

Volume 22
Number 8
January 3, 2005
Pages 247 - 300

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



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

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The *Oklahoma Register* and the documents submitted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library

Alva - Northwestern Oklahoma State University,
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Chickasha - University of Science and Arts of
Oklahoma, Nash Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library System

Tulsa - University of Tulsa, McFarlin Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the document's beginning page number. *For example: 22 Ok Reg 256.*

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the monthly CD-ROMs (two issues per disk), payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, P.O. Box 53390, Oklahoma City, OK 73152-3390.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the Oklahoma Secretary of State, Office of Administrative Rules, 2401 North Lincoln Boulevard, Will Rogers Building, Room 220, P.O. Box 53390, Oklahoma City, OK 73152-3390, or by calling (405) 521-4911 or faxing (405) 522-3555. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 95 copies have been prepared and distributed at a cost of \$249.91. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Notices of Rulemaking Intent	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	247, 248
Commerce, Oklahoma Department of (Title 150)	248
Construction Industries Board (Title 158)	249, 250
Crime Victims Compensation Board (Title 185)	251, 252
Health, Oklahoma State Department of (Title 310)	252, 253, 254
Health Care Authority, Oklahoma (Title 317)	255, 256, 257, 258, 259, 260, 261, 262, 263
Highway Construction Materials Technician Certification Board (Title 318)	264
Housing Finance Agency, Oklahoma (Title 330)	265, 266
Juvenile Affairs, Office of (Title 377)	267, 268
Optometry, Board of Examiners in (Title 505)	269, 270
Public Employees Retirement System, Oklahoma (Title 590)	270, 271, 272
Rehabilitation Services, State Department of (Title 612)	273, 275, 276
Tax Commission, Oklahoma (Title 710)	278
Teachers' Retirement System (Title 715)	278
Used Motor Vehicle and Parts Commission, Oklahoma (Title 765)	279, 280, 281, 282, 283, 284
Career and Technology Education, Oklahoma Department of (Title 780)	285, 286
Water Resources Board, Oklahoma (Title 785)	287, 288, 289, 290
Wildlife Conservation, Department of (Title 800)	290
Emergency Adoptions	
Firefighters Pension and Retirement System, Oklahoma (Title 270)	293
Tax Commission, Oklahoma (Title 710)	294, 295
Tourism and Recreation Department, Oklahoma (Title 725)	296
Executive Orders (Title 1)	299

Agency/Action/Subject Index

AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 247
- Plant Industry (Chapter 30) 247, 248

COMMERCE, Oklahoma Department of (Title 150)

Notices of Rulemaking Intent

- Oklahoma Local Development and Enterprise Zone Incentive Leverage Act (Chapter 105) 248

CONSTRUCTION Industries Board (Title 158)

Notices of Rulemaking Intent

- Plumbing Industry Regulations (Chapter 30) 249
- Electrical Industry Regulations (Chapter 40) 250
- Mechanical Industry Regulations (Chapter 50) 250

CRIME Victims Compensation Board (Title 185)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 251
- Crime Victims Compensation Program (Chapter 10) 251
- Sexual Assault Examination Fund (Chapter 15) 252

FIREFIGHTERS Pension and Retirement System, Oklahoma (Title 270)

Emergency Adoptions

- Firefighters Pension and Retirement Plan (Chapter 10) ... 293

GOVERNOR

Executive Orders

- Ordering flags at half-staff to honor former State House Speaker Daniel "Dan" David Draper, Jr. (04-35) 299

HEALTH, Oklahoma State Department of (Title 310)

Notices of Rulemaking Intent

- Public Bathing Place Facility Standards (Chapter 315) ... 252
- Immunizations (Chapter 535) 253
- Health Maintenance Organizations and Prepaid Health Plans (Chapter 655) 253
- Managed Care and Utilization Review (Chapter 656) 254

HEALTH Care Authority, Oklahoma (Title 317)

Notices of Rulemaking Intent

- Medical Providers-Fee for Service (Chapter 30) 255, 256, 257, 258, 259, 260
- Medical Assistance for Adults and Children-Eligibility (Chapter 35) 261, 262, 263

HIGHWAY Construction Materials Technician Certification Board (Title 318)

Notices of Rulemaking Intent

- Examination and Certification (Chapter 10) 264

HOUSING Finance Agency, Oklahoma (Title 330)

Notices of Rulemaking Intent

- Affordable Housing Tax Credit Program (Chapter 36) 265
- Oklahoma Housing Trust Fund Rules (Chapter 60) 265
- Performance Based Contract Administration Program Rules (Chapter 70) 266

JUVENILE Affairs, Office of (Title 377)

Notices of Rulemaking Intent

- Administrative Services (Chapter 3) 267, 268
- Institutional Services (Chapter 35) 268

OPTOMETRY, Board of Examiners in (Title 505)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 269
- Licensure and Regulation of Optometrists (Chapter 10) ... 270

PUBLIC Employees Retirement System, Oklahoma (Title 590)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 270
- Public Employees Retirement System (Chapter 10) 271

PUBLIC Employees Retirement System, Oklahoma – continued

Notices of Rulemaking Intent – continued

- Uniform Retirement System for Justices and Judges (Chapter 15) 271
- Deferred Compensation (Chapter 25) 272
- Deferred Savings Incentive Plan (Chapter 35) 272

REHABILITATION Services, State Department of (Title 612)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 273
- Vocational Rehabilitation and Visual Services (Chapter 10) 273
- Oklahoma Library for the Blind and Physically Handicapped (OLBPH) (Chapter 15) 275
- Special Schools (Chapter 20) 276
- Business Enterprise Program (Chapter 25) 276

TAX Commission, Oklahoma (Title 710)

Notices of Rulemaking Intent

- Various Tax Incentives (Chapter 85) 278

Emergency Adoptions

- Tobacco, Tobacco Products, and Cigarettes (Chapter 70) 294
- Miscellaneous Areas of Regulatory and Administrative Authority (Chapter 95) 295

TEACHERS' Retirement System (Title 715)

Notices of Rulemaking Intent

- General Operations (Chapter 10) 278

TOURISM and Recreation Department, Oklahoma (Title 725)

Emergency Adoptions

- Marketing Services Operation (Chapter 20) 296

USED Motor Vehicle and Parts Commission, Oklahoma (Title 765)

Notices of Rulemaking Intent

- Organization and Method of Operations (Chapter 1) 279
- Informal and Formal Procedures (Chapter 2) 280
- Used Motor Vehicle Dealers (Chapter 10) 280
- Used Motor Vehicle Salesmen (Chapter 15) 281
- Wholesale Used Motor Vehicle Dealers (Chapter 20) 281
- Automotive Dismantler and Parts Recyclers (Chapter 25) 282
- Buyer's Identification Cards (Chapter 30) 282
- Manufactured Home Dealers (Chapter 35) 283
- Manufactured Home Manufacturers (Chapter 36) 283
- Manufactured Home Installers (Chapter 37) 284

CAREER and Technology Education, Oklahoma Department of (Title 780)

Notices of Rulemaking Intent

- General (Chapter 1) 285
- Administration and Supervision (Chapter 10) 285
- Area Vocational-Technical Schools (Chapter 15) 286

WATER Resources Board, Oklahoma (Title 785)

Notices of Rulemaking Intent

- Organization and Procedure of Oklahoma Water Resources Board (Chapter 1) 287
- Appropriation and Use of Stream Water (Chapter 20) 288
- Well Driller and Pump Installer Licensing (Chapter 35) ... 289
- Development on State Owned or Operated Property Within the Floodplains And Floodplain Administrator Certification (Chapter 55) 290

WILDLIFE Conservation, Department of (Title 800)

Notices of Rulemaking Intent

- Operations and Procedures (Chapter 1) 290

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
40:50-1-1.	[NEW] (E) 221	340:105-10-120.	[AMENDED] (E) 26
40:50-1-2.	[NEW] (E) 224	340:105-10-121.	[AMENDED] (E) 26
40:50-1-3.	[NEW] (E) 225	340:105-10-122.	[AMENDED] (E) 27
40:50-1-4.	[NEW] (E) 226	340:110-3-29.	[AMENDED] (E) 28
40:50-1-5.	[NEW] (E) 226	340:110-3-49.5.	[AMENDED] (E) 29
40:50-1-6.	[NEW] (E) 227	340:110-3-86.	[AMENDED] (E) 36
40:50-1-7.	[NEW] (E) 227	340:110-3-87.	[AMENDED] (E) 30
40:50-1-8.	[NEW] (E) 229	340:110-3-154.3.	[AMENDED] (E) 37
40:50-1-9.	[NEW] (E) 230	340:110-3-154.5.	[AMENDED] (E) 31
40:50-1-10.	[NEW] (E) 230	340:110-3-163.	[AMENDED] (E) 38
40:50-1-11.	[NEW] (E) 230	340:110-3-239.	[AMENDED] (E) 31
150:100-1-1.	[NEW] (E) 95	340:110-5-57.	[AMENDED] (E) 32
150:100-1-2.	[NEW] (E) 95	340:110-5-60.	[AMENDED] (E) 34
150:100-1-3.	[NEW] (E) 96	340:110-5-60.	[AMENDED] (E) 39
150:100-1-4.	[NEW] (E) 96	365:25-11-3.	[AMENDED] (E) 68
160:5-1-2.	[AMENDED] (E) 7	365:25-13-3.	[AMENDED] (E) 68
160:55-3-1.1.	[AMENDED] (E) 9	505:10-5-17.	[NEW] (E) 169
160:55-3-1.4.	[AMENDED] (E) 10	550:1-3-3.	[AMENDED] (E) 41
160:55-3-4.	[AMENDED] (E) 12	550:15-1-3.	[AMENDED] (E) 42
160:55-3-10.1.	[AMENDED] (E) 12	565:10-5-1.	[AMENDED] (E) 69
252:300-21-1.	[AMENDED] (E) 12	565:10-27-1.	[AMENDED] (E) 69
252:300, App. A.	[REVOKED] (E) 13	590:1-1-2.	[AMENDED] (E) 125
252:300, App. A.	[NEW] (E) 13	590:1-1-9.	[NEW] (E) 125
265:25-1-3.	[AMENDED] (E) 16	590:10-1-1.	[AMENDED] (E) 126
270:10-1-9.	[AMENDED] (E) 293	590:10-1-7.	[AMENDED] (E) 127
310:315-7-2.	[AMENDED] (E) 231	590:10-1-15.	[AMENDED] (E) 127
310:677-1-6.	[NEW] (E) 233	590:10-1-17.	[NEW] (E) 127
317:30-3-2.1.	[NEW] (E) 155	590:10-1-18.	[NEW] (E) 127
317:30-5-30.	[AMENDED] (E) 103	590:10-3-12.	[AMENDED] (E) 128
317:30-5-31.	[AMENDED] (E) 103	590:10-3-13.	[NEW] (E) 129
317:30-5-34.	[REVOKED] (E) 104	590:10-7-2.	[AMENDED] (E) 129
317:30-5-123.	[AMENDED] (E) 96	590:10-7-10.	[AMENDED] (E) 129
317:30-5-131.2.	[AMENDED] (E) 100	590:10-8-1.	[NEW] (E) 129
317:30-5-240.	[AMENDED] (E) 157	590:10-8-2.	[NEW] (E) 129
317:30-5-241.	[AMENDED] (E) 159	590:10-8-3.	[NEW] (E) 129
317:30-5-243.	[REVOKED] (E) 167	590:10-8-4.	[NEW] (E) 129
317:30-5-247.	[REVOKED] (E) 167	590:10-8-5.	[NEW] (E) 130
317:30-5-248.	[AMENDED] (E) 168	590:10-8-6.	[NEW] (E) 130
317:30-5-700.	[AMENDED] (E) 104	590:10-10-1.	[NEW] (E) 130
317:30-5-907.	[NEW] (E) 168	590:10-10-2.	[NEW] (E) 130
317:30-5-907.1.	[NEW] (E) 168	590:10-10-3.	[NEW] (E) 130
317:30-5-907.2.	[NEW] (E) 169	590:10-10-4.	[NEW] (E) 130
317:30-5-907.3.	[NEW] (E) 169	590:10-10-5.	[NEW] (E) 130
317:35-6-64.1.	[NEW] (E) 105	590:10-10-6.	[NEW] (E) 130
317:35-19-14.	[AMENDED] (E) 108	590:10-10-7.	[NEW] (E) 130
340:40-7-1.	[AMENDED] (E) 61	590:10-10-8.	[NEW] (E) 131
340:40-7-6.	[AMENDED] (E) 63	590:15-1-1.	[AMENDED] (E) 132
340:40-7-11.	[AMENDED] (E) 63	590:15-1-2.	[AMENDED] (E) 132
340:40-7-12.	[AMENDED] (E) 65	590:15-1-4.	[AMENDED] (E) 132
340:75-1-18.	[AMENDED] (E) 234	590:15-1-5.	[AMENDED] (E) 132
340:75-7-52.	[AMENDED] (E) 19	590:15-1-17.	[AMENDED] (E) 133
340:75-13-45.	[AMENDED] (E) 240	590:25-5-6.	[AMENDED] (E) 134
340:75-15-128.1.	[AMENDED] (E) 236	590:35-19-8.	[AMENDED] (E) 134
340:105-10-41.	[AMENDED] (E) 21	710:50-3-54.	[AMENDED] (E) 170
340:105-10-43.	[AMENDED] (E) 22	710:70-9-4.	[NEW] (E) 295
340:105-10-72.	[AMENDED] (E) 22	710:90-3-11.	[AMENDED] (E) 173
340:105-10-101.	[AMENDED] (E) 23	710:95-13-1.	[NEW] (E) 296
340:105-10-117.	[AMENDED] (E) 24	725:20-7-10.	[NEW] (E) 297
340:105-10-118.	[REVOKED] (E) 25	765:30-1-7.	[NEW] (E) 243
340:105-10-119.	[REVOKED] (E) 25		

Agency/Title Index

[Assigned as of 1-3-05]

Agency	Title	Agency	Title
Oklahoma ACCOUNTANCY Board	10	State Department of EDUCATION	210
State ACCREDITING Agency	15	EDUCATION Oversight Board	215
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma AERONAUTICS Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges	30	State ELECTION Board	230
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma EMPLOYMENT Security Commission	240
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma ENERGY Resources Board	243
Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma	55	State Board of Registration for Professional ENGINEERS and Land Surveyors	245
ARCHIVES and Records Commission	60	Board of Trustees for the ENID Higher Education Program	250
Board of Trustees for the ARDMORE Higher Education Program	65	Department of ENVIRONMENTAL Quality	252
Oklahoma ARTS Council	70	State Board of EQUALIZATION	255
ATTORNEY General	75	ETHICS Commission (<i>Title revoked</i>)	257
State AUDITOR and Inspector	80	ETHICS Commission	258
State BANKING Department	85	Office of State FINANCE	260
Oklahoma State Employees BENEFITS Council	87	State FIRE Marshal Commission	265
Council of BOND Oversight	90	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Oklahoma Professional BOXING Commission	92	[RESERVED]	275
State BURIAL Board (<i>abolished 7-1-92</i>)	95	State Board of Registration for FORESTERS	280
[RESERVED]	100	FOSTER Care Review Advisory Board	285
Oklahoma CAPITOL Investment Board	105	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUTURES	290
State CAPITOL Preservation Commission	115	GOVERNOR	295
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GRAND River Dam Authority	300
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association GUARANTY Fund Board	302
Board of Regents of CARL Albert State College	125	Individual Self-Insured GUARANTY Fund Board	303
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
CEREBRAL Palsy Commission	130	Office of HANDICAPPED Concerns	305
Commission on CHILDREN and Youth	135	Oklahoma State Department of HEALTH	310
Board of CHIROPRACTIC Examiners	140	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma HEALTH Care Authority	317
Oklahoma Department of COMMERCE	150	HIGHWAY Construction Materials Technician Certification Board	318
COMMUNITY Hospitals Authority	152	Oklahoma HISTORICAL Society	320
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		Oklahoma HORSE Racing Commission	325
Oklahoma CONSERVATION Commission	155	Oklahoma HOUSING Finance Agency	330
CONSTRUCTION Industries Board	158	Oklahoma HUMAN Rights Commission	335
Department of CONSUMER Credit	160	Department of HUMAN Services	340
CORPORATION Commission	165	Committee for INCENTIVE Awards for State Employees	345
Department of CORRECTIONS	170	Oklahoma INDIAN Affairs Commission	350
State Board of COSMETOLOGY	175	Oklahoma INDIGENT Defense System	352
Oklahoma State CREDIT Union Board	180	Oklahoma INDUSTRIAL Finance Authority	355
CRIME Victims Compensation Board	185	Oklahoma State and Education Employees Group	
Joint CRIMINAL Justice System Task Force Committee	190	INSURANCE Board	360
Board of DENTISTRY	195	INSURANCE Department	365
Oklahoma DEVELOPMENT Finance Authority	200	COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund)	370
Board of Regents of EASTERN Oklahoma State College	205		

Agency/Title Index – *continued*

Agency	Title	Agency	Title
Oklahoma State Bureau of INVESTIGATION	375	Department of PUBLIC Safety	595
Council on JUDICIAL Complaints	376	REAL Estate Appraiser Board	600
Office of JUVENILE Affairs	377	Oklahoma REAL Estate Commission	605
Department of LABOR	380	Board of Regents of REDLANDS Community College	607
Department of the Commissioners of the LAND Office	385	State REGENTS for Higher Education	610
Council on LAW Enforcement Education and Training	390	State Department of REHABILITATION Services	612
Oklahoma LAW Enforcement Retirement System	395	Board of Regents of ROGERS State College	615
Board on LEGISLATIVE Compensation	400	Board of Regents of ROSE State College	620
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished</i> <i>7-1-93</i>)	625
LIEUTENANT Governor	410	SCENIC Rivers Commission	630
Oklahoma LINKED Deposit Review Board	415	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LIQUEFIED Petroleum Gas Board	420	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	The Oklahoma School of SCIENCE and Mathematics	645
LITERACY Initiatives Commission	425	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LONG-RANGE Capital Planning Commission	428	SECRETARY of State	655
Board of Trustees for the MCCURTAIN County Higher Education Program	430	Department of SECURITIES	660
Commission on MARGINALLY Producing Oil and Gas Wells	432	Board of Regents of SEMINOLE State College	665
State Board of MEDICAL Licensure and Supervision	435	SHEEP and Wool Commission	670
MEDICAL Technology and Research Authority of Oklahoma	440	State Board of Licensed SOCIAL Workers	675
Board of MEDICOLEGAL Investigations	445	SOUTHERN Growth Policies Board	680
Department of MENTAL Health and Substance Abuse Services	450	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
MERIT Protection Commission	455	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
MILITARY Planning Commission, Oklahoma Strategic	457	STATE Agency Review Committee	695
Department of MINES	460	STATE Use Committee (<i>Formerly: Committee on</i> <i>Purchases of Products and Services of the Severely</i> HANDICAPPED) – <i>See</i> Title 304	
Oklahoma MOTOR Vehicle Commission	465	Oklahoma STUDENT Loan Authority	700
Board of Regents of MURRAY State College	470	TASK Force 2000	705
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Oklahoma TAX Commission	710
Board of Regents of NORTHERN Oklahoma College	480	Oklahoma Commission for TEACHER Preparation	712
Oklahoma Board of NURSING	485	TEACHERS' Retirement System	715
Oklahoma State Board of Examiners for NURSING Home Administrators	490	State TEXTBOOK Committee	720
Board of Regents of OKLAHOMA City Community College	495	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA Colleges	500	Department of TRANSPORTATION	730
Board of Examiners in OPTOMETRY	505	Oklahoma TRANSPORTATION Authority	731
State Board of OSTEOPATHIC Examiners	510	State TREASURER	735
PARDON and Parole Board	515	Board of Regents of TULSA Community College	740
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>name changed - see Title</i> <i>731</i>)	745
Oklahoma State PENSION Commission	525	Board of Trustees for the UNIVERSITY Center at Tulsa	750
State Board of Examiners of PERFUSIONISTS	527	UNIVERSITY Hospitals Authority	752
Office of PERSONNEL Management	530	Board of Regents of the UNIVERSITY of Oklahoma	755
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
PHYSICIAN Manpower Training Commission	540	Oklahoma USED Motor Vehicle and Parts Commission	765
Board of PODIATRIC Medical Examiners	545	Oklahoma Department of VETERANS Affairs	770
Oklahoma POLICE Pension and Retirement System	550	Board of VETERINARY Medical Examiners	775
State Department of POLLUTION Control (<i>abolished</i> <i>1-1-93</i>)	555	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of</i> VOCATIONAL and Technical Education)	780
POLYGRAPH Examiners Board	560	Oklahoma WATER Resources Board	785
Oklahoma Board of PRIVATE Vocational Schools	565	Board of Regents of WESTERN Oklahoma State College	790
State Board for PROPERTY and Casualty Rates	570	Oklahoma WHEAT Commission	795
State Board of Examiners of PSYCHOLOGISTS	575	Department of WILDLIFE Conservation	800
Department of CENTRAL Services (<i>Formerly: Office of</i> PUBLIC Affairs)	580	WILL Rogers and J.M. Davis Memorials Commission	805
PUBLIC Employees Relations Board	585		
Oklahoma PUBLIC Employees Retirement System	590		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #04-1532]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 12. Agricultural Development and Forestry Grants

35:1-12-12. [NEW]

SUMMARY:

The proposed rule implements the provisions of House Bill 1994 which created an Urban Forestry and Beautification license plate. Fees for the special plate are deposited in the Urban Forestry and Beautification Revolving Fund. The proposed rule provides for administration of the fund.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), and 2-4(29); 47 O.S. §1104.5

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 3, 2005, through February 3, 2005.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 3, 2005 in the 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.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298, 405-522-4576, or at tgunter@oda.state.ok.us

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Teena Gunter, (405) 522-4576; e-mail address: tgunter@oda.state.ok.us

[OAR Docket #04-1532; filed 12-9-04]

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

[OAR Docket #04-1533]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 14. Oklahoma Boll Weevil ~~Quarantine~~ [AMENDED]

35:30-14-7. [NEW]

SUMMARY:

The proposed rule allows for destruction of volunteer or noncommercial cotton within elimination zones.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-50.1 ; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 3, 2005 through February 3, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., February 3, 2005, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 3, 2005 through February 3, 2005.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, 405-522-4576, tgunter@oda.state.ok.us

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: tgunter@oda.state.ok.us

[OAR Docket #04-1533; filed 12-9-04]

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

[OAR Docket #04-1534]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 5. Prerequisites for Licensing

35:30-17-11. [AMENDED]

Part 7. Identification of Equipment Used by Commercial Applicators

35:30-17-16. [REVOKED]

Part 19. Minimum Fumigation Standards for Structures

35:30-17-76. [REVOKED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-93. through 35:30-17-95. [AMENDED]

SUMMARY:

The proposed rules provide for revisions to several areas of Subchapter 17. Combined Pesticide. The first change amends Section 35:30-17-11 and allows the Department to reject a proposed name of a commercial or noncommercial applicator and require a different name if the requested name is so similar to another licensee that confusion to the public regarding the licensees could exist. In addition, the proposed rule cleans up and clarifies language regarding time periods and requirement for certified applicators. Section 35:30-17-16 revokes a rule requiring a commercial aerial applicator to place a decal provided by the Department on their airplane. The rule is no longer necessary because other means of identification are readily available at no cost to the Department. Section 35:30-17-76 is also revoked as the use of Ethylene Dibromide (EDB) is no longer registered in the State of Oklahoma. Sections 35:30-17-93, 94, and 95 are each amended to allow for pressure rinsing as an alternative or in addition to triple rinsing for pesticide containers.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 3, 2005 through February 3, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 3, 2005, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 3, 2005 through February 3, 2005.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: tgunter@oda.state.ok.us

[OAR Docket #04-1534; filed 12-9-04]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 105. OKLAHOMA LOCAL DEVELOPMENT AND ENTERPRISE ZONE INCENTIVE LEVERAGE ACT

[OAR Docket #04-1473]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

150:105-1-1. Purpose and scope [NEW]

150:105-1-2. Definitions [NEW]

150:105-1-3. Application Process [NEW]

150:105-1-4. Threshold and Selection Criteria [NEW]

SUMMARY:

This action is to promulgate the rules required in Senate Bill 1176 of the Oklahoma Legislature that was approved by the Governor of the State of Oklahoma on June 7, 2004, codified at 62 O.S. § 842(J), and to provide a systematic method to make application to the Oklahoma Department of Commerce for the determination required in the referenced legislation and Oklahoma Statutes.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act 62 O.S. §§ 840 - 847.

COMMENT PERIOD:

Written and oral comments will be accepted from January 3, 2005 through February 4, 2005 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Monday, February 7, 2005, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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 Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

Donald R. Hackler, Jr., Attorney, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #04-1473; filed 12-3-04]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

[OAR Docket #04-1492]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Types, Insurance and Bond Requirements and Display of License Number and Firm Name

158:30-5-2. Insurance and Bond requirements [AMENDED]

SUMMARY:

The purpose of these rules is to clarify the insurance and bonding requirements for contractors. A contractor may choose to place his license on inactive status and practice as a journeyman but not practice as an active contractor. An active license may be obtained if his inactive license is valid and the bond and insurance requirements are met. These rules also allow a qualified entity to provide an affidavit in lieu of insurance and bonding requirements. The entity assumes all financial responsibility and guarantees that the employee covered by that affidavit will only perform work on property owned by that entity. The entity must notify the Construction Industries Board upon cessation of the relationship between the entity and the employee.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1002.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2005 through February 3, 2005, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 9, 2005, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt

Notices of Rulemaking Intent

at the above address, before the close of the comment period on February 3, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 3, 2005.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 18, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #04-1492; filed 12-7-04]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

[OAR Docket #04-1493]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:40-1-4. Standard of installation

Subchapter 5. Licensing Requirements, Display of License and Firm Name, And Bond Requirements

158:40-5-5. Insurance and Bond requirements
[AMENDED]

SUMMARY:

The purpose of these rules is to incorporate the 2005 National Electrical Code and to clarify the insurance and bonding requirements for contractors. These rules allow a qualified entity to provide an affidavit in lieu of insurance and bonding requirements. The entity assumes all financial responsibility and guarantees that the employee covered by that affidavit will only perform work on property owned by that entity. The entity must notify the Construction Industries Board upon cessation of the relationship between the entity and the employee.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1689.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2005 and February 3, 2005, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 9, 2005, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5,

Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 3, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 3, 2005.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 18, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #04-1493; filed 12-7-04]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #04-1494]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name.

158:50-5-3. Contractor special requirements.
[AMENDED]

SUMMARY:

The purpose of these rules is to clarify the insurance and bonding requirements for contractors. A contractor may choose to place his license on inactive status and practice as a journeyman but not practice as an active contractor. Inactive status removes the requirement for insurance and bonding.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1850.3.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2005 through February 3, 2005 during regular

business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 9, 2005, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 3, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 3, 2005.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 18, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #04-1494; filed 12-7-04]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #04-1489]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules will prohibit the discussion of certain information during Board meetings. The rules will give the Board the

authority to enter into executive session for confidentiality purposes.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 3, 2005 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W 13th, Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 3, 2005 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13th St., Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement will be prepared prior to January 3, 2005, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #04-1489; filed 12-7-04]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 10. CRIME VICTIMS
COMPENSATION PROGRAM**

[OAR Docket #04-1490]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Crime Victims Compensation Program [AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules will provide a new category of coverage for pedestrians involved in hit and run crimes. It will also affect the appeal procedure for the victims' compensation program.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 3, 2005 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W. 13th St., Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 3, 2005 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13th, Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement will be available January 3, 2005, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #04-1490; filed 12-7-04]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 15. SEXUAL ASSAULT
EXAMINATION FUND**

[OAR Docket #04-1491]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 15. Sexual Assault Examination Fund
[AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules affect the language of the district attorney's section of the sexual assault claim form. The rules will add collateral source information for children of sexual assault.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 3, 2005 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W. 13, Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 3, 2005 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13, Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement will be available January 3, 2005, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #04-1491; filed 12-7-04]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 315. PUBLIC BATHING PLACE
FACILITY STANDARDS**

[OAR Docket #04-1525]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Construction and Operation
310:315-7-2. [AMENDED]

SUMMARY:

The proposal amends Subchapter 7, Section 7-2 Pool layout, of the present Public Bathing Place Facility Standards in order to complete and clarify the existing regulations. The changes involve clarification of language and modification to regulations, which were impractical or unenforceable. Without this rule revision small children will not be sufficiently protected because there is no minimum height, enclosure standard regarding outdoor pools, which are not open to the general public. This proposed rule would prevent small-unattended children access to the pool and possible drowning.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-1013 et seq.

COMMENT PERIOD:

January 3, 2005, through February 10, 2005. Interested persons may discuss informally the proposed rules with Ted Evans, Chief of Consumer Health Services; or may before February 10, 2005, submit written comment to Ted Evans, Chief, Consumer Health Services, Protective Health Services,

Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 10, 2005, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 10, 2005, to Ted Evans, Chief, Consumer Health Services, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or by e-mail to tede@health.state.ok.us

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 3, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Ted Evans, Chief, Consumer Health Services, (405) 271-5243

[OAR Docket #04-1525; filed 12-9-04]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 535. IMMUNIZATIONS

[OAR Docket #04-1526]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

310:535-1-2. [AMENDED]

310:535-1-3. [AMENDED]

SUMMARY:

This rule change is needed to change the specified minimum age for the third dose of hepatitis B vaccine from 6 calendar months to 24 weeks of age. This change will bring the rule into agreement with national recommendations published in the Morbidity and Mortality Weekly Report (MMWR) Vol.53, No. 1 on January 16, 2004. Currently the rule specifies that the third dose of hepatitis B vaccine may not be given until

the child is 6 calendar months of age, following previously published ACIP recommendations.

AUTHORITY:

Oklahoma State Board of Health; 70 O.S. §§ 1210.191 et seq.

COMMENT PERIOD:

January 3, 2005 through February 10, 2005. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before February 10, 2005, submit written comment to Susan Mendus, Immunization Programs Manager, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 10, 2005, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 10, 2005 to Susan Mendus, Immunization Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to susanm@health.state.ok.us.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 3, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Susan Mendus, Immunization Service, (405) 271-4073

[OAR Docket #04-1526; filed 12-9-04]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 655. HEALTH MAINTENANCE ORGANIZATIONS AND PREPAID HEALTH PLANS

[OAR Docket #04-1527]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Chapter 655. Health Maintenance Organizations and Prepaid Health Plans [REVOKED]

SUMMARY:

The purpose of the proposed rulemaking action is to revoke rules that implemented provisions in Title 63 that were repealed effective November 1, 2003. The State Board of Health promulgated a new chapter OAC 310:659, effective July 12, 2004, to implement the Health Maintenance Organization Act of 2003, (Title 36 O.S. Supp. 2003, Section 6091 et seq.) HMOs that previously were licensed by the State Department of Health now operate under certificates of authority issued by the Oklahoma Insurance Commissioner. Chapter 655 has no application to activities currently performed by the State Health Department under Title 310.

AUTHORITY:

State Board of Health, 63 O.S. 2001 Section 1-104; and State Department of Health, 63 O.S. 2001 Section 2501 et seq., repealed by Laws 2003, chapter 197, section 58, effective November 1, 2003.

COMMENT PERIOD:

January 3, 2005 through February 10, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 10, 2005, may submit written comments to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 10, 2005, may send electronic mail to randyw@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 10, 2005, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 10, 2005 to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 10, 2005 may send electronic mail to randyw@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from Managed Care Systems, Protective Health Services, Room 1010, State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained for review beginning January 3, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57265; facsimile: 405-271-7360; email: randyw@health.state.ok.us.

[OAR Docket #04-1527; filed 12-9-04]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 656. MANAGED CARE AND UTILIZATION REVIEW

[OAR Docket #04-1528]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 656. Managed Care and Utilization Review [REVOKED]

SUMMARY:

The purpose of the proposed rulemaking action is to revoke rules that implemented provisions in Title 63 that were repealed effective November 1, 2003. The State Board of Health promulgated a new chapter OAC 310:659, effective July 12, 2004, to implement the Health Maintenance Organization Act of 2003, (Title 36 O.S. Supp. 2003, Section 6091 et seq.) HMOs that previously were licensed by the State Department of Health now operate under certificates of authority issued by the Oklahoma Insurance Commissioner. Chapter 656 has no application to activities currently performed by the State Health Department under Title 310.

AUTHORITY:

State Board of Health, 63 O.S. 2001 Section 1-104, and 63 O.S. Supp. 2002 Section 2525.2 et seq. repealed effective November 1, 2003.

COMMENT PERIOD:

January 3, 2005 through February 10, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 10, 2005, may submit written comments to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 10, 2005, may send electronic mail to randyw@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 10, 2005, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 10, 2005 to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 10, 2005 may send electronic mail to randyw@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from Managed Care Division, Protective Health Services, Room 1010, State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained for review beginning January 3, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57265; facsimile: 405-271-7360; email: randyw@health.state.ok.us.

[OAR Docket #04-1528; filed 12-9-04]

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

[OAR Docket #04-1474]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-131.2. [AMENDED]
(Reference APA WF # 04-01)

SUMMARY:

Medical Providers-Fee for Service, Long Term Care Facilities specific, rules are revised to comply with Section 1-1925.2 of Title 63 of the Oklahoma Statutes which was amended by House Bill 2218 of the 2nd Session of the 48th Legislature (2002) related to the Quality of Care Fund reporting process. Revisions are needed to provide reference to the Oklahoma State Department of Health recently revised rules which allow the implementation of flexible staff scheduling. Other revisions provide instructions to facilities regarding the completion of the newly revised Quality of Care Report.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1-1925.2 of Title 63 of the Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1474; filed 12-3-04]

Notices of Rulemaking Intent

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

[OAR Docket #04-1476]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-123. [AMENDED]

(Reference APA WF # 04-03A)

SUMMARY:

Medical Providers-Fee for Service, Long Term Care Facilities specific, rules are revised to comply with Federal Pre-Admission Screening and Resident Review requirements, which outline the states' responsibility for screening all individuals for mental illness or mental retardation or related conditions who apply to or reside in Title XIX certified nursing facilities. Nursing facilities which inappropriately admit an individual without a PASRR Screen are subject to recoupment of funds. Currently, facilities are not required to report on residents who are transferred from one nursing facility to another which results in gaps in the data available to LOCEU to evaluate PASRR compliance, as well as resulting in an inconsistently applied recoupment process. Nursing home residents will benefit from the proposed rule revisions as a PASRR screening would be required for all residents just prior to admission, thus helping to assure safety by reducing the number of inappropriate nursing home placements. Rule revisions are needed to comply with Federal Pre-Admission Screening and Resident Review requirements.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 483.100 through 483.138

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue

loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1476; filed 12-3-04]

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

[OAR Docket #04-1478]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 2. Physician Assistants

317:30-5-30. through 317:30-5-31. [AMENDED]

317:30-5-34. [REVOKED]

(Reference APA WF # 04-04)

SUMMARY:

Medical Providers-Fee for Service rules are revised to allow Physician Assistant reimbursement at the same allowable as Physicians and Advance Practice Nurses, thereby improving access to medical care for Medicaid recipients. Revisions allow reimbursement to Physician Assistants at 100% of the Physicians fee schedule, consistent with reimbursement to Physicians and Advance Practice Nurses. Revisions are needed to improve access to medical care for Medicaid recipients.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1478; filed 12-3-04]

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

[OAR Docket #04-1479]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-700. [AMENDED]

(Reference APA WF # 04-05)

SUMMARY:

Medical Providers-Fee for Service, Dentists specific, rules are revised to improve access for Medicaid eligible children to orthodontic services. Revised rules allow general or pediatric dentists, under certain conditions, to be reimbursed for orthodontic services. Without revisions, Medicaid eligible children with handicapping malocclusions determined to be severe enough to warrant medically necessary treatment are often unable to obtain medically necessary services. Revisions will increase the availability of specialized services for Medicaid eligible children.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; O.S. 59, Section 328.19

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business

hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1479; filed 12-3-04]

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

[OAR Docket #04-1480]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 90. Diagnostic Testing Entities [NEW]

317:30-5-907. through 30-5-907.3. [NEW]

(Reference APA WF # 04-09)

SUMMARY:

Medical Providers-Fee for Service rules are revised to establish guidelines for the payment of diagnostic procedures performed by Independent Diagnostic Testing Facilities and Mobile X-Ray entities. Independent Diagnostic Testing Facilities are currently billing their charges under the provider contract for the supervising physician's provider number. At present, mobile x-ray entities are receiving payment for services provided Medicaid clients; however, no rules are in place. Both entities are recognized by Federal Statutes

Notices of Rulemaking Intent

as eligible providers. Rules are needed to clarify billing procedures for these types of services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 410.32; 42 CFR 410.33

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1480; filed 12-3-04]

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

[OAR Docket #04-1481]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-134. [AMENDED]
(Reference APA WF # 04-10)

SUMMARY:

Medical Providers-Fee for Service, Long Term Care Facilities specific, rules are revised to establish maximum reimbursement for Nurse Aide Training costs that coincide with the established maximum reimbursement rate. Existing rules provide that the cost of books and course material is paid directly to the nurse aide on a prorated basis. The current limitations involve limiting billing to a period of one year after training has occurred and limits payment to a prorated cost based upon the amount of employment within that one year. Revisions would allow the payment to be made in the daily per diem rate paid the nursing facility if the nurse aid is trained and tested in that Medicaid contracted nursing facility's training program. Requirements for the nurse aide to receive reimbursement for private training courses are delineated in these rules and provide for more clarity regarding the payment of nurse aide training costs. For every month employed in a nursing facility (up to a maximum of twelve months), the agency will reimburse 1/12 of the sum of the eligible expenses incurred by the nurse aide. Revisions to Long Term Care Facilities rules are needed to establish maximum reimbursement for Nurse Aide Training costs.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 483.158; 42 U.S.C. § 1396r(f)(2)(A)(iv)(III).

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1481; filed 12-3-04]

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

[OAR Docket #04-1482]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-2.1. [NEW]

(Reference APA WF # 04-11)

SUMMARY:

Medical Providers-Fee for Service rules are revised to allow for the use of extrapolation when calculating provider overpayments. During the six month period of October 2003 through March 2004, Surveillance Utilization Review Subsystem (SURS) audits/reviews using statistical sampling resulted in error rates ranging from 0% to 98%. While the agency should not be overly concerned about those providers whose reviews resulted in low error rates (overpayments noted should be recouped and education should be provided), the agency does have a responsibility to take further action with those providers whose error rates indicate more serious issues. During the same six month period, just over 50% of the reviews resulted in error rates in excess of 20% and 20% of the reviews indicated error rates in excess of 50%. The agency would be remiss, in the eyes of the public and our federal partner, if based on a sample with a large error rate indicating significant overpayments, the agency only recovered the overpayment attributable to the sample. Sound audit/review practices alone would require additional work. Those providers who do take the risk of inappropriately billing Medicaid really do not take much of a risk at all under the current system - the risk of repayment of a small overpayment with little chance of further recourse for other inappropriate billings (Medicaid overpayments) for the same period of time. At this point, the agency (SURS) can either use their limited staff and expand their samples for the same time periods for these providers, with a 95% probability that the results will be the same. Or, the agency can choose to extrapolate, using the original error rate, across the universe from which the sample was selected and calculate the overpayment. Rule revisions are needed to allow for the use of extrapolation when calculating provider overpayments.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1482; filed 12-3-04]

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

[OAR Docket #04-1483]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Hospitals
317:30-5-96. [AMENDED]

(Reference APA WF # 04-12)

SUMMARY:

Medical Providers-Fee for Service, Inpatient Psychiatric Hospitals specific, rules are revised to change the reimbursement methodology for state owned Residential

Notices of Rulemaking Intent

Treatment Centers. In order to insure access at these facilities (whose patient level is primarily Medicaid), the agency is proposing to change the reimbursement system from prospective payment to a cost-based retrospective method. At the current rates, only 60% of the cost of these facilities is being reimbursed. Revisions will help to adequately fund these state owned and operated facilities and recognize the uniqueness of their operating circumstances (i.e., state mandated salary raises, etc.). The change will allow the state to utilize federal funds rather than totally state funds in paying for these reimbursement shortages. Rule revisions are needed to change the reimbursement methodology for state owned Residential Treatment Centers.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1483; filed 12-3-04]

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

[OAR Docket #04-1531]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-40. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 51. Habilitation Services
317:30-5-482. [AMENDED]
Chapter 40. Developmental Disabilities Services
Subchapter 5. Client Services
Part 9. Service Provisions
317:40-5-113 [NEW]

(Reference APA WF # 04-16)

SUMMARY:

Developmental Disabilities Services rules are issued to establish criteria for a new service, Adult Day Services. Adult Day Services provides assistance with retention or improvement in self-help, adaptive, and socialization skills including the opportunity to interact with peers in order to promote maximum level of independence and functioning. The service takes place in a non-residential setting, separate from the home or facility in which the service recipient resides and will be included on his/her Plan of Care. Services are normally furnished four or more hours per day on a regularly scheduled basis, for one or more days per week. The Oklahoma Department of Human Services (OKDHS) will pay the state share for this service. It is anticipated that some recipients will use Adult Day Services in lieu of Habilitation Training Specialist services. The cost for a six hour day of Habilitation Training Specialist services is \$76.80, while the rate for Adult Day Services is \$45 per day. The Developmental Disabilities Services Division of OKDHS estimates a savings of \$21.80 per recipient day, for an estimated annual savings of \$139,400 in state dollars. Further revisions bring rules in line with other sections of rules by adding the existing Intensive Personal Supports service to these sections of rules.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1531; filed 12-9-04]

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

[OAR Docket #04-1475]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Soonercare Health Benefits for Categorically Needy Pregnant Women and Families with Children
Part 7. Certification, Redetermination and Notification
317:35-6-64.1. [NEW]
(Reference APA WF # 04-02)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility rules are issued to comply with federal regulations by establishing guidelines that implement Transitional Medical Assistance (TMA). Section 1925(b)(3)(iii)(III) of the Social Security Act requires states to provided continued Medical Assistance to a Medicaid Only or a Temporary Assistance for Needy Families (TANF) benefit group who loses eligibility due to the receipt of new or increased child or spousal support, or new or increased earnings of the caretaker relative. The Act further requires the continued Medicaid coverage to be of the same amount, duration, and scope as was received prior to the

new or increased child support or income. Therefore, rules are needed to conform to federal regulations.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1925(b)(3)(iii)(III) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1475; filed 12-3-04]

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

[OAR Docket #04-1477]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Nursing Facility Services
317:35-19-14. [AMENDED]
(Reference APA WF # 04-03B)

Notices of Rulemaking Intent

SUMMARY:

Medical Assistance for Adults and Children-Eligibility, Long Term Care Facilities specific, rules are revised to comply with Federal Pre-Admission Screening and Resident Review requirements, which outline the states' responsibility for screening all individuals for mental illness or mental retardation or related conditions who apply to or reside in Title XIX certified nursing facilities. Nursing facilities which inappropriately admit an individual without a PASRR Screen are subject to recoupment of funds. Currently, facilities are not required to report on residents who are transferred from one nursing facility to another which results in gaps in the data available to LOCEU to evaluate PASRR compliance, as well as resulting in an inconsistently applied recoupment process. Nursing home residents will benefit from the proposed rule revisions as a PASRR screening would be required for all residents just prior to admission, thus helping to assure safety by reducing the number of inappropriate nursing home placements. Rule revisions are needed to comply with Federal Pre-Admission Screening and Resident Review requirements.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 483.100 through 483.138

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1477; filed 12-3-04]

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

[OAR Docket #04-1483A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Breast and Cervical Cancer Treatment Program [NEW]

317:35-21-1. through 35-21-13. [NEW]

(Reference APA WF # 04-13)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility rules are issued to establish criteria that implements the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (BCCPTA) program. The BCCPTA gave states the option of providing Medicaid benefits to uninsured women under age 65 who are in need of treatment for breast and/or cervical cancer and do not have creditable health insurance coverage. Eligible participants must be identified through the Centers for Disease Control and Prevention's (CDC) National Breast and Cervical Cancer Early Detection Program (NBCCEDP) as needing treatment for breast or cervical cancer, including pre-cancerous conditions and early stage, recurrent or metastatic cancer. In May, 2001, the Oklahoma Legislature approved Senate Bill 741 which directed the Agency to coordinate with the State Commissioner of Health to develop procedures to implement a program for Medicaid eligibility and services for individuals who are in need of breast or cervical cancer treatment, contingent upon funds becoming available. Funding has since been provided to implement the program. Women found eligible for medical benefits under this program will receive the full scope of Medicaid coverage as coverage is not limited to treatment of breast and/or cervical cancer.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Breast and Cervical Cancer Prevention and Treatment Act of 2000; 1902(a)(10)(A)(ii)(XVIII) of the Social Security Act; Senate Bill 741 of the 1st Session of the 48th Legislature

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority,

4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1483A; filed 12-3-04]

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

[OAR Docket #04-1529]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Medical Assistance for Adults and Children-eligibility [AMENDED]
(Reference APA WF # 04-20)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility rules are revised to establish a new Medicaid program for the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 (Public Law 97-248). TEFRA provides coverage to certain disabled children living in the home who would qualify for Medicaid if residents of Nursing Facilities or Intermediate Care Facilities for the Mentally retarded.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1529; filed 12-9-04]

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

[OAR Docket #04-1530]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41. [AMENDED]
(Reference APA WF # 04-19)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility, capital resources for individuals related to aged, blind, and disabled specific, rules are revised to establish criteria for the consideration of annuities purchased after January 31, 2005 when determining their availability to the applicant/recipient. Nation wide, individuals have been using annuities as a form

Notices of Rulemaking Intent

of estate planning in order to become eligible for Medicaid. Currently, a Medicaid applicant/recipient could be eligible for assistance if the Oklahoma Department of Human Service (OKDHS) worker, using life expectancy tables, determines that the client will receive fair market value from the annuity during an applicant's/recipient's lifetime. Critically ill people presently can invest large amounts of money into the annuities, receive very little pay out in their remaining lifetime, and the balance reverts to their beneficiaries. Revisions would eliminate this loophole by presuming that the annuity has value, as the vast majority can be sold, and counting that value as an available resource. The applicant/recipient will be given the opportunity to prove that the annuity cannot be sold or has a lower value. Further revisions provide clarification of procedures used by the OKDHS worker to determine the status of loans.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2005 through February 2, 2005, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING: A public hearing is scheduled for February 8, 2005, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #04-1530; filed 12-9-04]

TITLE 318. HIGHWAY CONSTRUCTION MATERIALS TECHNICIAN CERTIFICATION BOARD CHAPTER 10. EXAMINATION AND CERTIFICATION

[OAR Docket #04-1488]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

318:10-1-3. Areas of Certification [AMENDED]

318:10-1-7. Temporary and Apprentice Certifications [AMENDED]

318:10-1-10. Grounds for Discipline [AMENDED]

318:10-1-11. Fees [AMENDED]

SUMMARY:

Neither the Rules nor the authorizing statute require highway construction materials technicians to be certified. Rather, the requirement is imposed by the Oklahoma Department of Transportation and other owners who demand quality materials and construction. The function of the Board, operating through its Rules, is to ensure that certified technicians meet high standards, and the title "Certified Technician" is duly protected from imposters. The proposed changes in the Rules will enhance these efforts by allowing uncertified technicians to practice for a limited time under the direct guidance of certified technicians. Such apprenticeships will not be prerequisite for certification but will assist applicants in meeting the requirements.

AUTHORITY:

69 O.S. Supp. 2000, § 1954; Highway Construction Materials Technician Certification Board

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so by visiting, calling, mailing, facsimiling, or e-mailing their comments to the contact person shown below. Comments will be received until the scheduled public hearing set forth below.

PUBLIC HEARING:

February 3, 2005 at 10:00 a.m.

Materials Division Conference Room

Oklahoma Department of Transportation

200 N. E. 21st Street

Oklahoma City, OK 73105

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Reynolds Toney, at the address below, before the close of the comment period on February 2, 2005.

COPIES OF PROPOSED RULES:

Materials Division
Oklahoma Department of Transportation
200 N. E. 21st Street
Oklahoma City, OK 73105
and
Training Center
Oklahoma Department of Transportation
1025 S. E. 59th Street
Oklahoma City, OK 73129

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to January 18, 2005, and may be obtained from the Board at the address below.

CONTACT PERSON:

Reynolds Toney, Materials Division
Oklahoma Department of Transportation
200 N. E. 21st Street
Oklahoma City, OK 73105
(405) 521-2677
Facsimile: (405) 522-0552
E-Mail: rtoney@odot.org

[OAR Docket #04-1488; filed 12-7-04]

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

[OAR Docket #04-1517]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36. Affordable Housing Tax Credit Program Rules
[AMENDED]

SUMMARY:

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

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative

guidelines for the allocation of the credits, to comply with anticipated U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to the requirements of the Code and Treasury Regulations.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 15, 2005. Written comments will be accepted until 4:00 p.m. on February 15, 2005. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 15, 2005, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

PUBLIC HEARING:

A public hearing will be held: February 10, 2005 at 1:00 P.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 3, 2005 at the offices of OHFA.

CONTACT PERSON:

John Marshall, 1-(405)-419-8263.

[OAR Docket #04-1517; filed 12-9-04]

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

[OAR Docket #04-1516]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Oklahoma Housing Trust Fund Rules
[AMENDED]

Notices of Rulemaking Intent

SUMMARY:

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

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Andre Blakley at Oklahoma Housing Finance Agency on or before February 15, 2005. Written comments will be accepted until 4:00 p.m. on February 15, 2005. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Andre Blakley.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 15, 2005, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

PUBLIC HEARING:

A public hearing will be held: February 10, 2005 at 9:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 3, 2005 at the offices of OHFA.

CONTACT PERSON:

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

[OAR Docket #04-1516; filed 12-9-04]

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

[OAR Docket #04-1515]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 15, 2005. Written comments will be accepted until 4:00 p.m. on February 15, 2005. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 15, 2005, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed rules.

PUBLIC HEARING:

A public hearing will be held: February 10, 2005, at 10:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 3, 2005 at the offices of OHFA.

CONTACT PERSON:

John Marshall, 1-(405)-419-8263.

[OAR Docket #04-1515; filed 12-9-04]

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

[OAR Docket #04-1535]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director
Part 3. Office of the Advocate General
377:3-1-25. Abuse, Neglect and Mistreatment
[AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rule is being revised to outline detention requirement that immediate medical attention will be provided to all juvenile upon being released from any type of restraint. The rule is being amended to updated the child abuse reporting requirements to current OJA policy.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2005 through February 3, 2005 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2005 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2005 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #04-1535; filed 12-9-04]

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

[OAR Docket #04-1536]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director
Part 3. Office of the Advocate General
377:3-1-28. General grievance procedure [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rule is being revised to move the parole process under one section of the administrative rules. The ability to file a grievance on a parole decision is being removed. The appeals process will be outlined in the newly created Chapter 5. "Division of the Parole Board".

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2005 through February 3, 2005 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

Notices of Rulemaking Intent

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2005 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2005 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #04-1536; filed 12-9-04]

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

[OAR Docket #04-1537]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juveniles Detention Centers

377:3-13-36. Requirements [AMENDED]

377:3-13-43. Staff requirements [AMENDED]

377:3-13-44. Security and control [AMENDED]

377:3-13-47. Food service, sanitation and hygiene [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rules are being revised: to correct Administrative Rule cite changes (377:3-13-36); to define that detention must have 24-hour "awake" supervision and at least one staff meeting per month (377:3-13-43); to establish a timeline for submitting reports regarding use of force (377:3-13-44); to establish that juvenile requiring confinement shall be reviewed by a Detention Administrator

every three (3) hours. (377:3-13-44); to establish criteria for food service in the Detention Center on weekend and holidays as outlined by DHS Licensing Requirements (377:3-13-47).

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2005 through February 3, 2005 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405)530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2005 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2005 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #04-1537; filed 12-9-04]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 35. INSTITUTIONAL SERVICES

[OAR Docket #04-1538]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Security and Control [AMENDED]

Subchapter 5. Food Services, Sanitation, Safety and Hygiene [AMENDED]
Subchapter 7. Medical and Health Care [AMENDED]
Subchapter 9. Juvenile Rights [AMENDED]
Subchapter 11. Juvenile Rules/Discipline [AMENDED]
Subchapter 17. Ancillary Programs [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rules are being revised: to remove use of the term "resident" and change to a consistent term of juvenile through out all subsection of this chapter; to remove all references to "zone" throughout the chapter; to update current terms such as Unit Treatment Team and remove references to cottages committee; to remove reference to use of force in discipline and control section (377:35-3-4); to update the requirements for building standards to include new building codes (377:35-5-4); to update the postal process regarding the requirement of providing postage for five (5) letters rather than five (5) stamps (377:35-11-5).

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2005 through February 3, 2005 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2005 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to :Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2005 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #04-1538; filed 12-9-04]

**TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #04-1513]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Rulemaking and Declaratory Rulings 505:1-5-6. [AMENDED]

SUMMARY:

The proposed amendment to Rule 505:1-5-6 is intended to make the Board's rules on emergency rulemaking conform to the provisions of the Administrative Procedures Act by deleting limitations on the duration of the effectiveness of emergency rules which are not contained in the Act.

AUTHORITY:

The Oklahoma Board of Examiners in Optometry; 59 O.S. §§ 581, 584, 585 et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 8, 2005 by contacting Mary Walker at the offices of the Board of Examiners in Optometry, at 6912 E. Reno, Suite 302, Midwest City, OK 73110.

PUBLIC HEARING:

A public hearing will be held at 7:00 p.m. on March 10, 2005 at the Renaissance Oklahoma City Convention Center Hotel at 10 N. Broadway, Oklahoma City, OK 73102. Persons wishing to address the Board must sign in at the door by 7:05 p.m. on that date.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Examiners in Optometry, 6912 E. Reno, Suite 302, Midwest City, OK 73110.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Board of Examiners in Optometry, 6912 E. Reno, Suite 302, Midwest City, OK 73110 beginning January 3, 2005.

CONTACT PERSON:

Robert A. Nance, Counsel to the Board, (405) 843-9909.

[OAR Docket #04-1513; filed 12-8-04]

Notices of Rulemaking Intent

TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS

[OAR Docket #04-1514]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Regulation of Licenses

505:10-5-11. [AMENDED]

505:10-5-17. [NEW]

SUMMARY:

The proposed amendment to Rule 505: 10-5-11 deletes from the list of approved providers of continuing professional education a provider which the Board has determined should no longer be presumptively authorized to provide approved training.

The proposed new Rule 505: 10-5-17 supercedes an emergency rule of the same number dealing with the proper scope of practice of nonlaser surgical procedures. The rule is intended to return the scope of optometric practice to that which existed before the issuance of Attorney General Opinion No. 2004 OK AG 9 which held, in part, that 59 O.S. § 581 "does not authorize licensed optometrists to perform any surgeries other than laser surgeries (excluding retina surgery, laser in-situ keratomileusis (LASIK) surgery and cosmetic lid surgery)." In response to that opinion, and in an attempt to return the scope of optometric practice to that which had existed before the Attorney General issued his opinion, during its 2004 session the Oklahoma Legislature amended 59 O.S. § 581 to provide that, "[t]he practice of optometry is further defined to be nonlaser surgery procedures as authorized by the Oklahoma Board of Examiners in Optometry, pursuant to rules promulgated under the Administrative Procedures Act." This proposed Rule is intended to define such nonlaser surgery procedures as were part of the scope of practice before the issuance of the Attorney General's opinion.

AUTHORITY:

The Oklahoma Board of Examiners in Optometry; 59 O.S. §§ 581, 584, 585 et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 8, 2005 by contacting Mary Walker at the offices of the Board of Examiners in Optometry, at 6912 E. Reno, Suite 302, Midwest City, OK 73110.

PUBLIC HEARING:

A public hearing will be held at 7:00 p.m. on March 10, 2005 at the Renaissance Oklahoma City Convention Center Hotel at 10 N. Broadway, Oklahoma City, OK 73102. Persons wishing to address the Board must sign in at the door by 7:05 p.m. on that date.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Examiners in Optometry, 6912 E. Reno, Suite 302, Midwest City, OK 73110.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Board of Examiners in Optometry, 6912 E. Reno, Suite 302, Midwest City, OK 73110 beginning January 3, 2005.

CONTACT PERSON:

Robert A. Nance, Counsel to the Board, (405) 843-9909.

[OAR Docket #04-1514; filed 12-8-04]

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

[OAR Docket #04-1508]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes include clarification in statutory cites and method of Board members selecting designees. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 15, 2005, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2005, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 18, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Tom Spencer, Executive Director (405) 858-6737.

[OAR Docket #04-1508; filed 12-8-04]

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

[OAR Docket #04-1509]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes include clarifications concerning applicability of rules, addition of late charge provisions for non-state agency contributions, references to Post-Hazardous duty members, implementation of providing retiree mailing list to employee organizations, offset provisions, release of records procedures, military service credit, credit for involuntary furloughs, final benefit checks, a new subchapter on Department of Corrections Hazardous Duty members, a new subchapter for Department of Corrections death benefits and a new subchapter on Medicare Gap option. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 15, 2005, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2005, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 18, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Tom Spencer, Executive Director (405) 858-6737.

[OAR Docket #04-1509; filed 12-8-04]

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

[OAR Docket #04-1510]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Changes may include topics related to late charges on employer contributions, calculation of final average salary, payment of final retirement credit after death and military service credit. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 15, 2005, by mail or

Notices of Rulemaking Intent

hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2005, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 18, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Tom Spencer, Executive Director (405) 858-6737.

[OAR Docket #04-1510; filed 12-8-04]

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

[OAR Docket #04-1511]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Deferred Compensation [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 15, 2005, by mail or

hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2005, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 18, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Tom Spencer, Executive Director (405) 858-6737.

[OAR Docket #04-1511; filed 12-8-04]

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

[OAR Docket #04-1512]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Deferred Savings Incentive Plan [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 15, 2005, by mail or

hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2005, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 18, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Tom Spencer, Executive Director (405) 858-6737.

[OAR Docket #04-1512; filed 12-8-04]

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

[OAR Docket #04-1467]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Program Divisions within the Department 612:1-5-3. Division of Visual Services (DVS) [AMENDED]

SUMMARY:

The proposed changes to Chapter 1 include a more descriptive definition of visual disability and the fact that there is now more than one Field Coordinator in Visual Services.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2005 through February 9, 2005, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Public hearings will be held as follows:

Monday, February 7, 2005,

1:00 P.M. - 3:00 P.M.,

Department of Rehabilitation Services

2nd Floor Conference Room,

3535 N.W. 58th

Oklahoma City, Oklahoma

Tuesday, February 8, 2005,

1:00 P.M. - 3:00 P.M.,

Great Plains Technical Center

4500 S.W. Lee Blvd., Bldg 300, Room 301-A

Lawton, Oklahoma

Wednesday, February 9, 2005,

1:00 P.M. - 3:00 P.M.,

Tulsa Speech and Hearing Association

8740 E. 11th, Conference Room

Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2005, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #04-1467; filed 12-1-04]

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

[OAR Docket #04-1468]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:10-1-2. Definitions [AMENDED]

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]

Subchapter 3. Client Participation in Cost of Services

612:10-3-5. Basic living requirements [AMENDED]

Subchapter 7. Vocational Rehabilitation and Visual Services

Notices of Rulemaking Intent

Part 1. Scope of Vocational Rehabilitation and Visual Services

- 612:10-7-2. Counselor's responsibilities [AMENDED]
 - 612:10-7-3. Client responsibilities [AMENDED]
 - 612:10-7-4. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
 - 612:10-7-8. Order of selection [AMENDED]
- ### Part 5. Case Status and Classification System
- 612:10-7-47. Status 02 - applicant [AMENDED]
 - 612:10-7-50. Status 10 - accepted for services and IPE under development [AMENDED]
 - 612:10-7-54. Status 18 - training [AMENDED]
 - 612:10-7-56. Status 22 - in employment [AMENDED]
 - 612:10-7-58. Status 26 - closed rehabilitated [AMENDED]
 - 612:10-7-62. Status 32 - post-employment services [AMENDED]

Part 11. Physical and Mental Restoration Services

- 612:10-7-102. Dental services [AMENDED]

Part 15. Training

- 612:10-7-153. Textbook allowance for college and university students [AMENDED]
- 612:10-7-155. College courses offered through Talkback TV [REVOKED]
- 612:10-7-165. ~~Correspondence training~~Distance Education [AMENDED]

Part 17. Supported Employment Services

- 612:10-7-179. Overview of Supported Employment Services [AMENDED]
- 612:10-7-185. Provision of supported employment services [AMENDED]

Part 18. Employment and Retention Services

- 612:10-7-186. Overview of Employment and Retention Services [AMENDED]
- 612:10-7-188. Provision of employment and retention services [AMENDED]

Part 19. Special Services for Individuals Who Are Blind, Deaf, or Have Other Severe Disabilities

- 612:10-7-196. Interpreter services [AMENDED]

Part 23. Self-employment Programs and Other Services

- 612:10-7-232. Placement [AMENDED]

Part 25. Transition from School to Work Program

- 612:10-7-245. Definitions [AMENDED]
- 612:10-7-248. Coordination of Individualized Education Program and Individualized Plan for Employment [AMENDED]

- 612:10-7-249. Counselor responsibilities in the Transition from School to Work Program [AMENDED]

Subchapter 11. Independent Living ~~Rehabilitation~~ Services for Older Individuals who are Blind

Part 1. Scope of ~~ILRS~~services

- 612:10-11-1. Purpose [AMENDED]
- 612:10-11-2. Basic eligibility requirements [AMENDED]
- 612:10-11-3. Age [REVOKED]
- 612:10-11-4. ~~Citizenship~~Residency [AMENDED]
- 612:10-11-5. Order of selection [REVOKED]

- 612:10-11-6. Client participation in cost of ~~ILRS~~OL services [AMENDED]

- 612:10-11-7. Administrative review and fair hearing [AMENDED]

- 612:10-11-9. Consumer Independence Support Services [REVOKED]

Part 3. ~~ILRS~~Case Status Classification System ~~processing~~

- 612:10-11-17. Case ~~statuses and case flow~~processing [AMENDED]

- 612:10-11-19. Status 02 - application [AMENDED]

- 612:10-11-20. Status 08 - closure from application [AMENDED]

- 612:10-11-21. Status 10 - case accepted [AMENDED]

- 612:10-11-22. Status 22 - services initiated [AMENDED]

- 612:10-11-23. Status 24 - services interrupted [REVOKED]

- 612:10-11-24. Status 26 - successful closure [AMENDED]

- 612:10-11-25. Status 28 - unsuccessful closure [AMENDED]

- 612:10-11-26. Previously closed cases [AMENDED]

- 612:10-11-27. Inter-program transfers [AMENDED]

- 612:10-11-28. Status 32 - post-OL services [NEW]

- 612:10-11-29. Status 33 - post-OL services completed [NEW]

Part 5. Provision of Services

- 612:10-11-37. Counseling services [AMENDED]

- 612:10-11-38. Housing services [REVOKED]

- 612:10-11-39. Physical ~~and mental~~restoration service [AMENDED]

- 612:10-11-40. Personal assistance services [REVOKED]

- 612:10-11-41. Transportation [AMENDED]

- 612:10-11-42. Interpreter services [AMENDED]

- 612:10-11-43. Reader/~~Sighted~~ Guide services [AMENDED]

- 612:10-11-44. Orientation and Mobility services (O&M) [AMENDED]

- 612:10-11-45. Rehabilitation teaching services [REVOKED]

- 612:10-11-46. ~~Recreational~~servicesCommunity Integration [AMENDED]

- 612:10-11-47. Low Vision Training [AMENDED]

- 612:10-11-48. Services to family members [REVOKED]

- 612:10-11-49. Referral services [AMENDED]

- 612:10-11-50. Rehabilitation technology, sensory aids, and adaptive aids [REVOKED]

- 612:10-11-51. Services for groups of persons with disabilities [REVOKED]

- 612:10-11-52. Purchase of special equipment for motor vehicles [REVOKED]

- 612:10-11-53. Daily Living Skills [NEW]

- 612:10-11-54. Management of Secondary Disabilities [NEW]

- 612:10-11-55. Referral for VR Services [NEW]

- 612:10-11-56. Low Vision Evaluation Services [NEW]

- 612:10-11-57. Purchase of Adapted Devices [NEW]

- 612:10-11-58. Adapted Communication Skills Training [NEW]
- 612:10-11-59. Advocacy [NEW]
- 612:10-11-60. Peer or Facilitated Support Groups [NEW]
- Subchapter 13. Special Services for the Deaf and Hard of Hearing
- Part 1. Service Programs
- 612:10-13-2. Interpreter services [REVOKED]
- 612:10-13-3. Interpreter service fees [REVOKED]
- 612:10-13-4. Special services and devices for individuals who are deaf, hard of hearing, deaf-blind or have communicative disorders [AMENDED]
- Part 3. Certification of Interpreters
- 612:10-13-14. Legal basis [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 are due to the Department of Rehabilitation Services no longer providing direct independent living services (with the exception of older blind); Supported Employment terminology and clarification; the need for non-collusion statements on bids over \$10,000.00; dropping the number of priority groups from four to three; the transfer of Interpreter Services from one division to another; and clarification of the school to work program, counselor's responsibilities, client's responsibility regarding substance abuse, when to consider an application formally submitted, Field Coordinator approval on dental services and distance education.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2005 through February 9, 2005 during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

- Monday, February 7, 2005, 1:00 P.M. - 3:00 P.M., Department of Rehabilitation Services 2nd Floor Conference Room, 3535 N.W. 58th Oklahoma City, Oklahoma
- Tuesday, February 8, 2005, 1:00 P.M. - 3:00 P.M., Great Plains Technical Center 4500 S.W. Lee Blvd., Bldg 300, Room 301-A Lawton, Oklahoma
- Wednesday, February 9, 2005, 1:00 P.M. - 3:00 P.M., Tulsa Speech and Hearing Association 8740 E. 11th, Conference Room Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2005, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #04-1468; filed 12-1-04]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (OLBPH)**

[OAR Docket #04-1469]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. OLBPH Services
- 612:15-3-6. Descriptive video service [AMENDED]

SUMMARY:

The Oklahoma Library for the Blind and Physically Handicapped does not mandate a non-refundable subscription fee for the Descriptive video service, the language is being changed to reflect that.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2005 through February 9, 2005, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

- Monday, February 7, 2005, 1:00 P.M. - 3:00 P.M., Department of Rehabilitation Services 2nd Floor Conference Room, 3535 N.W. 58th Oklahoma City, Oklahoma
- Tuesday, February 8, 2005, 1:00 P.M. - 3:00 P.M.,

Notices of Rulemaking Intent

Great Plains Technical Center
4500 S.W. Lee Blvd, Bldg 300, Room 301-A
Lawton, Oklahoma
Wednesday, February 9, 2005,
1:00 P.M. - 3:00 P.M.,
Tulsa Speech and Hearing Association
8740 East 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2005, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #04-1469; filed 12-1-04]

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

[OAR Docket #04-1470]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General operating procedures for the schools
Part 1. General Educational Policies
612:20-3-2. Administrative responsibility [AMENDED]
612:20-3-3. Comprehensive programming for all basic needs [AMENDED]
612:20-3-7. Discipline [AMENDED]
Part 3. Abuse, Neglect, and Inappropriate Body Contact
612:20-3-20. Reporting requirements [AMENDED]
Part 7. Student Rights [NEW]
612:20-3-49. Residential Life [NEW]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2005 through February 9, 2005, during regular business hours by contacting Larry Bishop, Department of Rehabilitation

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

PUBLIC HEARING:

Monday, February 7, 2005,
1:00 P.M. - 3:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 8, 2005,
1:00 P.M. - 3:00 P.M.,
Great Plains Technical Center
4500 S.W. Lee Blvd., Bldg 300, Room 301-A
Lawton, Oklahoma
Wednesday, February 9, 2005,
1:00 P.M. - 3:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2005, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #04-1470; filed 12-1-04]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #04-1471]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. General Provisions
612:25-2-5. Definitions [AMENDED]
612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED]
Subchapter 4. The State Licensing Agency
Part 1. Organization and General Operation Standards
612:25-4-1. Organization of the State Licensing Agency [AMENDED]

- 612:25-4-2. SLA staff responsibilities [REVOKED]
- 612:25-4-3. Guidelines for communication [AMENDED]
- 612:25-4-4. Management services provided by the State Licensing Agency [AMENDED]
- Part 3. Business Enterprise Program Training
- 612:25-4-14. Training for new or potential licensed managers [AMENDED]
- 612:25-4-15. Training for present licensed managers [AMENDED]
- Part 5. State Licensing Agency Responsibility for Business Enterprise Operations
- 612:25-4-25. Management of BEP equipment and fixtures [AMENDED]
- 612:25-4-26. Maintenance and replacement of business enterprise equipment [AMENDED]
- 612:25-4-27. Initial inventory and supplies [AMENDED]
- 612:25-4-30. Second merchandise loan [AMENDED]
- Part 7. Support Services and Warehouse
- 612:25-4-40. Overview of support services [REVOKED]
- 612:25-4-41. Support services personnel [REVOKED]
- 612:25-4-42. Warehouse operations [REVOKED]
- Part 9. Assignment and Transfer of Licensed Managers
- 612:25-4-54. Business enterprise vacancy announcement [AMENDED]
- 612:25-4-55. Qualifications [AMENDED]
- 612:25-4-56. Applications [AMENDED]
- 612:25-4-57. Applicant Selection Committee [AMENDED]
- 612:25-4-58. ~~Interviews~~Annual Evaluation [AMENDED]
- 612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
- 612:25-4-60. Ninety day replacement [AMENDED]
- 612:25-4-61. Satellite/remote business enterprise locations [AMENDED]
- Part 11. Business Enterprise Program Auditing and Due Process
- 612:25-4-72. ~~Audit procedures~~Audits [AMENDED]
- 612:25-4-73. Due process [AMENDED]
- 612:25-4-74. Probation [AMENDED]
- Subchapter 6. Licensed Managers and Business Enterprise Operation
- Part 3. Business Enterprises
- 612:25-6-15. Setting aside of funds [AMENDED]
- 612:25-6-18. ~~Establishing Procedures to establish~~ new business enterprises [AMENDED]
- Part 5. The Elected Committee of Licensed Managers
- 612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

SUMMARY:

The proposed changes to Subchapters 2, 4 and 6 are a result of recommendations made by committee to update, clarify and streamline policy by removing internal procedures.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2005 through February 9, 2005, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Monday, February 7, 2005,
 1:00 P.M. - 3:00 P.M.,
 Department of Rehabilitation Services
 2nd Floor Conference Room,
 3535 N.W. 58th
 Oklahoma City, Oklahoma
 Tuesday, February 8, 2005,
 1:00 P.M. - 3:00 P.M.,
 Great Plains Technical Center
 4500 S.W. Lee Blvd., Bldg 300, Room 301-A
 Lawton, Oklahoma
 Wednesday, February 9, 2005,
 1:00 P.M. - 3:00 P.M.,
 Tulsa Speech and Hearing Association
 8740 E. 11th, Conference Room
 Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2005, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #04-1471; filed 12-1-04]

Notices of Rulemaking Intent

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 85. VARIOUS TAX INCENTIVES

[OAR Docket #04-1486]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 85. Various Tax Incentives [AMENDED]

SUMMARY:

The Oklahoma Legislature has enacted recent statutory changes which require additions, revocations, and amendments to the existing rules in this area.

Specifically, Sections 710:85-5-7, 710:85-5-8, 710:85-5-10, and 710:85-5-13 will be amended to conform to recent legislative changes and to update statutory and internal cross-references.

A new Subchapter will be promulgated to implement the provisions of House Bill 2373 of the 49th Legislature, 2nd Regular Session, which created a new incentive, the "Oklahoma Quality Investment Act. [68:4101 et seq.]

Other proposed changes will clarify policy, improve readability, and correct scrivener's errors.

AUTHORITY:

68 O.S. §§203, 3608, 3710, 3907, 4108; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 3, 2005, 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 on **Friday, February 4, 2005, 2:00 p.m.** in Room 1-24 of the Oklahoma Tax Commission, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2005 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #04-1486; filed 12-6-04]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #04-1507]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. Membership Provisions

715:10-1-2. [AMENDED]

715:10-1-3. [AMENDED]

715:10-1-5. [AMENDED]

Subchapter 5. Establishing Other Service Credits

715:10-5-1. [AMENDED]

715:10-5-18. [AMENDED]

715:10-5-27. [AMENDED]

715:10-5-28. [AMENDED]

715:10-5-33. [AMENDED]

Subchapter 9. Survivor Benefits

715:10-9-2. [AMENDED]

Subchapter 11. Withdrawal from Membership and Refund of Deposits

715:10-11-8. [NEW]

Subchapter 13. Contributions for Membership Service

715:10-13-1. [AMENDED]

715:10-13-3. [AMENDED]

Subchapter 15. Service Retirement

715:10-15-1. [AMENDED]

715:10-15-2. [AMENDED]

715:10-15-7.1. [AMENDED]

715:10-15-10. [AMENDED]

Subchapter 17. Post-Retirement Employment

715:10-17-13. [AMENDED]

Subchapter 19. Tax-Sheltered Annuity Program

715:10-19-4. [AMENDED]
715:10-19-8. [AMENDED]
715:10-19-9. [AMENDED]

SUMMARY:

These rules are to effect an orderly plan for the operation and administration of the Teachers' Retirement System.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106; Teachers' Retirement System Board of Trustees

COMMENT PERIOD:

Written comments may be made from January 4, 2005, through February 2, 2005, filed with and available for inspection in the Office of the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:00 a.m. until 4:30 p.m. Monday through Friday, excluding holidays, or by mailing same to the Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 10:00 a.m. until 11:00 a.m. on February 3, 2005, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, until 4:30 p.m. on February 2, 2005. Written notice may be mailed to: Executive Secretary, Oklahoma Teachers' Retirement System, P.O. Box 53524, Oklahoma City, OK 73152.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement may be obtained from the Oklahoma Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, beginning January 17, 2005, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Jacqueline Scott Shannon, Communications Director/Rules Liaison, (405) 521-4743

[OAR Docket #04-1507; filed 12-8-04]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 1. ORGANIZATION AND METHOD OF OPERATIONS**

[OAR Docket #04-1497]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Organization and Method of Operations
765:1-1-2. [AMENDED]

SUMMARY:

This permanent rule is being amended to give the Chairman of the Commission the option of postponing a Commission meeting for lack of a quorum until such time as a quorum is present as opposed to cancelling the meeting altogether.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

Notices of Rulemaking Intent

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1497; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 2. INFORMAL AND FORMAL PROCEDURES

[OAR Docket #04-1498]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Informal Procedures - Consumer Complaints 765:2-1-3. [AMENDED]

SUMMARY:

These permanent rules are being amended to make the consumer complaint process simpler and more efficient.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1498; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 10. USED MOTOR VEHICLE DEALERS

[OAR Docket #04-1499]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:10-1-8. [AMENDED]

Subchapter 3. Operation

765:10-3-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the conditions under which a change of ownership is required. The forms required to be maintained as part of a licensee's records are also being expanded to include the "We Owe" form which the licensee may give to the customer as a promise of performance of agreed upon oral commitments.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1499; filed 12-8-04]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 15. USED MOTOR VEHICLE SALESMEN**

[OAR Docket #04-1500]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:15-1-3. [AMENDED]

765:15-1-7. [AMENDED]

Subchapter 3. Authority of Salesmen

765:15-3-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the activities requiring a salesperson's license and the activities authorized under that license. These amendments also simplify the requirement for notifying the agency when a salesperson is terminated.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide

the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1500; filed 12-8-04]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 20. WHOLESALE USED MOTOR VEHICLE DEALERS**

[OAR Docket #04-1501]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:20-1-7. [NEW]

SUMMARY:

This permanent rule is being promulgated to clarify the conditions under which a change of ownership is required.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1501; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 25. AUTOMOTIVE DISMANTLER AND PARTS RECYCLERS

[OAR Docket #04-1502]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:25-1-7. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the conditions under which a change of ownership is required.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23RD, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and

Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1502; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 30. BUYER'S IDENTIFICATION CARDS

[OAR Docket #04-1503]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:30-1-7. [NEW]

Subchapter 7. Salvage Pools and Salvage Disposal Sales

765:30-7-1. [AMENDED]

765:30-7-3. [NEW]

SUMMARY:

The new rules provide a definition for "foreign buyer" that was not provided in the recently enacted legislation and creates licensing requirements for them which eliminates confusion and establishes minimum standards for licensing. It also sets out the reporting requirements for salvage disposal sales to the Oklahoma Tax Commission in the event of sales to foreign buyers. The amended rule provides clarification with regard to the requirements for internet bidding at salvage disposal sales.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1503; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 35. MANUFACTURED HOME DEALERS

[OAR Docket #04-1504]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees
765:35-3-7. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the conditions under which a change of ownership is required.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1504; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 36. MANUFACTURED HOME MANUFACTURERS

[OAR Docket #04-1505]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:36-3-7. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the conditions under which a change of ownership is required.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1505; filed 12-8-04]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 37. MANUFACTURED HOME INSTALLERS

[OAR Docket #04-1506]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:37-3-7. [AMENDED]

Subchapter 5. Operation

765:37-5-4. [NEW]

SUMMARY:

These permanent rules are being amended to clarify the conditions under which a change of ownership is required. The new rule is being implemented to specifically allow the agency to inspect manufactured home installations to verify compliance with installation standards.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 § 582(E)(1), Title 75 O.S. Supp 1997 §§ 302(A)(1), and 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 8, 2005, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 8, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 17, 2005, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #04-1506; filed 12-8-04]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 1. GENERAL**

[OAR Docket #04-1518]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Civil Rights Compliance [AMENDED]

SUMMARY:

The rule amendment clarifies the policy that ensures the Department's compliance with civil rights-related laws. The action taken provides clarification of the civil rights-related laws for which the Agency ensures compliance. Clarification was needed to make compliance with the applicable federal laws easier to accomplish. 70 O.S. Supp.2003, Section 14-108. The Department ensures that it will conduct all operations to ensure compliance with the civil rights-related laws and their implementing regulations.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., January 4 through February 18, 2005, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, February 24, 2005, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning January 4, 2005, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared, as required by law, and will be available beginning January 4, 2005, at the Office of the State Board of Career and Technology Education,

Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist (405) 743-5455

[OAR Docket #04-1518; filed 12-9-04]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #04-1519]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Local Programs: Application; Student Accounting; Evaluation [AMENDED]

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

SUMMARY:

The rule amendment clarifies data reporting, due dates for reporting data as well as procedures for requesting data. The action taken provides clarification in reporting data and requesting data. Clarification was needed as procedures and due dates have changed. 70 Oklahoma Statutes § 14-103. All data required will be reported to the agency by the established due dates. Data requests will be documented and completed by the established due dates. The rule amendment clarifies the inventory policy for all agency-purchased or reimbursed instructional equipment. The action taken provides clarification of the agency equipment and identification procedure. Clarification was needed to make compliance with the applicable federal and state laws easier to accomplish. 70 O.S. Supp.2003, Section 14-108. Agency purchased equipment and instructional equipment reimbursed with state and federal funds would be identified and tagged as part of the inventory.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, § 14-104, as needed

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., January 4 through February 18, 2005, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, February 24, 2005, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning January 4, 2005, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared, as required by law, and will be available beginning January 4, 2005, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist (405) 743-5455

[OAR Docket #04-1519; filed 12-9-04]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 15. AREA VOCATIONAL-TECHNICAL SCHOOLS

[OAR Docket #04-1520]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education
[AMENDED]

SUMMARY:

The rule amendment clarifies the program approval process for State Board funding. The action taken provides clarification of the program approval process for State Board funding. No one knows why the rule was written to say "other accreditation factors" because the accreditation factors are printed and available for review. §70-14-103 Make it easier to understand the rule. The rule amendment provides more consistency and balance in the language between annexation and deannexation procedures. The rule amendment provides more consistency and balance in the language between annexation and deannexation procedures. Consistency was needed to provide a sense of fairness whether patrons were choosing to annex or deannex. 70 O.S. Supp.2003, Section 14-108. To ensure that a technology center can continue to provide quality programs and services when a deannexation occurs. A phase out allows more time for a technology center to plan and adjust their budget as revenue decreases. This is a rule that has never been used. Deletes a rule that has never been used. A review of existing rules showed no evidence that this rule had ever been used or would be used in the future. N/A Delete a rule that has never been used. The rule amendment makes the terminology more consistent with the terminology

used by the Oklahoma State Department of Education. Many of the election statutes apply to technology centers and independent school districts in the same way; yet, the State Department of Education uses the term "board district" and the State Department of Career and Technology Education uses the term "zone". This will make it easier to understand how other rules and statutes impact this rule. Replace the word "zone" with the words "board district" for the purpose of clarity. Understanding the rule was difficult because different terminology is used in State Department of Education rules and State Department of Career and Technology Education rules. §70-14-110. There would not be any change in how the rule is applied. The change would make it easier to understand this rule in relation to other rules about school board elections since the terminology would be consistent. The proposed rule amendment will allow residents of territory not presently located within a technology center school district to vote to annex into such a district, and if the election is successful, those residents would pay a lesser ad valorem rate for the first two years following the successful annexation election. In year one after the election, residents would pay 50% of the ad valorem rate attributable to membership in the technology center school district, and in year two the residents would pay 80% of the rate. An amendment is proposed to allow residents not currently located within a technology center school district to vote to annex into the district, but pay a reduced ad valorem rate the first two years after a successful annexation election. The rule amendment is needed to enhance economic development and will benefit person living in a territory that successfully annexes into a technology center school district, including high school students, adult students, as well as business and industry clients that previously had to pay a higher out-of-district tuition to attend classes or to not attend. Several school districts and other areas are currently examining the benefits of being within a technology center school district and the positive impact they would immediately receive would encourage the residents to vote and decide whether their residents should have all the benefits of membership in a technology center school district including, but not limited to, increased access to business and industry training at lower costs, adults and secondary students attending classes at a lower tuition rate (no tuition for high school students), and residents initially pay a lower ad valorem tax rate for the first two years after the successful annexation election. This change will also mirror proposed language changing the rules for proposed deannexations. 70 O.S. § 14-108 As a result of the proposed rule amendment, residents living within the newly annexed area would immediately be able to attend classes at a lower tuition rate (no tuition for high school students), and initially pay a lower ad valorem tax rate for the first two years after the successful annexation election. The rule amendment provides more consistency and balance in the language between annexation and deannexation procedures. The action taken provides for similar and consistent procedures for annexing and deannexing. It also adds language regarding the content and procedures in organizing a petition. The petition

language for annexation is now consistent with the language for deannexation. Consistency was needed to provide a sense of fairness whether patrons were choosing to annex or deannex. Also, in order to verifying signatures and determine the intent of patrons, a more organized and consistent petition needed to be developed. 70 O.S. Supp.2003, Section 14-108. To provide patrons an opportunity to gradually phase into a technology center district without paying the full amount of taxes in their first year of membership. Secondly, to provide a more readable and consistent instrument for gathering signatures from patrons. This proposed amendment provides greater clarity to an existing rule. The proposed amendment provides a better description of the type of data collected.

After reviewing the type of data collected, it was determined that more clarity is needed. §70-14-103. The intended effect of the rule is to provide a more accurate description of the type of data collected. The rule amendments are consistent with compliance and governance policies recently adopted by the State Board of Career and Technology Education. The rule amendments incorporate into the rules policies adopted by the State Board of Career and Technology Education. The State Board of Career and Technology Education policies that were passed during the past calendar year have not been integrated into the rules. §70-14-103. Incorporate policies adopted by the State Board of Career and Technology Education into the rules.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., January 4 through February 18, 2005, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, February 24, 2005, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning January 4, 2005, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared, as required by law, and will be available beginning January 4, 2005, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist (405) 743-5455

[OAR Docket #04-1520; filed 12-9-04]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 1. ORGANIZATION AND PROCEDURE OF OKLAHOMA WATER RESOURCES BOARD**

[OAR Docket #04-1521]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Organization, Meetings And Comprehensive Water Plan

785:1-3-1. Origin, composition and operations of the Board [AMENDED]

Subchapter 5. Rules

785:1-5-3. Amending of rules or Standards by Board [AMENDED]

SUMMARY:

Section 785:1-3-1 describes, among other things, how the membership of the Oklahoma Water Resources Board ("OWRB") is determined, and provides for election of officers of the OWRB members. The proposed amendment would add language providing that no person shall serve as chairman for more than two consecutive years. This amendment is needed, and its intended effect is, to ensure that a member's term as chairman is limited.

Section 785:1-5-3 explains how the rules of the OWRB are subject to amendment in accordance with the provisions of applicable State and federal law. The staff of the OWRB is proposing to amend OAC 785:1-5-3 to delete certain problematic language, and correct and update other language. These amendments are needed because the current language in subsection (c), regarding notice of rules changes, creates problems in administration and is needlessly repetitious of language from the Administrative Procedures Act ("APA"), 75 O.S. 250 and following. Other language in the rule is outdated and needs to be corrected. The intended effect of these amendments is to delete the problematic subsection (c), revert to the APA notice requirements, and correct the outdated language.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on February 4, 2005. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for

Notices of Rulemaking Intent

consideration or action or both, at one or more of its regular meetings on February 8, 2005 or March 8, 2005. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for February 4, 2005 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from January 3, 2005 through February 4, 2005, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on February 4, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #04-1521; filed 12-9-04]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 20. APPROPRIATION AND USE OF STREAM WATER

[OAR Docket #04-1522]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits

785:20-7-2. Contents of regular permits [AMENDED]

Subchapter 9. Actions After Stream Water Rights Obtained
785:20-9-3. Loss of rights and reversion of water to public
[AMENDED]

Subchapter 11. Miscellaneous Provisions

785:20-11-9. Impoundment of water in mine pits [NEW]

SUMMARY:

The existing rule describing the various kinds of conditions that the Board may place on a regular permit is proposed to be amended to provide protection for navigation use of water. The circumstances creating the need for the rule is a general review of existing hydrology and existing permits to use water and the opportunity to provide a degree of flow protection needed for navigation. The intended purpose of the amendment would be to provide conditions to protect navigation use of water on permits issued after the effective date of the amendment. Another amendment proposed would add a reason that may be acceptable for nonuse of water to avoid a loss (reduction or cancellation) of a water right. The circumstances creating the need for the proposed amendment is the inability to accurately project future need when the permit was issued and expenditure of significant funds for infrastructure that must be made to put water to beneficial use. The additional reason would require that the water right holder show that there had been significant expenditure for infrastructure needed to put the water to use, that the infrastructure has been properly maintained and has the current capacity for use of the water subject to forfeiture, and that lack of actual use of the water is due to lack of demand. The intended purpose of the amendment is to recognize to protect significant investment in infrastructure necessary to put water to beneficial use in the future. A new rule is proposed to clarify that the filling of an impoundment at a mining site authorized by the Oklahoma Department of Mines is not a use of water requiring a permit provided that such activity does not interfere with downstream domestic and existing appropriate uses. Circumstances which created the need for a new rule include inquires and questions regarding water in impoundments authorized to be built as part of surface mining activities. The intended affect of the proposed rule is to clarify the permit requirements of the law and oversight activities of the Board relative to impoundments authorized to be created by another state agency, the Oklahoma Department of Mines.

AUTHORITY:

82 O.S. 2001, §105.1 et seq.; 75 O.S. 2001, §250 et seq.

COMMENT PERIOD:

Persons may submit written comments to Michael E. Mathis, Chief, Planning and Management Division, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 3, 2005 to February 4, 2005. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for adoption at the Board's monthly meeting on March 8, 2004. The Board may consider additional comments at its March 8, 2005 meeting.

PUBLIC HEARING:

A public hearing will be held at 1 p.m. on February 4, 2005, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 3, 2005 to February 4, 2005 to Michael E. Mathis, Chief, Planning and Management Division, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after January 3, 2005, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Michael E. Mathis, Chief, Planning and Management Division, 405-530-8800 or at memathis@owrb.state.ok.us.

[OAR Docket #04-1522; filed 12-9-04]

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

[OAR Docket #04-1523]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensing and Certifications
 - 785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]
- Subchapter 7. Minimum Standards for Construction of Wells
 - 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observations wells, and water well test holes [AMENDED]
- Subchapter 11. Plugging and Capping Requirements for Wells, and Test Holes
 - 785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells, and water well test holes [AMENDED]

SUMMARY:

An amendment proposed would provide for an exemption to the continuing education requirement for renewal of licenses and operator certifications. The circumstances creating the need for the proposed amendment is a request from a long-time well driller who believes there should be an exemption to continuing education requirements based on length of time an operator has been drilling. The intended effect of the amendment is to add such an exemption to the continuing education requirement. The other amendments would allow for high solids bentonite to be mixed with cement grout or utilized without cement grout for sealing certain kinds of new wells, and would allow for high solids grout to be mixed with cement grout or to be used without cement grout for plugging certain wells. The circumstances creating the need for such amendments is the additional experience of well drillers, particularly those on the Well Drillers Advisory Council, that high solids bentonite provides an adequate seal for wells at a reduced cost over cement grout. The intended effect of the proposed amendments is to provide the option to utilize high solids bentonite alone in sealing certain wells.

AUTHORITY:

82 O.S. 2001, §1020.16; 75 O.S. 2001, §250 et seq.

COMMENT PERIOD:

Persons may submit written comments to Michael E. Mathis, Chief, Planning and Management Division, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 3, 2005 to February 4, 2005. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for adoption at the Board's monthly meeting on March 8, 2004. The Board may consider additional comments at its March 8, 2005 meeting.

PUBLIC HEARING:

A public hearing will be held at 1 p.m. on February 4, 2005, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 3, 2005 to February 4, 2005 to Michael E. Mathis, Chief, Planning and Management Division, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after January 3, 2005, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kent Wilkins, Program Administrator, Well Driller Program, Planning and Management Division, 405-530-8800 or at khwilkins@owrb.state.ok.us.

[OAR Docket #04-1523; filed 12-9-04]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 55. DEVELOPMENT ON STATE
OWNED OR OPERATED PROPERTY
WITHIN THE FLOODPLAINS AND
FLOODPLAIN ADMINISTRATOR
CERTIFICATION**

[OAR Docket #04-1524]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Floodplain Administrator Accreditation
[NEW]

SUMMARY:

The amendments proposed would revise the chapter title to reflect the change in state law that provides authority to the Board to accredit floodplain administrators for purposes of the Oklahoma Floodplain Management Act and the National Flood Insurance Program. A new subchapter containing rules detailing requirements for accreditation of floodplain administrators would be added to the chapter. A primary requirement for floodplain administrator certification would include annual mandatory continuing education hours. The circumstances creating the need for the new rules are amendments to the Oklahoma Floodplain Management Act that become effective January 1, 2005, which provide authority for local floodplain boards to hire accredited floodplain administrators and which provide authority to the Oklahoma Water Resources Board to establish accreditation standards for floodplain administrators.

AUTHORITY:

82 O.S. Supp. 2004, §1601 et seq.; 75 O.S. 2001, §250 et seq.

COMMENT PERIOD:

Persons may submit written comments to Michael E. Mathis, Chief, Planning and Management Division, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 3, 2005 to February 4, 2005. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board for initial review at its February 8, 2005,

monthly meeting, and for adoption at the Board's monthly meeting on March 8, 2004. The Board may consider additional comments at its March 8, 2005 meeting.

PUBLIC HEARING:

A public hearing will be held at 1 p.m. on February 4, 2005, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 3, 2005 to February 4, 2005 to Michael E. Mathis, Chief, Planning and Management Division, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after January 3, 2005, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Michael E. Mathis, Chief, Planning and Management Division, 405-530-8800 or at memathis@owrb.state.ok.us.

[OAR Docket #04-1524; filed 12-9-04]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #04-1495]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [AMENDED]

SUMMARY:

The proposed rule amendments are to add new publications and charges.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., February 4, 2005, at the following

address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARINGS:

A public hearing has not been scheduled, however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Ron Suttles, Natural Resources Coordinator, at the above address or by calling 405/521-4602 no later than 4:30 p.m. February 4, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 16, 2004 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Ron Suttles, Natural Resources Coordinator, 405/521-4602 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #04-1495; filed 12-7-04]

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 270. OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM CHAPTER 10. FIREFIGHTERS PENSION AND RETIREMENT PLAN

[OAR Docket #04-1484]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

270:10-1-9. [AMENDED]

AUTHORITY:

Oklahoma Firefighters Pension and Retirement System; Title 11, O.S. Section 49-100.7 (B)

DATES:

Adoption:

October 15, 2004

Approved by Governor:

November 24, 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 Board of Trustees determined that a compelling public interest exists, which requires the amendment of the current rule to allow for purchase of transferred credited service pursuant to 11 O.S., Section 49-117.2, through a trustee-to-trustee transfer from a traditional or conduit Individual Retirement Account or Annuity (IRA).

ANALYSIS:

Chapter 10 Section 270:10-1-9 provides procedures for the purchase of transferred credited service pursuant to 11 O.S., Section 49-117.2. The current rule provides for purchase of transferred credited service by use of direct trustee-to-trustee transfers from a Code Section 403 (b) annuity, a governmental Code Section 457 plan, and/or a Code Section 401 (a) qualified plan. The amended rule would include the purchase of transferred credited service by a trustee-to-trustee transfer from a traditional or conduit Individual Retirement Account or Annuity (IRA) and would not allow monies in Roth IRAs and Coverdell Education Savings Accounts to be used to purchase transferred credited service.

CONTACT PERSON:

Robert E. Jones, Executive Director or Herb Bradshaw, Deputy Director (405) 522-4600

**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):

270:10-1-9. Purchase of transferred credited service

Effective January 15, 1991, all purchases of transferred credited service pursuant to 11 O.S. Section 49-117.2, shall be based upon the actuarial cost of the incremental projected benefits to be purchased.

(1) The actuarial cost and any tables formulated for the purpose of determining such cost during each calendar year, shall be based on the actuarial assumptions utilized in the actuarial valuation report as of the preceding July 1.

(2) The actuarial value shall be based upon the member's age, salary and service at the time of purchase, together with the earliest age for retirement and actuarially projected salary at the time of retirement. For the purposes of this actuarial cost, it is assumed that all members are married at the time of retirement. If purchase is not made within thirty (30) days the actuarial cost may increase.

(3) For the purpose of this actuarial cost, the member's age shall be rounded up or down to the nearest birthday.

(4) For the purpose of this actuarial cost, the mortality tables shall be formulated as unisex table as used in the actuarial valuation report of the ~~preceding~~ preceding July 1.

(5) In the event a member who chooses to purchase service has been employed less than twelve (12) months, salary shall be annualized based upon the most current completed calendar months of payroll information.

(6) The purchase price for transferred credited service may be paid in installments as provided in 11 O.S. Section 49-117.3. In the event that the member is unable to pay the purchase price by the end of the month immediately following the date of acceptance of his or her application to purchase transferred credited service, the State Board may permit the member to amortize the purchase price over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the State Board permits an alternate payment source. The amortization will include $7\frac{1}{2}$ % interest compounded annually. In lieu of installment payments (for a purchase where installment payments are otherwise allowed by Oklahoma state statutes), an active member may elect

Emergency Adoptions

to make the payment of the actuarial purchase price, repayment of previous withdrawal, purchase of previous non-participating service, or any other eligible purchase or repayment permitted and authorized by the statutes governing the System by use of direct trustee-to-trustee transfer as authorized by the statutes governing the System.

~~(7) Effective January 1, 2002, in lieu of installment payments (for purchase where installment payments are otherwise allowed by Oklahoma state statutes), an active member may elect to make the payment of the actuarial purchase price, repayment of a previous withdrawal, purchase previous non-participating service, or any other eligible purchase or repayment permitted and authorized by the statutes governing the System by use of a direct trustee to trustee transfer from a Code Section 403 (b) annuity, a governmental Code Section 457 plan, an/or a Code Section 401 (a) qualified plan. In lieu of installment payments (for purchase where installment payments are otherwise allowed by Oklahoma state statutes) an active member may elect to make the payment of the actuarial purchase price, repayment of a previous withdrawal, purchase previous non-participating service, or any other eligible purchase or repayment permitted and authorized by the System through:~~

~~(A) a direct trustee to trustee transfer from a Code Section 403(b) annuity or custodial account, a governmental Code Section 457 plan, a Code Section 401(a) qualified plan, and /or a traditional or conduit Individual Retirement Account of Annuity (IRA). Monies in Roth IRAs and Coverdell Education Savings Accounts cannot be used to purchase transferred credited service. Tax-paid (after-tax) money cannot be used in a direct rollover. Any tax-paid money from a plan or traditional or conduit IRA must be paid to the member and the member may write a personal check to the System.~~

~~(8) Notwithstanding (6) and (7) of this subsection above, purchases made by a cash lump sum payment, installment payments (where otherwise allowed by Oklahoma state statutes), and by trustee to trustee transfer as described in (6) and (7) above. After installment payments have begun, an active member may make a cash lump-sum payment of the actuarial purchase price with interest due through the date of payment by:~~

~~(A) a direct trustee-to-trustee transfer from a Code Section 403(b) annuity or custodial account, a governmental Code Section 457 plan, and/or a Code Section 401(a) qualified plan, or~~

~~(B) a direct rollover of tax-deferred money from a Code Section 403(b) annuity or custodial account, a governmental Code Section 457 plan, a Code Section 401(a) qualified plan, and/or a traditional or conduit Individual Retirement Account or Annuity (IRA). Monies in Roth IRAs and Coverdell Education Savings Accounts cannot be used to purchase transferred credited service. Tax-paid (after-tax) money cannot be used in a direct rollover. Any tax-paid money~~

~~from a plan or traditional or conduit IRA must be paid to the member and the member may then write a personal check to the System.~~

~~(9) Notwithstanding (7) and (8) of this subsection above, purchases may be made by a cash lump sum payment, installment payments (where otherwise allowed by Oklahoma state statutes), trustee-to-trustee transfer, and/or a direct rollover of tax-deferred money as described in (7) and (8) above.~~

~~(10) If the member ceases to make payments, terminates, retires or dies before completing the payments, the member will receive prorated service credit for only those payments the member has made, unless the unpaid balance is paid by the member, the member's estate or successor in interest within six (6) months after the member's death, termination of employment or retirement. The member shall not receive any retirement benefits until the unpaid balance is paid, unless his or her beneficiary or the member affirmatively waives the additional six (6) month period in which to pay the unpaid balance.~~

[OAR Docket #04-1484; filed 12-6-04]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES

[OAR Docket #04-1485]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Reporting Required by the Prevention of Youth Access to Tobacco Act

710:70-9-4. Quarterly escrow installments required from certain nonparticipating manufacturers pursuant to the Master Settlement Agreement Complementary Act [NEW]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S.Supp.2004 §§ 360.6(E), 360.8(E)

DATES:

Adoption:

October 19, 2004 (Commission Order No. 2004-10-19-03)

Approved by Governor:

November 29, 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 Commission found a compelling public interest warranted promulgation of this rule by emergency rulemaking procedures in order to insure that a quarterly escrow procedure would be in place and enforceable, should the Attorney General determine that nonparticipating manufacturers be required to adhere to that payment requirement.

ANALYSIS:

Section 360.8(E) of the Master Settlement Agreement Complementary Act, 68 O.S.Supp.2004, §§ 360.1 - 360.8, authorizes the Tax Commission to promulgate rules necessary to implement its provisions. Specifically, the Complementary Act mandates that rules be promulgated to implement,

upon request by the Attorney General, a quarterly payment procedure for escrow payments required from nonparticipating manufacturers by the Tobacco Master Settlement Agreement. [68 O.S.Supp.2004, § 360.6(E)] Nonparticipating tobacco manufacturers selling products within Oklahoma, either directly or through intermediaries, incur a duty to pay certain monies into an escrow fund to guarantee a source of compensation for any future liability established. The proposed rule defines the circumstances and procedures under which those nonparticipating manufacturers may be required to make those escrow payments in quarterly installments.

CONTACT PERSON:

Carolyn Swifthurst, OBA # 011547, Tax Policy Analyst; (405) 521-3133

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

SUBCHAPTER 9. REPORTING REQUIRED BY THE PREVENTION OF YOUTH ACCESS TO TOBACCO ACT

710:70-9-4. Quarterly escrow installments required from certain nonparticipating manufacturers pursuant to the Master Settlement Agreement Complementary Act

(a) Quarterly escrow payments for certain nonparticipating manufacturers required. The Oklahoma Tax Commission shall require a tobacco product manufacturer subject to the escrow requirements of 37 O.S. § 600.23, to make quarterly installments during the year in which the sales covered by the deposits are made when the Attorney General notifies the Tax Commission that:

- (1) A nonparticipating manufacturer has not previously established and funded a qualified escrow fund in Oklahoma; or,
- (2) A nonparticipating manufacturer has not made any escrow deposits for more than one year; or,
- (3) A nonparticipating manufacturer has failed to pay any judgment awarded to the state, including any civil penalty; or,
- (4) A nonparticipating manufacturer sells more than 2,000,000 sticks or 180,000 ounces of roll-your-own product during a quarter.

(b) Quarterly escrow payments for all nonparticipating manufacturers may be required. All nonparticipating manufacturers shall be required to make quarterly payments if, thirty (30) days prior to the beginning of any quarter, the Attorney General serves a written request upon the Tax Commission, requesting that quarterly payments be required. Such quarterly payments under this subsection shall be required for every quarter after such notice until such time as the Attorney General notifies the Tax Commission that quarterly payments, in his judgment, are no longer necessary to provide compliance with the escrow requirements of a nonparticipating manufacturer.

(c) Deadlines. Nonparticipating manufacturers required to make quarterly payments must do so as follows:

(1) Payments for sales occurring in the first quarter, January 1 through March 31, are due April 30 of the same year. The Attorney General's office must receive official notification of the payments no later than May 15 of the same year.

(2) Payments for sales occurring in the second quarter, April 1 through June 30, are due July 31 of the same year. The Attorney General's office must receive official notification of the payments no later than August 15 of the same year.

(3) Payments for sales occurring in the third quarter, July 1 through September 30, are due October 31 of the same year. The Attorney General's office must receive official notification of the payments no later than November 15 of the same year.

(4) Payments for sales occurring in the fourth quarter, October 1 through December 31, are due January 31 of the next year. The Attorney General's office must receive official notification of the payments no later than February 15 of the next year.

(d) Penalties. The nonparticipating manufacturer and its brands may be removed from the Oklahoma Directory of Certified Tobacco Manufacturers and Brands by the Attorney General if:

- (1) Required quarterly escrow payments are not timely made in full; or,
- (2) An outstanding final judgment, and interest thereon, for a violation of 37 O.S. §§ 600.21 through 600.23 has not been fully satisfied; or,
- (3) The Attorney General is not timely notified that the quarterly escrow payments have been made in full; or,
- (4) The Attorney General determines that the nonparticipating manufacturer has otherwise failed to comply with any requirement of the Master Settlement Agreement Complementary Act.

[OAR Docket #04-1485; filed 12-6-04]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

[OAR Docket #04-1466]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Out-of-State Attorney Registration [NEW]
710:95-13-1. Out-of-state attorney registration [NEW]

AUTHORITY:

Oklahoma Tax Commission; 5 O.S. Supp.2004, § 1.6; 68 O.S. § 203

DATES:

Adoption:

September 28, 2004 (Commission Order No. 2004-09-28-05)

Approved by Governor:

November 4, 2004

Effective:

Immediately upon Governor's approval.

Emergency Adoptions

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:

House Bill 2661 was enacted into law by the 49th Legislature, 2nd Regular Session, and shall become effective on November 1, 2004. Portions of this bill enacted the "Out-of-State-Attorney Registration Act", which mandates a registration procedure with the Oklahoma Bar Association and the Tax Commission for out-of-state attorneys performing legal services in the state. In its Order adopting this rule through emergency rulemaking procedures, the Commission found that the need to provide timely information to the entities and persons affected prior to the effective date of the new law constituted a compelling public interest.

ANALYSIS:

The new rule establishes forms and procedures for the new registration process, discusses the persons and entities who may have an income tax reporting duty or withholding requirement under the new law, and establishes an annual renewal process for registrants.

CONTACT PERSON:

Carolyn Swifthurst, Tax Policy Analyst, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, 405-521-3133.

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

SUBCHAPTER 13. OUT-OF-STATE ATTORNEY REGISTRATION

710:95-13-1. Out-of-state attorney registration

(a) Registration of out-of-state attorneys. Every out-of-state attorney retained or engaged to provide any legal services in this state, as described in 5 O.S. § 1.2, must register with the Oklahoma Tax Commission and obtain a Verification of Registration.

(b) Registration process. Upon the application provided for in 5 O.S. § 1.5 being granted by the Oklahoma Bar Association, the out-of-state attorney must submit a completed registration form, along with a copy of the Statement granting registration as an out-of-state-provider of legal services obtained from the Oklahoma Bar Association to the Taxpayer Assistance Division of the Oklahoma Tax Commission, either by mail at P.O. Box 26920, Oklahoma City, OK 73126-0920, or in person at 2501 Lincoln Blvd., Oklahoma City, Oklahoma 73194.

(c) Registration forms. Oklahoma Tax Commission registration forms will be provided by the Oklahoma Bar Association pursuant to its registration process. Additionally, the Tax Commission registration forms may be obtained from the Taxpayer Assistance Division of the Oklahoma Tax Commission, or online at www.oktax.state.ok.us.

(d) Verification of registration. Upon successful completion of its registration process, the Oklahoma Tax Commission will provide a Verification of Registration and withholding tax return, OTC Form OW-9-D, to the out-of-state attorney.

Copies of the Verification of Registration will be provided to any associated Oklahoma attorneys. The out-of-state attorney is to provide a copy of OTC Form OW-9-D to the client, common fund, person, or entity paying for the legal services.

(e) Withholding requirement. A client, common fund, or any other person or entity paying for services of the out-of-state attorney must withhold five percent (5%) of all amounts paid for legal services performed in Oklahoma in connection with any proceeding described in 5 O.S. § 1.2, and remit the withheld amount, along with OTC Form OW-9-D, to the Oklahoma Tax Commission, P.O. Box 26860, Oklahoma City, OK 73126-0860, on or before the fifteenth (15th) day of the month following the date on which payment for the legal services was made.

(f) Filing requirement for Income Tax. Under Oklahoma law non-residents are required to file Oklahoma income tax returns and report any gross income earned in Oklahoma if the amount exceeds One Thousand Dollars. Any non-resident attorney having Oklahoma source income from compensation for the provision of personal or legal services, or both, is required to file a non-resident Oklahoma income tax return. [See: OTC Form 511NR]

(g) Renewal of registration. If the out-of-state attorney continues to provide legal services in this state on the anniversary date of the initial registration, the sworn affidavit required by 5 O.S. Supp. 2004, § 1.13(B) must be filed with the Oklahoma Bar Association and a copy of the affidavit forwarded to the Oklahoma Tax Commission, P.O. Box 53403, Oklahoma City, OK 73152-3403.

[OAR Docket #04-1466; filed 11-30-04]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 20. MARKETING SERVICES OPERATION

[OAR Docket #04-1487]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Reimbursement of Matching Funds to Multicounty Organizations [AMENDED]

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of Title 74 of the Oklahoma Statutes.

DATES:

Adoption:

October 19, 2004

Approved by Governor:

November 29, 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:

NA

INCORPORATIONS BY REFERENCE:

NA

FINDING OF EMERGENCY:

The compelling extraordinary circumstance necessitating the approval of the rules submitted herewith relates to the passage of legislation during the 2004 Legislative Session authorizing the allocation of Tourism Promotion Tax funds (Enrolled HB 2070). The legislation stipulates that 'not more than Four Hundred Thousand Dollars (\$400,000.00) shall be made available to the multicounty organizations, as defined by paragraph 1 of subsection A of Section 1830 of Title 74 of the Oklahoma Statutes, as a grant partnership program allowed under subsection B of Section 1834 of Title 74 of the Oklahoma Statutes.' In order to implement the provisions of the non-codified statute for the current fiscal year, and to execute an effective 2005 spring and summer marketing campaigns, an emergency rule is necessary.

ANALYSIS:

These rules provide the basis for administering allocation of Tourism Promotion Tax funds to qualified multicounty organizations. Sections 1830 and 1830.1 of Title 74 of the Oklahoma Statutes authorize and direct the Oklahoma Tourism and Recreation Commission to develop rules to administer the allocation and expenditure of matching funds of multicounty organizations. The proposed rule serves to articulate the program requirements and qualifications, eligibility, procedures for submission of claims for review to qualify for approval of payment of tourism tax funds. The rule provides the administrative mechanisms whereby payment of tourism tax funds to multicounty organizations must operate.

CONTACT PERSON:

Keith Farris, Travel and Tourism Division (405) 522-4555

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 7. REIMBURSEMENT OF MATCHING FUNDS TO MULTICOUNTY ORGANIZATIONS

725:20-7-10. Special allocation

(a) The purpose is to specify how multicounty organizations apply for and use tourism tax funds provided for by the Legislature for fiscal year 2005.

(b) For the purposes of allocating tourism tax funds, the following definitions shall apply:

(1) 'Tourism tax funds', as defined in the Oklahoma Tourism Promotion Act as created by Sections 50010 through 50015 of Title 68 of the Oklahoma Statutes, refers to those funds specifically authorized by the Legislature for the multicounty organizations for purposes specified by law.

(2) "Multicounty organizations" refers to the regional non-profit associations defined by Section 1830 of Title 74 of the Oklahoma Statutes.

(c) Multicounty organizations may apply for grants from tourism tax funds to use for designing and placing media advertising that will complement the Oklahoma Tourism and Recreation Department's ("Department") 2005 spring campaign. Applications will be accepted only for projects that are allowed by the Tourism Promotion Act as provided for in Section 50011 of Title 68 of the Oklahoma Statutes.

(d) The maximum amount approved for an individual multicounty organization's project will be ten percent (10%) of the total tourism tax funds made available by the Oklahoma Tourism and Recreation Commission ("Commission"). Two

or more organizations may cooperate to implement a project. If multicounty organizations apply jointly, the total for each joint application shall not exceed fifteen percent (15%) of the total allocation. An organization may submit an application for, or be a participant in, only one project. Amounts approved for projects will be contingent upon the number of projects approved by the Commission.

(e) Applications are to be submitted to the Department not later than thirty (30) days after notice that the Governor has approved these emergency rules. Notice shall be provided by certified letter to each multicounty organization.

(f) Promotion projects shall specify geographic and demographic target markets; media and method of promotion to be used; and, costs for production and placement. Theme, images and messages of the advertising shall be consistent with the state's official tourism promotion theme. The state's official tourism logo or slogan shall be prominently displayed. In addition to the multicounty organization being identified as a source for more information about their region's tourism attractions and facilities, the advertising and promotion shall identify the Department as a source for more information about tourism attractions and facilities throughout the state; provided, however, radio advertising shall not be required to meet the provisions of this sentence. Content and design of all advertising shall be approved by the Department's Executive Director, or designee, before being contracted for with media.

(g) Description of a project shall include measures to evaluate effectiveness. To determine cost effectiveness of advertising, cost per thousand (CPT) shall be used as a measure for print advertising and total rating points (TRP) shall be used to measure television and radio advertising. The number of inquiries from each target market attributable to each advertising medium shall be compiled. Evaluation of the effectiveness of advertising festivals, sites and events concerning ethnic history and ethnic history particular to the state shall be determined by verification of the number of people in attendance and the home counties and states of a random sampling of attendees. Each multicounty organization's evaluation of its advertising and promotion shall be reported to the Department within thirty (30) days of the conclusion of the advertising or the ethnic history festival or event. The Department will prepare a report of the evaluations for the Commission.

(h) Applications received by the Department will be presented to the Tourism Promotion Advisory Committee at its next regularly scheduled meeting after the deadline for applications. Applications, with a "yes" or "no" recommendation from the Tourism Promotion Advisory Committee, will be presented for Commission consideration and approval at its next regularly scheduled meeting after presentation to the Tourism Promotion Advisory Committee. The Commission may approve, deny or recommend changes to any application. The decision of the Commission is final.

(i) At least five percent (5%) of the cost of a multicounty organization's project must be funded by the organization with funds other than those received from the State. Not more than ninety-five percent (95%) of the total cost of a project will be funded with tourism tax funds. To receive the funds approved, a multicounty organization shall submit an itemized invoice on

Emergency Adoptions

its letterhead, signed by the multicounty organization's president, and include copies of original invoices for design and insertion or space reservation agreements. Proof of performance and proof of payment shall be provided to the Department within thirty (30) days of the conclusion of the advertising.

[OAR Docket #04-1487; filed 12-6-04]

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

1:2004-35.

EXECUTIVE ORDER 2004-35

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Monday, November 22, 2004, to honor former State House Speaker Daniel "Dan" David Draper, Jr., who died on Thursday, November 18, 2004.

Speaker Draper served in the Oklahoma House of Representatives, representing District 34, from 1970 to 1983. Draper served as Speaker of the House for five years. His constituents and the State of Oklahoma were truly blessed to have him representing their interests at the State Capitol.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 19th day of November, 2004.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

[OAR Docket #04-1558; filed 11-19-04]

