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**Brad Henry, Governor**  
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**Secretary of State**  
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<b>PUBLIC</b> Affairs) .....	580	Oklahoma <b>WHEAT</b> Commission .....	795
<b>PUBLIC</b> Employees Relations Board .....	585	Department of <b>WILDLIFE</b> Conservation .....	800
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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 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM**

*[OAR Docket #04-1347]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Contributions

Part 3. Rates

240:10-5-11. Subject employer acquiring the experience rating account of another ~~employer~~employer [AMENDED]

240:10-5-12. Nonsubject ~~employers~~entity acquiring the experience rating account of an ~~employer~~employer [AMENDED]

240:10-5-15. Successor acquiring the experience rating account of predecessor [REVOKED]

### **SUMMARY:**

The amendments to these rules will implement changes being made to the acquiring employer statute found at 40 O.S. §3-111. The statute is being amended to incorporate new requirements of federal law that are designed to prevent what is known as "SUTA dumping", or schemes in which employers try to "dump" high tax rates by moving payroll to an employer account with a lower a tax rate.

### **AUTHORITY:**

40 O.S. §§3-111, 4-302; and the Oklahoma Employment Security Commission.

### **REQUEST FOR COMMENTS:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted through December 20, 2004, during regular business hours by the contact person listed below.

### **PUBLIC HEARING:**

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact

person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

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

Copies of proposed rules may be obtained for review from the contact person listed below.

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

### **CONTACT PERSON:**

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, or 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us.

*[OAR Docket #04-1347; filed 10-21-04]*

## **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 21. WORKFORCE INVESTMENT ACT**

*[OAR Docket #04-1348]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

240:21-1-1. Purpose [AMENDED]

240:21-1-2. Definitions [AMENDED]

Subchapter 3. Denial or Termination of Eligibility of a Training Provider

240:21-3-1. Reporting - termination [AMENDED]

Subchapter 7. Monitoring

240:21-7-1. Monitoring [AMENDED]

240:21-7-2. Monitoring report [AMENDED]

240:21-7-3. Monitoring resolution [AMENDED]

240:21-7-4. Final monitoring determination [AMENDED]

240:21-7-5. Appeal [AMENDED]

240:21-7-6. Hearing [AMENDED]

Subchapter 9. Audits

240:21-9-4. Audit review and request for information [AMENDED]

240:21-9-8. Hearing [AMENDED]

Subchapter 11. Grievance Procedure

Part 7. Informal and Formal Resolutions of Grievances

240:21-11-30. Informal resolution [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

The amendments to these rules will correct definitions, add the definition of "fiscal agent", clarify the resolution and appeal of audit and monitoring findings, clarify resolution of grievances and issuance of monitoring reports, establish burden of proof, and outline permissible uses of grant funds.

### AUTHORITY:

40 O.S. §4-302; 29 USC §§2801-2945; 20 CFR Part 660-671 and 652; 29 CFR Part 97; OMB Circulars A-87 and A-133; Workforce Investment Act of 1998; and the Oklahoma Employment Security Commission.

### REQUEST FOR COMMENTS:

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

### COMMENT PERIOD:

Written and oral comments will be accepted through December 20, 2004, during regular business hours by the contact person listed below.

### PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

### CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, or 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesec.state.ok.us.

*[OAR Docket #04-1348; filed 10-21-04]*

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### TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

*[OAR Docket #04-1358]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT Rulemaking

### RULES:

- 385:1-1-2. Commissioners [AMENDED]
- 385:1-1-3. Office of the Secretary [AMENDED]
- 385:1-1-4. Authorization to adopt rules and regulations [AMENDED]
- 385:1-1-5. ~~Office~~Meeting location; quorum [AMENDED]
- 385:1-1-6. Land Office divisions [AMENDED]
- 385:1-1-7. Responsibilities of division directors [AMENDED]
- 385:1-1-8. Requests for information [AMENDED]
- 385:1-1-9. Hearings [AMENDED]
- 385:1-1-10. Minutes of Meetings [AMENDED]
- 385:1-1-11. Rules and regulations [AMENDED]

### SUMMARY:

Amendments to the Administrative Organization and Operation are needed to reflect the current Constitution and statutory provisions for the Commissioners of the Land Office and obsolete language is eliminated.

### AUTHORITY:

64 O.S. §§1, 2, 3, 6; Constitution Art. 6, §32; Department of the Commissioners of the Land Office

### COMMENT PERIOD:

Persons may submit written or oral comments no later than 4:45 p.m., December 17, 2004 to Clifton H. Scott, Secretary, Commissioners of the Land Office, 5801 North Broadway, P. O. Box 26910, Oklahoma City, OK 73126.

### PUBLIC HEARING:

A public hearing will be held to provide the public an opportunity to present their views at 3:00 p.m., on Monday, December 20, 2004, at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, Oklahoma.

### COPIES OF THE PROPOSED RULES:

Copies of proposed rules may be obtained from the Office of the Commissioners of the land Office at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, OK 73126, or by calling 405.604.8100.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and may be obtained along with the proposed rules upon request.

### CONTACT PERSON:

Clifton H. Scott, Secretary, Commissioners of the Land Office, 5801 North Broadway, Suite 200, Oklahoma City, OK 73118, 405.604.8100.

*[OAR Docket #04-1358; filed 10-26-04]*

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### TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE CHAPTER 15. SALE AND OPERATION OF OIL AND GAS LEASES

*[OAR Docket #04-1359]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT Rulemaking

**PROPOSED RULE:**

385:15-1-18. Forms available on request [AMENDED]

**SUMMARY:**

The amended rule is a change in the Division Order form to be used in dealings with the Commissioners of the Land Office. Updating this rule will reflect current operations and procedures and will provide uniformity for entities dealing with the CLO.

**AUTHORITY:**

64 O.S. §§281 et seq.; Department of the Commissioners of the Land Office

**COMMENT PERIOD:**

Persons may submit written or oral comments no later than 4:45 p.m., December 17, 2004 to Pary H. Shofner, Director Minerals Management Division, Commissioners of the Land Office, 5801 North Broadway, P. O. Box 26910, Oklahoma City, OK 73126.

**PUBLIC HEARINGS:**

A public hearing will be held to provide the public an opportunity to present their views at 10:00 a.m., on Monday, December 20, 2004, at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, Oklahoma.

**COPIES OF THE PROPOSED RULES:**

Copies of proposed rules may be obtained from the Office of the Commissioners of the land Office at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, OK 73126, or by calling 405.604.8160.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and may be obtained along with the proposed rules upon request.

**CONTACT PERSON:**

Pary Shofner, Director, Minerals Management Division, Commissioners of the Land Office, 5801 North Broadway, Suite 200, Oklahoma City, OK 73118, 405.604.8160.

[OAR Docket #04-1359; filed 10-26-04]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE  
CHAPTER 25. SURFACE LEASING FOR AGRICULTURAL AND COMMERCIAL PURPOSES**

[OAR Docket #04-1360]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT Rulemaking

**PROPOSED RULES:**

- 385:25-1-12. Reservations in surface lease; easements [AMENDED]
- 385:25-1-41. Procedure for Exchanging land [NEW]
- 385:25-1-42. Irrigation Permits [NEW]
- 385:25-1-43. Right of Entry Permits; Treasure Trove [NEW]
- 385:25-1-44. Real Estate Broker Commissions [NEW]

**SUMMARY:**

The amended rules govern the surface leasing for agricultural and commercial leases. The amendments reflect the procedures to effectuate the statutory provisions for exchanging of Trust lands to promote commercial development and better land management and real estate brokers. The proposed rules also include provisions to grant permanent easements to railway companies and to grant irrigation permits and treasure trove permits.

**AUTHORITY:**

64 O.S. §§1.1, 1.3, 101, 459; Department of the Commissioners of the Land Office

**COMMENT PERIOD:**

Comments may be sent no later than 4:45 p.m., December 17, 2004 to Keith Kuhlman, Director, Real Estate Management Division, Commissioners of the Land Office, 5801 North Broadway, P. O. Box 26910, Oklahoma City, OK 73126.

**PUBLIC HEARINGS:**

A public hearing will be held to provide an opportunity for the public to present their views at 3:00 p.m., on Monday, December 20, 2004, at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, Oklahoma.

**COPIES OF THE PROPOSED RULES:**

Copies of proposed rules may be obtained at 5801 North Broadway, Paragon Building, Suite 200, Oklahoma City, OK 73126, or by calling 405.604.8140.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and may be obtained along with the proposed rules upon request.

**CONTACT PERSON:**

Keith Kuhlman, Director, Real Estate Management Division, 5801 North Broadway, Suite 200, Oklahoma City, OK 73118, 405.604.8140.

[OAR Docket #04-1360; filed 10-26-04]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 16. STANDARDS AND CRITERIA FOR COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES**

[OAR Docket #04-1350]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Services  
450:16-5-1. [AMENDED]
- Subchapter 7. Critical Incidents  
450:16-7-2. [AMENDED]
- 450:16-7-3. [AMENDED]
- Subchapter 11. Safety  
450:16-11-1. [AMENDED]
- 450:16-11-2. [AMENDED]

## Notices of Rulemaking Intent

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Subchapter 13. Quality Of Life  
450:16-13-12.2. [AMENDED]  
450:16-13-16. [AMENDED]  
450:16-13-27.1. [AMENDED]  
Subchapter 25. Resident Management/General Services  
450:16-25-3. [AMENDED]  
Subchapter 29. Enhanced Residential Care  
450:16-29-6. [REVOKED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 16 are part of the Department's review of Title 450. These proposed amendments are intended to clarify certification requirements, delete redundant or superfluous language, and correct scrivener's errors.

### AUTHORITY:

43A O.S. § 3-315; Board of Mental Health and Substance Abuse Services.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 17, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

### PUBLIC HEARING:

The Department will conduct a public hearing on December 17, 2004 at 9:00 a.m. in the Main Conference Room of the Department at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to submit written information to the Department, 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 until 5:00 p.m., December 17, 2004 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer,  
(405) 522-6765.

*[OAR Docket #04-1350; filed 10-26-04]*

## TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH SERVICES CENTERS

*[OAR Docket #04-1355]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions  
450:17-1-2. [AMENDED]  
450:17-1-6. [AMENDED]  
Subchapter 3. Required Services  
Part 7. Outpatient Counseling Services  
450:17-3-62. [AMENDED]  
Part 17. Services to Homeless Individuals  
450:17-3-161. [AMENDED]  
Subchapter 5. Optional Services  
Part 5. Homebased Services to Children and Adolescents  
450:17-5-25. [NEW]  
Part 11. Community Living Programs  
450:17-5-56. [AMENDED]  
450:17-5-59.1. [AMENDED]  
450:17-5-60. [AMENDED]  
450:17-5-61. [REVOKED]  
450:17-5-62. [REVOKED]  
450:17-5-64. [AMENDED]  
450:17-5-66. [AMENDED]  
450:17-5-67. [REVOKED]  
450:17-5-67.2. [AMENDED]  
450:17-5-67.3. [AMENDED]  
Subchapter 7. Facility Clinical Records  
450:17-7-5. [AMENDED]  
450:17-7-6. [REVOKED]  
450:17-7-7. [REVOKED]  
450:17-7-8. [AMENDED]  
Subchapter 15. Performance Improvement and Quality  
Management  
450:17-15-5. [AMENDED]  
Subchapter 19. Human Resources  
450:17-19-1. [AMENDED]  
Subchapter 21. Staff Development and Training  
450:17-21-3. [AMENDED]  
Subchapter 23. Facility Environment  
450:17-23-1. [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act these proposed rules are part of the Department's review of Title 450. These proposed actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

43A O.S. §§ 3-306, 3-306.1; Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 16, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

The Department will conduct a public hearing on December 16, 2004 at 9:00 a.m. in the Main Conference Room of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 until 5:00 p.m., December 16, 2004 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

**CONTACT PERSON:**

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1355; filed 10-26-04]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 21. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC), ORGANIZATIONS AND FACILITATORS**

*[OAR Docket #04-1351]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Facilitators
  - 450:21-1-3. [AMENDED]
  - 450:21-1-5. [AMENDED]
  - 450:21-1-8. [AMENDED]
  - 450:21-1-9. [AMENDED]
  - 450:21-1-10. [AMENDED]
- Subchapter 5. Course Attendance and Completion
  - 450:21-5-1. [AMENDED]
  - 450:21-5-2. [AMENDED]

**SUMMARY:**

In compliance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory mandates, amendment or revocation of rules, clarify certification requirements, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

43A O.S. §§ 3-451 through 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. § 991c; Oklahoma Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 20, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer, at the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, or hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

A public hearing will be held on December 20, 2004, 1:00 p.m. in the Department's Main Conference Room at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rules are asked to provide written information to the Department, 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 until 5:00 p.m., December 20, 2004 to the Department of Mental Health and

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Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1351; filed 10-26-04]*

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### TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATIONS RELATED TO DRIVER'S LICENSE REVOCATION

*[OAR Docket #04-1352]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- 450:22-1-1.1. [AMENDED]
- 450:22-1-3. [AMENDED]
- 450:22-1-5. [AMENDED]
- 450:22-1-6. [AMENDED]
- 450:22-1-7. [AMENDED]
- 450:22-1-8. [AMENDED]
- 450:22-1-9. [AMENDED]
- 450:22-1-10. [AMENDED]
- 450:22-1-11. [AMENDED]
- 450:22-1-12. [AMENDED]
- 450:22-1-13. [REVOKED]
- 450:22-1-14. [REVOKED]
- 450:22-1-15. [AMENDED]
- 450:22-1-16. [AMENDED]

### SUMMARY:

In compliance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory mandates, amend or revoke rules, clarify certification requirements, delete redundant or superfluous language, and correct scrivener's errors.

### AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 3-453, and 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. §§ 991a and 991c.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 20, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer, at the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, or hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

### PUBLIC HEARING:

A public hearing will be held on December 20, 2004, 3:00 p.m. in the Department's Main Conference Room at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rules are asked to provide written information to the Department, 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 until 5:00 p.m., December 20, 2004 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1352; filed 10-26-04]*

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### TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 23. STANDARDS AND CRITERIA FOR COMMUNITY-BASED STRUCTURED CRISIS CENTERS

*[OAR Docket #04-1356]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 13. Performance Improvement & Quality Management
- 450:23-13-5. [AMENDED]
- Subchapter 21. Facility Environment
- 450:23-21-1. [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 23 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

43A O.S. § 3-317; Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 16, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

The Department will conduct a public hearing on December 16, 2004 at 10:00 a.m. in the Main Conference Room of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 until 5:00 p.m., December 16, 2004 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

**CONTACT PERSON:**

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1356; filed 10-26-04]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 50. CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS**

*[OAR Docket #04-1353]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Behavioral Health Case Manager Certification Application

450:50-3-6. [REVOKED]

Subchapter 5. Behavioral Health Case Manager Certification Training

450:50-5-4. [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

43A O.S. § 3-318; Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 17, 2004 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

The Department will conduct a public hearing on December 17, 2004 at 11:00 a.m. in the Main Conference Room of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 until 5:00 p.m., December 17, 2004 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

# Notices of Rulemaking Intent

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## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

## **CONTACT PERSON:**

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1353; filed 10-26-04]*

## **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT**

*[OAR Docket #04-1354]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

- Subchapter 3. Program Description and PACT Services
- 450:55-3-3. [AMENDED]
- 450:55-3-5. [AMENDED]
- 450:55-3-6. [AMENDED]
- 450:55-3-7. [AMENDED]
- 450:55-3-9. [AMENDED]
- Subchapter 5. PACT Clinical Documentation
- 450:55-5-4. [AMENDED]
- 450:55-5-9. [AMENDED]
- 450:55-5-11. [AMENDED]
- Subchapter 11. Organizational Management
- 450:55-11-1. [AMENDED]
- 450:55-11-2. [AMENDED]
- Subchapter 13. Performance Improvement and Quality Management
- 450:55-13-2. [AMENDED]
- Subchapter 17. Staff Development and Training
- 450:55-17-2. [AMENDED]
- Subchapter 19. Facility Environment
- 450:55-19-1. [AMENDED]

## **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

## **AUTHORITY:**

43A O.S. § 3-319; Board of Mental Health and Substance Abuse Services.

## **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 16, 2004 to the attention of Linda

Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

## **PUBLIC HEARING:**

The Department will conduct a public hearing on December 16, 2004 at 11:00 a.m. in the Main Conference Room of the Department at the address given above.

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

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 until 5:00 p.m., December 16, 2004 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

## **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 30, 2004. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

## **CONTACT PERSON:**

Linda Winton, Policy Analyst and Agency Liaison Officer, (405) 522-6765.

*[OAR Docket #04-1354; filed 10-26-04]*

## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #04-1357]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

## **PROPOSED RULES:**

Chapter 1. Administrative Operations [AMENDED]

## **SUMMARY:**

Existing Sections 710:1-3-30 through 710:1-3-33, which describe the scope of "timely filing" for claims, statements, and other documents have been amended to reflect certain designated delivery services which will be treated as equivalents to service by the United States Postal system. [68:221.1]

Section 710:1-5-46, which sets out the manner in which taxpayer payments are applied, has been amended so as to apply payments to interest, prior to any penalty which may be due. This reflects a policy change which will benefit taxpayers and streamline processing by eliminating manual adjustments in cases of waiver or settlement.

Sections 710:1-3-71 and 710:1-3-72 have been amended to point out the availability of Commission rules and decisions on the Tax Commission website.

Section 710:1-3-82, dealing with nonresident contractor bonds, has been amended to reflect the provisions of Senate Bill 1121, § 3, which limited the threshold amount for which a bond is required to contracts in excess of One Hundred Thousand Dollars (\$100,000.00).

Section 710:1-5-17, which sets out procedures for seeking a declaratory ruling from the Commission [75:307], has been amended to reflect Commission policy where a petitioner seeks only an interpretation or application of a statute or case law to a particular set of facts. In this instance the Commission will issue a letter ruling pursuant to OAC 710:1-3-73, rather than a declaratory ruling.

Sections 710:1-4-46, which deals with the dismissal of cases, and 710:1-5-49, which deals with the survival and abatement of protest, have been amended to set out and clarify policies for various situations which may arise in the course of administrative proceedings.

In addition, other rule changes may be included to clarify policy, to improve readability, to correct scrivener' errors, to update statutory citation, and to insure accurate internal cross-references.

**AUTHORITY:**

68 O.S. §§ 203, 221.1; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., December 16, 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. Friday, December 17, 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 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 November 30, 2003, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

[OAR Docket #04-1357; filed 10-26-04]

**TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS  
CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TECHNICIANS**

[OAR Docket #04-1345]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Rules of Professional Conduct [AMENDED]  
Subchapter 10. Complementary and Alternative Therapies [NEW]

**SUMMARY:**

The proposed revisions to chapter 10, includes a correction for reference to a statute; addition of a definition for Complementary and Alternative Therapies.

**AUTHORITY:**

59 O.S. Supp.2003, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

**COMMENT PERIOD:**

Written comments will be accepted November 22, 2004 through December 22, 2004 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

**PUBLIC HEARING:**

Public Hearing is scheduled on January 7, 2005, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201

## Notices of Rulemaking Intent

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N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105.  
Telephone 405-524-9006

### **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 Cathy Kirkpatrick at the above address during the period from November 22, 2004 to December 22, 2004.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Cathy Kirkpatrick (405) 524-9006

*[OAR Docket #04-1345; filed 10-19-04]*

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## **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 15. INVESTIGATIONS AND DISCIPLINARY ACTIONS**

*[OAR Docket #04-1346]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Investigations and Disciplinary Actions  
[AMENDED]

### **SUMMARY:**

The proposed revisions to chapter 15, includes a change of language from "shall" to "may" for scheduling a prehearing conference.

### **AUTHORITY:**

59 O.S. Supp.2003, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

### **COMMENT PERIOD:**

Written comments will be accepted November 22, 2004 through December 22, 2004 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

### **PUBLIC HEARING:**

Public Hearing is scheduled on January 7, 2005, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

### **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 Cathy Kirkpatrick at the above address during the period from November 22, 2004 through December 22, 2004.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Cathy Kirkpatrick (405) 524-9006

*[OAR Docket #04-1346; filed 10-19-04]*

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# Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

*For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.*

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**TITLE 35. OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 20. FORESTRY**

*[OAR Docket #04-1349]*

**RULEMAKING ACTION:**

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

**PROPOSED RULES:**

Subchapter 9. Urban Forestry and Beautification Fund  
[NEW]

**REGISTRATION PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 22 Ok Reg 48.

**CANCELLED COMMENT PERIOD:**

October 1, 2004 through November 1, 2004

**CANCELLED PUBLIC HEARING:**

1:00 p.m., November 1, 2004, Plant Industry and Consumer Services conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

*[OAR Docket #04-1349; filed 10-26-04]*

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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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES**

*[OAR Docket #04-1361]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 3. Fee Schedules

35:2-3-2.1. [AMENDED]

35:2-3-2.7. [AMENDED]

35:2-3-2.8. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

October 25, 2004

### **SUBMITTED TO HOUSE:**

October 25, 2004

### **SUBMITTED TO SENATE:**

October 25, 2004

*[OAR Docket #04-1361; filed 10-26-04]*

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

*[OAR Docket #04-1363]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 17. Combined Pesticide

Part 13. Restricted Areas for the Application of Hormone Type Pesticides

35:30-17-31. through 35:30-17-53. [REVOKED]

### **SUBMITTED TO GOVERNOR:**

October 25, 2004

### **SUBMITTED TO HOUSE:**

October 25, 2004

### **SUBMITTED TO SENATE:**

October 25, 2004

*[OAR Docket #04-1363; filed 10-26-04]*

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

*[OAR Docket #04-1362]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 19. Poultry Regulations

35:15-19-1. [AMENDED]

35:15-19-5. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

October 25, 2004

### **SUBMITTED TO HOUSE:**

October 25, 2004

### **SUBMITTED TO SENATE:**

October 25, 2004

*[OAR Docket #04-1362; filed 10-26-04]*

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

*[OAR Docket #04-1364]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 17. Combined Pesticide

Part 15. Minimum Standards for Termite Work for Existing Structures

35:30-17-54. [AMENDED]

Part 16. Minimum Standard for the Performance of Spot/Partial Treatments of Termite Work for Existing Structures (Spot Treatments)

35:30-17-70. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

October 25, 2004

### **SUBMITTED TO HOUSE:**

October 25, 2004

### **SUBMITTED TO SENATE:**

October 25, 2004

*[OAR Docket #04-1364; filed 10-26-04]*

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# Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

*For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.*

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

*[OAR Docket #04-1342]*

**RULEMAKING ACTION:**

Gubernatorial approval

**RULES:**

Subchapter 3. Air Quality Standards and Increments

252:100-3-4. [AMENDED]

**GUBERNATORIAL APPROVAL:**

October 6, 2004

*[OAR Docket #04-1342; filed 10-13-04]*

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

*[OAR Docket #04-1343]*

**RULEMAKING ACTION:**

Gubernatorial approval

**RULES:**

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-2. [AMENDED]

**GUBERNATORIAL APPROVAL:**

October 6, 2004

*[OAR Docket #04-1343; filed 10-13-04]*

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 110. LEAD-BASED PAINT MANAGEMENT**

*[OAR Docket #04-1344]*

**RULEMAKING ACTION:**

Gubernatorial approval

**RULES:**

Subchapter 1. General Provisions

252:110-1-7. [AMENDED]

Subchapter 3. Definitions

252:110-3-1. [AMENDED]

Subchapter 5. Incorporation By Reference

252:110-5-1. [AMENDED]

Subchapter 9. Additional Accreditation Requirements

252:110-9-1.1. [NEW]

252:110-9-3. [AMENDED]

252:110-9-4. [AMENDED]

252:110-9-6. [AMENDED]

Subchapter 11. Additional LBP Certification Requirements

252:110-11-1. [AMENDED]

252:110-11-4. [AMENDED]

252:110-11-6. [AMENDED]

Subchapter 13. Additional Work Practice Standards

252:110-13-3. [REVOKED]

252:110-13-5. [AMENDED]

**GUBERNATORIAL APPROVAL:**

October 6, 2004

*[OAR Docket #04-1344; filed 10-13-04]*

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

[OAR Docket #04-1337]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

590:1-1-2. System purpose and authority [AMENDED]

590:1-1-9. Designee Board members [NEW]

### AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §901

### DATES:

#### Public hearing:

August 19, 2004

#### Adoption:

August 19, 2004

#### Approved by Governor:

October 6, 2004

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2005, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The Agency finds 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, amendment, revision, or revocation of an existing rule which necessitates the promulgation of emergency rules, due to the passage of SB 1134.

### ANALYSIS:

Senate Bill 1134 provided guidance regarding the OPERS Board of Trustees powers and duties for the Uniform Retirement Plan for Justices and Judges as set forth in 20 O.S. Section 1108. Amendments to 590:1-1-2 were made to reflect that guidance, as well as to up-date the reference from "Deferred Compensation Plan" to a more accurate term, "Defined Contribution Plans", which includes the Savings Incentive Plan. The same bill also provided that certain OPERS Board members could designate others to serve in their place. A new emergency rule was required to establish the procedure for making the designation.

### CONTACT PERSON:

Lydia Lee (405) 858-6737

**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):

### 590:1-1-2. System purpose and authority

(a) This agency, known as the Oklahoma Public Employees Retirement System, was established to provide:

(1) an orderly means whereby employees, of participating employers, who are eligible as set by statute, may transfer to inactive service without undue hardship and without prejudice;

(2) for said employees to accumulate reserves adequate to provide for themselves and their dependents;

(3) to effectively and efficiently administer the programs necessary to attain these goals for public employees;

(4) to effectively and efficiently administer the programs necessary to attain these goals for Justices and Judges; and

(5) to effectively and efficiently administer the ~~Deferred Compensation Plan~~ Defined Contribution Plans for state employees.

(b) The System shall be vested with the powers and duties specified in Title 74 O.S. ~~1981, Sec. 903 and 905 Sections 901 to 935 and Title 20 O.S. Sections 1101 to 1112~~ and such other powers as may be necessary to enable it, its officers, employees, and agents to carry out fully and effectively the purpose and intent of ~~the Retirement Law~~ said retirement laws.

### 590:1-1-9. Designee Board members

(a) The Administrator of the Office of Personnel Management, the State Insurance Commissioner and the Director of State Finance are authorized to designate an individual to act in his or her place as a member of the Board of Trustees. This designation must be in writing, signed by the designating official and filed with the System. The designation must clearly indicate the identity of the designee and whether the designation is limited as to duration or is an on-going designation. The designation should also set forth instructions as to membership on any Committees where the official is a member. Absent specific instructions regarding committee attendance, it is assumed that the designee is authorized to appear at both Committee and Board meetings. Once a proper designation is filed, the designee may appear at meetings and may act on any items properly before the Board.

# Emergency Adoptions

(b) The Corporation Commission and the Oklahoma Tax Commission shall each select a member of the respective Commission to serve on the Board of Trustees. Each Commission shall provide a notification of the selection in writing, signed by the Chairman of the respective Commission to be filed with the System. The selection notification must indicate the commission member selected and the duration or term of the selection.

[OAR Docket #04-1337; filed 10-13-04]

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

[OAR Docket #04-1338]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

590:10-1-1. Purpose [AMENDED]

590:10-1-7. Non-state agency contributions [AMENDED]

590:10-1-15. Hazardous Duty Members [AMENDED]

590:10-1-17. Offset and recovery [NEW]

590:10-1-18. Release of records [NEW]

Subchapter 3. Credited Service

590:10-3-12. Military service credit [AMENDED]

590:10-3-13. Credit for involuntary furlough [NEW]

Subchapter 7. Retirement Benefits

590:10-7-2. Involuntary furlough [AMENDED]

590:10-7-10. Final benefit [AMENDED]

Subchapter 8. Department of Corrections Benefits [NEW]

590:10-8-1. Department of Corrections Hazardous Duty Members [NEW]

590:10-8-2. Post-Hazardous Duty Members [NEW]

590:10-8-3. Continuation of Hazardous Duty benefits [NEW]

590:10-8-4. Maximum Participation as a Hazardous Duty Member [NEW]

590:10-8-5. Normal retirement date for Post-Hazardous Duty Members [NEW]

590:10-8-6. Employer Responsibility for Continuation of Hazardous Duty Benefits [NEW]

Subchapter 10. Department of Corrections Death in Performance of Duty Benefits [NEW]

590:10-10-1. Eligibility for Benefit [NEW]

590:10-10-2. Killed in Performance of Duty [NEW]

590:10-10-3. Mortally Wounded in Performance of Duty [NEW]

590:10-10-4. Exclusions [NEW]

590:10-10-5. Surviving Spouse Benefit [NEW]

590:10-10-6. Surviving Spouse Benefit Election [NEW]

590:10-10-7. Surviving Child Benefit [NEW]

590:10-10-8. Filing for Surviving Spouse and Surviving Child Benefits [NEW]

### AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §901

### DATES:

#### Public hearing:

August 19, 2004

#### Adoption:

August 19, 2004

#### Approve by Governor:

October 6, 2004

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2005, unless superseded by another rule or disapproved by the legislature

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The Agency finds 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, amendment, revision, or revocation of an existing rule which necessitates the promulgation of emergency rules, due to the passage of Senate Bills 1134, 1203, 1434 and House Bills 2330 and 2445.

### ANALYSIS:

590:10-1-1 is being amended to clarify the Board's responsibility for all of the Plans that it administers, pursuant to the provisions of Senate Bill 1134. 590:10-1-7 is being amended to add circuit engineering districts as eligible employers pursuant to House Bill 2330 and to clarify the process for assessing late charges for unpaid contributions pursuant to Senate Bill 1134. The definition of Hazardous Duty Members in 590:10-1-15 is being amended to address a new class of members to be known as Post-Hazardous Duty Members pursuant to Senate Bill 1203. Senate Bill 1134 also permits offsetting benefits to recover improper payments or overpayments and a new rule is being proposed to address this offset at 590:10-1-17. 590:10-1-18 is a new rule proposed to address the release of member records as a result of an amendment to 74 O.S. Section 932 contained in Senate Bill 1434. In the same bill, the legislature clarified the statutory provisions relating to grants and purchases of military service credit which necessitates the amendments to 590:10-3-12. The provisions for crediting periods of involuntary furloughs were expanded to include the District Attorneys Council in House Bill 2445, which form the basis for a new rule at 590:10-3-13 as well as the amendment to an existing rule determining base salary for furlough purposes at 590:10-7-2. The changes to 74 O.S. Section 917 contained in Senate Bill 1134 caused the amendments to 590:10-7-10 to reflect those statutory changes.

Senate Bill 1203 created a new class of membership for employees at the Department of Corrections. A new Subchapter 8 is proposed to address the new Post-Hazardous Duty Members. 6 new rules are contained in this new Subchapter, defining this new class and establishing the requirements and procedures for the membership, including mandatory participation requirements, maximum participation periods, normal retirement date and the employer's responsibilities. Senate Bill 1203 also contains provisions for payments of benefits due to death in performance of duty for employees of the Department of Corrections. A new Subchapter 10 speaks to this new benefit. 8 new rules are proposed to address various issues associated with these new benefits including eligibility for benefits, defining "Killed in Performance of Duty" and "Mortally Wounded in Performance of Duty", set out the exclusions for eligibility, defining Surviving Spouse and Surviving Child, and establishing procedures for filing for benefits.

### CONTACT PERSON:

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 590:10-1-1. Purpose

The Rules of this Chapter have been adopted to establish policies and procedures for implementing and administering the Oklahoma Public Employees Retirement System. The procedures are also used to implement and administer the Uniform Retirement System for Justices and Judges, the Oklahoma State Employees Deferred Compensation Plan and the Oklahoma State Employees Savings Incentive Plan where specifically noted.

### **590:10-1-7. Non-state agency contributions**

All—Any participating county, county hospital, city or town, conservation district, or circuit engineering district or trust shall contribute to the System all required retirement contributions due on a monthly basis. All required contributions and supporting documentation must be received by the System on or before the fifteenth (15th) day of the month following the month for which the contributions are due. Any non-state agency employer who remits contributions later than 30 days following the due date, will be assessed a late charge of 1.5%. The late charge will be calculated on the unpaid balance and will compound monthly until paid.

### **590:10-1-15. Hazardous Duty Members**

Hazardous Duty Members are considered to be those members who participate in hazardous duty employment with a participating employer and who are authorized by law to participate in a special benefit structure within the System, wherein the Hazardous Duty Member makes a higher employee contribution than regular employee members and is eligible for specified retirement benefits after 20 years of service as a Hazardous Duty Member. Hazardous Duty Member shall also include any Post-Hazardous Duty Member who continues to make the higher required contributions following a promotion on or after July 1, 2004, to a non-hazardous duty position within the Department of Corrections as provided in Subchapter 8 of these rules.

### **590:10-1-17. Offset and recovery**

In any circumstance involving an overpayment to any person or entity, to recover judgments or settlements relating to OPERS, or concerning a fraudulent or improper payment, OPERS has the right to utilize any monies available as an offset to recover the overpayment, judgment, settlement or improper payment. This right of offset and recovery has priority over any other claim to said monies, including, but not limited to, the right of any survivor or beneficiary. This right of offset and recovery may be utilized in any plan or account managed or administered by the Board.

### **590:10-1-18. Release of records**

(a) Pursuant to 2004 amendments to Section 932, a retired, vested or active member's name, age, amount of contributions paid in, benefits being paid, amount of credited service and documents verifying credited service or benefits may be released. All other information in a member's retirement file remains confidential. The law specifically references members, therefore, no information or documents will be provided on joint annuitants or beneficiaries.

(b) The System will do everything it can to protect members' information but still comply with the law. Therefore, the System will only disclose information or records that are clearly required to be disclosed under the law. All requests for information must be in writing and state the specific information requested and the purpose for the request. The request must also specify the plan that it applies to. Requests which do not specify the plan name shall be presumed to apply to OPERS

only. In addition, the request must provide sufficient information to easily identify the member. While a Social Security number may not be required, the date of birth, agency number, first and middle initial or other identifying information must be provided. Search and copy fees will be in accordance with OPERS adopted and published fee schedule.

(c) Information which does not currently exist does not have to be "created" nor does information have to be provided in a format or medium that does not currently exist.

(d) In order to comply with this provision, the following information may be supplied upon request:

(1) Member's name - OPERS, URSJJ and SoonerSave computer records maintain only first and middle initials, and not the full name.

(2) Member's age - In order to protect our members from potential identity theft, only the current age of the member expressed in whole years shall be provided in response to a general request for the age of a member.

(3) Amount of contributions paid in - Contribution statements will show only employee contributions into OPERS and URSJJ. Employer contributions for individual employees are not complete. In response to a general request for a member's "contributions", only the employee contributions will be provided. If a specific request for employer contributions is made, we will provide a copy of the incomplete record with an explanation of the time period covered. For the SoonerSave accounts, the deferral amounts into the 457 Plan are not "contributions" and will not be disclosed. The employer contributions and the transfer of contributions to the Savings Incentive Plan will be provided if specifically requested, however, the amount of interest or earnings will not be released as it is not a "contribution". All account balances for the SoonerSave plans which reflect investment earnings will not be released.

(4) Benefits being paid - This information is available only for retired members of OPERS and URSJJ who are currently receiving benefits. SoonerSave does not pay "benefits", therefore, payments from the plan including any distribution amounts, hardship distributions or distribution schedules will not be released.

(5) Amount of credited service - This information may not be available for OPERS or URSJJ members who are active and have never had a benefit estimate completed. Therefore, general requests for credited service will be provided on retired or vested members only, and specific requests for credited service for active members will be provided only if the information exists in the file. Credited service is not relevant to or contained in the SoonerSave plans' records and cannot be provided.

(6) Any documents verifying credited service or benefits - This information will be provided only if specifically requested for OPERS and URSJJ. Determinations regarding whether a document is used to verify credited service or benefits is discretionary and any release of these documents will be approved by the Executive Director on a case-by-case basis. The documents must have all confidential information redacted prior to being released.

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SoonerSave accounts do not contain information on either credited service or benefits, therefore, documents will not be released from the SoonerSave files.

(e) Information that is released must always have all Social Security numbers, home addresses and all telephone, pager or cell phone numbers redacted from any records or documents released, pursuant to 74 O.S. Section 840-2.11. This will be done by removing or covering the confidential information to ensure that the information cannot be seen from either side of the page.

(f) Certain information contained in a member's file will remain confidential and will not be released without the member's permission. Examples of such information are:

- (1) Change of address records
- (2) Insurance information or documents
- (3) Any health care information
- (4) Any educational records
- (5) Tax records
- (6) Payroll deductions and withholdings
- (7) Medical documents of any kind
- (8) Copies of driver's license
- (9) Social Security numbers or copies of cards
- (10) Copies of birth certificates, death certificates or baptism documents
- (11) Copies of military records
- (12) Any bank account or banking information
- (13) Copies of passports or other forms of identification
- (14) Any unemployment information
- (15) Any worker's compensation information

(g) OPERS policy is to notify each member when a third party has requested and received information that relates to his or her retirement file, including a copy of or identification of the provided information. However, this notification may not be practical and will not be made when information is provided as part of a group request and the information provided does not identify individual members.

(h) This policy applies to member/participant information only. It does not apply to requests for general information regarding operations of the agency under the Open Records Act.

(i) This rule is applicable to any plan or account managed or administered by the Board.

### SUBCHAPTER 3. CREDITED SERVICE

#### **590:10-3-12. Military service credit**

(a) Any member who joined the System on or before June 30, 2000, can receive up to five (5) years of military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. As set forth in Section 913 of Title 74 of the Oklahoma Statutes, the service credit can be prior service or participating service or a combination of the two, however, total military service credit cannot exceed five (5) years. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service.

If eligible, a retired member shall receive an increase in his or her monthly benefit as a result of the addition of the military service credit effective with the month following the receipt of the documents and approval by the System.

(b) Any active member who joined the System on or after July 1, 2000, can purchase up to five (5) years of military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. As set forth in Section 913 of Title 74 of the Oklahoma Statutes, the service credit can be prior service or participating service or a combination of the two, however, total military service credit cannot exceed five (5) years. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service. The member must make payment in the amount determined by the Board pursuant to Section 913.5 of Title 74 of the Oklahoma Statutes and 590:10-3-8. This purchase may be amortized over sixty (60) months as provided for in 590:10-3-9.

(c) Military service credit will be credited or purchased in full months only. The initial month of military service will be accepted only if the service began on or before the 15<sup>th</sup> day of the month. The final month of military service will be accepted only if the service was completed on or after the 16<sup>th</sup> day of the month.

(d) Members who joined the System on or after July 1, 2003, can make the purchase set forth in paragraph (b) of this rule only if the member has not received credit for the same period of military service for retirement from another retirement system created pursuant to the Oklahoma Statutes. For such members, the military credit shall be granted or purchased in the retirement system from which the member retires first. In the event such a member fails to disclose a previous grant or purchase of military credit, the purchase will be voided, his or her service credit will be adjusted to remove the military service credit and only the purchase price shall be returned to the member.

(e) It is the responsibility of the member wishing to receive or purchase military service credit to complete the application provided by the System for this purpose and to provide all documentation necessary to support the application. Military service will not be credited until all required documentation is provided by the member to the System, the System has approved the grant or purchase and any required payments are made.

(f) Retired members who are not credited with military service prior to or at the time of retirement may make application for the credit at any time. After approval by the System, the military service credit will be added to the member's record and increased retirement benefits, if any, as a result of the addition of the military service credit, shall begin with the first month following said approval. Retroactive payments will not be made under any circumstances.

(g) Members who served in the Armed Forces of the United States during a war or combat military operation other than World War I, World War II, the Korean War, the Vietnam War

or the Gulf War as provided in Section 902 (23) of Title 74 of the Oklahoma Statutes, may be eligible to purchase or receive military service credit for the period of time that he or she actually served in an area of responsibility for a war or combat military operation which lasted for a period of at least ninety (90) days. It is the responsibility of the member to provide sufficient documentation to support his or her eligibility for this credit as requested by the System, including, but not limited to, documents showing specific service areas and times.

(h) The provisions for granting or purchasing military service credit shall be in addition to any contributions, benefits and service credit with respect to qualified military service in accordance with Section 414 (u) of the Internal Revenue Code of 1986.

**590:10-3-13. Credit for involuntary furlough**

(a) A leave of absence as a result of an involuntary furlough established by the Office of Personnel Management under OPM Rule 530:10-15-48, *Involuntary leave without pay (furlough)*, or as it may be amended, may be credited as participating service. It is the responsibility of the employer to provide a copy of the furlough plan approved by the Administrator of the Office of Personnel Management, a list of the affected employees and the dates, times and hours that each employee was placed on leave without pay.

(b) The employees of a district attorney may receive participating service credit for a leave of absence due to an involuntary furlough after July 1, 2004, provided the furlough was conducted in substantial compliance with OPM Rule 530:10-15-48, *Involuntary leave without pay (furlough)*, or as it may be amended. It is the responsibility of the district attorney to provide a copy of the furlough plan approved by the District Attorneys Council, a list of the affected employees and the dates, times and hours that each employee was placed on leave without pay. The approved furlough plan must include a certification from the Council that the plan was in substantial compliance with the OPM rule.

**SUBCHAPTER 7. RETIREMENT BENEFITS**

**590:10-7-2. Involuntary furlough**

In computing the final average compensation, the monthly base salary will be used for each month a retiring member ~~was placed on~~ has leave without pay due to an involuntary furlough under OPM Rule 530:10-15-48, *Involuntary leave without pay (furlough)* 590:10-3-13, *Credit for involuntary furlough*.

**590:10-7-10. Final benefit**

The retirement benefit payable for the month of death of a member, joint annuitant or survivor shall be payable to said member, joint annuitant, or surviving spouse. In the event the final benefit is returned to the System or is not otherwise paid, said benefit will be paid to the ~~named beneficiary~~ member's estate.

**SUBCHAPTER 8. DEPARTMENT OF CORRECTIONS BENEFITS**

**590:10-8-1. Department of Corrections Hazardous Duty Members**

Any correctional officer, probation and parole officer or fugitive apprehension agent employed by the Department of Corrections shall participate in the Hazardous Duty benefit provisions of the System.

**590:10-8-2. Post-Hazardous Duty Members**

Post-Hazardous Duty Members are considered to be those employees of the Department of Corrections who are required to continue participation in the special benefit structure within the System for Hazardous Duty Members and as provided in this Subchapter.

**590:10-8-3. Continuation of Hazardous Duty benefits**

(a) Any employee of the Department of Corrections who participated in the System as a Hazardous Duty Member as a result of employment as a correctional officer, probation and parole officer or fugitive apprehension agent shall be required to continue to participate as a hazardous duty employee for all future periods of employment with the Department of Corrections, provided that:

(1) the member was employed by the Department of Corrections as a correctional officer, probation and parole officer or fugitive apprehension agent on June 30, 2004, or was first hired by the Department of Corrections as a correctional officer, probation and parole officer or fugitive apprehension agent after June 30, 2004; and

(2) the member received a promotion or change in job classification after June 30, 2004; and

(3) the member has participated as a Hazardous Duty Member as a correctional officer, probation and parole officer or fugitive apprehension agent at least five (5) full years.

(b) For purposes of this rule, the requirement of five (5) full years of participation as a Hazardous Duty Member means five (5) years of full-time-equivalent employment as provided in 590:10-3-6 of these rules for which the required higher contribution for Hazardous Duty Members is paid.

(c) The requirements of this rule shall be applicable for all future employment with the Department of Corrections for any Post-Hazardous Duty Member. Breaks in service will not affect this requirement.

**590:10-8-4. Maximum Participation as a Hazardous Duty Member**

Hazardous Duty Members and Post-Hazardous Duty Members who are employed by the Department of Corrections shall pay the higher contribution rate set forth in Title 74 O. S. Section 919.1 (1)(c) and (d) for a maximum of twenty (20) full years. If the Hazardous Duty Members and Post-Hazardous Duty Members remain employed by the Department of Corrections after twenty (20) full years of

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payment of the higher contribution rate, the required employee contribution rate shall be as provided in 919.1 (1) (a) and (b).

### **590:10-8-5. Normal retirement date for Post-Hazardous Duty Members**

In addition to normal retirement at age 62, under Rule of 80 or under Rule of 90, Post-Hazardous Duty Members who are employed by the Department of Corrections at the time of retirement are eligible to retire after completion of at least twenty (20) years of full-time-equivalent employment as provided in 590:10-3-6 of these rules; provided, the required higher contribution for Hazardous Duty Members is paid or the member was employed as a correctional officer or probation and parole officer at the Department of Corrections.

### **590:10-8-6. Employer Responsibility for Continuation of Hazardous Duty Benefits**

It is the responsibility of the Department of Corrections to ensure that the correct employee contributions are withheld for all employees. It is also the responsibility of the Department of Corrections to provide any necessary documentation to confirm eligibility of any current or former employee for benefits under this Subchapter.

## **SUBCHAPTER 10. DEPARTMENT OF CORRECTIONS DEATH IN PERFORMANCE OF DUTY BENEFITS**

### **590:10-10-1. Eligibility for Benefit**

The Surviving Spouse and the Surviving Child or children of any correctional officer or probation and parole officer employed by the Department of Corrections who is killed or mortally wounded on or after January 1, 2000, and of any employee of the Department of Corrections who is killed or mortally wounded on or after July 1, 2004, shall be eligible for the benefits as set out in this Subchapter, provided said employee was a participating member of the Oklahoma Public Employees Retirement System at the time of his or her death and his or her death occurred as a direct result of the performance of his or her duties for the Department.

### **590:10-10-2. Killed in Performance of Duty**

Killed in the performance of duty means an employee's death as a direct result of an action, whether felonious or accidental, occurring as a direct result of performing his or her assigned work-related functions for the Department of Corrections. Work-related function means action that the employee is authorized or obligated to perform by law, rule, regulation, or condition of employment or service, which is performed while on paid duty with the Department of Corrections.

### **590:10-10-3. Mortally Wounded in Performance of Duty**

Mortally wounded means a personal injury where death occurs within one (1) year as a direct and proximate result of an injury which would have qualified for death benefits as provided in this Subchapter. Direct and proximate result means that the injury sustained in the performance of duty is the primary and substantial factor in the resulting death.

### **590:10-10-4. Exclusions**

No benefits shall be paid under this subchapter:

- (1) if the death was caused by the intentional misconduct of the employee or if the employee intended to bring about his or her death;
- (2) if the death is an accidental death as a result of travel to and from work;
- (3) if the employee was intoxicated with a blood alcohol level of .10 or greater at the time of death or injury;
- (4) if the employee was under the influence of illegal drugs or improperly used prescription drugs at the time of death or injury; or
- (5) if death is the natural death of the employee or death is the primary result of a disease or medical condition.

### **590:10-10-5. Surviving Spouse Benefit**

The Surviving Spouse of an employee killed or mortally wounded in the performance of his or her duties with the Department of Corrections shall receive benefits as provided in Title 74 O.S. Section 916.3. Surviving Spouse means a person who was legally married to the employee at the time of the employee's death. The burden of proof regarding establishing and proving the existence of the marriage shall rest with the person claiming Surviving Spouse status.

### **590:10-10-6. Surviving Spouse Benefit Election**

An otherwise eligible Surviving Spouse of an employee killed or mortally wounded in the performance of his or her duties with the Department of Corrections shall not receive benefits as provided in Title 74 O.S. Section 916.3 if he or she is receiving or elects to receive any type of survivor benefits from the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System or the Oklahoma Law Enforcement Retirement System on account of this or any spouse. The Surviving Spouse must make an irrevocable election of benefits within ninety (90) days of eligibility for benefits. The Surviving Spouse cannot receive surviving spouse benefits for more than one member of the specified retirement systems. Receipt of benefits from any such retirement system shall be presumed to constitute such an election. The Surviving Spouse must certify annually that he or she is not receiving any type of survivor benefits from another state retirement system.

### **590:10-10-7. Surviving Child Benefit**

(a) A total monthly benefit amount as set by statute shall be paid where an employee of the Department of Corrections is

killed or mortally wounded in the performance of his or her duty and leaves one or more Surviving Children. This benefit is paid in addition to the Surviving Spouse benefit.

(b) Surviving Child means a minor child under the age of eighteen (18) years or a child between the ages of eighteen (18) and twenty-two (22) who is attending school. Surviving Child further means a child who is the natural or legally adopted child of the deceased employee.

(c) Any child of any age who is or has been married is considered emancipated and is not considered to be a Surviving Child for purposes of payment of this benefit.

(d) Attending school means enrolled in and regularly attending on a full-time basis an accredited public or private secondary school or institution of higher education. Proof of attending school shall be provided by the person receiving the benefit at the beginning of each semester as well as a copy of grades received at the end of each semester. If there is more than one Surviving Child, proof of school attendance shall not be required unless that child is the sole basis for payment of the benefit or the sole basis for payment of a part of the benefit if the benefit is divided as provided in subsection (e) below. If the Surviving Child drops classes and becomes a part-time student or withdraws from the school or institution of higher education, then benefits shall cease the last day of the month in which the child becomes a part-time student or withdraws. It is the responsibility of both the Surviving Child and the person receiving the benefit payment to provide the proof of attendance and to notify the System of any change in student or marital status of the child.

(e) In the event that there is more than one Surviving Child and the children are in the care and custody of different individuals, the benefit shall be divided pro-rata for each child.

(f) The burden of proof of the relationship of the child to the deceased employee and to the person claiming payment shall be upon the person claiming entitlement to the payment. If a guardian has been named for a Surviving Child, the guardian shall be entitled to receive the benefit payment. A certified copy of the Order must be provided to the System. A Surviving Spouse who is the natural parent of the Surviving Child shall be presumed to have care and custody of said child unless the System receives a claim containing information to the contrary.

(g) Benefits terminate the last day of the month in which the last Surviving Child becomes twenty-two (22) or becomes ineligible for benefits under this Subchapter. Any benefits paid on behalf of an ineligible Surviving Child must be repaid to the System immediately.

**590:10-10-8. Filing for Surviving Spouse and Surviving Child Benefits**

(a) Claims for Surviving Spouse and/or Surviving Child benefits should be made as soon as possible following the employee's date of death. Benefits shall be payable beginning with the month following the employee's date of death, however, benefit payments will not commence until all required documentation has been furnished and a final determination has been made by the System. Required documentation to be provided by the claimant include, but are not limited to, a completed application for benefits, a certified copy of the

employee's death certificate, a certified copy of the public record of marriage and certified copies of birth certificates for Surviving Children.

(b) It is the responsibility of the Department of Corrections to assist the Surviving Spouse or the person with the care and custody of a Surviving Child with the completion of all necessary forms. It is also the responsibility of the Department of Corrections to provide any necessary documentation to confirm eligibility of any person for benefits under this Subchapter. Required documentation to be provided by the Department of Corrections include, but are not limited to, a completed report of death form which shall include a notarized statement from the deceased employer's supervisor describing in detail the duties being performed by the employee at the time and the circumstances under which death occurred, all workers' compensation claim information in the possession of the employer, a certified copy of the autopsy report, and any medical records in the possession of the employer.

(c) In addition to the information supplied by the claimant and the employer, the System may require a medical statement from a treating physician which includes a detailed analysis of the cause of death and the circumstances surrounding the death.

(d) Where the System feels that it is necessary or appropriate, it may, at its own expense, have the medical and other records reviewed and evaluated by an independent physician of its own choosing. The System may also use the services of law enforcement agencies or may contract for a licensed investigator for any situations that it deems necessary or appropriate.

(e) The System shall make a determination on all claims for benefits under this Subchapter within ninety (90) days following receipt of all required documentation and reviews and shall notify the employer and the claimant in writing.

*[OAR Docket #04-1338; filed 10-13-04]*

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

*[OAR Docket #04-1339]*

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
590:15-1-1. Purpose [AMENDED]  
590:15-1-2. Administration [AMENDED]  
590:15-1-4. ~~Final average~~ Average monthly salary and maximum compensation [AMENDED]  
590:15-1-5. Final benefit and Death benefit [AMENDED]  
590:15-1-17. Military service credit [AMENDED]

**AUTHORITY:**  
Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 20 O.S. §1101.1; §1103; §1103.1; §1103.3; §1104

**DATES:**  
**Public hearing:**  
August 19, 2004

**Adoption:**  
August 19, 2004

**Approved by Governor:**  
October 6, 2004

# Emergency Adoptions

## Effective:

Immediately upon Governor's approval

## Expiration:

Effective through July 14, 2005, unless superseded by another rule or disapproved by the legislature

## SUPERSEDED EMERGENCY ACTIONS:

n/a

## INCORPORATIONS BY REFERENCE:

n/a

## FINDING OF EMERGENCY:

The Agency finds 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, amendment, revision, or revocation of an existing rule which necessitates the promulgation of emergency rules, due to Senate Bills 1134, 1203 and 1434.

## ANALYSIS:

Senate Bill 1134 provided guidance regarding the OPERS Board of Trustees powers and duties for the Uniform Retirement Plan for Justices and Judges as set forth in 20 O.S. Section 1108. Amendments to 590:15-1-1 were made to reflect that guidance. An amendment was made to 590:15-1-2 to reflect the process for assessing late charges for unpaid contributions pursuant to Senate Bill 1134. 590:15-1-4 was amended to address changes to the calculations for average monthly salary as a result of statutory changes contained in Senate Bill 1134. The changes to 20 O.S. Section 1103 contained in Senate Bill 1203 caused the amendments to 590:15-1-5 to reflect those statutory changes regarding final benefit payments. In Senate Bill 1434, the legislature clarified the statutory provisions relating to grants and purchases of military service credit which necessitates the amendments to 590: 15-1-17.

## CONTACT PERSON:

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**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):**

### 590:15-1-1. Purpose

The rules of this Chapter have been adopted to establish policies and procedures for implementing and administering the Uniform Retirement System for Justices and Judges. The Board of Trustees of the Oklahoma Public Employees Retirement System shall be responsible for the general oversight of the Judicial System and shall generally manage the two Systems in the same manner, except where the statutes or rules specifically provide otherwise.

### 590:15-1-2. Administration

(a) ~~The Retirement Division of the Oklahoma Public Employees Retirement System shall administer the Uniform Retirement System for Justices and Judges, in accordance with the provisions outlined in Title 20 O.S. 1981, Sec. 1108, Section 1101 et seq., as amended, and will coordinate with the Administrative Director of the Courts in the administration of the Uniform Retirement System for Justices and Judges.~~

(b) The Administrative Director of the Courts shall remit all required court and employee contributions on a monthly basis. All required contributions and supporting documentation must be received by the System on or before the fifteenth (15th) day of the month following the month for which the contributions are due. The Administrative Director of the Courts will be assessed a late charge of 1.5% for any contributions remitted later than 30 days following the due date. The late charge will be

calculated on the unpaid balance and will compound monthly until paid.

### 590:15-1-4. ~~Final average~~ **Average monthly salary and maximum compensation**

(a) ~~For any Justice or Judge retiring prior to June 30, 2004, Final Average average Salary monthly salary shall be computed averaging the last thirty-six (36) consecutive months of salary received as an active Judge or Justice. Partial months will be included in the average.~~

(b) For any Justice or Judge retiring after June 30, 2004, average monthly salary shall be calculated as follows:

(1) The highest thirty-six (36) months of salary, excluding longevity payments, received as a Justice or Judge will be determined and totaled;

(2) If applicable, the three (3) highest annual longevity payments upon which retirement contributions have been paid will be added to the sum of the highest thirty-six (36) months of salary. If a Justice or Judge is scheduled to receive a prorated longevity payment at or near the effective date of retirement, the prorated longevity payment will be used only in the amount actually paid for which contributions are withheld and if it is one of the three (3) highest longevity payments;

(3) Average monthly salary will be determined by adding the total of the highest thirty-six (36) months of salary to the highest three (3) longevity payments if applicable, and dividing by thirty-six (36). This calculation is illustrated by the following formula: Total of Thirty-six Months of Highest Salaries + Three Highest Longevity Payments ÷ 36 = Average Monthly Salary;

(c) The monthly benefit amount shall be determined by multiplying four percent (4%) of the average monthly salary by the total number of years of credited service, provided the monthly benefit may not exceed one hundred percent (100%) of the average monthly salary calculated in subsection (b) of this rule.

(d) Except for errors in contribution or service, any amounts of compensation reported to the System as salary prior to June 30, 2004, and for which retirement contributions were paid may be used in the calculations provided in this rule.

(e) Effective for plan years beginning after December 31, 2001, the maximum compensation level for retirement purposes shall not exceed \$200,000. This limit shall be adjusted for cost-of-living increases in accordance with section 401(a)(17)(B) of the Internal Revenue Code. The cost-of-living adjustment in effect for a calendar year applies to compensation for the determination period that begins with or within such calendar year. The determination period is the plan year beginning July 1 through June 30. For retirement purposes in plan years beginning after December 31, 2001, the maximum compensation level for determination periods beginning before January 1, 2002, shall be \$200,000 provided all required contributions have been made on that salary.

### 590:15-1-5. **Final benefit and Death benefit**

(a) The retirement benefit payable for the month of death of a member or survivor shall be payable to said member or

surviving spouse. In the event the final benefit is returned to the System or is not otherwise paid, said benefit will be paid to the member's estate.

(b) The four thousand dollars (\$4,000) death benefit available for any retired member who dies on or after July 20, 1987, shall be payable to the beneficiary listed by the member or to the member's estate. This beneficiary designation is not affected by any designation of joint-annuitant, deferred compensation beneficiary or insurance beneficiary, unless otherwise specifically designated in writing by member. For any retired member who died on or after July 1, 1999, the death benefit amount shall be five thousand dollars (\$5,000).

**590:15-1-17. Military service credit**

(a) Any active member who joined the System on or before June 30, 2000, can receive up to five (5) years of prior military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service.

(b) Any active member who joined the System on or after July 1, 2000, can purchase up to five (5) years of prior military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service. The member must make payment in the amount determined by the Board pursuant to Section 1103G of Title 74 of the Oklahoma Statutes and 590:15-1-9. This purchase may be amortized over sixty (60) months as provided for in 590:15-1-10.

(c) Military service credit will be credited or purchased in full months only. The initial month of military service will be accepted only if the service began on or before the 15<sup>th</sup> day of the month. The final month of military service will be accepted only if the service was completed on or after the 16<sup>th</sup> day of the month.

(d) Members who joined the System on or after July 1, 2003, can make the purchase set forth in paragraph (b) of this rule only if the member has not received credit for the same period of military service for retirement from another retirement system created pursuant to the Oklahoma Statutes. For such members, the military credit shall be granted or purchased in the retirement system from which the member retires first. In the event such a member fails to disclose a previous grant or purchase of military credit, the purchase will be voided, his or her service credit will be adjusted to remove the military service credit and only the purchase price shall be returned to the member.

(e) It is the responsibility of the member wishing to receive or purchase military service credit to complete the application

provided by the System for this purpose and to provide all documentation necessary to support the application. Military service will not be credited until all required documentation is provided by the member to the System, the System has approved the grant or purchase and any required payments are made.

(f) Retired members who are not credited with military service prior to or at the time of retirement may make application for the credit at any time. After approval by the System, the military service credit will be added to the member's record and increased retirement benefits, if any, as a result of the addition of the military service credit, shall begin with the first month following said approval. Retroactive payments will not be made under any circumstances.

(g) Members who served in the Armed Forces of the United States during a war or combat military operation other than World War I, World War II, the Korean War, the Vietnam War or the Gulf War as provided in Section 902 (23) of Title 74 of the Oklahoma Statutes, may be eligible to purchase or receive military service credit for the period of time that he or she actually served in an area of responsibility for a war or combat military operation which lasted for a period of at least ninety (90) days. It is the responsibility of the member to provide sufficient documentation to support his or her eligibility for this credit as requested by the System, including, but not limited to, documents showing specific service areas and times.

(h) The provisions for granting or purchasing military service credit shall be in addition to any contributions, benefits and service credit with respect to qualified military service in accordance with Section 414 (u) of the Internal Revenue Code of 1986.

*[OAR Docket #04-1339; filed 10-13-04]*

**TITLE 590. OKLAHOMA PUBLIC  
EMPLOYEES RETIREMENT SYSTEM  
CHAPTER 25. DEFERRED  
COMPENSAITON**

*[OAR Docket #04-1340]*

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Assets, Credits, Accounts and Reports  
590:25-5-6. Records [AMENDED]

**AUTHORITY:**

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

**DATES:**

**Public hearing:**

August 19, 2004

**Adoption:**

August 19, 2004

**Approved by Governor:**

October 6, 2004

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2005, unless superseded by another rule or disapproved by the legislature

# Emergency Adoptions

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**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The Agency finds 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, amendment, revision, or revocation of an existing rule which necessitates the promulgation of emergency rules, due to the passage of SB 1434.

**ANALYSIS:**

590:25-5-6 is being amended to address the adoption of a new rule 590:10-1-18. The amendment in this Chapter and new rule in Chapter 10 address the release of member records as a result of an amendment to 74 O.S. Section 932 contained in Senate Bill 1434.

**CONTACT PERSON:**

Lydia Lee (405) 858-6737

**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 5. ASSETS, CREDITS, ACCOUNTS AND REPORTS**

**590:25-5-6. Records**

~~The records of the State Employees Deferred Compensation Plan shall be open to inspection during normal business hours by the Employer or a Participant, or their designated representative. Subject to the provisions of 590:10-1-18 of these rules, all~~ All information, documents and copies thereof contained in a Participant's Plan file shall be given confidential treatment and shall not be made public by the Plan without prior written consent of the Participant to which it pertains, but shall be subject to subpoena or court order.

*[OAR Docket #04-1340; filed 10-13-04]*

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

*[OAR Docket #04-1341]*

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 19. Administration of Plan  
590:35-19-8. Records [AMENDED]

**AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §1707

**DATES:**

**Public hearing:**

August 19, 2004

**Adoption:**

August 19, 2004

**Approved by Governor:**

October 6, 2004

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2005, unless superseded by another rule or disapproved by the legislature

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The Agency finds 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, amendment, revision, or revocation of an existing rule which necessitates the promulgation of emergency rules, due to the passage of SB 1434.

**ANALYSIS:**

590:35-19-8 is being amended to address the adoption of a new rule 590:10-1-18. The amendment in this Chapter and new rule in Chapter 10 address the release of member records as a result of an amendment to 74 O.S. Section 932 contained in Senate Bill 1434.

**CONTACT PERSON:**

Lydia Lee (405) 858-6737

**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 19. ADMINISTRATION OF PLAN**

**590:35-19-8. Records**

~~The records of the Plan shall be open to inspection during normal business hours by the Employer or the Participant, or his designated representative. Subject to the provisions of 590:10-1-18 of these rules, all~~ All information, documents and copies thereof contained in a Participant's Plan file shall be given confidential treatment and shall not be made public by the Plan without prior written consent of the Participant to which it pertains, but shall be subject to subpoena or court order.

*[OAR Docket #04-1341; filed 10-13-04]*

# 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

**1:2004-33.**

### EXECUTIVE ORDER 2004-33

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution and Section 683.9 of Title 63 of the Oklahoma Statutes hereby terminate the following Executive Orders:

Executive Order 2003-19, signed August 5, 2003  
Executive Order 2004-19, signed May 21, 2004 and amended June 9, 2004  
Executive Order 2004-25, signed June 10, 2004  
Executive Order 2004-27, signed August 13, 2004  
Executive Order 2004-29, signed August 27, 2004  
Executive Order 2004-30, signed September 9, 2004  
Executive Order 2004-32, signed September 20, 2004

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 31st day of October, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #04-1367; filed 11-1-04]*

