommodate this need and to provide assistance to the citizens of Alabama in this extraordinary situation, I hereby order that:

1. The requirements for special permits for use of overweight/oversized vehicles are temporarily suspended as they apply to vehicles used in these restoration efforts.

2. The requirements for licensing/operating authority/registration as required by the Oklahoma Corporation Commission are temporarily suspended as they apply to vehicles used for restoration efforts.

3. This temporary order shall be effective from September 17, 2004, and will terminate as provided in 63 O.S. §683.3(3).

This Executive Order shall be forwarded to the Oklahoma Corporation Commission and the Commissioner of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 20th day of September, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
M. Susan Savage  
Secretary of State

[OAR Docket #04-1307; filed 9-20-04]

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