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Joint CRIMINAL Justice System Task Force		Oklahoma INDUSTRIAL Finance Authority	355
Committee	190	Oklahoma State and Education Employees Group	
Board of DENTISTRY	195	INSURANCE Board	360
Oklahoma DEVELOPMENT Finance Authority	200		

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 80. STATE AUDITOR AND INSPECTOR CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-205]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The proposed rules would clarify the State Auditor and Inspector's powers and duties with respect to enforcement of the Oklahoma Abstractors Law when violations are discovered during the course of an investigation or inspection.

AUTHORITY:

Oklahoma Abstractors Law; 74 O.S., §227.10 et seq.; State Auditor and Inspector

COMMENT PERIOD:

Written and oral comments will be accepted between the hours of 8:30 a.m. and 4:00 p.m. from March 1, 2005 to March 31, 2005 at the following address: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person must sign in at the door and will be allowed a maximum of five minutes to speak on this proposed rule. The hearing will be held at 10:00 a.m. on Thursday, March 31, 2005 in the Conference Room of the Abstractor Registrar, Room B-16, State Capitol Building, 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 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 March 1, 2005 through March 31, 2005 at the Office of the State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained in person or by mailing a written request to: State Auditor and Inspector,

Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 16, 2005 at the location listed above for obtaining a copy of the proposed rules.

CONTACT PERSON:

J. Tim Arbaugh, Abstractor Registrar, (405) 521-4290

[OAR Docket #05-205; filed 2-9-05]

TITLE 80. STATE AUDITOR AND INSPECTOR CHAPTER 10. ADMINISTRATION OF ABSTRACTORS LAW

[OAR Docket #05-204]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Regulation of Licensees and Certificate/Permit Holders [AMENDED]

SUMMARY:

The proposed rules would clarify the State Auditor and Inspector's authority to enforce the Abstractors Law as it relates to all persons engaged in the business of abstracting, regardless of whether such persons hold an active abstract license, certificate of authority or permit. In addition, the proposed rules would provide guidelines as to what constitutes "untrustworthy or improper, fraudulent, or dishonest activities" as used in 74 O.S., §227.27.

AUTHORITY:

Oklahoma Abstractors Law; 74 O.S., §227.10 et seq.; State Auditor and Inspector

COMMENT PERIOD:

Written and oral comments will be accepted between the hours of 8:30 a.m. and 4:00 p.m. from March 1, 2005 to March 31, 2005 at the following address: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person must sign in at the door and will be allowed a maximum of five minutes to speak on this proposed rule. The hearing will be held at 10:00 a.m. on Thursday, March 31, 2005 in the Conference Room of

Notices of Rulemaking Intent

the Abstractor Registrar, Room B-16, State Capitol Building, 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 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 March 1, 2005 through March 31, 2005 at the Office of the State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained in person or by mailing a written request to: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 16, 2005 at the location listed above for obtaining a copy of the proposed rules.

CONTACT PERSON:

J. Tim Arbaugh, Abstractor Registrar, (405) 521-4290

[OAR Docket #05-204; filed 2-9-05]

TITLE 80. STATE AUDITOR AND INSPECTOR CHAPTER 10. ADMINISTRATION OF ABSTRACTORS LAW

[OAR Docket #05-206]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Regulation of Licensees and Certificate/Permit Holders [AMENDED]

SUMMARY:

The proposed rules would clarify the State Auditor and Inspector's powers and duties with respect to enforcement of the Oklahoma Abstractors Law when violations are discovered during the course of an investigation or inspection.

AUTHORITY:

Oklahoma Abstractors Law; 74 O.S., §227.10 et seq.; State Auditor and Inspector

COMMENT PERIOD:

Written and oral comments will be accepted between the hours of 8:30 a.m. and 4:00 p.m. from March 1, 2005 to March 31, 2005 at the following address: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person must sign in at the door and will be allowed a maximum of five minutes to speak on this proposed rule. The hearing will be held at 10:00 a.m. on Thursday, March 31, 2005 in the Conference Room of the Abstractor Registrar, Room B-16, State Capitol Building, 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 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 March 1, 2005 through March 31, 2005 at the Office of the State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained in person or by mailing a written request to: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 16, 2005 at the location listed above for obtaining a copy of the proposed rules.

CONTACT PERSON:

J. Tim Arbaugh, Abstractor Registrar, (405) 521-4290

[OAR Docket #05-206; filed 2-9-05]

TITLE 80. STATE AUDITOR AND INSPECTOR CHAPTER 10. ADMINISTRATION OF ABSTRACTORS LAW

[OAR Docket #05-207]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Abstractor Licenses, Certificates of Authority, and Permits [AMENDED]

SUMMARY:

The proposed rules would clarify who must hold an abstractors license in light of advancing data processing technology.

AUTHORITY:

Oklahoma Abstractors Law; 74 O.S., §227.10 et seq.; State Auditor and Inspector

COMMENT PERIOD:

Written and oral comments will be accepted between the hours of 8:30 a.m. and 4:00 p.m. from March 1, 2005 to March 31, 2005 at the following address: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person must sign in at the door and will be allowed a maximum of five minutes to speak on this proposed rule. The hearing will be held at 10:00 a.m. on Thursday, March 31, 2005 in the Conference Room of the Abstractor Registrar, Room B-16, State Capitol Building, 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 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 March 1, 2005 through March 31, 2005 at the Office of the State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained in person or by mailing a written request to: State Auditor and Inspector, Office of the Abstractor Registrar, Room B-15, State Capitol Building, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 16, 2005 at the location listed above for obtaining a copy of the proposed rules.

CONTACT PERSON:

J. Tim Arbaugh, Abstractor Registrar, (405) 521-4290

[OAR Docket #05-207; filed 2-9-05]

**TITLE 170. DEPARTMENT OF
CORRECTIONS
CHAPTER 15. PRIVATE PRISON
CONTRACTOR COMPLIANCE
MONITORING**

[OAR Docket #05-203]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
- 170:15-1-1. [AMENDED]
- 170:15-1-2. [AMENDED]
- 170:15-1-3. [AMENDED]

Subchapter 3. Auditing Process

- 170:15-3-1. [AMENDED]
- 170:15-3-2. [AMENDED]
- 170:15-3-3. [AMENDED]
- 170:15-3-5. [AMENDED]
- 170:15-3-6. [NEW]
- 170:15-3-7. [NEW]

Subchapter 5. Appeal of Audit

- 170:15-5-1. [AMENDED]

Subchapter 7. Costs

- 170:15-7-1. [AMENDED]
- 170:15-7-3. [NEW]
- 170:15-7-4. [NEW]
- 170:15-7-5. [NEW]

Subchapter 9. Private Prison Custody [NEW]

- 170:15-9-1. [NEW]
- 170:15-9-2. [NEW]
- 170:15-9-3. [NEW]

Subchapter 11. Private Prison Contract Application [NEW]

- 170:15-11-1. [NEW]
- 170:15-11-2. [NEW]

Subchapter 13. Private Prison Emergency Plans [NEW]

- 170:15-13-1. [NEW]
- 170:15-13-2. [NEW]
- 170:15-13-3. [NEW]

Subchapter 15. Indemnification and Insurance [NEW]

- 170:15-15-1. [NEW]

SUMMARY:

These proposed rule changes have been developed to provide greater detail on private prison oversight and contract monitoring as practiced by the Oklahoma Department of Corrections. These rules establish the procedures and standards for the Oklahoma Department of Corrections to monitor and provide on going evaluation of private prison contractors operating in the state. The purpose of the proposed rule changes is to update the point of contact information and requirements; modify definitions; update the monitoring and compliance process; update standards in use; add statutory requirements; update review and appeal process; add language from statute on federal and out-of-state inmates; update application process; add request for proposal information; adopt emergency plan guidelines; and add indemnification language for contractors.

AUTHORITY:

Oklahoma Department of Corrections (57 O.S. § 563, 563.1-563.3)

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Administrator of Private Prisons, 2901 North Classen Boulevard, Suite 200, Oklahoma City, Oklahoma, 73106, until 11:00 o'clock a.m. on the 31st of March, 2005.

PUBLIC HEARING:

Public hearing will be conducted at the Oklahoma Department of Corrections Private Prisons, 2901 North Classen Boulevard, Suite 200, Oklahoma City, Oklahoma, 73106, at 11:00 o'clock a.m. on the 31st of March, 2005.

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 Dennis Cunningham at the above address during the period from March 1, 2005 to March 30, 2005.

COPIES OF PROPOSED RULES:

Copies of the proposed revised rules may be obtained at Private Prison Administration, 2901 North Classen Boulevard, Suite 200, Oklahoma City, Oklahoma, 73106.

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. Copies may be obtained at the Private Prison Administration offices at the above address.

CONTACT PERSON:

Dennis Cunningham, Administrator, Private Prison Administration, (405) 962-6080.

[OAR Docket #05-203; filed 2-9-05]

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TITLE 170. DEPARTMENT OF CORRECTIONS CHAPTER 35. EMPLOYEE RECRUITMENT REFERRAL INCENTIVE PROGRAM

[OAR Docket #05-202]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 170:35-1-1. [NEW]
- 170:35-1-2. [NEW]
- 170:35-1-3. [NEW]
- 170:35-1-4. [NEW]
- 170:35-1-5. [NEW]
- 170:35-1-6. [NEW]
- 170:35-1-7. [NEW]
- 170:35-1-8. [NEW]
- 170:35-1-9. [NEW]

SUMMARY:

The rules of this chapter will establish the procedures for implementation of the Employee Recruitment Referral Incentive Program (ERRIP). The scope of the rules and regulations of this chapter is to provide standard procedures whereby the Oklahoma Department of Corrections establishes and administers the Employee Recruitment Referral Incentive Program. The Employee Recruitment Referral Incentive Program augments the department's recruitment and retention program by encouraging department employees and retirees, through the provision of incentives, to recruit and retain the best qualified, skilled, and diverse workforce.

AUTHORITY:

Oklahoma Department of Corrections; 57 O.S. § 510(A)(18)

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Administrator of the Human Resources Unit, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400, until 9:00 o'clock a.m. on the 31st of March, 2005.

PUBLIC HEARING:

Public hearing will be conducted at the Hillside Community Corrections Center visiting room at 3300 Martin Luther King Avenue at 9:00 o'clock a.m. on the 31st of March, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed revised rules may be obtained at the Department of Corrections Human Resources Unit, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400.

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. Copies may be obtained at the Human Resources Unit at the above address.

CONTACT PERSON:

Debbie Boyer, Administrator of Human Resources, (405) 425-2844.

[OAR Docket #05-202; filed 2-9-05]

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TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #05-201]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Radiation Machines - Common Requirements
- Part 1. General Provisions
- 252:410-3-3. [AMENDED]
- Appendix A. Fee Schedule for Radiation Management [REVOKED]
- Appendix A. Fee Schedule for Radiation Management [NEW]

SUMMARY:

The proposed amendment to Subchapter 3 revises the fees charged for permit applications and renewal of permits for radiation machines. The new Appendix A sets forth the revised fees.

AUTHORITY:

Environmental Quality Board; 27A O. S. Sections 2-2-101, 2-2-201, and 2-9-104.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rulemaking to the contact person from February 14, 2005 through April 6, 2005. Oral comments may be made at the Radiation Management Advisory Council meeting on April 13, 2005, and at the meeting of the Environmental Quality Board on a date and at a location to be announced.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council on April 13, 2005 at its meeting in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, and before the Environmental Quality Board on a date and at a location to be announced.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPY OF PROPOSED RULE CHANGES:

A copy of the proposed rules may be obtained from the contact person or may viewed on the DEQ web site at www.deq.state.ok.us or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed Rules will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

The contact person is Mike Broderick, who may be reached by calling 405-702-5100, by facsimile at 405-702-5101, or by e-mail at mike.broderick@deq.state.ok.us. The mailing address is Radiation Management Section, Department of Environmental Quality, P. O. Box 1677, Oklahoma City, OK 73101-1677.

[OAR Docket #05-201; filed 2-9-05]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 25. ENTRIES AND DECLARATIONS**

[OAR Docket #05-189]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:25-1-5. Entries [AMENDED]

SUMMARY:

The Board of Stewards at Remington Park has requested that the Commission consider amending this rule to reflect that a Jockey Agent could sign an entry. Currently, the language does not include this jockey representative.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on April 4, 2005.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-189; filed 2-8-05]

Notices of Rulemaking Intent

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 30. CLAIMING RACES

[OAR Docket #05-190]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:30-1-13. Delivery of claimed horse to the test barn
[AMENDED]

SUMMARY:

The Thoroughbred Racing Association of Oklahoma and the Oklahoma Quarter Horse Racing Association requested that the Commission consider amending the rule by requiring that the original Trainer maintain the actual physical custody of the horse until the horse is released from the Test Barn "to avoid the potential for any wrongdoing with regard to administration of a foreign substance and therefore affecting the ability of a trainer to adequately ensure the condition of a horse for which he is unconditionally responsible."

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on April 4, 2005.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-190; filed 2-8-05]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 30. CLAIMING RACES

[OAR Docket #05-191]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:30-1-17. Entry of claimed horse [AMENDED]

SUMMARY:

Through the Board of Stewards at Remington Park, the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma have requested that the Commission consider amending this rule to reflect that a horse claimed in another state would be subject to the eligibility requirements for the claimed horse in effect at the time of the claim in the jurisdiction in which the horse was claimed.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, April 4, 2005, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on April 4, 2005.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-191; filed 2-8-05]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS**

[OAR Docket #05-195]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Continuing Education
435:20-9-2. Continuing education requirements for renewal [AMENDED]

SUMMARY:

The rule regarding continuing education for renewal is being amended to require at least four hours in ethics and jurisprudence each compliance period.

AUTHORITY:

TITLE 59 O.S., Section 887.5, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from March 1, 2005 to April 7, 2005. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on April 14, 2005, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than April 7, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after March 1, 2005 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #05-195; filed 2-9-05]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #05-183]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 7. Individual Proceedings
535:1-7-5. Subpoenas
Subchapter 11. Fees
535:1-11-1. Annual licenses, permits and renewals [AMENDED]
535:1-11-4. Public access, open records

SUMMARY:

This rule revision in 535:1-7-5 corrects the reference to the APA requirements for administrative hearing subpoenas. The revision in 535:1-11-1 (3)(B) sets the hospital drug room at a lower fee than retail pharmacies due to the small, rural, municipal character of these hospitals. The change in 535:1-11-1(12) adds duplicate and multiple copies fees to the fee schedule so the public will clearly be able to see the agencies fees as provided in 59 O.S. Section 353.9 (B) and 353.18 (D).

These rule revisions in 535:1-11-4 replace printed copy with disk or file copy to reflect the lower production costs. Since we no longer receive requests for written copies we are removing that from the fee schedule. The numbering and language cleanup make the rules more clear.

AUTHORITY:

Title 51 O.S. 24A et seq., Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 353.30; and Title 75 O.S., Section 302, 305, 307, and 309; and Title 63 O.S., Sec 2-201, 2-208 and 2-210. Title 51 Sec. 24 A.5(3) and Title 59 O.S. Sec. 353.7(15).

COMMENT PERIOD

Written and oral comments will be accepted until March 31, 2005, at 12:01 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

March 31, 2005, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2005 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #05-183; filed 2-3-05]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; INTERNS, PRECEPTORS AND TRAINING AREAS

[OAR Docket #05-184]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 9. Pharmaceutical Care
535:10-9-3. Intern role in pharmaceutical care
[AMENDED]

SUMMARY:

The rule change makes it clear for registrants and the public that interns are restricted in regards to technicians as referenced in 535:15-7-2(g) and 535:15-5-1.2.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, and 353.24 - 353.26 and 364.

COMMENT PERIOD

Written and oral comments will be accepted until March 31, 2005, at 12:01 p.m. at the Board office at 4545 N Lincoln, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

March 31, 2005, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of

hearing, so that we may allot time fairly and conduct an orderly meeting.

EFFECT ON SMALL BUSINESS

All Board rules affect small businesses dealing with prescription drugs such as pharmacies, hospitals, wholesalers, manufacturers, medical gas suppliers, medical gas distributors and packagers.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on or after March 1, 2005, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #05-184; filed 2-3-05]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 12. UNUSED PRESCRIPTION DRUG PROGRAM FOR OKLAHOMA'S MEDICALLY INDIGENT

[OAR Docket #05-185]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

535:12-1-1. [NEW]
535:12-1-2. [NEW]
535:12-1-3. [NEW]
535:12-1-4. [NEW]
535:12-1-5. [NEW]
535:12-1-6. [NEW]
535:12-1-7. [NEW]
535:12-1-8. [NEW]
535:12-1-9. [NEW]
535:12-1-10. [NEW]
535:12-1-11. [NEW]
535:12-1-12. [NEW]

SUMMARY:

These rules make permanent the emergency rules established January 1, 2005 as required by HB1866 to implement the Utilization of Unused Prescription Medications Act. They include the purpose of the rules, definitions, eligibility to donate, and consultant pharmacist requirements for eligible nursing homes or approved assisted living centers who donate unused prescription medications.

These rules describe the eligible prescriptions drugs (formulary), eligible recipients of donated unused prescription drugs, and protections for participants in the program. These rules describe eligibility / requirements for pharmacies accepting and dispensing such prescription medications. They describe the responsibilities of the pharmacist manager of eligible licensed pharmacies participating in this program.

These rules describe labeling of dispensed drugs under this program and they describe violations of this program.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 363.1 through 363.7.

COMMENT PERIOD

Written and oral comments will be accepted until March 31, 2005, at 12:01 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

March 31, 2005, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2005, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #05-185; filed 2-3-05]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #05-186]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 3. Pharmacies
- 535:15-3-6. [AMENDED]
- 535:15-3-7. [AMENDED]
- 535:15-3-13. [AMENDED]
- 535:15-3-15. [NEW]
- 535:15-3-16. [NEW]
- Subchapter 5. Hospital Pharmacies
- 535:15-5-9. [AMENDED]
- Subchapter 6. Hospital Drug Room Rules
- 535:15-6-6. [AMENDED]

SUMMARY:

The rule change in 535:15-3-6 (2) are to clarify that two versions (computer and book) do not take the place of two separate references. The change in 535:15-3-6 (2) (J) - (L) add three new references to the library choices.

The change in 535:15-3-7 allows for condemnation of stolen drugs when the security of the drugs cannot be established.

The rule 535:15-3-13 regarding the pharmacies responsibility to assure a prescription is legitimate and there is a valid doctor patient relationship and the prescription is for a valid drug have always been implied responsibilities but these rule changes spell it out clearly.

The rule in 535:15-3-15 is clarification requested by our attorney general liaison regarding transmission of prescriptions if other than verbal. The rule in 535:15-3-16 addresses staffing for pharmacists and pharmacies.

The rule in 535:15-5-9 clarifies hospital pharmacies and 535:15-6-6 clarified hospital drug room library requirements regarding laws and rules of the Board and the Oklahoma Bureau of Narcotics.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

COMMENT PERIOD

Written and oral comments will be accepted until March 31, 2005 at 12:01 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

March 31, 2005, at 1:00 p.m. in our office at 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

Notices of Rulemaking Intent

EFFECT ON SMALL BUSINESS

All Board rules affect small businesses dealing with prescription drugs such as pharmacies, hospitals, wholesalers, manufacturers, medical gas suppliers, medical gas distributors and packagers.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on March 1, 2005 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 N. Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #05-186; filed 2-3-05]

Cancelled Hearings/Comment Periods

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

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

TITLE 735. STATE TREASURER CHAPTER 10. SECURITY FOR PUBLIC DEPOSITS

[OAR Docket #05-193]

RULEMAKING ACTION:

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

PROPOSED RULES:

735:10-1-10. [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 22 Ok Reg 324

CANCELLED COMMENT PERIOD:

January 18, 2005 to February 18, 2005

CANCELLED PUBLIC HEARING:

2:00 p.m., February 22, 2005, State Treasurer's Conference Room, 2300 N Lincoln, Room 217, Oklahoma City, OK

ADDITIONAL INFORMATION:

Proposed Rule Change is being withdrawn. For additional information, contact Susan Bateman, (405) 521-3191.

[OAR Docket #05-193; filed 2-9-05]

TITLE 735. STATE TREASURER CHAPTER 20. SECURITY FOR LOCAL PUBLIC ENTITY DEPOSITS

[OAR Docket #05-194]

RULEMAKING ACTION:

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

PROPOSED RULES:

735:20-1-10. [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 22 Ok Reg 324

CANCELLED COMMENT PERIOD:

January 18, 2005 to February 18, 2005

CANCELLED PUBLIC HEARING:

2:00 p.m., February 22, 2005, State Treasurer's Conference Room, 2300 N Lincoln, Room 217, Oklahoma City, OK

ADDITIONAL INFORMATION:

Proposed Rule Change is being withdrawn. For additional information, contact Susan Bateman, (405) 521-3191.

[OAR Docket #05-194; filed 2-9-05]

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 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #05-159]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Contributions

Part 3. Rates

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

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

SUBMITTED GOVERNOR:

February 1, 2005

SUBMITTED TO HOUSE:

February 1, 2005

SUBMITTED TO SENATE:

February 1, 2005

[OAR Docket #05-159; filed 2-1-05]

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

[OAR Docket #05-160]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. General Provisions

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

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

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

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

Subchapter 7. Monitoring

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

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

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

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

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

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

Subchapter 9. Audits

240:21-9-1. Audit requirements [AMENDED]

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

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

Subchapter 11. Grievance Procedure

Part 7. Informal and Formal Resolutions of Grievances

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

SUBMITTED GOVERNOR:

February 1, 2005

SUBMITTED TO HOUSE:

February 1, 2005

SUBMITTED TO SENATE:

February 1, 2005

[OAR Docket #05-160; filed 2-1-05]

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

[OAR Docket #05-192]

RULEMAKING ACTION:

Submission for Gubernatorial/Legislature Review

RULES:

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

318:10-1-7. Temporary Certification [AMENDED]

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

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

SUBMITTED TO GOVERNOR:

February 9, 2005

SUBMITTED TO HOUSE:

February 9, 2005

SUBMITTED TO SENATE:

February 9, 2005

SUBMITTED TO ADVISORY COMMITTEE:

February 9, 2005

[OAR Docket #05-192; filed 2-9-05]

Submissions for Review

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #05-144]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
Part 1. Scope and Applicability
340:75-1-18. through 340:75-1-18.1. [AMENDED]
340:75-1-20. [AMENDED]
340:75-1-22. [AMENDED]
Subchapter 6. Permanency Planning
Part 1. General Provisions
340:75-6-4. [AMENDED]
Part 5. Permanency Planning Services
340:75-6-31. [AMENDED]
340:75-6-31.3. [AMENDED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in ~~Substitute~~ Out-of-Home Care
Part 5. Clothing Purchases and Special Services
340:75-13-45. [AMENDED]
Subchapter 15. Adoptions
Part 14. Post Adoption Services
340:75-15-128.1. [AMENDED]
(Reference APA WF 04-16, 04-17, and 04-18)

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-144; filed 1-27-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #05-145]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 10. Emergency Shelter Care
340:75-10-9. [AMENDED]
Subchapter 12. OKDHS Operated Group Homes
340:75-12-9. [AMENDED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in ~~Substitute~~ Out-of-Home Care
Part 3. Income and Resources ~~to~~ of the Child
340:75-13-25. through 340:75-13-26. [AMENDED]
340:75-13-27. [REVOKED]
340:75-13-28. through 340:75-13-29. [AMENDED]

Part 7. Medical Services
340:75-13-82. [AMENDED]
Subchapter 16. Mental Health Treatment Services
Part 1. Inpatient Mental Health Treatment
340:75-16-32. [AMENDED]
Part 3. Outpatient Behavioral Health Care Services
340:75-16-45. through 340:75-16-46. [AMENDED]
(Reference APA WF 04-21)

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-145; filed 1-27-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #05-146]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Child Protective Services
340:75-3-6. through 340:75-3-6.1. [AMENDED]
340:75-3-8. [AMENDED]
340:75-3-8.6. [AMENDED]
340:75-3-10.1. [AMENDED]
340:75-3-13. [AMENDED]
340:75-3-14. [AMENDED]
Subchapter 4. Family-Centered and Community Services
Part 9. SoonerStart Early Intervention Program
[REVOKED]
340:75-4-120. through 340:75-4-128. [REVOKED]
Subchapter 6. Permanency Planning
Part 5. Permanency Planning Services
340:75-6-30. [AMENDED]
340:75-6-31.4. [AMENDED]
340:75-6-31.5. [NEW]
Part 7. Case Plans
340:75-6-40.4. [AMENDED]
340:75-6-44. [AMENDED]
Part 8. Role of the Child Welfare Worker
340:75-6-48. [AMENDED]
Part 11. Permanency Planning and Placement Services
340:75-6-92. [AMENDED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in ~~Substitute~~ Out-of-Home Care
Part 7. Medical Services
340:75-13-60. [REVOKED]
340:75-13-61. through 340:75-13-64. [AMENDED]
340:75-13-75. [AMENDED]

340:75-13-80. [AMENDED]
Subchapter 19. Working with Indian Children
340:75-19-9. [AMENDED]
(Reference APA WF 04-24)

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-146; filed 1-27-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #05-147]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 5. Area Agencies on Aging

340:105-10-43. [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-72. [AMENDED]

Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects

340:105-10-101. [AMENDED]

340:105-10-117. [AMENDED]

340:105-10-118. through 340:105-10-119. [REVOKED]

340:105-10-120. through 340:105-10-122. [AMENDED]

(Reference APA WF 04-13)

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-147; filed 1-27-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #05-148]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 1. Introduction

340:105-10-3. [AMENDED]

Part 5. Area Agencies on Aging

340:105-10-41. [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-50.1. through 340:105-10-51. [AMENDED]

340:105-10-61. [AMENDED]

340:105-10-85. [AMENDED]

340:105-10-89. [AMENDED]

340:105-10-90.1. through 340:105-10-91. [AMENDED]

340:105-10-94. [REVOKED]

Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III ~~Projects~~ projects

340:105-10-105.1. through 340:105-10-110.1. [AMENDED]

340:105-10-112. through 340:105-10-113. [AMENDED]

(Reference APA WF 04-26)

SUBMITTED TO GOVERNOR:

January 25, 2005

SUBMITTED TO HOUSE:

January 25, 2005

SUBMITTED TO SENATE:

January 25, 2005

[OAR Docket #05-148; filed 1-27-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #05-149]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Licensing Standards for Child Care Facilities

Part 1. Requirements for Child Care Centers

340:110-3-29. [AMENDED]

Part 2. Requirements for Part-Day Children's Programs

340:110-3-49.5. [AMENDED]

Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes

340:110-3-86. through 340:110-3-87. [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-154.5. [AMENDED]

340:110-3-163. [AMENDED]

Part 14. Requirements for School-Age Programs

340:110-3-239. [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 5. Requirements for Foster Family Homes

340:110-5-57. [AMENDED]

Submissions for Review

(Reference APA WF 04-11 and 04-12)

SUBMITTED TO GOVERNOR:

January 25, 2005

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[OAR Docket #05-149; filed 1-27-05]

**TITLE 422. OKLAHOMA LIQUEFIED
PETROLEUM GAS RESEARCH,
MARKETING AND SAFETY COMMISSION
CHAPTER 15. ASSESSMENT
ENFORCEMENT AND COLLECTION**

[OAR Docket #05-151]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Purpose and Definitions [NEW]

422:15-1-1. [NEW]

422:15-1-2. [NEW]

Subchapter 3. Audits and Investigations [NEW]

422:15-3-1. [NEW]

422:15-3-2. [NEW]

Subchapter 5. Assessment Hearings [NEW]

422:15-5-1. through 422:15-5-6. [NEW]

SUBMITTED TO GOVERNOR:

January 28, 2005

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January 28, 2005

[OAR Docket #05-151; filed 1-28-05]

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

[OAR Docket #05-174]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

435:1-1-7. Fees [AMENDED]

SUBMITTED TO GOVERNOR:

February 1, 2005

SUBMITTED TO HOUSE:

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SUBMITTED TO SENATE:

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[OAR Docket #05-174; filed 2-3-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

[OAR Docket #05-175]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Investigations and Hearings

435:3-3-12. ~~Board advisor Rulings upon evidence and objections~~ [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-175; filed 2-3-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 5. DISCIPLINARY ACTIONS**

[OAR Docket #05-176]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

435:5-1-5.2. Suspension/revocation upon conviction of a felony [NEW]

435:5-1-6. Reinstatement [AMENDED]

435:5-1-6.1. Reinstatement requirements [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-176; filed 2-3-05]

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

[OAR Docket #05-177]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

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

435:10-4-4. Application procedure [AMENDED]

435:10-4-5. Additional requirements for foreign applicants
[AMENDED]

Subchapter 11. Temporary and Special Licensure

435:10-11-3. Procedure for special licensure [AMENDED]

435:10-11-3.1. Special license for first-year post-graduate
training [AMENDED]

435:10-11-4. Fees [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-177; filed 2-3-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 15. PHYSICIAN ASSISTANTS**

[OAR Docket #05-178]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 11. Prescriptive Guidelines and Drug
Formulary

435:15-11-2. Drug formulary [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-178; filed 2-3-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 50. LICENSED PEDORTHISTS**

[OAR Docket #05-179]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 7. Regulation of Practice

435:50-7-1.1. Administrative fines [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-179; filed 2-3-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 55. LICENSED ORTHOTISTS
AND PROSTHETISTS AND REGISTERED
TECHNICIANS AND ASSISTANTS**

[OAR Docket #05-180]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 7. Regulation of Practice

435:55-7-2.1. Administrative fines [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-180; filed 2-3-05]

**TITLE 485. OKLAHOMA BOARD OF
NURSING
CHAPTER 10. LICENSURE OF PRACTICAL
AND REGISTERED NURSES**

[OAR Docket #05-157]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

485:10-1-3. [AMENDED]

Submissions for Review

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-157; filed 2-1-05]

**TITLE 485. OKLAHOMA BOARD OF
NURSING
CHAPTER 10. LICENSURE OF PRACTICAL
AND REGISTERED NURSES**

[OAR Docket #05-158]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Regulations for Approved Nursing
Education Programs

485:10-3-2. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing
Education Programs

485:10-5-2. [AMENDED]

485:10-5-3.2. [AMENDED]

485:10-5-7. [AMENDED]

485:10-5-11. [REVOKED]

485:10-5-12. [NEW]

Subchapter 7. Requirements for Registration and Licensure
as a Registered Nurse

485:10-7-1. [AMENDED]

485:10-7-2. [AMENDED]

485:10-7-3. [AMENDED]

485:10-7-4. [AMENDED]

485:10-7-5. [AMENDED]

Subchapter 9. Requirements for Registration and Licensure
as a Licensed Practical Nurse

485:10-9-1. [AMENDED]

485:10-9-2. [AMENDED]

485:10-9-3. [AMENDED]

485:10-9-4. [AMENDED]

485:10-9-5. [AMENDED]

Subchapter 15. Requirements for Practice as an Advanced
Practice Nurse

485:10-15-7. [AMENDED]

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[OAR Docket #05-158; filed 2-1-05]

**TITLE 575. STATE BOARD OF EXAMINERS
OF PSYCHOLOGISTS
CHAPTER 1. ORGANIZATION OF BOARD
AND PROCEDURES FOR HANDLING
COMPLAINTS**

[OAR Docket #05-150A]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

575:1-1-4. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-150A; filed 1-27-05]

**TITLE 575. STATE BOARD OF EXAMINERS
OF PSYCHOLOGISTS
CHAPTER 10. LICENSURE OF
PSYCHOLOGISTS**

[OAR Docket #05-150]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

575:10-1-4. [AMENDED]

575:10-1-6. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-150; filed 1-27-05]

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

[OAR Docket #05-166]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 11. Importation of Livestock, Poultry, and Pets

Part 1. General

35:15-11-1. [AMENDED]

Part 7. Livestock

35:15-11-16. [REVOKED]

Subchapter 40. Bovine Tuberculosis

Part 3. Rules Adopted from USDA Uniform Methods and

Rules for Bovine Tuberculosis Eradication

35:15-40-49.1. [NEW]

Part 7. ~~International~~ Import Requirements [AMENDED]

35:15-40-90. [NEW]

35:15-40-91. [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-166; filed 2-2-05]

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

[OAR Docket #05-167]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

[NEW]

35:30-17-13. [NEW]

35:30-17-13.1. [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-167; filed 2-2-05]

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

[OAR Docket #05-168]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Combined Pesticide

Part 9. Minimum Standards for Contracts and Keeping of Records

35:30-17-21. [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-168; filed 2-2-05]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 100. COMMUNITY EXPANSION OF NUTRITION ASSISTANCE

[OAR Docket #05-188]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

150:100-1-1. Purpose and Scope [NEW]

150:100-1-2. Definitions [NEW]

150:100-1-3. Funding [NEW]

150:100-1-4. Application process [NEW]

GUBERNATORIAL APPROVAL:

February 1, 2005

[OAR Docket #05-188; filed 2-7-05]

TITLE 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATIONS SERVICES

[OAR Docket #05-187]

RULEMAKING ACTION:

Gubernatorial approval

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
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]

GUBERNATORIAL APPROVAL:

February 1, 2005

[OAR Docket #05-187; filed 2-4-05]

**TITLE 600. REAL ESTATE APPRAISER BOARD
CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS**

[OAR Docket #05-152]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

600:10-1-2. Definitions [AMENDED]
600:10-1-4. Examination [AMENDED]
600:10-1-16. Supervision of trainee appraisers [AMENDED]

GUBERNATORIAL APPROVAL:

January 24, 2005

[OAR Docket #05-152; filed 1-31-05]

**TITLE 600. REAL ESTATE APPRAISER BOARD
CHAPTER 15. DISCIPLINARY PROCEDURES**

[OAR Docket #05-153]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

600:15-1-2. Definitions [AMENDED]
600:15-1-4. ~~Complaint~~Grievance ~~process~~ procedure [AMENDED]
600:15-1-5. Issuance of formal complaint: setting date for formal hearing [AMENDED]
600:15-1-6. Notice of disciplinary proceedings [AMENDED]

GUBERNATORIAL APPROVAL:

January 24, 2005

[OAR Docket #05-153; filed 1-31-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 20. ALCOHOL, MIXED BEVERAGES, AND LOW-POINT BEER**

[OAR Docket #05-169]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 2. Low-Point Beer
Part 1. General Provisions
710:20-2-6. Annual state permits and license taxes [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-169; filed 2-3-05]

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

[OAR Docket #05-170]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 3. Dealers
710:22-3-1. Boats or motors in dealer's possession; demonstration permits; contest participation [AMENDED]

Subchapter 5. Procedures for Registration

710:22-5-8. Registration fees [AMENDED]
710:22-5-9. Registration decals [AMENDED]
GUBERNATORIAL APPROVAL:
January 28, 2005

[OAR Docket #05-170; filed 2-3-05]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 23. CHARITY GAMES TAX**

[OAR Docket #05-196]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- 710:23-1-2. Definitions [AMENDED]
- 710:23-1-4. Distributor operations and reporting [AMENDED]
- 710:23-1-8. Limited exemptions [AMENDED]

GUBERNATORIAL APPROVAL:

February 7, 2005

[OAR Docket #05-196; filed 2-9-05]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 45. GROSS PRODUCTION,
PETROLEUM EXCISE, AND
CONSERVATION EXCISE**

[OAR Docket #05-171]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 1. General Provisions
- 710:45-1-3. Security required [AMENDED]
- Subchapter 3. Payment; Remittance; Refunds
- 710:45-3-1. Due dates for timely payment or remittance of taxes [AMENDED]
- Subchapter 5. Required Returns and Reports
- 710:45-5-3. Timely filing monthly production reports [AMENDED]
- Subchapter 15. Reclaimers and Reclaiming Operations
- 710:45-15-6. Reports and payment; due dates for reclaimers [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-171; filed 2-3-05]

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

[OAR Docket #05-172]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 1. General Provisions
- 710:60-1-3. Confidentiality of motor vehicle information [AMENDED]
- Subchapter 3. Registration and Licensing
- Part 1. General Provisions
- 710:60-3-11. Determining number of years registered [AMENDED]
- 710:60-3-17. Liability insurance [AMENDED]
- 710:60-3-20. Display of vehicle license plates [AMENDED]
- 710:60-3-21. Lost, stolen or mutilated tags and decals [AMENDED]
- 710:60-3-22. Charitable organization vehicle registration [AMENDED]
- Part 5. Dealers
- 710:60-3-54. Used vehicle dealer's registration policy [AMENDED]
- Part 9. Commercial Vehicles
- 710:60-3-92. Additional display requirements [AMENDED]
- 710:60-3-98. Prorated vehicles [REVOKED]
- Part 11. Other Vehicles
- 710:60-3-114. Fractionation tanks (frac tanks) not eligible for registration [AMENDED]
- Part 13. Manufactured Homes
- 710:60-3-133. Cancellation of manufactured home title [AMENDED]
- Part 15. Special License Plates
- 710:60-3-150. Special license plates, general provisions [AMENDED]
- 710:60-3-151. Personalized license plates [AMENDED]
- 710:60-3-152. Motorcycle personalized license plates [AMENDED]
- 710:60-3-160. Antique or classic vehicles [AMENDED]
- 710:60-3-162. Disabled American Veteran (DAV) plates and rate [AMENDED]
- 710:60-3-168. Indian tribal license plates [AMENDED]
- 710:60-3-169. Physically disabled registration rate [AMENDED]
- 710:60-3-170. Physically disabled persons [AMENDED]
- Part 17. Special Permits
- 710:60-3-202. Special mobilized machinery [AMENDED]
- Subchapter 5. Motor Vehicle Titles
- Part 1. General Provisions
- 710:60-5-1. Certificate of title required [AMENDED]
- 710:60-5-4. ~~Title in more than one person~~ Multiple owners [AMENDED]

Gubernatorial Approvals

710:60-5-7. Vehicle title records research [NEW]
Part 5. Certificates of Title
710:60-5-60. Vehicles purchased by foreign buyers pursuant to the Automotive Dismantlers and Part Recycler Act [NEW]
Part 11. Liens
710:60-5-111. Perfecting liens [AMENDED]
710:60-5-113. Lienholder notification [AMENDED]
710:60-5-115. Recording liens on certificates of title [AMENDED]
710:60-5-116. Mechanics' liens under Title 42 of the Oklahoma Statutes [AMENDED]
Subchapter 7. Motor Vehicle Excise Tax
710:60-7-4. Excise tax on heavy-weight trucks and commercial trailers [AMENDED]
Subchapter 9. Motor Vehicle License Agents/Agencies
Part 11. Agency Operation
710:60-9-116. Motor license agent training and continuing education [AMENDED]
710:60-9-120. Summary of operational requirements [AMENDED]
Part 13. Special Provisions for Application, Qualification, Appointment, and Agency Operation Applicable to Certain Motor License Agents and Agencies
710:60-9-134. Motor license agency location, staffing, equipment, office space, parking, and hours [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2005

[OAR Docket #05-172; filed 2-3-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX

[OAR Docket #05-197]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions
710:65-1-2. Definitions [AMENDED]
710:65-1-7. Consumer/user defined; specific applications [AMENDED]
710:65-1-11. Rentals and leases of tangible personal property [AMENDED]
Subchapter 3. Reports and Returns; Payments and Penalties; Records
Part 1. General Provisions
710:65-3-4. Contents of monthly sales report [AMENDED]
710:65-3-9. Final sales tax return when business is discontinued [AMENDED]
Subchapter 7. Duties and Liabilities

710:65-7-13. Vendors' responsibility - sales to contractors [AMENDED]
710:65-7-15. Vendors' responsibility - sales to entities with other specific statutory exemptions [AMENDED]
Subchapter 9. Permits
710:65-9-8. Special event permits and reporting [AMENDED]
Subchapter 13. Sales and Use Tax Exemptions
Part 5.—~~Aircraft; Boats and Motors; Motor Vehicles Items Subject to Other Taxes~~ [AMENDED]
710:65-13-30. Exemption for ~~airplanes, boats, boat motors, and motor vehicles, including low speed electrical vehicles; excise tax in lieu of sales tax the sale of tangible personal property subject to other taxes~~ [AMENDED]
Part 7. ~~Churches, and Charitable, Civic, and Social Organizations and Activities~~ [AMENDED]
710:65-13-34. Exemption for qualified museums [RENUMBERED to 710:65-13-334]
710:65-13-35. Limited exemption for organizations which sponsor and promote educational, charitable, and cultural events for disadvantaged children [AMENDED and RENUMBERED to 710:65-13-335]
710:65-13-36. Exemption for Disabled American Veterans, Department of Oklahoma, Inc. and subordinate chapters [RENUMBERED to 710:65-13-336]
710:65-13-37. Qualifications for "Meals on Wheels" exemption [RENUMBERED to 710:65-13-337]
710:65-13-38. Qualifications for "Older Americans Act" exemption [RENUMBERED to 710:65-13-338]
710:65-13-39. Qualifications for "Collection and Distribution Organization" exemption [RENUMBERED to 710:65-13-339]
710:65-13-41. Exemption for Council organizations or similar state supervisory organizations of Boy Scouts of America, Girl Scouts of U.S.A., and the Campfire Girls and Boys [RENUMBERED to 710:65-13-341]
710:65-13-42. Qualifications for "Juvenile Rehabilitation" exemption [RENUMBERED to 710:65-13-342]
Part 23. Gas and Electricity
710:65-13-120. Sales tax exemption for residential use [AMENDED]
Part 25. Governmental Entities
710:65-13-130. Sales to and by the government; taxable and exempt transactions [AMENDED]
Part 31. Medicine, Medical Appliances, and Health Care Entities and Activities
710:65-13-169. Definitions [AMENDED]
710:65-13-171. Sales of prosthetic devices to individuals [AMENDED]
710:65-13-173. Exemption for medical appliances, medical devices and other medical equipment furnished to medicare/medicaid program recipients [AMENDED]
Part 37. Sales for Resale
710:65-13-201. ~~Retail sales~~ Sales between related entities [AMENDED]

Part 39. Schools and Higher Education
710:65-13-210. Exemption for public and private schools and institutions of higher education [AMENDED]
Part 43. Social, Charitable, and Civic Organizations and Activities [NEW]
710:65-13-330. Oklahoma City National Memorial and Museum [NEW]
710:65-13-331. Sales to veterans' organizations for museums and memorials [NEW]
710:65-13-332. Exemption for sale of tickets to collegiate athletic championship events [NEW]
710:65-13-333. Sales made in conjunction with public library construction [NEW]
710:65-13-334. Exemption for qualified museums [NEW]
710:65-13-335. Limited exemption for organizations which sponsor and promote educational, charitable, and cultural events for disadvantaged children [NEW]
710:65-13-336. Exemption for Disabled American Veterans, Department of Oklahoma, Inc. and subordinate chapters [NEW]
710:65-13-337. Qualifications for "Meals on Wheels" exemption [NEW]
710:65-13-338. Qualifications for "Older Americans Act" exemption [NEW]
710:65-13-339. Qualifications for "Collection and Distribution Organization" exemption [NEW]
710:65-13-340. Exemptions for volunteer fire departments [NEW]
710:65-13-341. Exemption for Council organizations or similar state supervisory organizations of Boy Scouts of America, Girl Scouts of U.S.A., and the Campfire Girls and Boys [NEW]
710:65-13-342. Qualifications for "Juvenile Rehabilitation" exemption [NEW]
710:65-13-343. Exemption for qualified youth athletic teams [NEW]
Subchapter 19. Specific Applications and Examples
Part 1. "A"
710:65-19-5. Sales of alcoholic beverages—~~and tobacco~~ ~~products~~ [AMENDED]
710:65-19-11. Automotive transactions [AMENDED]
Part 5. "C"
710:65-19-56. Contractors and subcontractors [AMENDED]
710:65-19-59. Store coupons [AMENDED]
PART 29. "O"
710:65-19-241. Fractionation tanks (frac tanks) [REVOKED]
Part 31. "P"
710:65-19-261. Physicians and optometrists [AMENDED]
Part 39. "T"
710:65-19-329. Service relating to telecommunications and telecommunications equipment [AMENDED]
710:65-19-331. Prepaid telephone calling cards, telephone authorization numbers, and recharges [AMENDED]
Part 41. "U"

710:65-19-341. Natural or artificial gas and electric utility services [AMENDED]
Part 43. "V"
710:65-19-351. Volunteer fire companies [REVOKED]

GUBERNATORIAL APPROVAL:

February 7, 2005

[OAR Docket #05-197; filed 2-9-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 75. TOURISM PROMOTION**

[OAR Docket #05-198]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

710:75-1-8. Filing requirements; interest; penalty [AMENDED]

GUBERNATORIAL APPROVAL:

February 7, 2005

[OAR Docket #05-198; filed 2-9-05]

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

[OAR Docket #05-199]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

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

GUBERNATORIAL APPROVAL:

February 7, 2005

[OAR Docket #05-199; filed 2-9-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

[OAR Docket #05-200]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 13. Out-of-State Attorney Registration [NEW]
710:95-13-1. Out-of-state attorney registration [NEW]

Gubernatorial Approvals

GUBERNATORIAL APPROVAL:

February 7, 2005

[OAR Docket #05-200; filed 2-9-05]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to final adoption (approval by Governor/Legislature) by notifying the Governor and the Legislature and by publishing a notice in the *Register* of such a withdrawal.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. The withdrawal notice is not published in the *Register*, however, unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the EMERGENCY rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

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

[OAR Docket #05-164]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

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

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

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

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

DATES:

Adoption:

April 1, 2004

Submitted to Governor:

April 8, 2004

Submitted to House:

April 8, 2004

Submitted to Senate:

April 8, 2004

Gubernatorial approval:

May 11, 2004

Withdrawn:

February 1, 2005

[OAR Docket #05-164; filed 2-2-05]

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

[OAR Docket #05-165]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 40. Bovine Tuberculosis
Part 1. Definitions
35:15-40-1. [AMENDED]

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), 2-4(7), 2-4(29), 6-145, 6-150, and 6-153

DATES:

Adoption:

December 16, 2004

Approved by Governor:

January 28, 2005

Effective:

Immediately upon Governor's approval

Expiration

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

This emergency rule will assist in the prevention, control, and eradication of tuberculosis in our state's cattle herds. This rule further clarifies terms used in proposed companion permanent rules. During the permanent rulemaking process, the Department received public comments regarding the application of certain terms in the proposed rules. This emergency rule addresses the public concerns regarding terminology that could not be addressed in the permanent rules. The rule changes are necessary to more specifically define the application of the proposed permanent rules on tuberculosis without hindering the progress of the permanent rules. In addition, the changes in the definitions must be promulgated immediately to ensure the public comments are addressed and to ensure the State of Oklahoma does not experience a gap in effective dates of the tuberculosis rules that could put the Oklahoma cattle industry at risk. As a consequence of the significant public comments, the agency finds a compelling public interest and immediate need for these emergency rules.

ANALYSIS:

At the request of the State Veterinarian and pursuant to the authority detailed in the Oklahoma Agricultural Code 2 O.S. 2001 § 6-141 et seq. regarding tuberculosis in all livestock and animals, the Department's proposed emergency rule does the following:

1. Provides new terms that further clarify how the tuberculosis rules apply to particular circumstances.
2. Provides clean up of other definitions to ensure consistency between the proposed permanent rules and this emergency rule.

CONTACT PERSON:

Dr. Becky Brewer-Walker, (405) 522-6142

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

SUBCHAPTER 40. BOVINE TUBERCULOSIS

PART 1. DEFINITIONS

35:15-40-1. Definitions

The following words or terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise.

"**Accredited Free State**" means a state that maintains full compliance with all of the provisions of the USDA Uniform Methods and Rules for bovine tuberculosis eradication and where no evidence of bovine tuberculosis has been disclosed for five (5) or more years.

"**Accredited Herd (cattle, bison, or dairy goats)**" means a herd of cattle, bison, or dairy goats that has passed at least two (2) consecutive negative caudal fold tuberculin tests at an interval of not less than ten (10) months nor more than fourteen (14) months, has no other evidence of bovine tuberculosis, and meets the standards of this Subchapter.

"**Accredited Veterinarian**" means a veterinarian licensed by the Oklahoma Board of Veterinary Medical Examiners and approved by the Deputy Administrator of APHIS to perform functions required for cooperative State/Federal animal disease control and eradication programs.

"**Adjacent Herd**" means a group or groups of animals sharing common pasture, or having other direct contact with the an affected herd, and herds containing previous purchases from or exchanges with the an affected herd. Herds separated by a single fence are considered contact or adjacent herds.

"**Affected Herd**" means a herd of cattle, bison, or dairy goats that contains, or has recently contained, one (1) or more animals infected with *Mycobacterium bovis* and that has not passed the required tests necessary for release from quarantine.

"**Annual Tests**" means those tests conducted at intervals of not less than ten (10) months nor more than fourteen (14) months.

Emergency Adoptions

"Auction" means a public sale of cattle, bison or dairy goats to the highest bidder.

"Auctioneer" means a person who sells or makes a business of selling cattle, bison, or dairy goats at auction.

"Bison" means a bovine-like animal (genus Bison) commonly referred to as American buffalo or buffalo.

"Bovine Tuberculosis" means a disease in cattle, bison, or dairy goats caused by Mycobacterium bovis.

"Cattle" means all domestic bovine (genus Bos).

"Caudal Fold Tuberculin (CFT) Test" means the intradermal injection of 0.1 milliliters of USDA bovine purified protein derivative (PPD) tuberculin into either side of the caudal fold, with reading by visual observation and palpation seventy-two (72) hours (+ or - 6 hours) following injection. Animals or herds of unknown status ~~will~~ shall not be subjected to retest at intervals of less than sixty (60) days.

"Commission Firm" means a person, partnership, or corporation that buys ~~and/or~~ or sells livestock as a third party and reports to the seller ~~and/or~~ or to the buyer details of the transactions. ~~This includes any such person or group regardless of whether or not a fee is charged for the services.~~

"Commission Sales" means those sales that are conducted by a third party who reports to the seller ~~and/or~~ or to the buyer details of the transactions.

"Comparative Cervical Tuberculin (CCT) Test" means the intradermal injection of biologically balanced bovine PPD tuberculin and avian PPD tuberculin at separate sites in the cervical area and a determination as to the probable presence of bovine tuberculosis (M. bovis) by comparing the responses of the two (2) tuberculins seventy-two (72) hours (+ or - 6 hours) following injection.

"Dairy cattle" means any typical dairy framed animals as determined by the inspecting veterinarian.

"Dairy Goats" means domestic caprine (genus Capra) kept for the purpose of producing milk for human consumption.

"Dealer" means any person, firm, or partnership engaged in the business of buying or selling cattle, bison, or dairy goats in commerce, either on his or her own account or as the employee or agent of the vendor ~~and/or~~ or purchaser, or any person engaged in the business of buying or selling cattle, bison, swine, sheep, or dairy goats in commerce on a commission basis. The term shall not include a person who:—(1) buys or sells cattle, bison, or dairy goats as a part of his or her own bona fide breeding, feeding, or dairy operation; (2) is not engaged in negotiating the transfer of cattle, bison, or dairy goats; or, (3) receives cattle, bison, or dairy goats exclusively for immediate slaughter on his or her own premise.

"Designated feedlot" means a feedlot under official state quarantine and approved by the State Veterinarian and federal animal health officials. The designated feedlot may include pens or pasture. All animals leaving the feedlot shall move directly to slaughter and shall be accompanied by permit.

"Designated pens or pastures" means pens or pastures associated with any feedlot that has a Memorandum of Understanding with the State Veterinarian to house cattle destined for slaughter.

"Direct Shipment to Slaughter" means the shipment of tuberculosis reactors, tuberculosis suspects, and tuberculosis exposed cattle, bison, or dairy goats from the premises of origin directly to a slaughter establishment without diversion to assembly points such as: auctions, dealers or commission firm premises, public stockyards, and feedlots.

"Eradication" means the complete elimination of bovine tuberculosis from cattle and bison in the state so that the disease does not appear unless introduced from another species or from outside the state.

"Exposed Animals" means cattle, bison, or dairy goats that have been exposed to bovine tuberculosis by reason of associating with known tuberculous animals.

"Feedlot" means a confined dry lot area for the finish feeding of animals on a concentrated feed with no facilities for pasturing or grazing.

"Group" means one or more animals.

"Herd" means a group of cattle, bison, or dairy goats maintained on common ground or two (2) or more groups of cattle, bison, or dairy goats under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status.—~~(A group is construed to mean one (1) or more animals.)~~

"Herd Depopulation" means the removal of all cattle, bison, swine, and dairy goats exposed to bovine tuberculosis in a herd directly to slaughter prior to any restocking of the premises with cattle or bison.

"Herd Plan" means a herd management and testing plan designed by a state or federal regulatory veterinarian and the herdowner that will control and eventually eradicate bovine tuberculosis from an affected, adjacent, or exposed herd.

"Modified Accredited Advanced State" means a state that is actively participating in the eradication of bovine tuberculosis and that maintains its status in accordance with the provisions of the USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication.

"Modified Accredited State" means a state that is actively participating in the eradication of bovine tuberculosis and that maintains its status in accordance with the provisions of the USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication.

"Natural Additions" means animals born and raised in a herd.

"Negative Animals" means any cattle, bison, or dairy goats that show no response to a tuberculin test or have been classified negative by the testing veterinarian following the application of the CCT test.

"No Gross Lesion (NGL) Animals" means any cattle, bison, or dairy goats that do not reveal a lesion(s) of bovine tuberculosis upon postmortem inspection. ~~(An Any animal with skin lesions alone will shall be considered in the same category as an NGL animal.)~~

"Non-modified Accredited State" means a state that has not received accredited free status or modified accredited state status.

"Official Ear Tag" means ~~a metal~~ an identification eartag ear tag approved by USDA that provides tamper resistant and unique identification for each individual animal. An official

~~ear tag may by conforming conform to the nine (9) character alpha-numeric national uniform eartagging ear tagging system, bear the valid premises identification in conjunction with the producer's livestock production numbering system, or any other unique identification device be an approved by the Oklahoma Board of Agriculture RFID tag.~~

"Official Tuberculin Test" means a test for tuberculosis applied and reported by approved personnel in accordance with this Subchapter and the USDA Uniform Methods and Rules for bovine tuberculosis eradication. The official tuberculin tests are the caudal fold test, the comparative cervical test, the single cervical test or any other test that is approved by the United States Department of Agriculture (USDA).

"Passed Herd" means a herd in which no animals were classified as reactors or suspects as the result of a herd test of all test eligible animals.

"Permit" means an official document issued by an authorized agent of the Board of Agriculture, a representative of APHIS VS or an accredited veterinarian that is required to accompany any reactor, suspect, or exposed animals to slaughter. The permit ~~will list lists~~ the reactor tag or, in the case of suspect animals, an official eartag number; the owner's name and address; origin and destination locations; number of animals covered and the purpose of the movement. If a change in destination becomes necessary, a new permit must be issued by authorized personnel. No diversion from the destination on the permit is allowed.

"Quarantine" means a written notice or order issued by an authorized agent of the ~~Oklahoma State~~ Board of Agriculture showing the boundaries of the area or premise affected, the animals restricted, and the conditions, if any. No livestock held under quarantine may be moved or released ~~until without~~ a written permit or quarantine release signed by an authorized agent ~~has been executed~~.

~~**"Quarantine Feedlot"** means a confined area under official state quarantine and shall be approved jointly by the state and federal animal health officials. The quarantine feedlot shall be maintained for finish feeding of animals in dry lot with no provisions for pasturing or grazing. Animals leaving such a feedlot must move directly to slaughter and be accompanied by permit.~~

"Reactor" means any cattle, bison, or goat that shows a response to a tuberculin test and is classified a reactor by the testing veterinarian, or any animal that may be classified as a reactor by the designated Epidemiologist based on supplemental diagnostic tests results from approved laboratories or other information.

"Routine Screening Tuberculin Test" means a caudal fold tuberculin test, or any other test which may be approved by the USDA, conducted as part of an area eradication program in which all responding animals are reported without classification to the State Veterinarian.

"Single Cervical Tuberculin Test" means the intradermal injection of 0.1 milliliters USDA bovine single cervical PPD tuberculin in the cervical (neck) region with reading by visual observation and palpation in seventy-two (72) hours (+ or - 6 hours) following injection.

"Suspect" means any cattle, bison, or goats that show a response to the caudal fold tuberculin test and are not classified as reactors, and cattle, bison, or goats that ~~have been~~ are classified suspects by a comparative cervical test.

"Tuberculin" means a product that is approved by and produced under USDA license for injection into cattle, bison, or goats for the purpose of detecting bovine tuberculosis.

[OAR Docket #05-165; filed 2-2-05]

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

[OAR Docket #05-181]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 5. Instructions for Precinct Election Officials
Part 21. Problems with Eligibility
230:35-5-113.2. Determining voter's school district or municipality
[AMENDED]

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

DATES:
Adoption:
January 7, 2005

Approved by Governor:
February 1, 2005

Effective:
Immediately upon Governor's approval or February 8, 2005, whichever is later

Expiration:
Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATION BY REFERENCE:
n/a

FINDING OF EMERGENCY:
The Secretary of the State Election Board finds that the following compelling public interests exist requiring the adoption of emergency rules.

The State Election Board is in the process of upgrading the Street Guide software used by the Oklahoma Election Management System to assign voter registration addresses to precincts and to appropriate districts within precincts to include information on municipal boundaries, and in municipalities that nominate and elect officers by ward, ward boundaries. The new Street Guide software will result in a code printed in the Precinct Registry beside registered voters' names to indicate whether or not the voter resides within the boundaries of a municipality.

The State Election Board staff intends to place the upgraded Street Guide software in service in all counties prior to regular municipal elections in 2005.

The State Election Board staff learned on Friday, December 17, 2004, that the McClain County Election Board will conduct a partisan municipal primary election for a home rule charter city (Purcell) on February 8, 2005, and a general election on April 5, 2005. We previously had believed that the earliest home rule charter city election would occur in the City of Ardmore in Carter County on February 22, 2005. Most municipal primaries occur on March 1, 2005.

If emergency rules are not in place to enable the McClain County Election Board to use the upgraded Street Guide software on February 8, 2005, the State Election Board Secretary will not permit the county to use the new software for any regular municipal election in the spring of 2005.

The Secretary finds that these emergency rules are necessary to authorize the use of the upgraded Street Guide software for regular municipal elections held beginning February 8, 2005, with the Purcell election through June 30, 2005, and that this need meets the compelling public interest standard for the adoption of emergency rules.

Emergency Adoptions

ANALYSIS:

Because accurate, authoritative information on municipal boundaries for all municipalities in Oklahoma was not available at the time the Street Guide was originally created (1991) or upgraded to include school district information (1999 - 2000), voters have been required to determine their own eligibility to vote in a municipal election. Although the County Election Board has routinely provided maps obtained from municipalities showing municipal lines, those maps were obtained from a variety of sources and their degrees of accuracy could not be determined.

The 1999 - 2000 Street Guide upgrade was accomplished in a joint project with the Department of Education, the Geo Information Systems (Geo) department at the University of Oklahoma, and the State Election Board. Building on work already done by Geo to provide school district information to County Assessors across the state, the school district information was included in the OEMS Street Guide and County Election Board personnel began an intensive effort to assign every registered voter's address to a school district in the Street Guide.

In 2003, the Legislature authorized the Oklahoma Tax Commission to participate in a project known as the Streamlined Sales Tax Initiative. As part of this project, the Tax Commission contracted with Geo to create a database which assigns a municipal code to a street segment in much the same way we assign school district codes in our Street Guide. In 2004, the State Election Board contracted with Geo to incorporate and refine the municipal database in our Street Guide.

The Section amended in this emergency action sets forth procedures for Precinct Election Officials on election day to determine a voter's eligibility to vote in a municipal election based on the information included in the Precinct Registry. The Section also includes procedures for a voter to dispute this determination of eligibility. A new form, called a Municipal Research Request form, is required.

Permanent rules also are being adopted, which if approved will become effective on July 1, 2005. The permanent rules will not include the Municipal Research Request form procedure. Instead, voters who dispute their municipal assignment will be entitled to vote a provisional ballot and request that the County Election Board further research their assignment. This research will take place after election day and a determination of whether to count the provisional ballot will be made by 5 p.m. Friday following the election.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR FEBRUARY 8, 2005, WHICHEVER IS LATER:

SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ELECTION OFFICIALS

PART 21. PROBLEMS WITH ELIGIBILITY

230:35-5-113.2. Determining voter's school district or municipality

(a) The school district in which a voter is eligible to vote is listed in the column labeled "School Dist" in the Precinct Registry. An asterisk beside the school district indicates that the voter also is entitled to a ballot for the corresponding vocational-technical school district. A list of school districts and corresponding vocational-technical school districts in the precinct is included in the legend on the precinct school district

map. The Judge writes the school district and vocational-technical school district ballot codes in the "Ballots Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(b) The municipality in which a voter is eligible to vote is listed in the column labeled "Muni" in the Precinct Registry. If the word "None" appears in the "Muni" column, the voter does not reside within the boundaries of a municipality and is not eligible for a municipal ballot. If the municipality nominates and elects its officers by ward, the municipal code in the "Muni" column will include a numeral to indicate the ward number to which the voter's residence address is assigned. The Judge writes the municipal code and the appropriate municipal ballot codes in the "Ballots Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(c) The "School Dist" and/or the "Muni" column in the Precinct Registry is blank for some voters. The Judge follows these steps when the voter's school district or municipal code is not indicated.

(1) Show the voter the precinct school district or municipal map.

(2) Ask the voter to find his residence on the map and to determine from the map the school district and/or municipality in which he or she lives.

(3) If a vocational-technical school district also is holding an election in the precinct, determine the corresponding vocational-technical district from the information in the legend on the map.

(4) If the municipality is holding an election in one or more wards, ask the voter also to determine from the municipal map the ward in which he or she lives.

(4-5) Tell the voter to sign the Precinct Registry over the message in the signature space.

(5-6) Write the school district, ~~and~~ vocational-technical district, and/or municipal ballot codes in the "Ballots Issued" column.

(6-7) Tell the Clerk the elections in which the voter is voting.

(7-8) Return to the routine procedure.

(e-d) If a voter tells you that the school district indicated in the Precinct Registry is incorrect, the Judge follows these steps.

(1) Show the voter the precinct school district map.

(2) Ask the voter to find his residence on the map and to determine from the map the school district in which he or she lives.

(3) If the voter says that the map is incorrect, call the Inspector.

(4) The Inspector fills out the School District Research Request form.

(A) Print the voter's name and the school district in which the voter believes himself to be eligible to vote in the spaces provided on the form.

(B) Ask the voter to sign the form.

(C) Give the voter a copy of the "Address Information Requested" handout and an Oklahoma Voter Registration Application. Ask the voter to fill out and sign the form. The voter may return the form to

a Precinct Official before leaving the polling place or may mail the form at a later time.

(D) Tell the Judge the name of the school district in which the voter claims to be eligible to vote.

(5) The Judge writes the ballot code for the school district the voter is claiming in the "Ballots Issued" column and tells the Clerk to issue that ballot to the voter.

(e) If a voter tells you that the municipality or ward indicated in the Precinct Registry is incorrect, the Judge follows these steps.

(1) Show the voter the municipal map.

(2) Ask the voter to find his residence on the map and to determine from the map whether or not he lives within the boundaries of the municipality. If the municipality is holding an election for one or more wards, the voter must determine from the map in which ward he or she lives.

(3) If the voter says the map is incorrect, call the Inspector.

(4) The Inspector fills out the Municipal Research Request form.

(A) Print the voter's name and the municipality and/or ward in which the voter believes himself to be eligible to vote in the space provided on the form.

(B) Ask the voter to sign the form.

(C) Give the voter a copy of the "Address Information Requested" handout and an Oklahoma Voter Registration Application. Ask the voter to fill out and sign the form. The voter may return the form to a Precinct Official before leaving the polling place or may mail the form at a later time.

(D) Tell the Judge the municipality and/or ward in which the voter claims to be eligible to vote.

(5) The Judge writes the ballot code or codes for the municipality and/or ward the vote is claiming in the "Ballots Issued" column and tells the Clerk to issue that ballot to the voter.

[OAR Docket #05-181; filed 2-3-05]

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

[OAR Docket #05-182]

RULEMAKING ACTION:

Emergency adoption

RULES:

Subchapter 5. Municipal Elections
Part 9. Procedures
230:40-5-46. Maps required [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

January 7, 2005

Approved by Governor:

February 1, 2005

Effective:

February 8, 2005

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that the following compelling public interests exist requiring the adoption of emergency rules.

The State Election Board is in the process of upgrading the Street Guide software used by the Oklahoma Election Management System to assign voter registration addresses to precincts and to appropriate districts within precincts to include information on municipal boundaries, and in municipalities that nominate and elect officers by ward, ward boundaries. The new Street Guide software will result in a code printed in the Precinct Registry beside registered voters' names to indicate whether or not the voter resides within the boundaries of a municipality.

The State Election Board staff intends to place the upgraded Street Guide software in service in all counties prior to regular municipal elections in 2005.

The State Election Board staff learned on Friday, December 17, 2004, that a home rule charter city, the City of Purcell in McClain County, will conduct a municipal primary election on February 8, 2005, and, if necessary, a general election on April 5, 2005. We previously had believed that the earliest home rule charter city election would occur in the City of Ardmore in Carter County on February 22, 2005. Most municipal primaries occur on March 1, 2005.

If emergency rules are not in place to enable the McClain County Election Board to use the upgraded Street Guide software on February 8, 2005, the State Election Board Secretary will not permit the county to use the new software for any regular municipal election in the spring of 2005.

The Secretary finds that these emergency rules are necessary to authorize the use of the upgraded Street Guide software for regular municipal elections held beginning February 8, 2005, with the Purcell election through June 30, 2005, and that this need meets the compelling public interest standard for the adoption of emergency rules.

ANALYSIS:

Because accurate, authoritative information on municipal boundaries for all municipalities in Oklahoma was not available at the time the Street Guide was originally created (1991) or upgraded to include school district information (1999 - 2000), voters have been required to determine their own eligibility to vote in a municipal election. Although the County Election Board has routinely provided maps obtained from municipalities showing municipal lines, those maps were obtained from a variety of sources and their degrees of accuracy could not be determined.

The 1999 - 2000 Street Guide upgrade was accomplished in a joint project with the Department of Education, the Geo Information Systems (Geo) department at the University of Oklahoma, and the State Election Board. Building on work already done by Geo to provide school district information to County Assessors across the state, the school district information was included in the OEMS Street Guide and County Election Board personnel began an intensive effort to assign every registered voter's address to a school district in the Street Guide.

In 2003, the Legislature authorized the Oklahoma Tax Commission to participate in a project known as the Streamlined Sales Tax Initiative. As part of this project, the Tax Commission contracted with Geo to create a database which assigns a municipal code to a street segment in much the same way we assign school district codes in our Street Guide. In 2004, the State Election Board contracted with Geo to incorporate and refine the municipal database in our Street Guide.

The Section amended in this emergency action sets forth requirements for the maps to be used when conducting municipal elections. It presumes that the governing board of a municipality has met its responsibility to report information about any boundary change to the Oklahoma Tax Commission in a timely fashion. This amended section now provides a deadline for notice to the County Election Board Secretary of a boundary change that parallels the Tax Commission's notice requirements. It also establishes an effective date, again that parallels the Tax Commission's date, for a boundary change to be effective for the purposes of an election.

Permanent rules also are being adopted, which if approved will become effective on July 1, 2005. We do not anticipate any change in the language to be adopted in the permanent rules.

CONTACT PERSON:

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

Emergency Adoptions

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR FEBRUARY 8, 2005, WHICHEVER IS LATER:

SUBCHAPTER 5. MUNICIPAL ELECTIONS

PART 9. PROCEDURES

230:40-5-46. Maps required

~~The governing board of each municipality shall provide to the County Election Board or Boards of the county or counties wherein the municipality is located, a current map of the municipality. [26:13-107] The map must define clearly the municipal limits and ward boundaries of the municipality. [26:13-107] Should any changes be made in the municipal limits or ward boundaries of the municipality, the governing board immediately shall provide a complete revised map. [26:13-107]~~

(a) The governing board of each municipality shall provide information defining the corporate boundaries of the municipality to the Oklahoma Tax Commission as required by state law. The governing board also shall provide notice to the Tax Commission of any changes to said boundaries as required by law and by 710:65-18-10. The governing board of a municipality also shall notify the Secretary of the County Election Board of the boundary change not less than 60 days before a municipal boundary change is to become effective for sales and use tax collection purposes as described in 710:65-18-10.

(b) A municipal boundary change shall not be in effect for the purpose of conducting an election unless the Secretary of the County Election Board has been notified as outlined in (a) of this section and unless said notice has occurred 60 days or more before the date of the election.

(c) For the purpose of conducting an election or for resolving any question of the eligibility of an elector to vote in a municipal election, the Secretary of County Election Board shall use a map showing the municipal boundaries, ward boundaries within the municipality, and precinct boundaries. The map shall be either a map drawn from data in the official taxing jurisdiction boundary database provided and maintained by the Oklahoma Tax Commission, as required by Title 68 OS, Section 1354.32, or a map that has been certified as accurate by the governing board of the municipality.

[OAR Docket #05-182; filed 2-3-05]

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

[OAR Docket #05-161]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 35. Oklahoma Money Matters AmeriCorps Education Award Program [NEW]

610:25-35-1. Purpose [NEW]

610:25-35-2. Definitions [NEW]

610:25-35-3. Program Information [NEW]

610:25-35-4. Field Site Selection [NEW]

610:25-35-5. Member Candidacy [NEW]

610:25-35-6. Grievance Procedures [NEW]

610:25-35-7. Program Capacity [NEW]

AUTHORITY:

State Regents for Higher Education; 70 O.S. §§ 623, 3206(i)

DATES:

Adoption:

December 9, 2004

Approved by Governor:

January 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The State Regents for Higher Education find that a compelling public interest requires the passage of this emergency rule. Initiation of the emergency rulemaking process is necessary to prevent postponement of the grant program's implementation. Completing the traditional process to adopt a permanent rule would delay the program's inception, effectively delaying student opportunities to earn an Education Award. Utilizing the emergency process will allow member enrollment in the program to proceed as scheduled in the grant provisions, expediting member access to the federal education benefit.

ANALYSIS:

To address Oklahoma's deficit in financial instruction and combat the considerable cost of fiscal illiteracy, the State Regents are developing a financial literacy initiative, Oklahoma Money Matters (OKMM), under the auspices of the Oklahoma Guaranteed Student Loan Program. OKMM's mission is to promote financial literacy by building Oklahomans' awareness of the need for financial education and understanding of sound fiscal principles and practices.

OKMM staff submitted a proposal to offer an AmeriCorps Education Award Program, which was accepted for funding by the governing federal agency, the Corporation for National and Community Service. Through this grant program, OKMM will place AmeriCorps members in host sites around the state to educate youth and others in personal finance, student financial aid, and consumer credit. Members will provide 300 hours of service through a one-year contract, for which they will earn a \$1,000 Education Award. The Education Award can be used to offset direct educational expenses, such as tuition, fees, room and board, and repayment of student loans. The rule defines program information, field site selection, member candidacy, grievance procedures, and program capacity.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, OSRHE, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104-3506, 405-225-9335.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE

UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D):

SUBCHAPTER 35. OKLAHOMA MONEY MATTERS AMERICORPS EDUCATION AWARD PROGRAM

610:25-35-1. Purpose

The purpose of this Subchapter is to describe the Oklahoma Money Matters AmeriCorps Education Award Program (OKMM-EAP), which is designed to improve financial literacy in Oklahoma. OKMM-EAP operates under the auspices of the Oklahoma Guaranteed Student Loan Program (OGSLP), a division of the Oklahoma State Regents for Higher Education.

610:25-35-2. Definitions

The following words and terms, when used in the Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"AmeriCorps" means the AmeriCorps Education Awards Program, which is one of several national service programs of the AmeriCorps National Service Network.

"Applicant" means an individual who has applied to participate in OKMM-EAP, but is not an AmeriCorps member.

"Corporation for National and Community Service" means the federal organization established under the National and Community Service Act of 1990 that administers the AmeriCorps National Service Network.

"Education Award" means an award provided to a member who has successfully completed a required term of service in an approved national service position and who otherwise meets the eligibility criteria established by AmeriCorps. An Education Award may be used to pay qualified educational expenses.

"Enrollment" means acceptance as an AmeriCorps member, as evidenced by inclusion in the AmeriCorps national database.

"Field Sites" means locations across Oklahoma that host AmeriCorps members during their term of service.

"Financial Literacy" means knowledge of money management and financial principles.

"Member" means an individual who is enrolled in the Oklahoma Money Matters AmeriCorps Education Award Program.

"Oklahoma Community Service Commission" means the authorized alternative entity administering Oklahoma's national service programs.

"Service Activities" means direct, meaningful actions through organized community service efforts that count toward fulfillment of service hours in a term of service.

"Service Hours" means the number of hours spent performing eligible community service activities during a term of service.

"Site Application" means the documentation submitted by potential field sites for OKMM-EAP consideration during the field site selection process.

"Site Supervisor" means a qualified employee of the field site who volunteers his or her time to serve OKMM-EAP.

"Term of Service" means the contracted length of time during which a member must perform eligible community service activities to qualify for an education award.

610:25-35-3. Program information

To achieve its primary goal of improving financial literacy, OKMM-EAP is placing AmeriCorps members in field sites around Oklahoma to educate youth and others about personal finance, student financial aid, and consumer credit. OKMM-EAP goals are to build student knowledge of financial literacy principles; develop members' leadership, citizenship, and presentation skills; and encourage members life-long commitment to community service. OKMM-EAP members will receive an Education Award upon successful completion of and subject to the terms of the OKMM-EAP member contract.

610:25-35-4. Field site selection

OKMM-EAP will select field sites around Oklahoma to host AmeriCorps members during their service terms.

(1) Selection process.

(A) Interested entities will submit a site application to OKMM-EAP. Site applications can be requested from the OKMM Director at P.O. Box 3000, Oklahoma City, Oklahoma, 73101-3000 or by calling (405) 234-4495.

(B) An evaluation committee composed of the OKMM Director and other OGSLP senior-level staff will review site applications.

(C) The evaluation committee will select field sites to participate in OKMM-EAP based on the criteria and restrictions defined in this section.

(2) Selection criteria.

(A) OKMM-EAP field sites will be educational entities and/or other organizations with an established or expressed interest in community service and financial literacy.

(B) OKMM-EAP will consider the following field site characteristics when reviewing site applications:

(i) The site's community service objectives are consistent with the OKMM-EAP mission of improving financial literacy in Oklahoma.

(ii) The site's planned activities are consistent with identified community need for financial education.

(iii) The site offers a range of member activities that support the OKMM-EAP mission.

(iv) The site will facilitate sufficient service activities to ensure that members have adequate opportunity to fulfill the required number of service hours in the prescribed service term.

(v) The site has designated a site supervisor who is willing to meet AmeriCorps administrative

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requirements and has the time, interest, and ability to supervise members and facilitate member involvement.

(vi) The site provides a safe, accessible work environment for members.

(vii) The site endorses a drug-free workplace.

(C) OKMM-EAP endeavors to facilitate a wide range of member activities, serving a diverse spectrum of demographic populations at sites located across Oklahoma. Consistent with that vision, favorable consideration will be given to site applications that demonstrate compatibility with these objectives.

(3) **Restrictions.** Entities that discriminate on the basis of race, color, national origin, gender, age, religion, disability, or status as a veteran in policies, practices, or procedures are ineligible to serve as field sites for OKMM-EAP.

610:25-35-5. Member candidacy

(a) Member requirements.

(1) Members will be a U.S. citizen, U.S. national, or lawful permanent resident alien of the United States.

(2) Members will be at least 17 years of age at enrollment.

(3) Members will hold a high school diploma or equivalency certificate.

(4) Members must sign an OKMM-EAP member contract.

(b) Criminal history and background investigation.

(1) Must be obtained for all members from the Oklahoma State Bureau of Investigation (OSBI).

(2) Must include a search of the Oklahoma Department of Corrections' files maintained by the OSBI pursuant to the Sex Offenders Registration Act.

(c) Curricular knowledge.

(1) Applicants are provided training in a prescribed financial literacy curriculum.

(2) Applicants are tested after participating in the training course to assess knowledge gained.

(d) Restrictions.

(1) An applicant whose criminal history report reveals a conviction, a plead of guilty, or a plead of nolo contendere for a felony charge is not approved to serve in OKMM-EAP.

(2) An applicant who scores below 75 percent on the post-training test is not approved to serve in OKMM-EAP.

610:25-35-6. Grievance procedures

OKMM-EAP members may file a grievance in accordance with OKMM-EAP's grievance procedures.

(1) General information.

(A) These procedures apply to service-related issues such as assignments, evaluations, suspensions, or release for cause, as well as issues related to non-selection of members, displacement of employees, or duplication of activities by AmeriCorps.

(B) Allegations of fraud and criminal activity must be reported immediately to the Corporation for National and Community Service.

(C) Allegations of discrimination should be in writing and directed to the Corporation for National and Community Service.

(2) Grievance hearing.

(A) An aggrieved party may request a grievance hearing if informal efforts fail to result in a mutually agreeable resolution.

(i) The aggrieved party should make a written request for a hearing to the OKMM-EAP Director, unless it is the Director's decision or action that has resulted in the grievance, in which case a written request for a hearing should be sent to the Oklahoma Community Service Commission. The hearing request must be made within one year of the date of the alleged occurrence.

(ii) At the time a request for a hearing is made, OKMM-EAP will make available to the aggrieved party information that it relied upon in its disciplinary decision.

(iii) One or more pre-hearing conferences will be scheduled at a time mutually convenient for all parties in an effort to facilitate a mutually agreeable resolution of the matter to make a hearing unnecessary or narrow the issues to be decided at the hearing.

(B) The hearing will be conducted by Oklahoma Community Service Commission staff within 30 calendar days after the filing of the grievance.

(C) A written decision will be made within 60 calendar days after filing.

(3) Binding arbitration.

(A) An aggrieved party may request binding arbitration if a grievance hearing decision is adverse or if no decision is made within 60 days after the filing of the grievance.

(i) The arbitrator will be independent and selected by agreement of the parties.

(ii) If the parties cannot agree on an arbitrator, the Corporation for National and Community Service will appoint one within 15 calendar days after receiving a request from one of the parties.

(B) An arbitration proceeding will be held within 45 calendar days after the request for arbitration, or within 30 calendar days after the appointment of an arbitrator by the Corporation for National and Community Service.

(C) An arbitration decision will be made within 30 calendar days after the commencement of the arbitration proceeding.

(D) The cost of arbitration will be divided evenly between the parties, unless the aggrieved party prevails, in which case OKMM-EAP will pay the total cost of the proceeding as well as the prevailing party's attorney fee, unless prohibited by law.

610:25-35-7. Program capacity

The reach and scope of OKMM-EAP is defined as follows.

- (1) **Field sites.**
 - (A) OKMM-EAP will utilize approximately 30 field sites.
 - (B) Additional field sites may be added as needed.
- (2) **Enrolled members.** OKMM-EAP will enroll up to 500 AmeriCorps members per year.
- (3) **Restrictions.** To manage OKMM-EAP's expansion, the number of sites established and the number of members enrolled will be limited commensurate with OKMM-EAP's administrative capability.

[OAR Docket #05-161; filed 2-1-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES**

[OAR Docket #05-173]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 2. Cigarette Stamp Tax
- Part 1. General provisions [NEW]
- 710:70-2-9. Cigarette stamp tax rates [NEW]
- 710:70-2-10. Discount on cigarette tax stamps purchased [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]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

DATES:

Adoption:

December 16, 2004 (Commission Order No. 2004-12-16-02)

Approved by Governor:

January 28, 2005

Effective:

Immediately upon Governor's approval or January 1, 2005, whichever is later.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

State Question 713 (House Bill 2660) was approved by a vote of the people of Oklahoma on November 2, 2004. Sections 2 through 11 of the proposal 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. Timely implementation of the new rules was found to be of compelling public interest by the Commission, in order to implement guidance for those groups affected by January 1, 2005, the effective date of the new law.

ANALYSIS:

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.

CONTACT PERSON:

Carolyn Swifthurst, Tax Policy Analyst, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, 405-521-3133.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR JANUARY 1, 2005, WHICHEVER IS LATER:

SUBCHAPTER 2. CIGARETTE STAMP TAX

PART 1. GENERAL PROVISIONS

710:70-2-9. Cigarette stamp tax rates

- (a) **Designation of rates.** Tax rates set out in this Section are for packages of twenty (20) cigarettes. Rates for packages of twenty-five (25) cigarettes are One Hundred Twenty-five percent (125%) greater than the rates for the twenty-unit packages.
- (b) **Inventories in stock.** The rates set out in this Section shall only be applicable to inventories of cigarettes acquired on or after January 1, 2005.
- (c) **Rates effective January 1, 2005, applicable to non-tribal sales.** The non-tribal rate is \$1.03 per pack and is applicable to all non-tribal sales.

710:70-2-10. Discount on cigarette tax stamps purchased

- (a) **Allowable discount.** Every person purchasing cigarette or tobacco tax stamps from the Oklahoma Tax Commission may do so at a reduction of one and one-half cents (\$0.015) per stamp. The discount herein provided shall be the only discount allowed to purchasers from the Tax Commission.
- (b) **Exceptions and limitations.** The discount described in this Section shall not be applicable or available:
 - (1) On purchases of less than One Hundred Dollars (\$100.00) at any one time;
 - (2) To out-of-state purchasers who reside in states that do not give discounts on cigarette stamps purchased by State of Oklahoma cigarette dealers; or,
 - (3) To a purchaser who refuses to comply with the laws of the State of Oklahoma. [See: 68 O.S.Supp.2004, § 311]

SUBCHAPTER 5. EXCISE ON TOBACCO PRODUCTS

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710:70-5-12. Oklahoma tobacco products tax rates

(a) **Inventories in stock.** The rates set out in this Section shall only be applicable to inventories acquired on or after January 1, 2005.

(b) **Rates effective January 1, 2005, applicable to non-tribal sales.** The non-tribal rates are: (1) For little (Class A) cigars: \$0.036 each.

(2) For Class B cigars: \$0.11 each.

(3) For all other (Class C) cigars: \$0.12 each.

(4) For smoking tobacco: Eighty percent (80%) of the Factory List Price.

(5) For chewing tobacco: Sixty percent (60%) of the Factory List Price.

(1) **Non-compact rate.** The non-compact rate is 77.25 cents per pack. This rate is applicable to sales made by tribes or their licensees who have **not** entered into a compact with the State of Oklahoma.

(2) **Original compact rate.** The original compact rate is 25.75 cents per pack. This rate applies to sales made by tribes or their licensees with an existing compact with the State of Oklahoma in which the tax rate is specified as twenty-five percent (25%) of the rate applied to non-tribal sales.

(3) **New compact rate.** The new compact rate is 85.75 cents per pack. The terms "**new compact**" and "**new compact rate**" apply to compacts signed after January 1, 2003, which contain the provision that the rate will increase by an amount equal to any tax increase that becomes effective on or after January 1, 2004, and to sales made thereunder, unless the terms of subsection (b)(6) apply by specific compact provision.

(4) **Arkansas border rate.** The Arkansas border rate is 30.75 cents per pack. This rate applies to tribes' or licensees' locations close to the Arkansas border, as designated by the terms of their "new" compacts.

(5) **Kansas border rate.** The Kansas border rate is 60.75 cents per pack. This rate applies to tribes' or licensees' locations close to the Kansas border, as designated by the terms of their "new" compacts.

(6) **Exception rate.** The "exception" rate is 5.75 cents per pack. This rate applies to sales made by tribes or their licensees under compacts, the terms of which are not applicable to the circumstances set out in (b)(1) through (b)(5) of this Section.

SUBCHAPTER 7. CIGARETTE AND TOBACCO PRODUCTS SALES BY FEDERALLY-RECOGNIZED INDIAN TRIBES AND NATIONS

710:70-7-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Indian country" means:

(A) *Land held in trust by the United States of America for the benefit of a federally recognized Indian tribe or nation;*

(B) *All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;*

(C) *All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and,*

(D) *All Indian allotments, the Indian titles to which have not been extinguished, including individual allotments held in trust by the United States or allotments owned in fee by individual Indians subject to federal law restrictions regarding disposition of said allotments and including rights-of-way running through the same. [68 O.S. § 348(3)]*

710:70-7-8. Cigarette stamp tax rates for sales by federally-recognized Indian tribes and nations

(a) **Designation of rates.** Tax rates set out in this Section are for packages of twenty (20) cigarettes. Rates for packages of twenty-five (25) cigarettes are One Hundred Twenty-five percent (125%) greater than the rates for the twenty-unit packages.

(b) **Rates effective January 1, 2005, applicable to sales on Indian country by federally-recognized Indian tribes or nations, or their licensees.** Rates applicable to sales of cigarettes made on Indian country by federally-recognized Indian tribes or nations, or their licensees are:

710:70-7-9. Tobacco products tax rates for sales by federally-recognized Indian tribes and nations

(a) **Non-compact rate.** Non-compact rates apply to sales made by tribes or their licensees who have **not** entered into a compact with the State of Oklahoma:

(1) For little (Class A) cigars: \$0.027 each.

(2) For all other (Class C) cigars: \$0.09 each.

(3) For smoking tobacco: Sixty percent (60%) of the Factory List Price.

(4) For chewing tobacco: Forty-five percent (45%) of the Factory List Price.

(b) **Original compact rate.** The original compact rate applies to sales made by tribes or their licensees with an existing compact with the State of Oklahoma in which the tax rate is specified as twenty-five percent (25%) of the rate applied to non-tribal sales.

(1) For little (Class A) cigars: \$0.009 each.

(2) For all other (Class C) cigars: \$0.03 each.

(3) For smoking tobacco: Twenty percent (20%) of the Factory List Price.

(4) For chewing tobacco: Fifteen percent (15%) of the Factory List Price.

(c) **New compact rate.** The terms "**new compact**" and "**new compact rate**" apply to compacts signed after January 1, 2003, which contain the provision that the rate will increase

by an amount equal to any tax increase that becomes effective on or after January 1, 2004, and to sales made thereunder, unless the terms of subsection (f) apply by specific compact provision:

- (1) For little (Class A) cigars \$0.02925 each.
- (2) For all other (Class C) cigars: \$0.0975 each.
- (3) For smoking tobacco: Fifty percent (50%) of the Factory List Price.
- (4) For chewing tobacco: Thirty-seven and one-half percent (37.5%) of the Factory List Price.

(d) **Arkansas border rate.** The Arkansas border rates apply to tribes' or licensees' locations that are close to the Arkansas border, as designated by the terms of their "new" compacts":

- (1) For little (Class A) cigars \$0.01225 each.
- (2) For all other (Class C) cigars: \$0.0375 each.
- (3) For smoking tobacco: Seventeen percent (17%) of the Factory List Price.
- (4) For chewing tobacco: Fourteen and one-half percent (14.5%) of the Factory List Price.

(e) **Kansas border rate.** The Kansas border rates apply to tribes' or licensees' locations that are close to the Kansas border, as designated by the terms of their "new" compacts:

- (1) For little (Class A) cigars: \$0.00225 each.
- (2) For all other (Class C) cigars: \$0.0075 each.
- (3) For smoking tobacco: Ten percent (10%) of the Factory List Price.
- (4) For chewing tobacco: Seven and one-half percent (7.5%) of the Factory List Price.

(f) **Exception rate.** The "exception" rates apply to sales made by tribes or their licensees under compacts, the terms of which are not applicable to the circumstances set out in (a) through (e) of this Section.

- (1) For little (Class A) cigars: \$0.00225 each.
- (2) For all other (Class C) cigars: \$0.0075 each.
- (3) For smoking tobacco: Ten percent (10%) of the Factory List Price.
- (4) For chewing tobacco: Seven and one-half percent (7.5%) of the Factory List Price.

[OAR Docket #05-173; filed 2-3-05]

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

1:2005-4.

EXECUTIVE ORDER 2005-4

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Operation Homefront Task Force.

Members of Oklahoma's Army and Air National Guard, (the "Guard"), make extraordinary commitments to serve our state and nation. These brave men and women disrupt their everyday routines and place themselves in harm's way, which can also mean serious hardships for their families.

It is anticipated that Oklahomans will be given an opportunity, through an income tax check-off program, to donate a portion of their tax refunds to needy Guard families. The purpose of the tax check-off is to establish a Military Family Relief Fund to provide financial assistance to families of Guard members suffering financial hardships as a result of active duty or an injury or illness related to the job.

The Operation Homefront Task Force will help identify the pressing needs of the families of Guard members and help in establishing the criteria for awarding grants from the fund. The Task Force will also identify other problems and issues affecting Guard members, especially upon their return home from active duty; determine what resources, services and assistance programs are available to Guard members through various sources and organizations; and develop a plan to better coordinate resources and services to assist Guard members in the most efficient and timely manner possible.

The Governor's Operation Homefront Task Force is hereby created and shall consist of not more than fifteen (15) members. Appointees may include persons who are or have been engaged in fields related to National Guard and military service. Additional members of the Task Force representing State Government may be designated by the Governor as deemed necessary. All members shall be appointed by the Governor to serve at his pleasure. All members shall serve without compensation. Task Force members employed by a state agency shall be reimbursed travel expenses related to their service on the Task Force as authorized by state law by their respective state agency. Remaining Task Force members shall be reimbursed

travel expenses related to their service on the Task Force as authorized by state law by the Oklahoma Military Department.

The Task Force shall meet at such times and places as it deems appropriate and shall be staffed by the Oklahoma Military Department. The Task Force shall elect a chair and vice chair from its membership. The Task Force shall report to the Governor regarding its progress and status every 90 days after the initial meeting of the Task Force until a final report has been prepared and submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate. The final report shall be completed within one year of the date of this Order.

The Task Force shall conduct a comprehensive review of issues affecting Oklahoma's Army National Guard and Air National Guard and their families. The Task Force shall study and make recommendations regarding benefits and initiatives impacting members of the National Guard and their families. Any plans developed by the Task Force shall include a cost benefit analysis and suggestions for resources to meet any needed funding.

This Executive Order shall be distributed to the Oklahoma Department Military which shall cause the provisions of this Order to be implemented.

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 14 day of February, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-211; filed 2-15-05]

1:2005-5.

EXECUTIVE ORDER 2005-5

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and

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Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Wednesday, February 16, 2005, to honor Mary Jo Copeland, who died on Thursday, February 10, 2005.

Mary Jo Copeland, mother of Lieutenant Governor Mary Fallin, was the first woman to become mayor of Tecumseh, Oklahoma. Copeland was a dedicated, enthusiastic and hard-working public servant. She believed that public service is a high calling and an important duty. Her community was truly blessed to have had her representing their interests.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 14th day of February, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-214; filed 2-15-05]
