

Volume 22
Number 11
February 15, 2005
Pages 422 - 490

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



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

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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.

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ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	v
Agency Index (Title numbers assigned)	vii
Notices of Rulemaking Intent	
Accountancy Board, Oklahoma (Title 10)	422
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	422, 423, 424, 425, 426
Benefits Council, Oklahoma State Employees (Title 87)	426, 427
Consumer Credit, Department of (Title 160)	427, 428
Education, State Department of (Title 210)	429, 430, 431
Election Board, State (Title 230)	431, 432, 433, 434, 435
Fire Marshal Commission, State (Title 265)	436, 437, 438, 439
Firefighter Training, Oklahoma Council on (Title 268)	439
Grand River Dam Authority (Title 300)	439
Health, Oklahoma State Department of (Title 310)	440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453
Human Services, Department of (Title 340)	454
Labor, Department of (Title 380)	455, 456, 457
Liquefied Petroleum Gas Board, Oklahoma (Title 420)	458, 459
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)	459, 460
Private Vocational Schools, Oklahoma Board of (Title 565)	461
Central Services, Department of (Title 580)	462, 463
Public Safety, Department of (Title 595)	463, 464, 465, 466, 467
Scenic Rivers Commission (Title 630)	468
Tax Commission, Oklahoma (Title 710)	469
Teachers' Retirement System (Title 715)	470, 471
Textbook Committee, State (Title 720)	471
Tourism and Recreation Department, Oklahoma (Title 725)	472, 473, 474, 475
Transportation, Department of (Title 730)	475
Treasurer, State (Title 735)	476
Submissions for Review	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	478
Corporation Commission (Title 165)	478
Education, State Department of (Title 210)	479
Funeral Board, Oklahoma (Title 235)	479
Insurance Board, Oklahoma State and Education Employees Group (Title 360)	480
Mental Health and Substance Abuse Services, Department of (Title 450)	480, 481, 482
Police Pension and Retirement System, Oklahoma (Title 550)	482
Tax Commission, Oklahoma (Title 710)	483, 484
Transportation, Department of (Title 730)	485
Veterinary Medical Examiners, Board of (Title 775)	485
Gubernatorial Approvals	
Corporation Commission (Title 165)	486
Emergency Adoptions	
Corporation Commission (Title 165)	488
Executive Orders (Title 1)	490

Agency/Action/Subject Index

ACCOUNTANCY Board, Oklahoma (Title 10)	
<i>Notices of Rulemaking Intent</i>	
Licensure and Regulation of Accountancy (Chapter 15)	422
AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)	
<i>Notices of Rulemaking Intent</i>	
Fees (Chapter 2)	422
Fine Matrices (Chapter 3)	423
Animal Industry (Chapter 15)	423
Water Quality (Chapter 17)	424
Plant Industry (Chapter 30)	425
Food Safety (Chapter 37)	425
Water Quality Standards Implementation Plan (Chapter 45)	426
<i>Submissions for Review</i>	
Animal Industry (Chapter 15)	478
Plant Industry (Chapter 30)	478
BENEFITS Council, Oklahoma State Employees (Title 87)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	426
Flexible Benefits Plan (Chapter 10)	427
CONSUMER Credit, Department of (Title 160)	
<i>Notices of Rulemaking Intent</i>	
Fees (Chapter 5)	427
Truth in Lending Rules (Chapter 45)	428
Mortgage Brokers (Chapter 55)	428
CORPORATION Commission (Title 165)	
<i>Submissions for Review</i>	
Telecommunications Services (Chapter 55)	478
<i>Gubernatorial Approvals</i>	
Electric Utility Rules (Chapter 35)	486
Gas Service Utilities (Chapter 45)	486
Telecommunications Services (Chapter 55)	486
<i>Emergency Adoptions</i>	
Rules of Practice (Chapter 5)	488
EDUCATION, State Department of (Title 210)	
<i>Notices of Rulemaking Intent</i>	
Curriculum and Instruction (Chapter 15)	429, 430
Staff (Chapter 20)	430
Finance (Chapter 25)	431
<i>Submissions for Review</i>	
Staff (Chapter 20)	479
ELECTION Board, State (Title 230)	
<i>Notices of Rulemaking Intent</i>	
The County Election Board (Chapter 10)	431
Voter Registration (Chapter 15)	432
Candidate Filing (Chapter 20)	433
Absentee Voting (Chapter 30)	433
Election Conduct (Chapter 35)	434
Types of Elections (Chapter 40)	435
FUNERAL Board, Oklahoma (Title 235)	
<i>Submissions for Review</i>	
Administrative Operations (Chapter 1)	479
Funeral Services Licensing (Chapter 10)	479
FIRE Marshal Commission, State (Title 265)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	436
Individual Procedures (Chapter 3)	436
Smoke Detectors (Chapter 10)	437
Protective Clothing and Breathing Apparatus [REVOKED] (Chapter 15)	437
Adopted National Codes and Standards (Chapter 25)	438
FIRE Marshal Commission, State – continued	
<i>Notices of Rulemaking Intent – continued</i>	
Inspection of Race Tracks (Chapter 30)	438
Field Citations (Chapter 35)	439
FIREFIGHTER Training, Oklahoma Council on (Title 268)	
<i>Notices of Rulemaking Intent</i>	
Agency Rules and Regulations (Chapter 1)	439
GOVERNOR	
<i>Executive Orders</i>	
Amending Executive order 2004-28, creating Fuel Cell Incentive Task Force (05-2)	490
Declaring disaster emergency caused by ice storm in Town of Waynoka (05-3)	490
GRAND River Dam Authority (Title 300)	
<i>Notices of Rulemaking Intent</i>	
Purchasing Policy (Chapter 20)	439
HEALTH, Oklahoma State Department of (Title 310)	
<i>Notices of Rulemaking Intent</i>	
Certificate of Need Hearings (Chapter 4)	440
Alarm Industry (Chapter 205)	441
Barber Regulations <u>Barbers</u> (Chapter 210)	442
Fee Schedule for Environmental <u>Consumer</u> Health Services (Chapter 250)	443
Food Service Establishments (Chapter 256)	443
Home Inspection Industry (Chapter 276)	444
Public Bathing Place Operational Regulations <u>Places</u> (Chapter 320)	445
Licensed Behavioral Practitioners (Chapter 403)	445
Licensed Professional Counselors (Chapter 405)	446
Comprehensive Breast and Cervical Cancer Detection and Treatment (Chapter 566)	447
Certificate of Need Standards for Health Care Facility Acquisitions (Chapter 620)	447
Certificate of Need Standards for Licensed Nursing Facility Beds (Chapter 630)	448
Emergency Medical Services (Chapter 641)	449
Continuum of Care and Assisted Living (Chapter 663) ...	449
Hospital Standards (Chapter 667)	450
Trauma Care Assistance Revolving Fund (Chapter 669)	451
Jail Standards (Chapter 670)	451
Nursing and Specialized Facilities (Chapter 675)	452
Nurse Aide Training and Certification (Chapter 677)	453
HUMAN Services, Department of (Title 340)	
<i>Notices of Rulemaking Intent</i>	
Administrative Components (Chapter 2)	454
Child Care Services (Chapter 40)	454
INSURANCE Board, Oklahoma State and Education Employees Group (Title 360)	
<i>Submissions for Review</i>	
Administrative Operations (Chapter 1)	480
State and Education Employees Health, Life, and Dental Plans (Chapter 10)	480
The Disability Program (Chapter 15)	480
LABOR, Department of (Title 380)	
<i>Notices of Rulemaking Intent</i>	
Protection of Labor (Chapter 30)	455
Workers Compensation Premium Reduction Program (Chapter 41)	456
Abatement of Friable Asbestos Materials Rules (Chapter 50)	457
Amusement Ride Safety Rules (Chapter 55)	457

LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420)

Notices of Rulemaking Intent

Administrative Rules of Procedure (Chapter 1) 458
 Liquefied Petroleum Gas Administration (Chapter 10) ... 459

MENTAL Health and Substance Abuse Services, Department of (Title 450)

Submissions for Review

Standards and Criteria for Community Residential Mental Health Facilities (Chapter 16) 480
 Standards and Criteria for Community Mental Health Services Centers (Chapter 17) 481
 Standards and Criteria for Community-Based Structured Crisis Centers (Chapter 23) 481
 Certified Behavioral Health Case Managers (Chapter 50) 481
 Standards and Criteria for Programs of Assertive Community Treatment (Chapter 55) 482

NARCOTICS and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)

Notices of Rulemaking Intent

Labeling Requirements (Chapter 30) 459
 Pseudoephedrine Control (Chapter 55) 460

POLICE Pension and Retirement System, Oklahoma (Title 550)

Submissions for Review

Administrative Operations (Chapter 1) 482
 Oklahoma Police Deferred Option Plan (Chapter 15) 482

PRIVATE Vocational Schools, Oklahoma Board of (Title 565)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 461
 Licensure and Regulation of Private Vocational Schools and Representatives (Chapter 10) 461

CENTRAL Services, Department of (Title 580)

Notices of Rulemaking Intent

Facilities Management (Chapter 10) 462
 Central Purchasing (Chapter 15) 462
 Construction and Properties (Chapter 20) 463

PUBLIC Safety, Department of (Title 595)

Notices of Rulemaking Intent

General Rules of the Department of Public Safety (Chapter 1) 463
 Driver Licenses and Identification Cards (Chapter 10) 464
 Wreckers and Towing Services (Chapter 25) 465

PUBLIC Safety, Department of – continued

Notices of Rulemaking Intent – continued

Size and Weight Permits (Chapter 30) 466
 Driver Training and Improvement (Chapter 40) 467
 Safety Devices (Chapter 55) 467

SCENIC Rivers Commission (Title 630)

Notices of Rulemaking Intent

Licensing and Use Permits (Chapter 10) 468
 Protection of Natural Resources (Chapter 15) 468

TAX Commission, Oklahoma (Title 710)

Notices of Rulemaking Intent

Tobacco, Tobacco Products, and Cigarettes (Chapter 70) 469

Submissions for Review

Administrative Operations (Chapter 1) 483
 Ad Valorem (Chapter 10) 483
 Income (Chapter 50) 484
 Motor Fuels (Chapter 55) 484

TEACHERS’ Retirement System (Title 715)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 470
 General Operations (Chapter 10) 471

TEXTBOOK Committee, State (Title 720)

Notices of Rulemaking Intent

Textbook Selection (Chapter 10) 471

TOURISM and Recreation Department, Oklahoma (Title 725)

Notices of Rulemaking Intent

Fiscal, Personnel and General Operations (Chapter 15) ... 472
 Division of State Parks (Chapter 30) 473, 474, 475

TRANSPORTATION, Department of (Title 730)

Notices of Rulemaking Intent

Highway Contractors (Chapter 25) 475

Submissions for Review

Highway Contractors (Chapter 25) 485

TREASURER, State (Title 735)

Notices of Rulemaking Intent

Unclaimed Property (Chapter 80) 476

VETERINARY Medical Examiners, Board of (Title 775)

Submissions for Review

Licensure of Veterinarians, Veterinary Technicians and Animal Euthanasia Technicians (Chapter 10) 485
 Investigations and Disciplinary Actions (Chapter 15) 485

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
10:15-21-7.	[NEW] (E) 388	317:30-5-240.	[AMENDED] (E) 157
10:15-22-1.	[AMENDED] (E) 388	317:30-5-241.	[AMENDED] (E) 159
10:15-23-1.	[AMENDED] (E) 388	317:30-5-243.	[REVOKED] (E) 167
10:15-23-2.	[AMENDED] (E) 389	317:30-5-247.	[REVOKED] (E) 167
10:15-25-2.	[AMENDED] (E) 389	317:30-5-248.	[AMENDED] (E) 168
10:15-25-4.	[AMENDED] (E) 389	317:30-5-700.	[AMENDED] (E) 104
10:15-29-3.	[AMENDED] (E) 389	317:30-5-907.	[NEW] (E) 168
10:15-29-4.	[AMENDED] (E) 390	317:30-5-907.1.	[NEW] (E) 168
10:15-29-5.	[AMENDED] (E) 390	317:30-5-907.2.	[NEW] (E) 169
10:15-33-4.	[AMENDED] (E) 391	317:30-5-907.3.	[NEW] (E) 169
10:15-33-6.	[AMENDED] (E) 391	317:35-6-64.1.	[NEW] (E) 105
40:50-1-1.	[NEW] (E) 221	317:35-19-14.	[AMENDED] (E) 108
40:50-1-2.	[NEW] (E) 224	317:35-21-1.	[NEW] (E) 409
40:50-1-3.	[NEW] (E) 225	317:35-21-2.	[NEW] (E) 410
40:50-1-4.	[NEW] (E) 226	317:35-21-3.	[NEW] (E) 410
40:50-1-5.	[NEW] (E) 226	317:35-21-4.	[NEW] (E) 410
40:50-1-6.	[NEW] (E) 227	317:35-21-5.	[NEW] (E) 410
40:50-1-7.	[NEW] (E) 227	317:35-21-6.	[NEW] (E) 410
40:50-1-8.	[NEW] (E) 229	317:35-21-7.	[NEW] (E) 410
40:50-1-9.	[NEW] (E) 230	317:35-21-8.	[NEW] (E) 410
40:50-1-10.	[NEW] (E) 230	317:35-21-9.	[NEW] (E) 410
40:50-1-11.	[NEW] (E) 230	317:35-21-10.	[NEW] (E) 410
150:100-1-1.	[NEW] (E) 95	317:35-21-11.	[NEW] (E) 410
150:100-1-2.	[NEW] (E) 95	317:35-21-12.	[NEW] (E) 411
150:100-1-3.	[NEW] (E) 96	317:35-21-13.	[NEW] (E) 411
150:100-1-4.	[NEW] (E) 96	340:40-7-1.	[AMENDED] (E) 61
160:5-1-2.	[AMENDED] (E) 7	340:40-7-6.	[AMENDED] (E) 63
160:55-3-1.1.	[AMENDED] (E) 9	340:40-7-11.	[AMENDED] (E) 63
160:55-3-1.4.	[AMENDED] (E) 10	340:40-7-12.	[AMENDED] (E) 65
160:55-3-4.	[AMENDED] (E) 12	340:75-1-18.	[AMENDED] (E) 234
160:55-3-10.1.	[AMENDED] (E) 12	340:75-1-18.1.	[AMENDED] (E) 339
165:5-1-10.	[NEW] (E) 488	340:75-1-20.	[AMENDED] (E) 340
252:300-21-1.	[AMENDED] (E) 12	340:75-1-22.	[AMENDED] (E) 341
252:300, App. A.	[REVOKED] (E) 13	340:75-6-4.	[AMENDED] (E) 342
252:300, App. A.	[NEW] (E) 13	340:75-6-31.	[AMENDED] (E) 343
265:25-1-3.	[AMENDED] (E) 16	340:75-6-31.3.	[AMENDED] (E) 345
270:10-1-9.	[AMENDED] (E) 293	340:75-7-52.	[AMENDED] (E) 19
310:315-7-2.	[AMENDED] (E) 231	340:75-13-45.	[AMENDED] (E) 240
310:550-5-1.	[AMENDED] (E) 392	340:75-15-128.1.	[AMENDED] (E) 236
310:550-7-1.	[AMENDED] (E) 393	340:105-10-41.	[AMENDED] (E) 21
310:550, App. A.	[REVOKED] (E) 394	340:105-10-43.	[AMENDED] (E) 22
310:550, App. A.	[NEW] (E) 394	340:105-10-72.	[AMENDED] (E) 22
310:566-1-1.	[NEW] (E) 400	340:105-10-101.	[AMENDED] (E) 23
310:566-1-2.	[NEW] (E) 400	340:105-10-117.	[AMENDED] (E) 24
310:566-1-3.	[NEW] (E) 402	340:105-10-118.	[REVOKED] (E) 25
310:566-1-4.	[NEW] (E) 402	340:105-10-119.	[REVOKED] (E) 25
310:566-1-5.	[NEW] (E) 402	340:105-10-120.	[AMENDED] (E) 26
310:566-1-6.	[NEW] (E) 402	340:105-10-121.	[AMENDED] (E) 26
310:566-1-7.	[NEW] (E) 402	340:105-10-122.	[AMENDED] (E) 27
310:566-3-1.	[NEW] (E) 403	340:110-3-29.	[AMENDED] (E) 28
310:566-3-2.	[NEW] (E) 404	340:110-3-49.5.	[AMENDED] (E) 29
310:566-3-3.	[NEW] (E) 404	340:110-3-86.	[AMENDED] (E) 36
310:677-1-6.	[NEW] (E) 233	340:110-3-87.	[AMENDED] (E) 30
317:30-3-2.1.	[NEW] (E) 155	340:110-3-154.3.	[AMENDED] (E) 37
317:30-5-30.	[AMENDED] (E) 103	340:110-3-154.5.	[AMENDED] (E) 31
317:30-5-31.	[AMENDED] (E) 103	340:110-3-163.	[AMENDED] (E) 38
317:30-5-34.	[REVOKED] (E) 104	340:110-3-239.	[AMENDED] (E) 31
317:30-5-96.	[AMENDED] (E) 405	340:110-5-57.	[AMENDED] (E) 32
317:30-5-123.	[AMENDED] (E) 96	340:110-5-60.	[AMENDED] (E) 34
317:30-5-131.2.	[AMENDED] (E) 100	340:110-5-60.	[AMENDED] (E) 39
317:30-5-134.	[AMENDED] (E) 408	365:25-11-3.	[AMENDED] (E) 68

Rules Affected Index – *continued*

365:25-13-3.	[AMENDED] (E)	68	590:10-1-1.	[AMENDED] (E)	126
375:40-1-1.	[NEW] (E)	412	590:10-1-7.	[AMENDED] (E)	127
375:40-1-2.	[NEW] (E)	412	590:10-1-15.	[AMENDED] (E)	127
375:40-1-3.	[NEW] (E)	412	590:10-1-17.	[NEW] (E)	127
375:40-1-4.	[NEW] (E)	412	590:10-1-18.	[NEW] (E)	127
375:40-1-5.	[NEW] (E)	413	590:10-1-19.	[NEW] (E)	351
375:40-1-6.	[NEW] (E)	413	590:10-3-12.	[AMENDED] (E)	128
375:40-1-7.	[NEW] (E)	413	590:10-3-13.	[NEW] (E)	129
375:40-1-8.	[NEW] (E)	413	590:10-7-2.	[AMENDED] (E)	129
375:40-1-9.	[NEW] (E)	413	590:10-7-10.	[AMENDED] (E)	129
375:40-1-10.	[NEW] (E)	414	590:10-8-1.	[NEW] (E)	129
375:40-1-11.	[NEW] (E)	414	590:10-8-2.	[NEW] (E)	129
375:45-1-1.	[NEW] (E)	414	590:10-8-3.	[NEW] (E)	129
375:45-1-2.	[NEW] (E)	414	590:10-8-4.	[NEW] (E)	129
375:45-1-3.	[NEW] (E)	414	590:10-8-5.	[NEW] (E)	130
375:45-1-4.	[NEW] (E)	414	590:10-8-6.	[NEW] (E)	130
375:45-1-5.	[NEW] (E)	414	590:10-10-1.	[NEW] (E)	130
375:45-1-6.	[NEW] (E)	415	590:10-10-2.	[NEW] (E)	130
375:45-1-7.	[NEW] (E)	415	590:10-10-3.	[NEW] (E)	130
505:10-5-17.	[NEW] (E)	169	590:10-10-4.	[NEW] (E)	130
535:12-1-1.	[NEW] (E)	345	590:10-10-5.	[NEW] (E)	130
535:12-1-2.	[NEW] (E)	345	590:10-10-6.	[NEW] (E)	130
535:12-1-3.	[NEW] (E)	346	590:10-10-7.	[NEW] (E)	130
535:12-1-4.	[NEW] (E)	346	590:10-10-8.	[NEW] (E)	131
535:12-1-5.	[NEW] (E)	347	590:15-1-1.	[AMENDED] (E)	132
535:12-1-6.	[NEW] (E)	347	590:15-1-2.	[AMENDED] (E)	132
535:12-1-7.	[NEW] (E)	347	590:15-1-4.	[AMENDED] (E)	132
535:12-1-8.	[NEW] (E)	347	590:15-1-5.	[AMENDED] (E)	132
535:12-1-9.	[NEW] (E)	347	590:15-1-17.	[AMENDED] (E)	133
535:12-1-10.	[NEW] (E)	348	590:25-5-6.	[AMENDED] (E)	134
535:12-1-11.	[NEW] (E)	348	590:35-19-8.	[AMENDED] (E)	134
535:12-1-12.	[NEW] (E)	348	675:12-1-6.	[AMENDED] (E)	352
550:1-3-3.	[AMENDED] (E)	41	710:10-1-4.	[AMENDED] (E)	353
550:15-1-3.	[AMENDED] (E)	42	710:50-3-54.	[AMENDED] (E)	170
565:10-5-1.	[AMENDED] (E)	69	710:50-15-48.	[NEW] (E)	355
565:10-27-1.	[AMENDED] (E)	69	710:50-15-49.	[AMENDED] (E)	355
585:20-1-1.	[NEW] (E)	349	710:50-15-96.	[NEW] (E)	356
585:20-1-2.	[NEW] (E)	349	710:65-13-30.	[AMENDED] (E)	357
585:20-5-1.	[NEW] (E)	350	710:65-19-5.	[AMENDED] (E)	358
585:20-5-2.	[NEW] (E)	350	710:70-9-4.	[NEW] (E)	295
585:20-5-3.	[NEW] (E)	350	710:90-3-11.	[AMENDED] (E)	173
585:20-7-1.	[NEW] (E)	350	710:95-13-1.	[NEW] (E)	296
585:20-7-2.	[NEW] (E)	350	725:20-7-10.	[NEW] (E)	297
585:20-7-3.	[NEW] (E)	351	765:30-1-7.	[NEW] (E)	243
590:1-1-2.	[AMENDED] (E)	125	780:15-3-5.	[AMENDED] (E)	359
590:1-1-9.	[NEW] (E)	125			

Agency/Title Index

[Assigned as of 2-15-05]

Agency	Title	Agency	Title
Oklahoma ACCOUNTANCY Board	10	Board of Regents of EASTERN Oklahoma State	
State ACCREDITING Agency	15	College	205
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	State Department of EDUCATION	210
Oklahoma AERONAUTICS Commission	25	EDUCATION Oversight Board	215
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges	30	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	[RESERVED]	225
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	State ELECTION Board	230
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma EMPLOYMENT Security Commission	240
Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma	55	Oklahoma ENERGY Resources Board	243
ARCHIVES and Records Commission	60	State Board of Registration for Professional ENGINEERS and Land Surveyors	245
Board of Trustees for the ARDMORE Higher Education Program	65	Board of Trustees for the ENID Higher Education Program	250
Oklahoma ARTS Council	70	Department of ENVIRONMENTAL Quality	252
ATTORNEY General	75	State Board of EQUALIZATION	255
State AUDITOR and Inspector	80	ETHICS Commission (<i>Title revoked</i>)	257
State BANKING Department	85	ETHICS Commission	258
Oklahoma State Employees BENEFITS Council	87	Office of State FINANCE	260
Council of BOND Oversight	90	State FIRE Marshal Commission	265
Oklahoma Professional BOXING Commission	92	Oklahoma Council on FIREFIGHTER Training	268
State BURIAL Board (<i>abolished 7-1-92</i>)	95	Oklahoma FIREFIGHTERS Pension and Retirement System	270
[RESERVED]	100	[RESERVED]	275
Oklahoma CAPITOL Investment Board	105	State Board of Registration for FORESTERS	280
Oklahoma CAPITOL Improvement Authority	110	FOSTER Care Review Advisory Board	285
State CAPITOL Preservation Commission	115	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	Oklahoma FUTURES	290
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		GOVERNOR	295
Board of Regents of CARL Albert State College	125	GRAND River Dam Authority	300
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		Group Self-Insurance Association GUARANTY Fund Board	302
CEREBRAL Palsy Commission	130	Individual Self-Insured GUARANTY Fund Board	303
Commission on CHILDREN and Youth	135	STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
Board of CHIROPRACTIC Examiners	140	Office of HANDICAPPED Concerns	305
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma State Department of HEALTH	310
Oklahoma Department of COMMERCE	150	Oklahoma Basic HEALTH Benefits Board (<i>abolished</i> <i>11-1-97</i>)	315
COMMUNITY Hospitals Authority	152	Oklahoma HEALTH Care Authority	317
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		HIGHWAY Construction Materials Technician Certification Board	318
Oklahoma CONSERVATION Commission	155	Oklahoma HISTORICAL Society	320
CONSTRUCTION Industries Board	158	Oklahoma HORSE Racing Commission	325
Department of CONSUMER Credit	160	Oklahoma HOUSING Finance Agency	330
CORPORATION Commission	165	Oklahoma HUMAN Rights Commission	335
Department of CORRECTIONS	170	Department of HUMAN Services	340
State Board of COSMETOLOGY	175	Committee for INCENTIVE Awards for State Employees	345
Oklahoma State CREDIT Union Board	180	Oklahoma INDIAN Affairs Commission	350
CRIME Victims Compensation Board	185	Oklahoma INDIGENT Defense System	352
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma INDUSTRIAL Finance Authority	355
Board of DENTISTRY	195	Oklahoma State and Education Employees Group	
Oklahoma DEVELOPMENT Finance Authority	200	INSURANCE Board	360

Agency/Title Index – continued

Agency	Title	Agency	Title
INSURANCE Department	365	Oklahoma PUBLIC Employees Retirement System	590
COMPSOURCE Oklahoma (<i>Formerly:</i> State INSURANCE Fund	370	Department of PUBLIC Safety	595
Oklahoma State Bureau of INVESTIGATION	375	REAL Estate Appraiser Board	600
Council on JUDICIAL Complaints	376	Oklahoma REAL Estate Commission	605
Office of JUVENILE Affairs	377	Board of Regents of REDLANDS Community College	607
Department of LABOR	380	State REGENTS for Higher Education	610
Department of the Commissioners of the LAND Office	385	State Department of REHABILITATION Services	612
Council on LAW Enforcement Education and Training	390	Board of Regents of ROGERS State College	615
Oklahoma LAW Enforcement Retirement System	395	Board of Regents of ROSE State College	620
Board on LEGISLATIVE Compensation	400	Oklahoma SAVINGS and Loan Board (<i>abolished</i> <i>7-1-93</i>)	625
Oklahoma Department of LIBRARIES	405	SCENIC Rivers Commission	630
LIEUTENANT Governor	410	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LINKED Deposit Review Board	415	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Board	420	The Oklahoma School of SCIENCE and Mathematics	645
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LITERACY Initiatives Commission	425	SECRETARY of State	655
LONG-RANGE Capital Planning Commission	428	Department of SECURITIES	660
Board of Trustees for the MCCURTAIN County Higher Education Program	430	Board of Regents of SEMINOLE State College	665
Commission on MARGINALLY Producing Oil and Gas Wells	432	SHEEP and Wool Commission	670
State Board of MEDICAL Licensure and Supervision	435	State Board of Licensed SOCIAL Workers	675
MEDICAL Technology and Research Authority of Oklahoma	440	SOUTHERN Growth Policies Board	680
Board of MEDICOLEGAL Investigations	445	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Department of MENTAL Health and Substance Abuse Services	450	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
MERIT Protection Commission	455	STATE Agency Review Committee	695
MILITARY Planning Commission, Oklahoma Strategic	457	STATE Use Committee (<i>Formerly:</i> Committee on Purchases of Products and Services of the Severely HANDICAPPED) – <i>See</i> Title 304	
Department of MINES	460	Oklahoma STUDENT Loan Authority	700
Oklahoma MOTOR Vehicle Commission	465	TASK Force 2000	705
Board of Regents of MURRAY State College	470	Oklahoma TAX Commission	710
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Oklahoma Commission for TEACHER Preparation	712
Board of Regents of NORTHERN Oklahoma College	480	TEACHERS' Retirement System	715
Oklahoma Board of NURSING	485	State TEXTBOOK Committee	720
Oklahoma State Board of Examiners for NURSING Home Administrators	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges	500	Oklahoma TRANSPORTATION Authority	731
Board of Examiners in OPTOMETRY	505	State TREASURER	735
State Board of OSTEOPATHIC Examiners	510	Board of Regents of TULSA Community College	740
PARDON and Parole Board	515	Oklahoma TURNPIKE Authority (<i>name changed - see Title</i> <i>731</i>)	745
Oklahoma PEANUT Commission	520	Board of Trustees for the UNIVERSITY Center at Tulsa	750
Oklahoma State PENSION Commission	525	UNIVERSITY Hospitals Authority	752
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of the UNIVERSITY of Oklahoma	755
Office of PERSONNEL Management	530	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
Oklahoma State Board of PHARMACY	535	Oklahoma USED Motor Vehicle and Parts Commission	765
PHYSICIAN Manpower Training Commission	540	Oklahoma Department of VETERANS Affairs	770
Board of PODIATRIC Medical Examiners	545	Board of VETERINARY Medical Examiners	775
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of CAREER and Technology Education (<i>Formerly:</i> Oklahoma Department of VOCATIONAL and Technical Education)	780
State Department of POLLUTION Control (<i>abolished</i> <i>1-1-93</i>)	555	Oklahoma WATER Resources Board	785
POLYGRAPH Examiners Board	560	Board of Regents of WESTERN Oklahoma State College	790
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WHEAT Commission	795
State Board for PROPERTY and Casualty Rates	570	Department of WILDLIFE Conservation	800
State Board of Examiners of PSYCHOLOGISTS	575	WILL Rogers and J.M. Davis Memorials Commission	805
Department of CENTRAL Services (<i>Formerly:</i> Office of PUBLIC Affairs)	580		
PUBLIC Employees Relations Board	585		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #05-103]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Fees

10:15-27-8. Registration [AMENDED]

10:15-27-9. Permit [AMENDED]

SUMMARY:

The proposed rule amendments increase the registration fee to \$50 per year. The fee for registering after July 31 but within 12 months after the lapse date of the certificate or license is increased to \$100. The fee for registering later than 12 months following the lapse date of the certificate or license is increased to \$200. The proposed amendments increase the registration fee for an individual who has reached the age of 65 to \$25 per year. The late fee for these individuals is increased to \$50. The registration fee for firms other than sole proprietorships is increased to \$50 per year.

In addition, the proposed rule amendments increase the individual permit fee to \$100 and revoke the requirement for a fee for late filing of the permit. The firm permit fee is increased to \$100; however, the requirement for each individual office of a public accounting firm to pay an annual permit fee is revoked.

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5

COMMENT PERIOD:

Written and oral comments will be accepted through close of business March 17, 2005 by contacting Edith Steele, Executive Director, or Kelly Brown, Deputy Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: okaccybd@oab.state.ok.us or FAX: 405-521-3118.

PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:00 a.m. on March 17, 2005, Suite 20, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Edith Steele at the above address during the period from February 15, 2005 through March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Accountancy Board website at www.OK.gov/oab or from the Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available after March 2, 2005 on the Oklahoma Accountancy Board website or from the Oklahoma Accountancy Board at the address and contact numbers listed above.

CONTACT PERSONS:

Edith Steele or Kelly Brown at 405-521-2397

[OAR Docket #05-103; filed 1-25-05]

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

[OAR Docket #05-96]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules

35:2-3-13. [AMENDED]

35:2-3-18. [AMENDED]

SUMMARY:

The proposed rules update the Department's listing of fees charged for certain pesticide and seed regulatory activities. These rules do not proposed new fees. In 2004, the Oklahoma Legislature amended the statutory references to these fees in House Bill 2402 and these proposed rules mirror the statutory changes.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (20) and (29); House Bill 2402 (2004); Article 6, Section 31, Constitution of the State of Oklahoma

Notices of Rulemaking Intent

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 February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 17, 2005, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2005 through March 17, 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 #05-96; filed 1-25-05]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES

[OAR Docket #05-97]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. Fine Schedules

Part 15. Plant and Consumer Services Violations
[AMENDED]

Part 17. ~~Water~~ Quality Agricultural Environmental
Management Violations [NEW]

SUMMARY:

The primary purpose of the proposed rules is to create a fine matrix for the Agricultural Environmental Management Services Division and the Boll Weevil program to address the imposition of administrative penalties in relation to violations of the Oklahoma Agricultural Code and corresponding rules. The implementation of the fine matrices in the rules

will provide guidance to the Department and to the public on potential fines for specific violations. Penalties for referenced violations will be more consistently applied, while still allowing the Department to make determinations on a case-by-case basis.

AUTHORITY:

State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), 2-18, 3-501.1 et seq., 9-200 et seq., 10-9 et seq., and 10-9.16; 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 February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 17, 2005, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2005 through March 17, 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 #05-97; filed 1-25-05]

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

[OAR Docket #05-98]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 19. Poultry Regulations [AMENDED]

Subchapter 22. Swine Pseudorabies [AMENDED]

Subchapter 40. Bovine Tuberculosis [AMENDED]

SUMMARY:

The proposed rules update three areas of animal health regulations. The first rule provides new testing requirements for Avian Infectious Laryngotrachitis (ILT). The second rule incorporates new terminology established by USDA for classifications of swine herds. The final rule incorporates the emergency rule that updated definitions within the bovine tuberculosis rules.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2, and 6-141 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 17, 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 February 15, 2005 through March 17, 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 #05-98; filed 1-25-05]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 17. WATER QUALITY**

[OAR Docket #05-99]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 5. Registered Poultry Feeding Operations
35:17-5-11. [AMENDED]

Subchapter 7. Poultry Waste Applicators Certification
35:17-7-8. [AMENDED]

SUMMARY:

The proposed rules clarify the education requirements of the Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma Poultry Waste Applicators Certification Act to ensure that education hours may be carried over from year to year when more education is obtained than required in the fiscal year. In addition, the proposed rules allow education credit to be calculated on a calendar year basis rather than the fiscal year.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 10-9.5, 10-9.6, 10-9.22, and 10-9.23; 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 February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 17, 2005, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2005 through March 17, 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.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #05-99; filed 1-25-05]

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

[OAR Docket #05-100]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 1. Commercial and Non-Commercial Categories of
Pesticide Application

35:30-17-1. [AMENDED]

Part 3. Certification, Conduct of Examinations, and
Recertification

35:30-17-4. [AMENDED]

SUMMARY:

The first proposed rule deletes the pesticide license category of food processing as it is sufficiently covered by another category. The second proposed rule amends the service technician testing requirements and allows a mechanism for a service technician to receive a service technician card immediately upon providing sufficient documentation, satisfactorily completing the test, and paying the appropriate fees. This will enable companies to put service technicians to work on an expedited basis.

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 February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., March 17, 2005, in the Boardroom 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 February 15, 2005 through March 17, 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 #05-100; filed 1-25-05]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #05-101]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Meat Inspection [AMENDED]

Subchapter 5. Poultry Products Inspection [AMENDED]

Subchapter 7. Construction Standards for Meat Packing
Plants [AMENDED]

Subchapter 9. Oklahoma Rabbit and Rabbit Products
Inspection Regulations [AMENDED]

Subchapter 11. Exotic Livestock and Exotic Livestock
Products [AMENDED]

SUMMARY:

The proposed rule changes clean up the food safety rules and update the incorporation by reference of Code of Federal Regulations citations. The proposed new Part 14 revives rules that were accidentally deleted in a previous rulemaking regarding official marks, devices, and certificates.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (24), (25), and (29), 6-181 et seq., 6-251 et seq., 6-280.1 et seq., and 6-290.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., March 17, 2005 in the Boardroom, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2005 through March 17, 2005.

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 #05-101; filed 1-25-05]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 45. WATER QUALITY STANDARDS IMPLEMENTATION PLAN**

[OAR Docket #05-102]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. Water Quality Standards Implementation Plan [AMENDED]

SUMMARY:

The proposed rules amend the Department's Water Quality Standards Implementation Plan to comply with the revisions of the Oklahoma Water Quality Standards. The purpose of the plan is to identify how environmental programs within the Department comply with the Oklahoma Water Quality Standards.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29) and 2-18.2; 27A O.S. Supp. 2000, § 1-1-202(B); 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 February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., March 17, 2005, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2005 through March 17, 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 #05-102; filed 1-25-05]

**TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #05-156]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The proposed change to Chapter 1 corrects the month of the year in which the Council may elect officers to comply with the statute.

AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on March 18, 2005 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Central Standard Time on March 18, 2005 at the offices of the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, March 18, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Russell Nash, Employees Benefits Council, (405) 232-1190 ext. 103.

[OAR Docket #05-156; filed 1-31-05]

TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 10. FLEXIBLE BENEFITS PLAN

[OAR Docket #05-126]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Flexible Benefits Plan [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 memorialize longstanding eligibility rules administered by the Employees Benefits Council and eliminate a rule requiring retroactive changes in certain situations. More specifically, the proposed changes to Chapter 10 require coverage for all dependents when one dependent is covered under a flexible benefits plan; prohibit an employee from enrolling as a principle insured and also a dependent for any flexible benefit plan except dependent life; and require an employee to live or work within an HMO's service area as a condition to choosing HMO coverage. In addition, the proposed rules delete language that requires retroactive corrections in the event a dependent loses eligibility by reason of divorce, death or the attainment of a specified age.

AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on March 18, 2005 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Central Standard Time on March 18, 2005 at the offices of the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, March 18, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Russell Nash, Employees Benefits Council, (405) 232-1190 ext. 103.

[OAR Docket #05-126; filed 1-26-05]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 5. FEES

[OAR Docket #05-112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

160:5-1-2. [AMENDED]

SUMMARY:

The rule is being amended to supersede the emergency rules that changed fees for mortgage brokers and mortgage loan originators pursuant to House Bill 1503 from the 2004 Second Regular Session of the 49th Legislature.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e)

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 17, 2005 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:30 a.m., Friday, March 18, 2005, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by 4:00 p.m., March 17, 2005, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 2, 2005 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #05-112; filed 1-26-05]

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 45. TRUTH IN LENDING RULES**

[OAR Docket #05-113]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 160:45-1-2. [AMENDED]
- Subchapter 9. Special Rules for Certain Home Mortgage Transactions
- 160:45-9-2. [AMENDED]

SUMMARY:

The proposed rules incorporate federal changes to maintain Oklahoma's exemption from federal regulation.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (2)

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 17, 2005 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:30 a.m., Friday, March 18, 2005, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by 4:00 p.m., March 17, 2005, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 2, 2005 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #05-113; filed 1-26-05]

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 55. MORTGAGE BROKERS**

[OAR Docket #05-114]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 3. Licensing
160:55-3-1.1. [AMENDED]
160:55-3-1.4. [AMENDED]
160:55-3-4. [AMENDED]
160:55-3-10.1. [AMENDED]

SUMMARY:

The rules are being amended to supersede the emergency rules that provided regulations for the change in licensure period from three years to one year pursuant to House Bill 1503 from the 2004 Second Regular Session of the 49th Legislature.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §§2084 and 2085(A)(1) and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 17, 2005 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:30 a.m., Friday, March 18, 2005, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by 4:00 p.m., March 17, 2005, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 2, 2005 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #05-114; filed 1-26-05]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #05-123]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Early Childhood Education Programs
210:15-11-2. [AMENDED]

SUMMARY:

The proposed rule change would require school districts to provide screening and referral for vision and hearing in early childhood programs for four-year-olds. The proposed change is supportive to the health and well-being of children and would be conducive to learning and reading.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17 2005, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, March 17, 2005, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-123; filed 1-26-05]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION**

[OAR Docket #05-124]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Priority Academic Student Skills
[AMENDED]

SUMMARY:

The amendments to the rule revise the core curriculum to comply with the requirements set forth in 70 O. S. § 11-103.6(a). The amendments provide additional clarity and detail to the Priority Academic Students Skills and will benefit educators by providing clear academic content standards for curriculum planning and implementation purposes.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17 2005, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, March 17, 2005, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-124; filed 1-26-05]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #05-122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards:Teacher Education and Certification
Part 19. Competencies for Licensure and Certification of Administrative Personnel
210:20-9-188. [NEW]

SUMMARY:

This rule identifies requirements for individuals seeking alternative certification as a school administrator. The rule adds competency areas individuals must gain understanding in prior to alternative certification as a school administrator.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17 2005, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, March 17, 2005, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-122; filed 1-26-05]

Notices of Rulemaking Intent

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #05-121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES

Subchapter 3. Funding Criteria

210:25-3-7. [AMENDED]

Subchapter 5. Budgeting and Business Management

Part 1. Implementation

210:25-5-4. [AMENDED]

SUMMARY:

The amended rules change the final submission date for financial data from July 31 to September 1, as authorized by new legislation, the final date for federal program claims submission from the first Monday in September to September 1, and changes in financial reporting terminology. The amended rules also change wording to coincide with revisions in the National Center for Education Statistics (NCES) Handbook *Financial Accounting for Local and State School Systems*.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17 2005, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, March 17, 2005, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-121; filed 1-26-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #05-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]

Subchapter 7. General Administration of the County Election Board [AMENDED]

SUMMARY:

The proposed amendments in Chapter 10 are needed to implement certain provisions of HB 1104, SB 1558, and SB 1346, all passed by the Legislature in 2004, and a provision of SB 358 passed in 2003.

The proposed amendments include conforming language in the rules concerning the salaries of the County Election Board Assistant Secretary and Chief Clerk to new language in the statutes and correction of an error included in the statute concerning funding of temporary personnel for the County Election Board office in the event that essential employees are away from work for an extended period due to personal illness or other emergency.

The proposed amendments in Subchapter 7 include references to provisional ballots, provisional voters, and/or provisional voting materials in several sections. Several sections concerning the availability to the public of lists of registered voters in County Election Board offices and the State Election Board office are amended to reflect the use of newer technology such as compact disks. These sections also include new language that permits a County Election Board Secretary to postpone printing lists of registered voters upon request during the week immediately preceding any election or during the last two weeks preceding a statewide election, and the section concerning data available from the State Election Board includes new language to include voter registration lists for school districts or municipalities. Other sections are amended to reflect new statutory language concerning the allowable number of registered voters in areas designated as subprecincts.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing.

Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405) 521-2391.

[OAR Docket #05-47; filed 1-20-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 15. VOTER REGISTRATION**

[OAR Docket #05-48]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Application for Voter Registration [AMENDED]

Subchapter 9. Receiving and Processing Voter Registration Applications [AMENDED]

Subchapter 11. Voter Registration List Maintenance [AMENDED]

SUMMARY:

The proposed amendments in Chapter 15 are needed to implement certain provisions of several bills passed by the Legislature during 2004, including HB 1104 and SB 1346, as well as certain provisions of the federal Help America Vote Act of 2002 (HAVA).

The amendments in Subchapter 5 include language added in several sections concerning the availability of the Oklahoma Voter Registration Application form and of the federal voter registration application form on the internet. Several sections are amended to reflect changes in required information on the voter registration application forms. The statutory deadline for changing one's political affiliation in an even-numbered year has changed as a result of the new election and filing period dates which were enacted in 2003 and 2004. Some information

that formerly was required on the voter registration application form (such as one's driver licence number and the last four digits of one's Social Security number) is now requested on a voluntary basis. Several sections are amended to include language identifying voters required by HAVA to show identification when voting for the first time in a federal election.

The rules in Subchapter 9 concern processing voter registration applications. Several sections concerning processing voter registration applications are amended for the same reasons as those in Subchapter 5. Some information that once was required on the Oklahoma Voter Registration Application is no longer required but voluntary as a result of provisions of HAVA and of SB 1346. Information about the boundaries of incorporated municipalities has been added to the Street Guide software used by the Oklahoma Election Management System (OEMS) to place registered voters in the correct precinct. Beginning in 2005, for the first time a voter's eligibility to vote in a municipal election will be determined primarily by information in the Precinct Registry. Several sections are amended to include language referring to the Street Guide assignment of an address to a municipality.

Rules in Subsection 11 concern voter registration list maintenance procedures. A new section is proposed and several sections amended to include in the rules a new statutory provision permitting the administrator of a nursing facility to notify the County Election Board Secretary of the death of a nursing facility resident and allowing the Secretary to cancel the deceased resident's voter registration based on such notification. Amendments also are proposed to update the language and procedures for cancellation of voter registrations of convicted felons. The statute (Title 26 OS § 4-120.4) was amended in 2002 and became effective in 2003. Because the Secretary of the State Election Board did not adopt permanent rules in 2004, this is the first opportunity we have had to conform these rules to the new statutory language.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing. Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #05-48; filed 1-20-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 20. CANDIDATE FILING

[OAR Docket #05-49]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Filing for State and County Office
[AMENDED]

SUMMARY:

The dates of the candidate filing period for state and county officers was changed in 2004 by HB 2677, effective April 1, 2004, from the third Monday in June of even-numbered years to the first Monday in June. Sections are amended to reflect this change.

As a result of an amendment to Title 19 OS § 131 contained in HB 2199, a county officer is no longer required to resign his or her office in order to file as a candidate for another office. A Section that stated this former requirement is revoked.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing. Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #05-49; filed 1-20-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #05-50]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Absentee Voting Boards [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots
[AMENDED]

Subchapter 19. Counting the Ballots [AMENDED]

SUMMARY:

Rules in Chapter 30 concern procedures for absentee voting. Amendments are proposed in Sections located in Subchapter 7, 11, and 19 to implement certain provisions of SB 1104 and of SB 1346, and of the federal Help America Vote Act of 2002 (HAVA).

The amendments in Subchapter 7, which concerns Absentee Voting Boards and the procedures for conducting absentee voting services in nursing homes and at in-person absentee polling places, reflect new statutory language concerning compensation of Absentee Voting Board members and the time at which the County Sheriff must return the voting device memory pack to the Absentee Voting Board members on the second and/or third day of in-person absentee voting. Also, instructions are included in the procedure for the nursing home Absentee Voting Board to follow in the event that a nursing home administrator informs them of the death of a resident of the nursing home. The date by which county central committee chairpersons are required to submit lists of nominees for Absentee Voting Boards to the Secretary of the County Election Board is changed to July 1 as a result of changes in the election schedule. Also, the procedure for the in-person Absentee Voting Board is amended to provide instructions for processing voters required to show identification when voting for the first time in a federal election.

The amendments in Subchapter 11 create procedures for County Election Board personnel to send absentee ballots to and to receive voted absentee ballots from uniformed services voters and overseas voters by fax. These rules implement a

new law enacted by the legislature in 2003 to allow uniformed services voters and overseas voters to receive and return absentee ballots by fax if they do not receive their regular ballot in time to return it by the deadline.

The amendments in Subchapter 19 create two parts within the subchapter. Part 1 contains the previously existing rules in Subchapter 19. These Sections are amended to clarify that the procedures take place on election day. Part 3 contains new rules that establish procedures for election officials to receive and count absentee ballots from overseas uniformed services voters and overseas civilian voters for ten days following the Runoff Primary Election. These rules implement a new law enacted by the Legislature in 2003 that was part of Oklahoma's settlement of a federal lawsuit filed in 2002 that concerned inadequate overseas ballot transit time for the Runoff Primary Election.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing. Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #05-50; filed 1-20-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

[OAR Docket #05-51]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. County Election Board Responsibilities [AMENDED]

Subchapter 5. Instructions for Precinct Election Officials [AMENDED]

SUMMARY:

The rules in Chapter 35 concern the procedures used by County Election Board personnel and Precinct Officials to perform their duties before, during, and after election day. Amendments are proposed in Subchapters 1, 3, and 5 to implement certain provisions of SB 1104, SB 1346, and of the federal Help America Vote Act of 2002 (HAVA).

The Definitions section in Subchapter 1 is amended to include several new terms created by HAVA.

Amendments are proposed in Subchapter 3 concerning supplies and materials necessary for the provisional voting, voter identification, voter information, and complaint provisions of HAVA. Sections that refer to compensation for Precinct Officials and Absentee Voting Board members are amended to reflect statutory changes in compensation for Absentee Voting Board members. New language is included in some sections to refer to authorization of special purpose precinct workers (such as provisional voting officers and/or registration officials) and to establish compensation for such workers. Sections referring to retention of certain election materials are amended to include provisional voting materials.

Sections that provide instructions and procedures for County Election Board personnel to prepare for elections are amended to include numerous changes required by the bills and federal law cited above. In addition, some changes are the result of changes in the state election calendar enacted by the Legislature in 2003. Sections concerning rules for Watchers and exit Pollsters are amended to include new statutory language concerning penalties for violations of the law by such persons and to allow news reporters and photographers limited access to the voting enclosure on election day.

Several new Sections are proposed to provide County Election Board personnel with complete instructions and procedures for the provisional voting, voter identification, voter information, and complaint procedures required by SB 1346 and by HAVA. These new Sections include procedures for addressing questions from voters and Precinct Officials on election day; securing provisional ballots on election night; investigating and verifying provisional ballot affidavits after election day; counting provisional ballots that are verified and approved; and retaining provisional ballots and related materials after the election. Sections on canvassing results, certifying results of state elections to the State Election Board

Notices of Rulemaking Intent

and certifying final election results in both county and state elections also are amended to reflect statutory changes in the timetable for these activities.

The proposed amendments in Subchapter 5 provide instructions and procedures for Precinct Officials to conduct provisional voting on election day, to secure provisional ballots separately from counted ballots, and to process voters required to show identification when voting for the first time in federal elections. These procedures require both new and amended Sections as well as the revocation of some sections.

In addition to the procedures mentioned in the preceding paragraph, some Sections also are amended to include references to determining a voter's municipal assignment from information in the Precinct Registry and from maps and to process voters who object to the municipal designation indicated for them in the Precinct Registry. Sections concerning Watchers and exit Pollsters are amended to include new statutory language concerning penalties for violations of the law and other sections are amended to permit news reporters and photographers limited access inside the voting enclosure on election day.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing. Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #05-51; filed 1-20-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #05-52]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT/EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 3. Special Elections [AMENDED]

Subchapter 5. Municipal Elections [AMENDED]

Subchapter 7. School Elections [AMENDED]

SUMMARY:

The rules in Chapter 40 concern special state and county elections and elections conducted by the County Election Board for municipalities and for school and career technology center districts. The proposed amendments are needed to implement certain provisions of several bills passed by the Legislature in 2004, including SB 1104 and SB 1346, HB 2663, HB 2199, and HB 2311, as well as to extend certain provisions of the federal Help America Vote Act of 2002 (HAVA) to county, school and municipal elections that are not held in conjunction with federal elections.

In Subchapter 3, amendments are proposed to change the dates on which special elections are allowed, in order to conform to statutory changes. New sections are proposed to implement new law concerning special elections to fill vacancies in the legislature that occur when a member is unable to complete his or her term due to term limits. Other sections are amended to include new statutory language that permits some office holders to file for a different office without resigning the first office.

In Subchapter 5, which concerns municipal elections, amendments are proposed to implement provisions of SB1346 which change the filing period and election dates for partisan municipal primary elections; that require all municipal elections, including those held for cities with home rule charters, to be held on statutory election dates identified in 26 OS § 3-101(B); and that require a minimum of 45 days between a primary and general municipal election. New Sections are proposed concerning provisional voting in municipal elections. Other sections that concern the timeline for canvassing election returns and certifying final results are amended to accommodate verification and counting of provisional ballots. Some Sections are amended or new Sections added to include instructions for determining the appropriate municipal designation for a voter registration address and acquiring and using accurate municipal precinct maps. The Street Guide software used for this purpose in OEMS is being upgraded in 2005 to include information on municipal boundaries. Also, the amendment contained in HB 2311 that permits a municipal officer to become a candidate for a state or county office without first resigning the municipal office is reflected in the proposed amendments in Subchapter 5

In Subchapter 7, the amendments contained in HB 2369 concerning the date of the Annual School Election in years

when a Presidential Preferential Primary Election is held in February are reflected in the proposed amendments. Provisional voting requirements imposed by SB 1346 also are reflected in this Subchapter.

AUTHORITY:

Title 26 O.S. Supp. 2004, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 21, 2005. Written comments may be hand-delivered, mailed, or faxed. Comments also may be presented orally during the hearing. Physical Address: State Election Board, State Capitol Building, Room B6, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Fax: State Election Board, Attention: Suzanne Cox, (405) 521-6457.

PUBLIC HEARING:

A public hearing will be held Monday, March 21, 2005, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #05-52; filed 1-20-05]

**TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #05-40]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:1-1-2. [AMENDED]

265:1-1-3. [AMENDED]

SUMMARY:

The proposed revisions to 265:1-1-2 and 265:1-1-3 amend the number of State Fire Marshal Commission member positions from five to seven, redefine the organizations

represented by the members and amend the number of members to constitute a quorum.

AUTHORITY:

74 O.S. § 324.1; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-40; filed 1-19-05]

**TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 3. INDIVIDUAL PROCEDURES**

[OAR Docket #05-41]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Procedures

265:3-3-4. [AMENDED]

SUMMARY:

The proposed revision to 265:3-3-4 inserts language for the evacuation of the occupants of building(s) whenever an officer of the State Fire Marshal Office's determines a threat to life is eminent.

AUTHORITY:

74 O.S. § 317; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-41; filed 1-19-05]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 10. SMOKE DETECTORS

[OAR Docket #05-42]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rationalization

265:10-3-1. [AMENDED]

265:10-3-2. [AMENDED]

265:10-3-3. [AMENDED]

265:10-3-4. [AMENDED]

Subchapter 5. Compliance

265:10-5-1. [AMENDED]

265:10-5-2. [AMENDED]

265:10-5-4. [AMENDED]

265:10-5-5. [AMENDED]

SUMMARY:

The proposed revisions to 265:10-3-1, 265:10-3-2, 265:10-3-3, 265:10-3-4, 265:10-5-1, 265:10-5-2, 265:10-5-4 and 265:10-5-5 amend the language to reference updates of state adopted codes.

AUTHORITY:

74 O.S. § 324.11a; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-42; filed 1-19-05]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 15. PROTECTIVE CLOTHING AND BREATHING APPARATUS [REVOKED]

[OAR Docket #05-43]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]

265:15-1-1. [REVOKED]

265:15-1-2. [REVOKED]

Subchapter 3. [REVOKED]

Subchapter 5. Protective Clothing [REVOKED]

265:15-5-1. [REVOKED]

265:15-5-2. [REVOKED]

265:15-5-3. [REVOKED]

265:15-5-4. [REVOKED]

265:15-5-5. [REVOKED]

265:15-5-6. [REVOKED]

Subchapter 7. Self-Contained Breathing Apparatus (SCBA) [REVOKED]

265:15-7-1. [REVOKED]

265:15-7-2. [REVOKED]

265:15-7-3. [REVOKED]

265:15-7-4. [REVOKED]

265:15-7-5. [REVOKED]

265:15-7-6. [REVOKED]

SUMMARY:

Revoke Chapter 15 in its entirety.

AUTHORITY:

74 O.S. § 324.7, 75 O.S. § 250 et seq.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-43; filed 1-19-05]

**TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 25. ADOPTED NATIONAL CODES AND STANDARDS**

[OAR Docket #05-44]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:25-1-3. [AMENDED]

265:25-1-4. [NEW]

SUMMARY:

The proposed revisions to 264:25-1-3 and 265:25-1-4 amend the language to reference updates of state adopted codes and define occupancy groups.

AUTHORITY:

74 O.S. § 324.11, 75 O.S. § 250 et seq.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-44; filed 1-19-05]

**TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 30. INSPECTION OF RACE TRACKS**

[OAR Docket #05-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:30-1-1. [AMENDED]

SUMMARY:

The proposed revision to 265:30-1-1 amends the term race tracks to horse race tracks.

AUTHORITY:

74 O.S. § 324.7 and 3A § 205.5; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

Notices of Rulemaking Intent

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-45; filed 1-19-05]

**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 35. FIELD CITATIONS**

[OAR Docket #05-46]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:35-1-1. [AMENDED]

SUMMARY:

The proposed revision to 265:35-1-1 amends the language to reference updates of state adopted codes.

AUTHORITY:

74 O.S. § 324.9; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the close of the public hearing on March 17, 2005, at the following address: Jerry Pruner, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 17, 2005, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Jerry Pruner, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #05-46; filed 1-19-05]

**TITLE 268. OKLAHOMA COUNCIL ON
FIREFIGHTER TRAINING [NEW]
CHAPTER 1. AGENCY RULES AND
REGULATIONS**

[OAR Docket #05-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. [NEW]

SUMMARY:

The Administrative Rules for the new Oklahoma Council on Firefighter Training will be proposed for the first time.

AUTHORITY:

Oklahoma Council on Firefighter Training; 74 O.S. §325.1

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 21, 2005, at the following address: Chris Bain, Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 22, 2005 at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by law and may be obtained from the Oklahoma State Firefighters Association Office at the above address beginning March 1, 2005.

CONTACT PERSON:

Chris Bain, Director of Operations, Oklahoma State Firefighters Association, (405) 424-1452.

[OAR Docket #05-65; filed 1-25-05]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 20. PURCHASING POLICY**

[OAR Docket #05-125]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Purchasing Policy [AMENDED]

SUMMARY:

To comply with a change in the Oklahoma statutes, the proposed rules amend the dollar amount from \$25,000.00 to \$50,000.00 for contracts which require approval by the Board of Directors of Grand River Dam Authority (GRDA). The rules are also amended to correct an inconsistency between GRDA's statutes and rules regarding the Oklahoma Surplus Property Act. Further, the rules are amended to clean up an inconsistency in a subchapter of the rules regarding use of

local vendors. Finally, the rules are amended to clean up errors in grammar, punctuation, and sentence structure to make the intent of the rules more clear.

AUTHORITY:

82 § 861A (B) (1); 82 § 863.2 (B); 82 § 874; See Enrolled Senate Bill NO. 377 signed by Governor Brad Henry on June 9th, 2004 amending Section 3, Chapter 459, O.S.L. 2003 (82 O.S. Supp. 2003, Section, 863.2 Part O); Grand River Dam Authority.

COMMENT PERIOD:

Written and oral comments will be accepted February 16, 2005 through March 17, 2005 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, ATT: Michael Kiefner.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and each person must sign in at the door. The public hearing will be held on Friday, March 18, 2005 at 1:00 p.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from February 16, 2005 through March 17, 2005 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, ATT: Michael Kiefner.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Michael Kiefner at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Michael Kiefner, General Counsel, (918) 256-5545

[OAR Docket #05-125; filed 1-26-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 4. CERTIFICATE OF NEED HEARINGS

[OAR Docket #05-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 310:4-1-5. [AMENDED]
- 310:4-1-7.1. [AMENDED]
- 310:4-1-13. [AMENDED]
- 310:4-1-15. [REVOKED]

SUMMARY:

These proposed amendments make the rules consistent with the Long Term Care Certificate of Need Act, Title 63 O.S. Section 1-850 et seq., which was changed pursuant to Enrolled House Bill No. 2723 effective June 4, 2004. The amendments remove provisions that contradict or unnecessarily repeat the new law. Cross-references to sections of rule and law are corrected and updated. Requirements regarding application forms are amended to reflect new exemptions under the law.

Additionally, application review procedures are amended to afford an applicant the opportunity to respond in writing to the Department's report of investigation. Requirements for application forms are modified to ensure that all persons with controlling interest are fully and accurately disclosed, and to ensure that financial information submitted is true, correct and complete.

AUTHORITY:

State Board of Health, 63 O.S. Sections 1-104, 1-850 et seq., and 1-880.1 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to darlene@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, March 17, 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

Notices of Rulemaking Intent

March 17 to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to darlene@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Health Facility 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 February 15, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57267; facsimile: 405-271-7360; email: darlene@health.state.ok.us.

[OAR Docket #05-77; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 205. ALARM INDUSTRY

[OAR Docket #05-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:205-1-2. [AMENDED]

310:205-1-3. [AMENDED]

Subchapter 3. License Requirements

310:205-3-1. [AMENDED]

310:205-3-2. [AMENDED]

310:205-3-3. [AMENDED]

310:205-3-3. [AMENDED]

310:205-3-4. [AMENDED]

310:205-3-7. [AMENDED]

Subchapter 5. Special Provisions

310:205-5-1. [AMENDED]

310:205-5-2. [AMENDED]

Appendix A. Table of Alarm Industry Licensing Requirements [REVOKED]

SUMMARY:

The proposed amendments include revisions and new rule language designed to address various concerns and effect improvement to the qualification of persons licensed to perform work in the alarm industry. The qualification necessary for licensure as a Fire Sprinkler Inspector is

changed. The new rule language governing licensure for Fire Sprinkler Inspectors requires the prospective licensee to submit proof of a Level II certification in Inspection and Testing from the National Institute For Certification in Engineering Technologies. The certification requirements will be raised to a higher standard beginning on July 1, 2005 and then incrementally increased again on July 1, 2007. Adopted references are amended to bring the fire, sprinkler, building, and life safety codes up to the most current standards in the alarm industry.

Changes include provisions that amend the requirements for burglar company managers and fire alarm company managers who will, under the new provisions, be allowed to represent only one burglar or fire alarm company, respectively, in the State of Oklahoma; provisions that amend the licensure application requirements to allow burglar, fire alarm and sprinkler technician to apply for licensure without submitting certification of experience; provisions that amend certification for unlimited fire alarm salespersons allowing them to use new coursework from the National Training School as a basis for licensure; provisions that amend the definition of burglar technician trainees and fire alarm technician trainees to clarify their role in burglar and fire alarm companies; provisions that create a new classification of licensure for sprinkler alarm trainees; provisions that amend the licensing period to clarify that all Alarm Licensing Industry licenses expire on June 30 of each year; provisions that amend the requirements for re-examination to delete the waiting period to re-test; and, provisions that amend the term "fire sprinkler alarm" to "fire sprinkler" to resolve the confusion caused by fire alarms. The foregoing amendments require the addition of the following newly defined terms: "fire sprinkler trainee," "multiple activity office," and "IBC."

Finally, the proposed new rule language amends the uniform tagging requirements by clarifying when a given deficient condition or combination of conditions will warrant a given tag within the adopted tagging system.

AUTHORITY:

Oklahoma State Board of Health; Alarm Industry Act, 59 O.S., Sections 1800.1 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Matt Schue, Investigator, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to matts@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, March 17, 2005 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 17, 2005, to Matt Schue, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to matts@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division at the above address or by electronic mail request to matts@health.state.ok.us

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 15, 2005, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Matt Schue, Oklahoma State Department of Health, (405) 271-9444.Ext 57905

[OAR Docket #05-78; filed 1-25-05]

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 210. BARBER REGULATIONS
BARBERS**

[OAR Docket #05-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 3. Examinations
310:210-3-3. [AMENDED]
- Subchapter 5. Licensing
310:210-5-6. [AMENDED]
- 310:210-5-8. [AMENDED]
- Subchapter 7. General Sanitation
310:210-7-13. [AMENDED]
- Subchapter 9. Barber School and College Requirements
310:210-9-3. [AMENDED]
- 310:210-9-8. [AMENDED]
- 310:210-9-11. [AMENDED]
- Subchapter 11. Barber School or College Management Requirements
310:210-11-6. [REVOKED]
- Appendix B. Barber Instructor Curriculum and Hours [REVOKED]
- Appendix B. Barber Instructor Curriculum and Hours [NEW]

Appendix C. Barber Apprentice Curriculum and Hours [REVOKED]

Appendix C. Barber Apprentice Curriculum and Hours[NEW]

SUMMARY:

Language is proposed to amend the requirements for the barber and barber instructor examination, license renewal, apprentice ratio, number of instructors required in each barber school, and barber school equipment. In Subchapter 3, language is added to require licensed Oklahoma cosmetologists completing a 750-hour study course of barbering techniques as a prerequisite for the barber examination to serve one (1) year as a barber and apply for the barber examination at that time. Barber instructor examination applicants must possess a current barber license and verify four years of experience as a licensed barber, or complete a 600 clock hour instructor's course in no less than four months and verify one year as a licensed barber. Applicants may enroll and begin an instructor course at a licensed barber school upon passing the barber examination. In subchapter 5, language is added to allow barber licenses to be renewed by individuals on active military duty provided individuals can verify their active military status, and their return or discharge from duty within six months of making application. Language has been added to allow a barber to employ two graduate apprentices if no other apprentice is employed in the shop, and to allow a barber apprentice called to active military duty to resume the barber apprenticeship on return from duty, even if another apprentice was acquired during this time. Subchapter 7 adds barber students to the list of individuals unable to proceed with services if head lice are detected. Language is added in Subchapter 9 to clarify the number of instructors required per students enrolled and the number of lavatories required per students enrolled.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S., Section 61.1 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Consumer Health Services staff; or before March 17, 2005, may submit written comments to Ted Evans, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to tede@health.state.ok.us or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 17, 2005 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

Notices of Rulemaking Intent

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 March 17, 2005, to Ted Evans, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to tede@health.state.ok.us.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 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 #05-79; filed 1-25-05]

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

[OAR Docket #05-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. License Classifications and Associated Fees
For Environmental Consumer Health Services
310:250-3-6. [NEW]

SUMMARY:

The revisions to the rule are to implement the mandate of House Bill 2282. The proposal amends Subchapter 3 of the present Fee Schedule For Consumer Health Services in order to institute funding for public bathing place inspection programs and industry education activities. Also included is language authorized in House Bill 2282 that allows the Department to charge a re-inspection fee.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-106.1 and 1-1118 et seq.

COMMENT PERIOD:

February 15, 2005, through March 17, 2005. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Services; or before March 17, 2005, may 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, March 17, 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 March 17, 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 before September 16, 2004, may send electronic mail to tede@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Consumer Health Services at the above address or by electronic mail request to tede@health.state.ok.us

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #05-80; filed 1-25-05]

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

[OAR Docket #05-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:256-1-2. [AMENDED]

SUMMARY:

The proposal extends the seasonal licensing period from 150 days to 180 days. Currently per Chapter 256, Food Service Establishment Regulations, the seasonal food service licensees cannot be open for more than 150 consecutive days, per physical address, per year. The intent is to provide the seasonal food licensee the capability to operate and serve the public for additional operational days. Other changes involve minor corrections to the existing rule language.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-1101 et seq.

COMMENT PERIOD:

February 15, 2005, through, March 17, 2005. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Services; or may before March 17, 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, March 17, 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 March 17, 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.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Consumer Protection Services at the above address or by electronic mail request to tede@health.state.ok.us.

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 15, 2005, and may be obtained for review from Consumer Protection Services of Protective Health Services at the Oklahoma State Department of Health at the above address.

CONTACT PERSON:

Ted Evans, Chief, Consumer Health Services, Protective Health Services, Oklahoma State Department of Health (405) 271-5243

[OAR Docket #05-81; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 276. HOME INSPECTION INDUSTRY

[OAR Docket #05-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:276-1-2. [AMENDED]

Subchapter 5. Requirements, License Fees, License Period, Re-Examination, Display and Insurance

310:276-5-2. [AMENDED]

SUMMARY:

The amendment to Subchapter 1 proposes added language to define professional craftsman. The amendment to Subchapter 5 proposes removing the requirement that subsequent examination failures, after the first failure, will result in a waiting period of at least 90 days. The proposed language will require an applicant who fails an examination for home inspection license to only wait 30 days between each examination.

AUTHORITY:

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

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Consumer Health Services staff; or before March 17, 2005, may submit written comments to Ted Evans, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to tede@health.state.ok.us or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 17, 2005, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 17, 2005, to Ted Evans, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to tede@health.state.ok.us

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2005, beginning February 18, 2004, at the same location listed above for reviewing and obtaining copies of the proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #05-82; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 320. PUBLIC BATHING PLACE ~~OPERATIONAL REGULATIONS PLACES~~

[OAR Docket #05-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Operational Provisions

310:320-3-13. [NEW]

Subchapter 5. Forms and Tables

310:320-5-6. [AMENDED]

SUMMARY:

The revisions to the rule are to implement the mandate of HB 2282. The proposal amends Subchapter 3, Section 3-13 Operational Provisions, and Subchapter 5, Section 5-6 Forms and Tables, of the present Public Bathing Place Regulations in order to institute funding for public bathing place inspection programs and industry education activities. All public bathing places including, but not limited to country clubs, motels/hotels, apartments, workout facilities, homeowner associations (31 units or more), municipalities' pools and water parks will be included in this licensure program. Each operator shall pay an annual fee for licensure to be determined by the State Board of Health. Municipalities with a population of 5,000 or less shall not be charged more than \$50.00. The fee schedule for pools will be inserted into Chapter 250. The proposed rule implements a re-inspection fee, as authorized by House Bill 2282. Also, the proposal involves the addition of language to complete and clarify the application process and the responsibility of the license holder.

AUTHORITY:

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

COMMENT PERIOD:

February 15, 2005, through March 17, 2005. Interested persons may discuss informally the proposed rules with Ted Evans, Chief of Consumer Health Services; or may before March 17, 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, March 17, 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 March 17, 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 February 15, 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 #05-83; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 403. LICENSED BEHAVIORAL PRACTITIONERS

[OAR Docket #05-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Academic Requirements

310:403-13-1. [AMENDED]

310:403-13-2. [AMENDED]

310:403-13-3. [AMENDED]

Subchapter 15. Supervised Experience Requirement

310:403-15-5. [AMENDED]

SUMMARY:

The proposed changes are intended to make the rule consistent with recent amendments to the Licensed Behavioral Practitioner Act in O.S.L. 2004, Chapter 523, Section 15, effective June 9, 2004. In Subchapter 13, deadlines for implementation of certain academic requirements are delayed to January 1, 2008, and the name of the approved accrediting body is amended to "Master's in Psychology Accreditation Council." Additionally, an error that refers to a licensed

behavioral practitioner as an "LPC" is corrected in Subchapter 15.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, Section 1934(A)

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 17, 2005, submit written comment to Nena West, Director, Office of Professional Counselor Licensing, 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, March 17, 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 March 17, 2005 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of Professional Counselor Licensing, 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 February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Nena West, Director, Office of Professional Counselor Licensing, (405) 271-6030

[OAR Docket #05-84; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS

[OAR Docket #05-85]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. Academic Requirements
310:405-9-1. [AMENDED]
- 310:405-9-2. [AMENDED]
- Subchapter 11. Supervised Experience Requirement
310:405-11-4. [AMENDED]
- Subchapter 17. Continuing Education Requirements
310:405-17-2. [AMENDED]

SUMMARY:

The language added to Subchapter 9 and amending 310:405-9-1 increases the number academic elective knowledge areas to 16. The language added to subchapter 9 and amending 310:405-9-2 creates a new academic elective category entitled, "Physical and Emotional Health." The language added to Subchapter 11 and amending 310:405-11-4 establishes a requirement for approved supervisors to complete three hours of continuing education in counseling supervision each renewal period. The language added to Subchapter 17 and amending 310:405-17-2 establishes a requirement for LPCs to include three hours of continuing education in counseling ethics each renewal period and for approved supervisors to include three hours of counseling supervision each renewal period.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, Section 1905(A)

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 17, 2005 submit written comment to Nena West, Director, Office of Professional Counselor Licensing, 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, March 17, 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 March 17, 2005 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

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

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 beginning February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Nena West, Director, Office of Professional Counselor Licensing, (405) 271-6030

[OAR Docket #05-85; filed 1-25-05]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 566. COMPREHENSIVE BREAST
AND CERVICAL CANCER DETECTION
AND TREATMENT**

[OAR Docket #05-86]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]
310:566-1-1. through 310:566-1-7. [NEW]
Subchapter 3. Service Provision [NEW]
310:566-3-1. through 310:566-3-3. [NEW]

SUMMARY:

This rule establishes eligibility criteria of payment for treatment for women with diagnosed breast and/or cervical cancer and breast and cervical pre-cancerous conditions.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S., § 1-502, 56 O.S., §§1010.1 et seq., Ok Session Laws 2004, Chapter 219, as codified at 63 O.S. Supp. 2004, §§ 1-554 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with staff of the Chronic Disease Service, Oklahoma Breast and Cervical Cancer Early Detection Program, or before March 17, 2005, may submit written comment to Charlie Jones, RN, Breast and Cervical Cancer Early Detection Program, 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, March 17, 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 March 17, 2005 to Cheryl M. Jones, RN, Chronic Disease Service, Breast and Cervical Cancer Early Detection Program, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of Chronic Disease Service, Breast and Cervical Cancer Early Detection Program, 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 February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Adeline Yerkes, Chief of Chronic Disease Service or Cheryl M. Jones, RN, Program Coordinator, Comprehensive Breast and Cervical Cancer Early Detection Program, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, Oklahoma, (405) 271-4072

[OAR Docket #05-86; filed 1-25-05]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 620. CERTIFICATE OF NEED
STANDARDS FOR HEALTH CARE FACILITY
ACQUISITIONS**

[OAR Docket #05-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General
310:620-1-3. [REVOKED]
Subchapter 3. Standards
310:620-3-1. [AMENDED]
310:620-3-3. [AMENDED]
310:620-3-4.1. [AMENDED]

SUMMARY:

These proposed amendments make the rules consistent with the Long Term Care Certificate of Need Act, Title 63 O.S. Section 1-850 et seq., which was changed pursuant to Enrolled House Bill No. 2723 effective June 4, 2004. The amendments remove provisions that contradict or unnecessarily repeat the new law. A citation to a section of law is corrected.

Additionally, requirements for proof of an applicant's financial resources are modified to ensure that the financial information submitted is true, correct and complete.

AUTHORITY:

State Board of Health, 63 O.S. Sections 1-104, 1-850 et seq., and 1-880.1 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to darlene@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, March 17, 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 March 17 to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to darlene@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Health Facility 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 February 15, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57267; facsimile: 405-271-7360; email: darlene@health.state.ok.us

[OAR Docket #05-87; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 630. CERTIFICATE OF NEED STANDARDS FOR LICENSED NURSING FACILITY BEDS

[OAR Docket #05-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

310:630-1-3. [AMENDED]

SUMMARY:

These proposed amendments make the rules consistent with the Long Term Care Certificate of Need Act, Title 63 O.S. Section 1-850 et seq., which was changed pursuant to Enrolled House Bill No. 2723 effective June 4, 2004. The amendments remove a provision that contradicts the new law. A citation to a section of law is corrected.

AUTHORITY:

State Board of Health, 63 O.S. Sections 1-104, and 1-850 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to darlene@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, March 17, 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 March 17 to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to darlene@health.state.ok.us.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained for review beginning February 15, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57267; facsimile: 405-271-7360; email: darlene@health.state.ok.us

[OAR Docket #05-88; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 641. EMERGENCY MEDICAL SERVICES

[OAR Docket #05-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 641. Emergency Medical Services [AMENDED]

SUMMARY:

These amendments are offered in order to clarify exceptions to staffing requirements; increase licensure renewal and reinstatement fees; permit the Department to deny new ambulance service licenses to persons and corporations whose licenses have been revoked in the past; clarify staffing exemptions; allow certain allied health personnel to serve as supplemental staff; update equipment requirements, require stretcher aid vans to hold dispatch screening agreements, display a company logo on vehicles and expand their required reporting; clarify medical director licensure requirements; expand sanitation requirements for facilities and vehicles; update correction order requirements; remove the requirement that certain agencies contact the trauma transfer center before transporting; allow voluntary First Response Agency certification inspections and re-inspections to be made at the discretion of the Department; update agency file requirements; update individual licensure and re-licensure requirements; clarify the scope of practice when not under medical supervision; increase reciprocity fees and eliminate "temporary licensure"; expand requirements for training institutions; and make permanent the trauma transfer center certification rules.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104; 63 O.S. Supp. 2000, Section 1-2501 et seq.; 63 O.S. Section 1-106.1

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may discuss informally the proposed rules with

Protective Health Service - Emergency Medical Services staff; or may before March 17, 2005, submit written comment to R. Shawn Rogers, Director, Emergency Medical Services Division, 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, March 17, 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 March 17, 2005 to R. Shawn Rogers, Emergency Medical, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Emergency Medical Services Division, 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 February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

R. Shawn Rogers, Emergency Medical Services, (405) 271-4027

[OAR Docket #05-89; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING

[OAR Docket #05-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Applying for a license

310:663-21-2. [AMENDED]

310:663-21-4. [AMENDED]

SUMMARY:

This proposal provides for assisted living license expirations and renewals to be distributed throughout the year, rather than all renewals coming due on July 31 each year.

This will enable the Department to significantly reduce average response times to applicants for assisted living licenses.

AUTHORITY:

State Board of Health, 63 O.S. Sections 1-104, and 1-890.1 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to darlene@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, March 17, 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 March 17 to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to darlene@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Health Facility 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 February 15, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57267; facsimile: 405-271-7360; email: darlene@health.state.ok.us

[OAR Docket #05-90; filed 1-25-05]

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

[OAR Docket #05-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:667-1-3. [AMENDED]

Subchapter 5. Compliance With Federal, State, and Local Laws

310:667-5-4. [AMENDED]

SUMMARY:

The proposed amendments transfer the responsibility for advising the Commissioner on issues related to the development of functional regional systems of providing twenty-four hour emergency hospital care from the Oklahoma Emergency Response Systems Development Advisory Council (OERSDAC) to the Oklahoma Trauma Systems Improvement and Development Advisory Council (OTSIDAC). The proposed changes clarify language covering circumstances when hospital workers must present their immunization history and, also, update the standards for tuberculin skin testing conducted as part of an overall tuberculosis control program. The changes allow each hospital flexibility to set the frequency of skin testing for various workers based on the results of a facility-specific infection control risk assessment and Centers for Disease Control guidelines.

AUTHORITY:

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

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with staff; or before March 17, 2005, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before March 17, 2005 may send electronic mail to tomw@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, March 17, 2005 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before

Notices of Rulemaking Intent

March 17, 2005 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to tomw@health.state.ok.us

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #05-91; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 669. TRAUMA CARE ASSISTANCE REVOLVING FUND

[OAR Docket #05-92]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310:669-1-2. [AMENDED]
- Subchapter 3. Data Accumulations
310:669-3-1. [AMENDED]
- Subchapter 5. Reports and Financial Statements
310:669-5-1. [AMENDED]
310:669-5-2. [AMENDED]
310:669-5-4. [AMENDED]
- Subchapter 7. Fund Distribution
310:669-7-1. [AMENDED]
310:669-7-2. [AMENDED]

SUMMARY:

The proposed amendments include physicians in the definitions of those entities eligible for reimbursement from the Trauma Care Assistance Revolving Fund ("Fund"). The proposed amendments also identify records required to be maintained and records to be submitted by physicians requesting reimbursement from the fund. Additionally, the proposed amendments increase the number of filing periods required of distribution entities and increase the frequency of disbursements from the Fund. The changes also delete time barriers for entities filing revised data to obtain additional collections from the Trauma Fund. The proposed changes clarify the pro rata disbursements from the Fund to hospitals, ambulance services and physicians.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-2530 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with staff; or before March 17, 2005, may submit written comments to Patrice Greenawalt, Director, Trauma Division, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-4027; or before March 17, 2005 may send electronic mail to patriceg@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, March 17, 2005 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 17, 2005 to Patrice Greenawalt, Trauma Division, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to patriceg@health.state.ok.us

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Patrice Greenawalt, Director, Trauma Division, (405) 271-4027

[OAR Docket #05-92; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 670. JAIL STANDARDS

[OAR Docket #05-93]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310:670-1-2. [AMENDED]
- Subchapter 3. Standards for Lockup Facilities
310:670-3-1. [AMENDED]
- Subchapter 5. Standards for Jail Facilities/Detention Center
310:670-5-1. [AMENDED]
310:670-5-2. [AMENDED]
310:670-5-3. [AMENDED]
310:670-5-4. [AMENDED]
310:670-5-6. [AMENDED]
310:670-5-7. [AMENDED]
310:670-5-8. [AMENDED]
310:670-5-10. [AMENDED]
- Subchapter 7. Standards for Jails Holding Juveniles
310:670-7-1. [AMENDED]

SUMMARY:

The proposal amends Subchapters 1, 3, 5 and 7 of the present Jail Standards governing city and county jails, ten-day lockup facilities, twelve-hour holding facilities and city and county jails that hold juveniles. The changes include new definitions and requirements that accommodate personnel resources within the structure that houses or encompasses a jail facility. New rules accommodate the added definitions and clarify requirements relating to facilities housing twenty (20) prisoners or less, staff training, trusty supervision, health screening, backup assistance, smoking, standardized menu, prepackaged medication, medical appointments for prisoners and also specifies male and female staff must be on duty to provide sensitive functions when both male and female prisoners are housed. These changes are intended to update the requirements relating to jails and to protect the health and safety of jail staff and prisoners.

AUTHORITY:

Oklahoma State Board of Health; 74 O. S. Sections 192-197.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may discuss informally the proposed rules with Protective Health Services staff; or may before March 17, 2005, submit written comment to Ted J. Evans, Chief, Consumer 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, March 17, 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 March 17, 2005 to Ted J. Evans, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to tede@health.state.ok.us

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Jail Inspection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to tede@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2005 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #05-93; filed 1-25-05]

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

[OAR Docket #05-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licenses
310:675-3-5.1. [AMENDED]
- 310:675-3-8. [AMENDED]

SUMMARY:

Requirements for license application forms are modified to ensure that all persons with ownership, operation, management or supervision of the facility are fully and accurately disclosed as required under the Nursing Home Care Act. Notice requirements are modified to ensure that changes affecting disclosures submitted for a facility's ownership, operation, management or supervision are timely and accurately reported to the State Health Department.

AUTHORITY:

State Board of Health, 63 O.S. Section 1-104 and Section 1-1901 et seq.

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 2005, may submit written comments to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th

Notices of Rulemaking Intent

Street, Oklahoma City, OK 73117-1299; or before March 17, 2005, may send electronic mail to darlene@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, March 17, 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 March 17 to Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 17, 2005 may send electronic mail to darlene@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Health Facility 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 February 15, 2005, at the Oklahoma State Department of Health Building, Room 1010, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Darlene Simmons, Director, Health Facility Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57267; facsimile: 405-271-7360; email: darlene@health.state.ok.us

[OAR Docket #05-94; filed 1-25-05]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 677. NURSE AIDE TRAINING AND CERTIFICATION

[OAR Docket #05-95]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:677-1-6. [NEW]

SUMMARY:

This proposal provides for permanent implementation of rules required by 63 O.S. Supp. 2004 Section

1-1950.3(A)(2)(b). The proposed rule is intended to supercede the emergency rule adopted by the State Board of Health on September 16, 2004 and approved by Governor Henry on October 31, 2004.

The proposed rule implements temporary emergency waivers for nursing facilities, continuum of care facilities, adult day care centers, and residential care homes that are unable to meet the nurse aide certification and registration requirements pursuant to 63 O.S. Section 1-1950.3(A). The rules specify requirements relating to eligibility for receipt of the waiver, and the process and conditions for obtaining the waiver.

AUTHORITY:

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Supp. 2004 Section 1-1950.3(A).

COMMENT PERIOD:

February 15, 2005 through March 17, 2005. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 17, 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 March 17, 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, March 17, 2005, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 17, 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 March 17, 2005 may send electronic mail to randyw@health.state.ok.us.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from the Health Resources Development Service, Protective Health Services, Room 1011, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to randyw@health.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2005 at the Oklahoma State Department of Health Building, Room 1011, 1000 Northeast 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, extension 57265; facsimile: 405-271-7360; email: randyw@health.state.ok.us

[OAR Docket #05-95; filed 1-25-05]

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

[OAR Docket #05-69]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. Finance
- Part 8. General Provisions
- 340:2-11-91. [AMENDED]
- Part 13. Electronic Benefit Disbursement [NEW]
- 340:2-11-150. [NEW]
- (Reference APA WF 05-02)

SUMMARY:

Finance Division rules are revised to: (1) move rules regarding child care payments and liquidated damages to a new Section; (2) amend rules regarding child care payments and increase liquidated damages; and (3) reflect current organizational titles.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 250 et. seq. of Title 75 of the Oklahoma Statutes; Section 2-718 of Title 12 A of the Oklahoma Statutes; and Section 213 of Title 15 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2005 through March 17, 2005 during regular business hours by contacting Jody Smith, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3782.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 17, 2005 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing

to Jody Smith at the above address during the period from February 15, 2005 through March 17, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #05-69; filed 1-25-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 40. CHILD CARE SERVICES**

[OAR Docket #05-70]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 13. Child Care Rates and Provider Issues
- 340:40-13-5. [AMENDED]
- Subchapter 15. Overpayments
- 340:40-15-1. [AMENDED]
- (Reference APA WF 04-09 and 05-01)

SUMMARY:

Proposed Child Care Services rules are revised to: (1) change rules regarding when child care contracts are required, the criteria that must be met before a contract can be signed and the notification procedure when a contract is being cancelled; (2) no longer contract with out-of-state child care providers; (3) include current procedures for completing overpayment referrals for clients and providers; and (4) clarify who is responsible for establishing these overpayments, and when overpayments are established against clients and providers.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law (P.L.) 104-193; the Balanced Budget Act of 1997, P.L. 105-33; and 45 Code of Federal Regulations (CFR) Parts 98 and 99.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2005 through March 17, 2005 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 17, 2005 at 5:00 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandy Stewart at the above address during the period from February 15, 2005 through March 17, 2005.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #05-70; filed 1-25-05]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 30. PROTECTION OF LABOR

[OAR Docket #05-135]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Wage Claim Procedures [AMENDED]
- Subchapter 5. Administrative Hearing Procedures [AMENDED]

SUMMARY:

Pursuant to 40 O.S. 197.11, the proposed amendments to Chapter 30 provide for exceptions to the State minimum wage for young/student workers in order to prevent curtailment of opportunities for those workers.

AUTHORITY:

Commissioner of Labor; 40 O.S. 1; 40 O.S. 197.11.

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing March 18, 2005. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor (ODOL) no later than March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Comments: Chapter 30 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 1 p.m. March 18, 2005. Interested persons may present their views orally or in writing at the public hearing. Time will be allocated evenly among those who request to be heard. The public hearing will conclude no later than 2 p.m. March 18, 2005. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 N. Lincoln Blvd., Oklahoma City, Okla.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide to ODOL, within the comment period, with information, in dollar amounts if possible, about the increase in the level of costs, including indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Information mailed by business entities must be received by ODOL by March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Business Comments: Chapter 30 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Requests for copies of the proposed rules may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Copy of Proposed Rules: Chapter 30 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available on or before March 1, 2005. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. All requests to receive the Rule Impact Statement by mail should be in writing and include the complete address of the requestor. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Rule Impact Statement: Chapter 30 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

T.L. Williams, Rules Liaison, (405) 528-1500, Extension 310

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rules, and requests for the Rule Impact Statement, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the item unopened.

[OAR Docket #05-135; filed 1-26-05]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 41. WORKERS COMPENSATION
PREMIUM REDUCTION PROGRAM**

[OAR Docket #05-136]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE(S):

Subchapter 3. Program Certification Procedures
[AMENDED]

SUMMARY:

The proposed amendment increases the percentages in the premium reduction schedule for those entities that attain certification as having successfully completed the Department of Labor's occupational safety and health consultation, education and training program.

AUTHORITY:

Commissioner of Labor; 40 O.S. 1; 36 O.S. 924.2; 40 O.S. 414; 40 O.S. 401 et seq.

COMMENT PERIOD:

Written and oral comments on the proposed rule(s) will be accepted until the conclusion of the public hearing March 18, 2005. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor (ODOL) no later than March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Comments: Chapter 41 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 2 p.m. March 18, 2005. Interested persons may present their views orally or in writing at the public hearing. Time will be allocated evenly among those who request to be heard. The public hearing will conclude no later than 3 p.m. March 18, 2005. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 N. Lincoln Blvd., Oklahoma City, Okla.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule(s) are requested to provide to ODOL, within the comment period,

with information, in dollar amounts if possible, about the increase in the level of costs, including indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rule(s). Information mailed by business entities must be received by ODOL by March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Business Comments: Chapter 41 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULE(S):

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Requests for copies of the proposed rule(s) may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Copy of Proposed Rule(s): Chapter 41 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available on or before March 1, 2005. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. All requests to receive the Rule Impact Statement by mail should be in writing and include the complete address of the requestor. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Rule Impact Statement: Chapter 41 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

T.L. Williams, Rules Liaison, (405) 528-1500, Extension 310

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rule(s), and requests for the Rule Impact Statement, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the item unopened.

[OAR Docket #05-136; filed 1-26-05]

Notices of Rulemaking Intent

TITLE 380. DEPARTMENT OF LABOR CHAPTER 50. ABATEMENT OF FRIABLE ASBESTOS MATERIALS RULES

[OAR Docket #05-137]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE(S):

Chapter 50. Abatement of Friable Asbestos Materials Rules
[AMENDED]

SUMMARY:

The proposed amendments bring the Oklahoma Department of Labor asbestos rules in alignment with and no more stringent than federal standards and ensure consistency with general industry standards.

AUTHORITY:

Commissioner of Labor; 40 O.S. 1, 40 O.S. 450 et seq; 27A O.S. Chapter 1, Articles 1 & 3.

COMMENT PERIOD:

Written and oral comments on the proposed rule(s) will be accepted until the conclusion of the public hearing March 18, 2005. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor (ODOL) no later than March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Comments: Chapter 50 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 4 p.m. March 18, 2005. Interested persons may present their views orally or in writing at the public hearing. Time will be allocated evenly among those who request to be heard. The public hearing will conclude no later than 5 p.m. March 18, 2005. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 N. Lincoln Blvd., Oklahoma City, Okla.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule(s) are requested to provide ODOL, within the comment period, with information, in dollar amounts if possible, about the increase in the level of costs, including indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rule(s). Information mailed by business entities must be received by ODOL by March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Business Comments: Chapter 50 Rules
4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

COPIES OF PROPOSED RULE(S):

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Requests for copies of the proposed rule(s) may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Copy of Proposed Rule(s): Chapter 50 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available on or before March 1, 2005. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. All requests to receive the Rule Impact Statement by mail should be in writing and include the complete address of the requestor. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Rule Impact Statement: Chapter 50 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

T.L. Williams, Rules Liaison, (405) 528-1500, Extension 310

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rule(s), and requests for the Rule Impact Statement, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the item unopened.

[OAR Docket #05-137; filed 1-26-05]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 55. AMUSEMENT RIDE SAFETY RULES

[OAR Docket #05-138]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE(S):

Subchapter 13. Miscellaneous [AMENDED]

SUMMARY:

The proposed amendment clarifies fire protection requirements for inflatable amusement rides.

AUTHORITY:

Commissioner of Labor; 40 O.S. 1; 40 O.S. 460 et seq.

COMMENT PERIOD:

Written and oral comments on the proposed rule(s) will be accepted until the conclusion of the public hearing March 18, 2005. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor (ODOL) no later than March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Comments: Chapter 55 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 3 p.m. March 18, 2005. Interested persons may present their views orally or in writing at the public hearing. Time will be allocated evenly among those who request to be heard. The public hearing will conclude no later than 4 p.m. March 18, 2005. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 N. Lincoln Blvd., Oklahoma City, Okla.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule(s) are requested to provide ODOL, within the comment period, with information, in dollar amounts if possible, about the increase in the level of costs, including indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rule(s). Information mailed by business entities must be received by ODOL by March 18, 2005, and should be addressed as follows:

Oklahoma Department of Labor
Attention: T.L. Williams
Business Comments: Chapter 55 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULE(S):

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Requests for copies of the proposed rule(s) may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Copy of Proposed Rule(s): Chapter 55 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available on or before March 1, 2005. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. All requests to receive the Rule Impact Statement by mail should

be in writing and include the complete address of the requestor. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Attention: T.L. Williams
Rule Impact Statement: Chapter 55 Rules
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

T.L. Williams, Rules Liaison, (405) 528-1500, Extension 310

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rule(s), and requests for the Rule Impact Statement, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the item unopened.

[OAR Docket #05-138; filed 1-26-05]

**TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD
CHAPTER 1. ADMINISTRATIVE RULES OF PROCEDURE**

[OAR Docket #05-67]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

420:1-1-2. Organization [AMENDED]

SUMMARY:

The proposed rule amendment simply brings the rule in line with the statutes and changes the title of Inspector(s) to Safety Code Enforcement Officer(s).

AUTHORITY:

Oklahoma Liquefied Petroleum Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

COMMENT PERIOD:

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, OK 73105-4990. Comments will be accepted between February 15 and March 18, 2005.

PUBLIC HEARING:

A Public Hearing is scheduled for 9:30 a.m., Monday, March 21, 2005, in the Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, Oklahoma. Interested persons may orally present their views or arguments at this time.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458. A \$6.00 charge will be assessed to offset copying charges and the cost of postage.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after February 15, 2005, at the offices of the Oklahoma Liquefied Petroleum Gas Administration. (See address above)

CONTACT PERSON:

For information regarding the proposed rulemaking, contact Mr. W.A. Glass, Administrator, at 405-521-2458.

[OAR Docket #05-67; filed 1-25-05]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION

[OAR Docket #05-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

420:10-1-5. Permits [AMENDED]

420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]

SUMMARY:

The proposed rule amendment to 420:10-1-5 would provide cleanup language that is consistent with existing language currently in the rules, by clarifying that a fee is required upon all first sales, purchases, rentals or uses in this state of LP Gas containers or cylinders.

The proposed rule amendments in 420:10-1-14 would add wording that clarifies when plans must be submitted to the Administrator as they relate to existing LP Gas plumbing systems in public buildings. The proposed amendments would also bring the rules in compliance with the statutes and change the title of Inspector to Safety Code Enforcement Officer. The proposed amendment would delete antiquated language as it pertains to specific Section numbers in the National Fire Protection Association (NFPA) Pamphlet 58. The NFPA Pamphlet 58 is continually being updated and amended, subsequently changing many of its section numbers, which then may not be relevant to a specific Oklahoma rule. The proposed amendments also add language that would allow the Administrator to approve a person, other than a Safety Code Enforcement Officer or approved meter tester, to reseal a broken meter seal.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

COMMENT PERIOD:

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, OK 73105-4990. Comments will be accepted between February 15 and March 18, 2005.

PUBLIC HEARING:

A Public Hearing is scheduled for 9:30 a.m., Monday, March 21, 2005, in the Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, Oklahoma. Interested persons may orally present their views or arguments at this time.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458. A \$6.00 charge will be assessed to offset copying charges and the cost of postage.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after February 15, 2005, at the offices of the Oklahoma Liquefied Petroleum Gas Administration. (See address above)

CONTACT PERSON:

For information regarding the proposed rulemaking, contact Mr. W.A. Glass, Administrator, at 405-521-2458.

[OAR Docket #05-68; filed 1-25-05]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 30. LABELING REQUIREMENTS

[OAR Docket #05-127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:30-1-4. Manner of issuance of prescriptions [AMENDED]

SUMMARY:

The proposed rule amendments would allow a pharmacist to add certain information to the face of a prescription presented to be filled, if the prescribing physician neglects to fill in this information. The specific information a pharmacist could add is the patient's age or address, the practitioner's DEA number, the generic drug name if used. The proposed rule amendments would also allow the prescribing practitioner to fill in the quantity of the drug, if none is indicated, after confirming with the practitioner. The proposed rule amendments would also change from five (5) to thirty (30) days the length of time for which a prescription for a Schedule II drug is valid.

The proposed rule amendments would also allow a facsimile prescription to serve as the original prescription for drugs in Schedules II for patients in a federally certified Hospice program.

AUTHORITY:

63 O.S. §§2-301, 307, and 309.; Oklahoma State Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2005 until March 17, 2005.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Chief Agent John Duncan at (405) 521-2885 no later than 5:00 p.m. on March 17, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDP requests that business entities affected by these proposed amendments provide the OBNDP, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 17, 2005.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2005.

CONTACT PERSON:

Chief Agent John Duncan, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #05-127; filed 1-26-05]

**TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 55. PSEUDOEPHEDRINE CONTROL**

[OAR Docket #05-128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:55-1-1. through 475:55-1-12. [NEW]

SUMMARY:

The proposed rules make permanent the emergency rules approved by the Governor on June 16, 2004 to implement the provisions of House Bill 2176 which became effective April 6, 2004. The proposed rules state the purpose of the new Chapter 55, which is to specify the requirements for pseudoephedrine control in Oklahoma. The proposed rules also set forth the characteristics of products exempt from Schedule V, and define the terms "gel capsule" and "active ingredient" as used in House Bill 2176. The proposed rules also specify that covered products may be sold only in registered pharmacies, and set forth the retail physical security requirements for storing the products and the affirmative duty of some pharmacy employees to guard against theft and diversion. The proposed rules also create a special type of registration for wholesalers storing covered products in Oklahoma for sale in states where the products are not Scheduled Controlled Dangerous Substances. The proposed rules also set forth a list of persons who may lawfully possess covered pseudoephedrine products in the course of their business, and establish a requirement for retailers and distributors to keep and maintain certain records pertaining to the sale of covered products. The proposed rules exempt Schedule V pseudoephedrine products from the routine labeling requirements applicable to other Schedule V substances, and provide that the restriction on any person receiving more than 9 grams in a thirty day period does not apply to any products dispensed pursuant to a valid prescription. The proposed rules also specify the physical security requirements for distributor and warehouse storage of covered products, and establish the criteria and burden of proof to be used by the Oklahoma Bureau of Narcotics and Dangerous Drugs in considering requests to exempt certain products from Schedule V.

AUTHORITY:

63 O.S. §§ 2-212, 2-301, 2-307, and 2-309.; Oklahoma State Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2005 until March 17, 2005.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Chief Agent John Duncan at (405) 521-2885 no later than 5:00 p.m. on March 17, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDP requests that business entities affected by these proposed amendments provide the OBNDP, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John

Notices of Rulemaking Intent

Duncan, at the above address, before the close of the comment period on March 17, 2005.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2005.

CONTACT PERSON:

Chief Agent John Duncan, Oklahoma Bureau of Narcotics and Dangerous Drugs Control (405) 521-2885 or 1-800-522-8031.

[OAR Docket #05-128; filed 1-26-05]

TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-119]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
565:1-1-6. [AMENDED]

SUMMARY:

The proposed rules would amend the address and phone number of the Board administrative offices,

AUTHORITY:

Oklahoma Board of Private Vocational Schools; 70 O.S. §21-107.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 21, 2005 at the following address: Dennis Rea, Oklahoma Board of Private Vocational Schools, 3700 N. Classen Boulevard, Suite 250, Oklahoma City, OK 73118-2864.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Thursday, March 30, 2005 at the following address: 3800 N. Classen Boulevard, Second Floor Conference Room, Oklahoma City, OK 73118. Anyone wishing to orally express their views will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred

by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dennis Rea at the above address before the close of the comment period on March 21, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Boulevard, Suite 250, Oklahoma City, OK 73118

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after February 15, 2005 from the Oklahoma Board of Private Vocational Schools at the above address.

CONTACT PERSON:

Dennis Rea, Director, (405) 528-3370

[OAR Docket #05-119; filed 1-26-05]

TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS CHAPTER 10. LICENSURE AND REGULATION OF PRIVATE VOCATIONAL SCHOOLS AND REPRESENTATIVES

[OAR Docket #05-118]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Requirements for Licensure as Private Vocational School
565:10-3-1. [AMENDED]
Subchapter 5. Fees
565:10-5-1. [AMENDED]
Subchapter 11. School Operation
565:10-11-1. [AMENDED]
Subchapter 19. Penalty
565:10-19-1. [AMENDED]
Subchapter 27. Financial Statements and Financial Stability
565:10-27-1. [AMENDED]

SUMMARY:

The proposed rules would amend requirements for measurement of course length for correspondence or distance learning courses and amend the catalog requirements for addendum and supplements, amend fees and penalties charged by the Board to reflect statutory changes. The rules changes would allow out of state schools to submit additional instructor qualifications and amend requirements for financial statements to require an entry showing total tuition collected by the school.

AUTHORITY:

Oklahoma Board of Private Vocational Schools; 70 O.S. §21-107.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 21, 2005 at the following

address: Dennis Rea, Oklahoma Board of Private Vocational Schools, 3700 N. Classen Boulevard, Suite 250, Oklahoma City, OK 73118-2864.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Thursday, March 30, 2005 at the following address: 3800 N. Classen Boulevard, Second Floor Conference Room, Oklahoma City, OK 73118. Anyone wishing to orally express their views will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dennis Rea at the above address before the close of the comment period on March 21, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Boulevard, Suite 250, Oklahoma City, OK 73118

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after February 15, 2005 from the Oklahoma Board of Private Vocational Schools at the above address.

CONTACT PERSON:

Dennis Rea, Director, (405) 528-3370

[OAR Docket #05-118; filed 1-26-05]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 10. FACILITIES MANAGEMENT**

[OAR Docket #05-141]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Facilities Management [AMENDED]

SUMMARY:

The proposed rule amendments clarify, revise and update information and references pertaining to public use of the State Capitol, Capitol Plaza, State Capitol Park and areas designated for public use.

AUTHORITY:

Department of Central Services; 74 O.S., Section 63

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 18, 2005, at the following address: Gerry Smedley, Department of Central

Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Wednesday, March 18, 2005 at 2:30 p.m. Anyone who wishes to speak must sign in by 2:25 p.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for 25 cents copy charges from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 28, 2005 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, (405) 521-2758

[OAR Docket #05-141; filed 1-26-05]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 15. CENTRAL PURCHASING**

[OAR Docket #05-143]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Central Purchasing [AMENDED]

SUMMARY:

The proposed rule amendments clarify, revise and update information and references pertaining to general provisions of the Purchasing Division of the Department of Central Services. The proposed rule amendments clarify, revise and update information and references that suppliers follow to provide acquisitions to state agencies. The proposed rule amendments clarify, revise and update information and references pertaining to methods state agencies utilize to acquire items and services from suppliers.

AUTHORITY:

Director of the Department of Central Services; 74 O.S., Section 85.5

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 18, 2005, at the following address: Gerry Smedley, Department of Central

Notices of Rulemaking Intent

Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Wednesday, March 18, 2005 at 1:30 p.m. Anyone who wishes to speak must sign in by 1:25 p.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on March 18, 2005, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 28, 2005 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, (405) 521-2758

[OAR Docket #05-143; filed 1-26-05]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 20. CONSTRUCTION AND PROPERTIES

[OAR Docket #05-142]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Construction and Properties [AMENDED]

SUMMARY:

These emergency rules provide information and procedures to effectively and consistently administer requirements necessary for payments on construction contracts as described in the Fair Pay for Construction Act and duties of the Construction and Properties Division prescribed in 61 O.S., Section 204. Provisions to timely address consultant and contractor claims and disputes are included in the

proposed rules along with procedures to ratify an unauthorized commitment by a state agency to a contractor.

AUTHORITY:

Director of the Department of Central Services; 61 O.S., Section 209

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on March 18, 2005, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Wednesday, March 18, 2005 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:25 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on March 17, 2005, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 28, 2005 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison (405) 521-2758

[OAR Docket #05-142; filed 1-26-05]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #05-71]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Organization of the Department of Public Safety

595:1-1-3. Function of each division which deals directly with and affects the public [AMENDED]
Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records
595:1-9-4. Fees established by the Department pursuant to law [AMENDED]

SUMMARY:

Amendments to 595:1-1-3 would update information regarding the Oklahoma Highway Safety Office. Amendments to 595:1-9-4 would amend the fee schedule for Department records to conform to the Open Records Act.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are the clarification of the organization of the agency and updating fees for open records.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 2-108, 2-123, and 6-117.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to 1:00 p.m., Monday, March 28, 2005.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1:00 p.m., Monday, March 28, 2005, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415,

Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-71; filed 1-25-05]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS**

[OAR Docket #05-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 1. Purpose

595:10-1-1. Purpose [AMENDED]

Subchapter 3. Examination

595:10-3-4. Application for examination [AMENDED]

595:10-3-5. Incomplete applications [AMENDED]

595:10-3-7. Knowledge test [AMENDED]

595:10-3-8. Pre-trip inspection of Class A, B, and C commercial vehicles [AMENDED]

595:10-3-9. Skills examination [AMENDED]

Subchapter 5. Medical Aspects

595:10-5-7. Vision standards and problems [AMENDED]

Subchapter 7. Points System

595:10-7-2. Points assessed for conviction [AMENDED]

595:10-7-15. Occupational modifications [AMENDED]

Subchapter 9. Certified Schools and Designated Examiners

595:10-9-5. Requirements for certification as a designated examiner; display of certificate; certification renewal [AMENDED]

SUMMARY:

Amendments to 595:1-1-1 would define the terms "parent" and "guardian" as they apply to this Chapter. Amendments to 595:10-3-4 would update identification requirements for certain persons desiring a hazardous materials endorsement. Amendments to 595:10-3-5 would extend the time period that examination scores for hazardous materials endorsements remain valid. Amendments to 595:10-3-7 and 595:10-3-8 would prohibit cheating on examinations given for driver licenses. Amendments to 595:10-3-9 would modify the list of commercial vehicles which are not acceptable for administering a commercial driving skills examination and would make certain traffic violations committed during the examination an automatic disqualification for a commercial driving skills examination. Amendments to 595:10-5-7 would modify field-of-vision standards to apply to only one eye. Amendments to 595:10-7-2 would add two offenses to the list of offenses for which points are assessed. Amendments to 595:10-7-15 would clarify that occupational modifications for suspended or revoked licensees must comply with state and federal law. Amendments to 595:10-9-5 would require a

Notices of Rulemaking Intent

designated examiner for Class A, B, or C commercial driver licenses to retake the written and driving examinations of the Department every 4 years instead of every 2 years.

The proposed actions are amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules is the need to update the driver license issuance process and to update and refine procedures used to examine applicants.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30 p.m., Monday, March 28, 2005, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person on and after March 5, 2003..

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-72; filed 1-25-05]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #05-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Wrecker License

595:25-3-1. General requirements [AMENDED]

Subchapter 5. All Wrecker Operators

595:25-5-2. Equipment requirements for all vehicles [AMENDED]

595:25-5-3. Operation [AMENDED]

595:25-5-4. Insurance [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements

595:25-9-1. Oklahoma Highway Patrol Rotation Log [AMENDED]

Subchapter 11. Denial, Suspension, Revocation or Cancellation of License; Denial or Removal of Class AA Operators from Rotation Log of the Oklahoma Highway Patrol

595:25-11-3. Procedure [AMENDED]

SUMMARY:

Amendments to 595:25-3-1 would prohibit certain convicted persons from operating wrecker services and would require a 24-hour telephone number to be published in the telephone directory. Amendments to 595:25-5-2 would require certain warning lights to be visible for 360 degrees or to be equipped with separate switches. Amendments to 595:25-5-3 would clarify to whom a stored vehicle may be released. Amendments to 595:25-5-4 would modify insurance coverage requirements. Amendments to 595:25-9-1 would modify procedures for placement on the rotation log. Amendments to 595:25-11-3 would modify procedures for mailing of certain notices to conform to state law.

The proposed actions are amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules are to improve the working environment of the wrecker and towing services as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 952

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 2:30 p.m., Monday, March 28, 2005, in the Conference Room at the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 2:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-73; filed 1-25-05]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 30. SIZE AND WEIGHT PERMITS**

[OAR Docket #05-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 3. Size and Weight Permit Load
- 595:30-3-17. Requirements for escort vehicles and escort vehicle operators [AMENDED]
- 595:30-3-17.1. Certification of operators of escort vehicles for hire [AMENDED]
- 595:30-3-21. Industrialized housing, houses, and buildings [AMENDED]
- 595:30-3-26. Special mobilized machinery [AMENDED]

SUMMARY:

Amendments to 595:30-3-17 and 595:30-3-17.1 would clarify requirements for escort vehicle operators. Amendments

to 595:30-3-21 would update restrictions on the movement of house and buildings. Amendments to 595:30-3-26 would clarify statutory references.

The proposed actions are amendments to existing rules.

The circumstance, other than clarifying language, which created the need for these rules is the passage and approval of EHB 2336 (2004) which modified the restrictions on the movement of houses.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 2-108 and 14-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30 p.m., Tuesday, March 29, 2005, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by law, and may be obtained from the contact person.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-74; filed 1-25-05]

Notices of Rulemaking Intent

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #05-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. Driver Education Instruction
- 595:40-1-15. Requirements for all commercial driver education schools and classrooms [AMENDED]
- 595:40-1-16. Prohibited acts; conduct [AMENDED]

SUMMARY:

Amendments to 595:40-1-15 would remove the requirement that a permanent sign be posted at the school's location. 595:40-1-16 would prohibit use of Department of Public Safety test materials by schools.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to 1:00 p.m., Monday, March 28, 2005.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1:00 p.m., Monday, March 28, 2005, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-75; filed 1-25-05]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 55. SAFETY DEVICES

[OAR Docket #05-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 3. Specifications for Breath Alcohol Ignition Interlock Devices [REVOKED]
- 595:55-3-1. Purpose [REVOKED]
- 595:55-3-2. Definitions [REVOKED]
- 595:55-3-3. Technical requirements [REVOKED]
- 595:55-3-4. Miscellaneous requirements [REVOKED]
- 595:55-3-5. Maintenance and calibration requirements [REVOKED]
- 595:55-3-6. Procedures for approval [REVOKED]
- 595:55-3-7. Approval, denial, and withdrawal of approval [REVOKED]

SUMMARY:

Revocation of this chapter is required pursuant to EHB 2265 (2004) which transferred oversight of ignition interlock devices from the Department of Public Safety to the Board of Tests for Alcohol and Drug Influence.

The proposed actions are revocation existing rules.

The circumstance which created the need for these rules is the passage and approval EHB 2265 (2004) which transferred oversight of ignition interlock devices from the Department of Public Safety to the Board of Tests for Alcohol and Drug Influence.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §2-108.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to 1:00 p.m., Monday, March 28, 2005.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1:00 p.m., Monday, March 28, 2005, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #05-76; filed 1-25-05]

**TITLE 630. SCENIC RIVERS COMMISSION
CHAPTER 10. LICENCING LICENSING
AND USE PERMITS**

[OAR Docket #05-162]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

630:10-1-3. [AMENDED]

630:10-1-4. [AMENDED]

630:10-1-5. [AMENDED]

Subchapter 2. Public Access Areas [AMENDED]

630:10-2-1. [AMENDED]

630:10-2-2. [AMENDED]

630:10-2-4. [AMENDED]

SUMMARY:

The proposed rule amendments would correct inaccuracies in the current rules and clarify certain definitions. The proposed rule amendments would conform rule language with statutory language.

AUTHORITY:

82 O.S., §§ 1451 - 1471; Scenic Rivers Commission

COMMENT PERIOD:

Persons may submit written comments to Ed Fite at P.O. Box 292, Tahlequah, OK 74465-0292 from February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Thursday, March 17, 2005 at the office of the Scenic Rivers Commission, located 2 miles northeast of Tahlequah on State Highway #10. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Ed Fite at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Scenic Rivers Commission's office located 2 miles northeast of Tahlequah on State Highway #10. Copies may also be obtained by written request mailed to the attention of Ed Fite, P.O. Box 292, Tahlequah, OK 74465-0292.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review after February 28, 2005 at the above address for the Scenic River Commission's office.

CONTACT PERSON:

Ed Fite, (918) 456-3251

[OAR Docket #05-162; filed 2-1-05]

**TITLE 630. SCENIC RIVERS COMMISSION
CHAPTER 15. PROTECTION OF NATURAL
RESOURCES**

[OAR Docket #05-163]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

630:15-1-2. [AMENDED]

630:15-1-5. [REVOKED]

630:15-1-6.1. [AMENDED]

630:15-1-10. [AMENDED]

630:15-1-15. [NEW]

SUMMARY:

The proposed rule amendments would correct inaccuracies in the current rules and clarify certain definitions. The proposed rule amendments would conform rule language with statutory language. Adding a prohibition to limit tying flotation devices together while floating.

AUTHORITY:

82 O.S., §§ 1451 - 1471; Scenic Rivers Commission

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons may submit written comments to Ed Fite at P.O. Box 292, Tahlequah, OK 74465-0292 from February 15, 2005 through March 17, 2005.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Thursday, March 17, 2005 at the office of the Scenic Rivers Commission, located 2 miles northeast of Tahlequah on State Highway #10. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Ed Fite at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Scenic Rivers Commission's office located 2 miles northeast of Tahlequah on State Highway #10. Copies may also be obtained by written request mailed to the attention of Ed Fite, P.O. Box 292, Tahlequah, OK 74465-0292.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review after February 28, 2005 at the above address for the Scenic River Commission's office.

CONTACT PERSON:

Ed Fite, (918) 456-3251

[OAR Docket #05-163; filed 2-1-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES

[OAR Docket #05-109]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax

Part 1. General Provisions [NEW]

710:70-2-5. Filing requirements for persons making "delivery sales of cigarettes" [RENUMBERED to 710:70-2-50]

710:70-2-6. Requirements placed on vendors making delivery sales of cigarettes [RENUMBERED to 710:70-2-51]

710:70-2-7. Payment of taxes due on delivery sales of cigarettes [RENUMBERED to 710:70-2-52]

710:70-2-9. Cigarette stamp tax rates [NEW]

710:70-2-10. Discount on cigarette tax stamps purchased [NEW]

Part 3. Delivery Sales [NEW]

710:70-2-50. Filing requirements for persons making "delivery sales of cigarettes" [NEW]

710:70-2-51. Requirements placed on vendors making delivery sales of cigarettes [NEW]

710:70-2-52. Payment of taxes due on delivery sales of cigarettes [NEW]

Subchapter 5. Excise on Tobacco Products

710:70-5-12. Oklahoma tobacco products tax rates [NEW]

Subchapter 7. Cigarette and Tobacco Products Sales by Federally-recognized Indian Tribes and Nations

710:70-7-2. Definitions [NEW]

710:70-7-8. Cigarette stamp tax rates for sales by federally-recognized Indian tribes and nations [NEW]

710:70-7-9. Tobacco products tax rates for sales by federally-recognized Indian tribes and nations [NEW]

Subchapter 9. Reporting Required by the Prevention of Youth Access to Tobacco Act and the Master Settlement Agreement Complementary Act [AMENDED]

710:70-9-1. Purpose [AMENDED]

710:70-9-4. Quarterly escrow installments required from certain nonparticipating manufacturers pursuant to the Master Settlement Agreement Complementary Act [NEW]

SUMMARY:

These proposed new rules implement and administer certain provisions of House Bill 2660 §, of which was approved by a vote of the people (State Question 713) on November 2, 2004. Sections 2 through 11 of the Bill altered the manner in which cigarettes and tobacco products will be taxed in Oklahoma, removing these items from the purview of the Sales Tax Code and levying a new tax under Articles 3 and 4 of Title 68.

The new rules set out the appropriate rates for both non-tribal and for tribal sales under the new law, setting out the various permutations allowed by the compacts and the new statutory provisions. Additionally, the new discount rate for timely reporting and paying the cigarette tax is described. The discount rate applicable for tobacco and tobacco products remains unchanged.

Additionally, the new rules implement Section 360.8(E) of the Master Settlement Agreement Complementary Act, 68 O.S.Supp.2004, §§ 360.1 - 360.8. 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.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 68 O.S.Supp.2004 §§ 360.6(E), 360.8(E)

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 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, **2:00 p.m. March 18, 2005**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after March 1, 2005, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #05-109; filed 1-26-05]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #05-139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

715:1-1-15. [AMENDED]

SUMMARY:

Proposed changes to this rule specify distribution requirements for all TRS benefits, except for those from the TRS tax-sheltered annuity program.

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from February 15, 2005, through March 17, 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 March 18, 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 March 17, 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 and from the Teachers' Retirement System's website (www.trs.state.ok.us).

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,

Notices of Rulemaking Intent

5th Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, beginning February 15, 2005, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. The statement will also be available on the Teacher's Retirement System's website (www.trs.state.ok.us) beginning February 15, 2005.

CONTACT PERSON:

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

[OAR Docket #05-139; filed 1-26-05]

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

[OAR Docket #05-140]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Post-Retirement Employment
715:10-17-14. [NEW]

SUMMARY:

This proposed new rule defines the time period for termination and resumption of benefit payments for Teachers' Retirement System of Oklahoma members who return to work after retirement.

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from February 15, 2005, through March 17, 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 March 18, 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 March 17, 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 and from the Teacher's Retirement System's website (www.trs.state.ok.us).

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 February 15, 2005, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. The statement will also be available on the Teacher's Retirement System's website (www.trs.state.ok.us) beginning February 15, 2005.

CONTACT PERSON:

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

[OAR Docket #05-140; filed 1-26-05]

TITLE 720. STATE TEXTBOOK COMMITTEE CHAPTER 10. TEXTBOOK SELECTION

[OAR Docket #05-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
720:10-1-2. Definitions [AMENDED]

SUMMARY:

The purpose of the rule change is to clarify the timeframe during which materials bid for adoption may be used as pilot programs in Oklahoma schools

AUTHORITY:

Article XIII, section 6 of the Oklahoma Constitution and 70 O.S. - § 16-118; State Textbook Committee

COMMENT PERIOD:

All interested persons are invited to submit data, views, or comments, orally or in writing, in support or opposition to the amendments, by March 17, 2005, to the Instructional Materials section of the State Department of Education, Room 3-12, Oliver Hodge Memorial Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105-4599.

PUBLIC HEARING:

A public hearing has not been scheduled. However, pursuant to 75 O.S., Section 303 (B) (9), "persons may demand

a hearing by contacting Paige Phillips at (405) 521-3343 no later than 4:30 p.m. on March 17, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the State Textbook Committee with information, in dollar amounts if possible, about any 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 Paige Phillips at the above address no later than March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Instructional Materials section of the State Department of Education, Room 3-12, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies may also be obtained by written request mailed to the attention of Paige Phillips, Instructional Materials section of the State Department of Education, Room 3-12, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the amendments will be prepared as required by law, and will be available after February 9, 2005 at the Instructional Materials section of the State Department of Education, Room 3-12, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

CONTACT PERSON:

Paige Phillips, (405) 521-3456

[OAR Docket #05-66; filed 1-25-05]

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

[OAR Docket #05-104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 31. Refunds [AMENDED]
- Part 3. State Parks
 - 725:15-31-10. [AMENDED]
 - 725:15-31-11. [AMENDED]
- Part 5. Golf Courses
 - 725:15-31-20. [AMENDED]
 - 725:15-31-21. [AMENDED]
- Part 7. State Lodges
 - 725:15-31-30. [AMENDED]
 - 725:15-31-31. [AMENDED]

725:15-31-32. [AMENDED]

Part 9. Oklahoma Today Magazine

725:15-31-41. [AMENDED]

SUMMARY:

The proposed amendments change the way customer refunds are processed by the Tourism and Recreation Department. The amendments allow the individual state park, lodge or golf course to issue refunds up to a set amount. The Department's administrative offices in Oklahoma City will still issue certain refunds. The amendments allow the individual facilities to provide more efficient customer service.

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 17, 2005 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m. on Thursday, March 17, 2005 at the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 2:40 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2005 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, Staff Attorney, (405) 521-3287

[OAR Docket #05-104; filed 1-25-05]

Notices of Rulemaking Intent

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

[OAR Docket #05-105]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 4. Public Use and Recreation

725:30-4-10. [AMENDED]

725:30-4-26. [AMENDED]

Subchapter 8. Camping and Day Use

725:30-8-1. [AMENDED]

725:30-8-3. [AMENDED]

Subchapter 12. Reservations and Use of Cabins, Group Camps, Shelters, Reserved/Assigned Camping Facilities, Amphitheaters, Community Building and Meeting Rooms

725:30-12-5. [AMENDED]

Subchapter 24. Golf

725:30-24-1. [AMENDED]

SUMMARY:

The proposed amendments modify the rules regarding the activities of visitors to state parks. The amendments would modify the requirements for bringing horses and other pack animals into state parks. The amendments would also modify swimming areas in the parks. The amendments would modify the rules for camping assignments. The amendments would allow groups to make reservations up to three years in advance if a security deposit is made.

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 17, 2005 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m. on Thursday, March 17, 2005 at the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 10:40 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2005 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, Staff Attorney, (405) 521-3287

[OAR Docket #05-105; filed 1-25-05]

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

[OAR Docket #05-106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Fees, Discounts and Waivers

725:30-6-1. [AMENDED]

SUMMARY:

The proposed amendment allows all visitors 62 years of age and older an exemption from fees. Such visitors would no longer have to prove that their home state would offer Oklahoma citizens a similar exemption. The proposed amendments modify the acceptable means for proving total disability for the purpose of receiving a fee exemption. The proposed amendments establish the method of collection of entrance and day use fees. The proposed amendments would reflect changes in the Oklahoma Statutes. The Oklahoma Tourism and Recreation Commission is authorized by Section 1847.1 of Title 74 of the Oklahoma Statutes to prescribe and collect reasonable fees for the use of facilities and services on property controlled by the Commission

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 17, 2005 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, March 17, 2005 at the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2005 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, Staff Attorney, (405) 521-3287

[OAR Docket #05-106; filed 1-25-05]

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

[OAR Docket #05-107]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 23. Mineral Leases and Operations [NEW]
- 725:30-23-1. Purpose and authority [NEW]
- 725:30-23-2. Examination [NEW]
- 725:30-23-3. Bidding process [NEW]
- 725:30-23-4. Rules and regulations [NEW]
- 725:30-23-5. Damages and fees [NEW]

SUMMARY:

The proposed rules establish a process by which mineral leases located upon Oklahoma Tourism and Recreation Commission property are examined, competitively bid, awarded and leased. The proposed rules require an examination of environmental impact, compatibility, safety,

and financial impact before the Department may issue an invitation to bid on a mineral lease. The proposed rules also address the general management of mineral operations, including the rights and responsibilities of the lessee, once the leases are awarded. The proposed rules establish the means for evaluating damages that occur as a result of the mineral operation. The Oklahoma Tourism and Recreation Commission is authorized to offer for sale, and executed, oil and gas and other mineral leases pursuant to Section 1850 of Title 74 of the Oklahoma Statutes.

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 17, 2005 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 4:00 p.m. on Thursday, March 17, 2005 at the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 4:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2005 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, Staff Attorney, (405) 521-3287

[OAR Docket #05-107; filed 1-25-05]

Notices of Rulemaking Intent

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

[OAR Docket #05-108]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 22. Concessions Leases
725:30-22-8 [NEW]

SUMMARY:

Subchapter 22 defines the process by which concession leases are awarded to private parties. The proposed rule establishes a process for lodging complaints regarding private concessionaires in state parks. The proposed rule grants authority over the concessionaire grievance process to the Director of Parks, Resorts and Golf and the Executive Director of the Oklahoma Tourism and Recreation Department.

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 17, 2005 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Thursday, March 17, 2005 at the Oklahoma Tourism and Recreation Department, 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 1:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 15, 2005 to March 17, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 15 N. Robinson, Suite 100, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 15 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

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

1, 2005 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, Staff Attorney, (405) 521-3287

[OAR Docket #05-108; filed 1-25-05]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 25. HIGHWAY CONTRACTORS

[OAR Docket #05-39]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Contractor Prequalification and Proposals
730:25-3-4. [AMENDED]

SUMMARY:

The proposed language amends the right of the Department of Transportation to suspend or debar a contractor, subcontractor, or approved material supplier if five (5) or more percent of the company or stock is owned by a person suspended or debarred by the United States Department of Transportation or the Oklahoma State Department of Transportation.

AUTHORITY:

Oklahoma Department of Transportation; 69 O.S., §§ 101, 301, 303, and 4006.

COMMENT PERIOD:

Persons may submit written or oral comments to Mike Mayberry at the Oklahoma Department of Transportation, 200 N.E. 21st Street, Room 3A2, Oklahoma City, OK 73105 during the period from February 15, 2005 to March 17, 2005.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., §303(B)(9), "persons may demand a hearing" by contacting Michael E. Mayberry, Assistant Director of Administration, at (405) 522-6000, no later than 4:00 p.m. on March 17, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the Oklahoma Department of Transportation, 200 N.E. 21st Street, Room 3A2, Oklahoma City, OK 73105. Electronic copies may also be obtained by sending a request to: mbrewington@odot.org

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared prior to February 15, 2005 at the same location listed above for obtaining copies.

CONTACT PERSON:

Michael E. Mayberry, Assistant Director - Administration,
(405) 522-6000.

[OAR Docket #05-39; filed 1-18-05]

**TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY**

[OAR Docket #05-129]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 80. Unclaimed Property [AMENDED]

SUMMARY:

These Permanent Rules amend the text of Chapter 80. Unclaimed Property Administration. General reporting requirements for negative reporting will be changed from required to encouraged. A sentence will be added when mineral interest should be reported. A sentence adding statutory citation to the removal of property from safety deposit boxes or safekeeping repositories. Detailed information will be added regarding interest and penalties. Statutory reference will be added to demutualization or reorganization of insurance companies.

AUTHORITY:

State Treasurer; "Uniform Unclaimed Property Act", 60 O.S. § 651 et seq.

COMMENT PERIOD:

Friday, February 16, 2005 to Friday, March 18, 2005.

Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time. Persons wishing to submit written comments must do so no later than **March 18, 2005** at 5:00 p.m.

PUBLIC HEARING:

A public hearing will be held on **Monday, March 21, 2005** at 2:00 p.m. The hearing will be held at the State Treasurer's Unclaimed Property office conference room located at 4545 North Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, 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 Susan Bateman, at the address below, before the close of the comment period on **March 18, 2005.**

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the contact person below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time.

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time, beginning **Tuesday, March 1, 2005.**

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 521-3191.

[OAR Docket #05-129; filed 1-26-05]

Submissions for Review

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

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

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

[OAR Docket #05-62]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 12. Pet Overpopulation Fund [NEW]

SUBMITTED TO GOVERNOR:

January 20, 2005

SUBMITTED TO HOUSE:

January 20, 2005

SUBMITTED TO SENATE:

January 20, 2005

[OAR Docket #05-62; filed 1-24-05]

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

[OAR Docket #05-63]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 29. Fertilizer

Part 3. Liquid, Dry, and Anhydrous Ammonia

35:30-29-37.1. [NEW]

SUBMITTED TO GOVERNOR:

January 20, 2005

SUBMITTED TO HOUSE:

January 20, 2005

SUBMITTED TO SENATE:

January 20, 2005

[OAR Docket #05-63; filed 1-24-05]

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

[OAR Docket #05-64]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 29. Fertilizer

Part 1. General

35:30-29-22. [AMENDED]

Part 3. Liquid, Dry, and Anhydrous Ammonia

35:30-29-37. [AMENDED]

Part 5. Licenses and Complaints

35:30-29-51. [AMENDED]

SUBMITTED TO GOVERNOR:

January 20, 2005

SUBMITTED TO HOUSE:

January 20, 2005

SUBMITTED TO SENATE:

January 20, 2005

[OAR Docket #05-64; filed 1-24-05]

TITLE 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATIONS SERVICES

[OAR Docket #05-130]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. General Provisions

165:55-1-4. Definitions [AMENDED]

Subchapter 3. Certificates, Reports, and Records

Part 1. Certificates Of Convenience and Necessity

165:55-3-1. Certificate of Convenience and Necessity

[AMENDED]

Part 5. Record Requirements

165:55-3-22. Records to be provided to the Commission

[AMENDED]

Subchapter 5. Rates And Tariffs

Part 3. Approval And Notice Requirements

165:55-5-10. Tariff approval and revisions to tariffs

[AMENDED]

165:55-5-10.2. Promotional offerings [AMENDED]

165:55-5-10.3. Customer-specific contracts under ICB

pricing [AMENDED]

165:55-5-11. Type of notices [AMENDED]

Part 7. Miscellaneous Tariff Requirements

165:55-5-34. Data and information on proposed tariff

revisions [AMENDED]

165:55-5-36. Returned Check Charge [NEW]

Part 11. Oklahoma Plan

165:55-5-70. Packaging [AMENDED]

Subchapter 22. Resolution Disputes

Submissions for Review

165:55-22-7. Formal expedited dispute resolution
[AMENDED]

Subchapter 23. Wireless Eligible Telecommunications
Carrier

Part 1. General Provisions

165:55-23-3. Records to be provided to the Commission
[AMENDED]

165:55-23-7. Content of bills [AMENDED]

165:55-23-11. Minimum service standards [AMENDED]

SUBMITTED TO GOVERNOR:

January 21, 2005

SUBMITTED TO HOUSE:

January 21, 2005

SUBMITTED TO SENATE:

January 21, 2005

[OAR Docket #05-130; filed 1-26-05]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #05-120]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Professional Standards:Teacher Education
and Certification

Part 17. Full (Subject Matter) Competencies for Licensure
and Certification

210:20-9-172. [AMENDED]

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-120; filed 1-26-05]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-55]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

235:1-1-1. [AMENDED]

235:1-1-2. [AMENDED]

SUBMITTED TO GOVERNOR:

January 21, 2005

SUBMITTED TO HOUSE:

January 21, 2005

SUBMITTED TO SENATE:

January 21, 2005

[OAR Docket #05-55; filed 1-21-05]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 10. FUNERAL SERVICES LICENSING

[OAR Docket #05-56]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

235:10-1-1. [AMENDED]

235:10-1-2. [AMENDED]

Subchapter 3. Qualifications and Requirements for
Licensure

235:10-3-1. [AMENDED]

235:10-3-2. [AMENDED]

235:10-3-3. [AMENDED]

235:10-3-5. [AMENDED]

235:10-3-6. [REVOKED]

Subchapter 5. Licensing Fees

235:10-5-1. [AMENDED]

Subchapter 7. License Renewal, Revocation, and
Suspension

235:10-7-1. [AMENDED]

235:10-7-2. [AMENDED]

Subchapter 9. Procedures for the Disposition of Complaints

235:10-9-2. [AMENDED]

235:10-9-5. [AMENDED]

235:10-9-9. [AMENDED]

235:10-9-11. [AMENDED]

Subchapter 13. Continuing Education [NEW]

235:10-13-1. [NEW]

235:10-13-3. [NEW]

235:10-13-5-. [NEW]

235:10-13-7. [NEW]

235:10-13-9. [NEW]

Subchapter 15. Advertising

235:10-15-. [AMENDED]

235:10-15-. [REVOKED]

SUBMITTED TO GOVERNOR:

January 21, 2005

SUBMITTED TO HOUSE:

January 21, 2005

SUBMITTED TO SENATE:

January 21, 2005

[OAR Docket #05-56; filed 1-21-05]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #05-115]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. The Board
- 360:1-3-11. [AMENDED]
- 360:1-3-12. [NEW]

SUBMITTED TO GOVERNOR:

January 26, 2005

SUBMITTED TO HOUSE:

January 26, 2005

SUBMITTED TO SENATE:

January 26, 2005

[OAR Docket #05-115; filed 1-26-05]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 10. STATE AND EDUCATION
EMPLOYEES HEALTH, LIFE, AND DENTAL
PLANS**

[OAR Docket #05-116]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 360:10-1-1. [AMENDED]
- 360:10-1-2. [AMENDED]
- Subchapter 3. Administration of Plans
- 360:10-3-2.1. [AMENDED]
- 360:10-3-3.5. [AMENDED]
- 360:10-3-7. [AMENDED]
- 360:10-3-13. [AMENDED]
- 360:10-3-20. [AMENDED]
- 360:10-3-22. [AMENDED]
- 360:10-3-24. [AMENDED]
- 360:10-3-25. [AMENDED]
- 360:10-3-26. [AMENDED]
- 360:10-3-28. [NEW]
- Subchapter 5. Coverage and Limitations
- Part 5. Life Benefits
- 360:10-5-30. [AMENDED]
- 360:10-5-32. [AMENDED]
- 360:10-5-33. [AMENDED]
- Part 11. Medicare Supplement
- 360:10-5-79. [AMENDED]

- Part 13. Coordination of Health and Dental Benefits
- 360:10-5-86. [AMENDED]
- Subchapter 7. Termination of Benefits
- 360:10-7-1. [AMENDED]

SUBMITTED TO GOVERNOR:

January 26, 2005

SUBMITTED TO HOUSE:

January 26, 2005

SUBMITTED TO SENATE:

January 26, 2005

[OAR Docket #05-116; filed 1-26-05]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 15. THE DISABILITY PROGRAM**

[OAR Docket #05-117]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 360:15-1-14. [AMENDED]

SUBMITTED TO GOVERNOR:

January 26, 2005

SUBMITTED TO HOUSE:

January 26, 2005

SUBMITTED TO SENATE:

January 26, 2005

[OAR Docket #05-117; filed 1-26-05]

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

[OAR Docket #05-57]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

- Subchapter 5. Services
- 450:16-5-1. [AMENDED]
- Subchapter 7. Critical Incidents
- 450:16-7-2. [AMENDED]
- 450:16-7-3. [AMENDED]
- Subchapter 11. Safety
- 450:16-11-1. [AMENDED]
- 450:16-11-2. [AMENDED]
- Subchapter 13. Quality Of Life
- 450:16-13-12.2. [AMENDED]

Submissions for Review

450:16-13-16. [AMENDED]
450:16-13-27.1. [AMENDED]
Subchapter 25. Resident Management/General Services
450:16-25-3. [AMENDED]

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-57; filed 1-24-05]

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

[OAR Docket #05-58]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

450:17-19-1. [AMENDED]
Subchapter 21. Staff Development and Training
450:17-21-3. [AMENDED]
Subchapter 23. Facility Environment
450:17-23-1. [AMENDED]

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-58; filed 1-24-05]

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

[OAR Docket #05-59]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-59; filed 1-24-05]

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

[OAR Docket #05-60]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Behavioral Health Case Manager
Certification Application
450:50-3-6. [REVOKED]

Subchapter 5. Behavioral Health Case Manager Certification Training
450:50-5-4. [AMENDED]

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-60; filed 1-24-05]

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

[OAR Docket #05-61]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

SUBMITTED TO GOVERNOR:

January 24, 2005

SUBMITTED TO HOUSE:

January 24, 2005

SUBMITTED TO SENATE:

January 24, 2005

[OAR Docket #05-61; filed 1-24-05]

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

[OAR Docket #05-53]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 550:1-1-1. [AMENDED]
- Subchapter 3. Organization of Board
- 550:1-3-3. [AMENDED]
- 550:1-3-4. [AMENDED]
- Subchapter 5. Petition Procedures
- 550:1-5-2. [AMENDED]
- 550:1-5-5. [AMENDED]
- Subchapter 7. Collections and Disbursements
- 550:1-7-2. [AMENDED]

SUBMITTED TO GOVERNOR:

January 21, 2005

SUBMITTED TO HOUSE:

January 21, 2005

SUBMITTED TO SENATE:

January 21, 2005

[OAR Docket #05-53; filed 1-21-05]

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

[OAR Docket #05-54]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 550:15-1-3. [AMENDED]

SUBMITTED TO GOVERNOR:

January 21, 2005

SUBMITTED TO HOUSE:

January 21, 2005

SUBMITTED TO SENATE:

January 21, 2005

[OAR Docket #05-54; filed 1-21-05]

Submissions for Review

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-36]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 3. Public Policy
- Part 5. Filing and Mailing of Documents
- 710:1-3-30. Timely filing [AMENDED]
- 710:1-3-31. Sender assumes risk of untimeliness of mail [AMENDED]
- 710:1-3-32. ~~Registered or certified mail avoids risk~~ Documentation to avoid risk of untimeliness [AMENDED]
- 710:1-3-33. Designated delivery services [NEW]
- Part 7. Taxpayer Payments
- 710:1-3-46. Partial payment of tax liabilities, allocation to taxes, penalties, interest, service charges, and fees [AMENDED]
- Part 11. Public Records
- 710:1-3-71. Rules of the Oklahoma Tax Commission [AMENDED]
- 710:1-3-72. Decisions of the Oklahoma Tax Commission [AMENDED]
- Part 13. Other Policy Provisions
- 710:1-3-82. Calculation of amount of nonresident contractor bond to be posted [AMENDED]
- Subchapter 5. Practice and Procedure
- Part 3. Description of Administrative Review and Hearings
- 710:1-5-17. Petitions for declaratory rulings [AMENDED]
- Part 5. Administrative Proceedings Related to Tax Protests
- 710:1-5-46. Dismissal of case [AMENDED]
- 710:1-5-49. Survival and abatement of protests [NEW]

SUBMITTED TO GOVERNOR:

January 12, 2005

SUBMITTED TO HOUSE:

January 12, 2005

SUBMITTED TO SENATE:

January 12, 2005

[OAR Docket #05-36; filed 1-12-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 10. AD VALOREM

[OAR Docket #05-110]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. General Provisions

710:10-1-4. Limitation of the fair cash value on homestead property of qualified owners; implementation of Article 10, Section 8C of the Oklahoma Constitution [AMENDED]

Subchapter 3. Equalization Study

Part 5. Authorities and Methodology

710:10-3-63. School funding code compliance [AMENDED]

Subchapter 5. Homestead Exemption

710:10-5-7. Undivided interests in homesteads [AMENDED]

710:10-5-10. Filing an application [AMENDED]

Subchapter 7. Manufacturing Facilities

710:10-7-1. Purpose [AMENDED]

710:10-7-2. Requirements for exemption for qualified manufacturing facilities established, expanded, or acquired, on or before July 1, 2003 [AMENDED]

710:10-7-2.1. Manufacturing facility exemption for facilities which are established, expanded, or acquired on or after January 1, 2000 [AMENDED]

710:10-7-5. Date of qualification; application for exemption [AMENDED]

710:10-7-8. Property ~~engaged~~ used in a manufacturing facility [AMENDED]

710:10-7-10. Examination and inspection of property and records [AMENDED]

710:10-7-11. County assessor to make initial determination of status; examination and valuation of the facility; notice upon rejection [AMENDED]

710:10-7-13. Hearings before County Board of Equalization [AMENDED]

710:10-7-14. Appeal from Board of Equalization to district court [AMENDED]

710:10-7-15. Review; protest; appeal [AMENDED]

710:10-7-16. County recording procedure for assessment and tax rolls [AMENDED]

710:10-7-17. Fair cash value [AMENDED]

710:10-7-24. Assessor's report to Excise Board; abstract of assessment [AMENDED]

710:10-7-25. County claim for reimbursement; funding shortfall [AMENDED]

Subchapter 14. Full Fair Cash Value Exemption for Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate [NEW]

710:10-14-1. General provisions [NEW]

710:10-14-2. [RESERVED]

710:10-14-3. Relationship to other exemptions and programs [NEW]

710:10-14-4. Qualified owner [NEW]

710:10-14-5. Application [NEW]

710:10-14-6. Duties of the assessor [NEW]

710:10-14-7. Right of appeal [NEW]

710:10-14-8. Duration; conditions which terminate the exemption [NEW]

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-110; filed 1-26-05]

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

[OAR Docket #05-111]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 3. Returns and Reports
 - Part 1. General Information
 - 710:50-3-6. Amended returns for individuals [AMENDED]
 - 710:50-3-8. Adjustments by the internal revenue service [AMENDED]
 - Part 7. Other Required Reporting
 - 710:50-3-54. Income tax withholding for pass-through entities [AMENDED]
- Subchapter 9. Refunds
 - 710:50-9-3. Interest on refunds [AMENDED]
 - 710:50-9-7. Refund vouchers void after 90 days [AMENDED]
 - 710:50-9-9. Different spouse refunds [REVOKED]
 - 710:50-9-10. Check-off program [NEW]
- Subchapter 11. Intercept of Refunds
 - 710:50-11-1. Refunds may be intercepted [REVOKED]
 - 710:50-11-2. Notice to taxpayer [REVOKED]
 - 710:50-11-3. Notice of protest [REVOKED]
 - 710:50-11-4. Joint returns intercept [REVOKED]
 - 710:50-11-5. Refunds shall be intercepted [NEW]
 - 710:50-11-6. Tax commission shall have priority over all other agencies or district courts [NEW]
 - 710:50-11-7. Notice to taxpayer [NEW]
 - 710:50-11-8. Post intercept notice [NEW]
 - 710:50-11-9. Joint returns intercept [NEW]
 - 710:50-11-10. Nondebtor spouse protest [NEW]
 - 710:50-11-11. Notification after final determination at hearing [NEW]
 - 710:50-11-12. Debts owed to the internal revenue service [NEW]
- Subchapter 12. Treasury Offset Program [NEW]
 - 710:50-12-1. Purpose [NEW]
 - 710:50-12-2. Definitions [NEW]
 - 710:50-12-3. Address on federal tax return [NEW]
 - 710:50-12-4. Advance notification to debtor [NEW]
 - 710:50-12-5. Post-offset notice [NEW]
 - 710:50-12-6. Offsets on joint returns [NEW]

- 710:50-12-7. Fees paid to top [NEW]
- Subchapter 13. Estimated Tax
 - 710:50-13-10. The return for the taxable year [NEW]
- Subchapter 15. Oklahoma Taxable Income
 - Part 5. Other Adjustments to Income
 - 710:50-15-48. Oklahoma source capital gain subtraction [NEW]
 - 710:50-15-49. Deduction for oklahoma or federal government retirement income [AMENDED]
 - Part 7. Credits Against Tax
 - 710:50-15-86. Small business capital company / oklahoma small business venture credits [AMENDED]
 - 710:50-15-94. Volunteer firefighter credit [NEW]
 - 710:50-15-95. Poultry litter credit [NEW]
 - 710:50-15-96. Sales tax relief credit [NEW]
- Subchapter 17. Oklahoma Taxable Income for Corporations
 - Part 5. Determination of Taxable Corporate Income
 - 710:50-17-51. Adjustments to arrive at oklahoma taxable income for corporations [AMENDED]
- Subchapter 19. Oklahoma Taxable Income for Partnerships
 - 710:50-19-1. Partnership return [AMENDED]
 - 710:50-19-3. Reporting the gain on the sale, exchange, or other disposition of property for which a section 179 expense deduction was passed through to partners or shareholders, or both [NEW]
- Subchapter 21. Oklahoma Taxable Income for Subchapter "S" Corporations
 - 710:50-21-3. Reporting the gain on the sale, exchange, or other disposition of property for which a Section 179 expense deduction was passed through to shareholders [NEW]

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-111; filed 1-26-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 55. MOTOR FUELS**

[OAR Docket #05-37]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. General Provisions
 - 701:55-1-2. Definitions [NEW]
- Subchapter 4. Motor Fuel Tax
 - Part 3. Exemptions and Refunds

Submissions for Review

710:55-4-114. Procedure for perfecting and claiming exemption for sales to certain exempt entities [AMENDED]

710:55-4-119. Diesel fuel used in the fuel supply tank of a motor vehicle used to operate attached equipment, in vehicles while parked off the highways, or in trucks used for transporting certain wastes and used to operate attached equipment or diesel fuel consumed by a vehicle while parked off the highways [AMENDED]

SUBMITTED TO GOVERNOR:

January 12, 2005

SUBMITTED TO HOUSE:

January 12, 2005

SUBMITTED TO SENATE:

January 12, 2005

[OAR Docket #05-37; filed 1-12-05]

**TITLE 730. DEPARTMENT OF
TRANSPORTATION
CHAPTER 25. HIGHWAY CONTRACTORS**

[OAR Docket #05-38]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Contractor Prequalification and Proposals

730:25-3-5. [AMENDED]

730:25-3-6. [AMENDED]

SUBMITTED TO GOVERNOR:

January 18, 2005

SUBMITTED TO HOUSE:

January 18, 2005

SUBMITTED TO SENATE:

January 18, 2005

[OAR Docket #05-38; filed 1-18-05]

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

[OAR Docket #05-35]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Rules of Professional Conduct

775:10-5-30. [AMENDED]

Subchapter 10. Complementary and Alternative Therapy
[NEW]

775:10-10-1. [NEW]

SUBMITTED TO GOVERNOR:

January 12, 2005

SUBMITTED TO HOUSE:

January 12, 2005

SUBMITTED TO SENATE:

January 12, 2005

[OAR Docket #05-35; filed 1-11-05]

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

[OAR Docket #05-34]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Investigations and Disciplinary Actions

775:15-3-7. [AMENDED]

SUBMITTED TO GOVERNOR:

January 12, 2005

SUBMITTED TO HOUSE:

January 12, 2005

SUBMITTED TO SENATE:

January 12, 2005

[OAR Docket #05-34; filed 1-11-05]

Gubernatorial Approvals

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

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

TITLE 165. CORPORATION COMMISSION CHAPTER 35. ELECTRIC UTILITY RULES

[OAR Docket #05-131]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 33. Homeland Security and Critical Infrastructure [NEW]

165:35-33-1. Purpose and scope [NEW]

165:35-33-2. [RESERVED]

165:35-33-3. Definitions [NEW]

165:35-33-4. [RESERVED]

165:35-33-5. Utility Security Plan [NEW]

165:35-33-6. [RESERVED]

165:35-33-7 Reporting requirements [NEW]

165:35-33-8. [RESERVED]

165:35-33-9. Cost recovery [NEW]

165:35-33-10. Commission authorized participation [NEW]

165:35-33-11. Confidentiality [NEW]

GUBERNATORIAL APPROVAL:

January 24, 2005

[OAR Docket #05-131; filed 1-26-05]

TITLE 165. CORPORATION COMMISSION CHAPTER 45. GAS SERVICE UTILITIES

[OAR Docket #05-132]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 21. Homeland Security and Critical Infrastructure [NEW]

165:45-21-1. Purpose and scope [NEW]

165:45-21-2. [RESERVED]

165:45-21-3. Definitions [NEW]

165:45-21-4. [RESERVED]

165:45-21-5. Utility Security Plan [NEW]

165:45-21-6. [RESERVED]

165:45-21-7. Reporting requirements [NEW]

165:45-21-8. [RESERVED]

165:45-21-9. Cost recovery [NEW]

165:45-21-10. Commission authorized participation [NEW]

165:45-21-11. Confidentiality [NEW]

GUBERNATORIAL APPROVAL:

January 24, 2005

[OAR Docket #05-132; filed 1-26-05]

TITLE 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATIONS SERVICES

[OAR Docket #05-133]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 25. Homeland Security and Critical Infrastructure [NEW]

165:55-25-1. Purpose and scope [NEW]

165:55-25-2. [RESERVED]

165:55-25-3. Definitions [NEW]

165:55-25-4. [RESERVED]

165:55-25-5. FBP Security Plan [NEW]

165:55-25-6. [RESERVED]

165:55-25-7. Reporting requirements [NEW]

165:55-25-8. [RESERVED]

165:55-25-9. Cost recovery [NEW]

165:55-25-10. Commission authorized participants [NEW]

165:55-25-11. Confidentiality [NEW]

GUBERNATORIAL APPROVAL:

January 24, 2005

[OAR Docket #05-133; filed 1-26-05]

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 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE

[OAR Docket #05-134]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

Part 1. General

165:5-1-10. Exemption from the Registration of Out of State Attorneys Act [NEW]

AUTHORITY:

Oklahoma Corporation Commission, Article IX, Section 18, Oklahoma Constitution

DATES:

Adoption:

December 20, 2004

Submitted to Governor:

December 21, 2004

Approved by Governor:

January 10, 2005

Effective:

Immediately upon approval of the Governor

Expiration:

Effective through July 1, 2005, unless suspended by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The adoption the Registration of Out-of-State Attorneys Act, 5 O.S. 2004 § 1.1, et seq. ("Act"), on November 1, 2004, required out-of-state attorneys to register with the Oklahoma Bar Association before filing a motion for admission with an Oklahoma tribunal. Several changes to the existing rules, which the Oklahoma Corporation Commission ("Commission") interpreted as necessitating the commencement of the instant rulemaking proceeding on an emergency basis to meet the deadline imposed by the Act of compliance within sixty (60) days of its effective date.

It is also necessary to adopt emergency rules regarding the exemption of attorneys from the Registration of Out-of-State Attorneys Act in order to prevent the disruption of the timely processing of new causes and causes currently pending before the Commission in which an out-of-state attorney has been granted permission to appear Pro Hac Vice. Because the legislature is not in session at the time this rulemaking is filed and will not be in session prior to 60 days from November 1, 2004, when all out-of-state attorneys must be in compliance with the Registration of Out-of-State Attorneys Act, an emergency

rule is needed until such time as the legislature returns to session and the rule can become effective on a permanent basis. Upon adoption of the emergency rule proposed herein, by the Commission, the rule will be submitted to the Governor and the Oklahoma Legislature for gubernatorial approval as an emergency rule and a permanent rule.

ANALYSIS:

The purpose of this rulemaking is to add section OAC 165:5-1-10, titled "Exemption from the Registration of Out of State Attorneys Act", to exempt out-of-state attorneys from complying with 5 O.S. 2004 § 1.1, et seq., which requires out-of-state attorneys appearing before the Oklahoma Corporation Commission to register with the Oklahoma Bar Association.

CONTACT PERSON:

Jennifer Barger, (405) 522-5843.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AS SET FORTH IN 75 O.S. 2001 SECTION 253(D), AND ARE EFFECTIVE IMMEDIATELY UPON APPROVAL OF THE GOVERNOR:

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. GENERAL

165:5-1-10. Exemption from the Registration of Out of State Attorneys Act

(a) Attorneys practicing before the Oklahoma Corporation Commission shall be deemed exempt from the requirements of "Registration of Out-of-State Attorneys Act", 5 O.S. 2004 § 1.1, et seq., when appearing before the Commission.

(b) An attorney who is not a member of the Oklahoma Bar Association shall comply with the requirements of Chapter 1, Appendix 1, Article II, Section 5 of Title 5 of the Oklahoma Statutes, prior to appearing before the Oklahoma Corporation Commission.

[OAR Docket #05-134; filed 1-26-05]

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

1:2005-2.

EXECUTIVE ORDER 2005-2

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in the Office of the Governor by the Constitution of the State of Oklahoma, hereby amend Executive Order 2004-28, which created the Fuel Cell Initiative Task Force.

The Fuel Cell Task Force will be extended from February 1, 2005, until April 1, 2005. The Task Force shall make a final written report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the appropriate committees of the State Senate and the Oklahoma House of Representatives by April 1, 2005. The remainder of Executive Order 2004-28 shall remain in full force and effect.

This Executive Order shall be distributed to the Secretary of Energy 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 26 day of January, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #05-154; filed 1-31-05]

1:2005-3.

EXECUTIVE ORDER 2005-3

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Joint State and local damage assessments have been made in the Town of Waynoka as a result of the severe ice storm that occurred January 4, 2005.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the ice storm in the Town of Waynoka that threatened the lives and property of the people of this State and the peace, health and safety of the public.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. This declaration of emergency shall terminate as provided in 63 O.S. §683.9.

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

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 26 day of January, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #05-155; filed 1-31-05]