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Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

TITLE 165. CORPORATION COMMISSION CHAPTER 35. ELECTRIC UTILITY RULES

[OAR Docket #05-347]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 13. Disposition of Electric Energy
 - 165:35-13-1. Resale of electricity [AMENDED]
- Subchapter 15. Meter Requirements
 - Part 1. Installation, Reading, and Records
 - 165:35-15-2. Meter reading, meter reading records, cards, and charts [AMENDED]
 - Part 3. Meter Location, Testing, and Operation
 - 165:35-15-21. Referee meter tests by Commission [REVOKED]
- Subchapter 19. Consumer Data, Deposits, and Billing
 - Part 1. Consumer Records, Information, and Interruptions of Service
 - 165:35-19-2. Consumer information [AMENDED]
 - 165:35-19-4. Restoration of service [AMENDED]
 - Part 3. Deposits
 - 165:35-19-10. Deposits and interest [AMENDED]
 - Part 7. Application for Service and Tampering of Equipment
 - 165:35-19-41. Tampering with measuring equipment or other property [AMENDED]
- Subchapter 21. Disconnection of Service
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 - 165:35-21-2. Disconnection of service by a utility [AMENDED]
 - Part 3. Special Provisions Regarding Residential Disconnection
 - 165:35-21-10. Delays to disconnection of residential service [AMENDED]
 - 165:35-21-11. Commission notification procedure for the elderly and/or consumers with disabilities [AMENDED]
 - Part 9. Mediation and Commission Review
 - 165:35-21-40. Mediation [AMENDED]

SUBMITTED TO GOVERNOR:

March 17, 2005

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March 17, 2005

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March 17, 2005

[OAR Docket #05-347; filed 3-17-05]

TITLE 165. CORPORATION COMMISSION CHAPTER 45. GAS SERVICE UTILITIES

[OAR Docket #05-348]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Plant, Equipment, and Facilities
 - 165:45-3-2. Extent of system in which utility shall maintain service [AMENDED]
 - 165:45-3-6. Tampering with measuring or regulating equipment [AMENDED]
- Subchapter 5. Meters and Regulators
 - Part 1. General Provisions
 - 165:45-5-3. Information as to reading of meters [AMENDED]
 - Part 3. Testing
 - 165:45-5-15. Meter tests monitored by the Commission [AMENDED]
- Subchapter 9. Records And Reports
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- Subchapter 11. Customer Service
 - Part 1. Initiation of Service
 - 165:45-11-1. Deposits and interest [AMENDED]
 - Part 3. Disconnection of Service
 - 165:45-11-11. Physical disconnection of service by a utility [AMENDED]
 - 165:45-11-13. Commission notification procedures for the elderly and/or consumers with disabilities [AMENDED]
 - 165:45-11-14. Delays to disconnection of residential service [AMENDED]
 - 165:45-11-16. Notice of disconnection of service [AMENDED]
 - 165:45-11-17. Manner of disconnection of service [AMENDED]
 - 165:45-11-18. Disconnection of service without notice [AMENDED]
 - 165:45-11-19. Reconnection of service [AMENDED]
- Subchapter 15. Miscellaneous Provisions
 - 165:45-15-1. Resale of gas prohibited [AMENDED]

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March 17, 2005

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[OAR Docket #05-348; filed 3-17-05]

Submissions for Review

TITLE 165. CORPORATION COMMISSION CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND LIFELINE

[OAR Docket #05-349]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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165:59-1-4. Definitions [AMENDED]

Subchapter 7. Special Universal Services

165:59-7-6. Telemedicine access for ~~not-for-profit~~
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165:59-7-13. ~~Resold~~ Reselling of Special Universal
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March 15, 2005

[OAR Docket #05-349; filed 3-17-05]

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

[OAR Docket #05-413]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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230:10-3-8. Salary of the Secretary [AMENDED]

230:10-3-9.2. Employment and supervision of County
Election Board personnel when office of Secretary is
vacant [NEW]

230:10-3-12. Compensation of the Assistant Secretary
[AMENDED]

230:10-3-14. Compensation of the Chief Clerk
[AMENDED]

230:10-3-16.1. Compensation for temporary personnel
must be funded [NEW]

Part 3. The Precinct Election Board

230:10-3-28.1. Special-purpose precinct workers [NEW]

Subchapter 7. General Administration of the County
Election Board

Part 5. Maintaining the Office

230:10-7-44. Retention of ballots [AMENDED]

Part 7. Public Records

230:10-7-66. Lists of registered voters [AMENDED]

230:10-7-66.1. Voter registration records available
on electronic media from State Election Board
[AMENDED]

Part 13. Precincts and Subprecincts

230:10-7-103. Subprecincts [AMENDED]

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[OAR Docket #05-413; filed 3-25-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #05-414]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

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230:15-5-84. Information required on voter registration
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230:15-5-85. Other information requested on applications
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230:15-9-18.1. Assigning voter registration addresses in
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230:15-9-22. Processing applications for change of
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230:15-9-22.1. Processing application for change
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[AMENDED]

230:15-11-6.1. Cancellation of registration of deceased
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230:15-11-8. Cancellation for felony conviction
[AMENDED]

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[OAR Docket #05-414; filed 3-25-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 20. CANDIDATE FILING**

[OAR Docket #05-415]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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 - Part 1. When and Where to File
 - 230:20-3-1. Filing period [AMENDED]
 - Part 3. Qualifications for County Office
 - 230:20-3-18. Resignation required [REVOKED]
 - Part 9. Withdrawals of Candidates
 - 230:20-3-47. Withdrawal after filing period [AMENDED]
 - 230:20-3-50. Withdrawals from Runoff Primary [AMENDED]

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March 23, 2005

[OAR Docket #05-415; filed 3-25-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

[OAR Docket #05-416]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
 - 230:30-1-2. Definitions [AMENDED]
- Subchapter 3. Authorization for Absentee Voting
 - 230:30-3-3. Voters eligible for absentee ballots [AMENDED]
- Subchapter 5. Applications for Absentee Ballots
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 - 230:30-5-8.1. Time for absentee ballot applications [AMENDED]
 - 230:30-5-8.2. Validity of applications for absentee ballots for all elections [AMENDED]

- Subchapter 7. Absentee Voting Boards
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 - 230:30-7-5. Compensation for Absentee Voting Board members [AMENDED]
 - 230:30-7-6. Scheduling Absentee Voting Boards for an election [AMENDED]
 - 230:30-7-9. Procedure for the nursing home Absentee Voting Board [AMENDED]
 - 230:30-7-11. Procedure for in-person Absentee Voting Board to receive applications and issue ballots [AMENDED]
 - 230:30-7-13. In-person absentee voting procedure for ~~military discharge or military leave-uniformed services voter or overseas voter~~ [AMENDED]
 - 230:30-7-14. Verifying voter registration information and status of in-person absentee voters [AMENDED]
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 - 230:30-9-5.1. Faxing absentee ballots to uniformed services and overseas voters [NEW]
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 - 230:30-13-3. Rules for counting federal write-in absentee ballots [AMENDED]
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 - 230:30-15-2. Applications for state write-in absentee ballot [AMENDED]
 - 230:30-15-3. Time for state write-in absentee ballot applications [AMENDED]
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230:30-19-16. Determining outstanding overseas absentee ballots on Runoff Primary Election night [NEW]

230:30-19-17. Receiving, processing, and counting overseas absentee ballots for Runoff Primary Election after election [NEW]

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March 23, 2005

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March 23, 2005

[OAR Docket #05-416; filed 3-25-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #05-417]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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230:35-3-3. Assembling precinct supplies [AMENDED]

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230:35-3-33. Funds for Precinct Official compensation [AMENDED]

230:35-3-34. Funds for statewide elections [AMENDED]

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230:35-3-37. Inspector distributes vouchers [AMENDED]

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230:35-3-40. Substitute vouchers [AMENDED]

230:35-3-41. Itemized claim for election expenses [AMENDED]

230:35-3-47. Reconciliation of Precinct Official and Absentee Voting Board compensation [AMENDED]

230:35-3-48. Reconciliation for the county's share of Precinct Official compensation [AMENDED]

Part 7. Final Preparations

230:35-3-57. Requesting and printing Precinct Registries [AMENDED]

230:35-3-58. ~~Thursday~~ Wednesday preparations [AMENDED]

Part 9. Distributing Supplies and Ballots

230:35-3-65. Notifying Inspectors [AMENDED]

230:35-3-66. Issuing supplies and ballots [AMENDED]

230:35-3-69. Appointment of Watchers [AMENDED]

230:35-3-70. Pollsters [AMENDED]

Part 11. Election Day

230:35-3-79. Election day confirmation of timely, valid voter registration application [REVOKED]

Part 13. After the Polls Close

230:35-3-84. Assembly line required for receiving returns and materials from Inspectors [AMENDED]

230:35-3-84.1. Determining number of signatures on Provisional Ballot Rosters [NEW]

230:35-3-85.1. Election night recounts [AMENDED]

230:35-3-86. Sheriff to provide security for voted ballots [AMENDED]

230:35-3-87. Accumulating and producing election results [AMENDED]

Part 15. Certification of Results

230:35-3-91. Certifying county election results [AMENDED]

230:35-3-92. Tie votes [AMENDED]

230:35-3-93. Credit for voting [AMENDED]

Part 17. Disposition of Materials

230:35-3-101. Processing FORMS FOR USE BY PRECINCT OFFICIALS booklets [AMENDED]

230:35-3-101.1. Processing transfers of address on election day [AMENDED]

230:35-3-105. Disposing of provisional ballot materials [NEW]

Part 19. Verifying and Counting Provisional Ballots [NEW]

230:35-3-125. Handling provisional ballot affidavit envelopes [NEW]

230:35-3-126. Criteria for verification of provisional ballot affidavit information [NEW]

230:35-3-127. Provisional ballot verification procedure for voter not in Precinct Registry [NEW]

230:35-3-128. Provisional ballot verification procedure for voter without required identification [NEW]

230:35-3-129. Provisional ballot verification procedure for voter who disputes political affiliation [NEW]

230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district or municipal assignment [NEW]
 230:35-3-131. Opening provisional ballot affidavit envelopes and counting provisional ballots [NEW]
 230:35-3-132. Obtaining provisional ballot results [NEW]
 230:35-3-133. Voter may learn of disposition of own provisional ballot [NEW]
 230:35-3-134. Retention of provisional ballot materials [NEW]
 Subchapter 5. Instructions for Precinct Election Officials
 Part 5. Preparations on Election Day
 230:35-5-29. Location and materials for Judge [AMENDED]
 230:35-5-31.1. Location and materials for provisional voting [NEW]
 Part 7. General Guidelines
 230:35-5-39. Violations of the law [AMENDED]
 Part 9. Opening the Polls
 230:35-5-47. Before processing first voter [AMENDED]
 Part 11. Processing the Voter
 230:35-5-52. Persons entitled to vote [AMENDED]
 230:35-5-52.1. Voters eligible to vote when two or more entities hold elections on same date [AMENDED]
 230:35-5-55. Routine for Judge [AMENDED]
 230:35-5-60. Registration Officials [NEW]
 Part 15. After the Polls Close
 230:35-5-75.3. Completing election night tasks [AMENDED]
 230:35-5-76. Repacking supplies [AMENDED]
 230:35-5-79. Inspector returns to the County Election Board office [AMENDED]
 Part 21. Voters Listed in Precinct Registry Who Have Problems With Eligibility
 230:35-5-111. Voter whose name is not in Precinct Registry — Challenged Voter Procedure [REVOKED]
 230:35-5-111.1. Person who applied for voter registration but has not received voter identification card [REVOKED]
 230:35-5-113.2. Determining voter's school district or municipality [AMENDED]
 230:35-5-113.3. Identification Required voter [NEW]
 230:35-5-114. Military or Overseas Voter [AMENDED AND RENUMBERED TO 2303:35-5-173]
 Part 27. Watchers and Pollsters
 230:35-5-134. Watchers [AMENDED]
 230:35-5-136. Pollsters [AMENDED]
 Part 29. Violations of the Law
 230:35-5-145. Persons authorized inside election enclosure [AMENDED]
 Part 34. Provisional Voting Procedures [NEW]
 230:35-5-171. Voter's name not found in Precinct Registry [NEW]
 230:35-5-172. Identification required voter with no identification [NEW]

230:35-5-173. Voter disputes political affiliation indicated in Precinct Registry [NEW]
 230:35-5-174. Voter disputes school district or municipal assignment in Precinct Registry [NEW]
 230:35-5-175. Uniformed Services or Overseas Voter [NEW]
 230:35-5-176. Filling out a Provisional Ballot Voucher [NEW]
 230:35-5-177. Provisional voting procedure [NEW]
 Subchapter 9. HAVA Requirements [NEW]
 Part 1. General Provisions [NEW]
 230:35-9-1. Purpose [NEW]
 Part 3. Provisional Voting [NEW]
 230:35-9-6. Provisional voting for all elections [NEW]
 230:35-9-7. Voters who may cast a provisional ballot [NEW]
 230:35-9-8. Provisional Voting Officer authorized [NEW]
 230:35-9-9. Extension of provisional ballot verification period [NEW]
 Part 5. Voter Identification [NEW]
 230:35-9-16. Some voters required to present identification when voting for first time in election for federal office [NEW]
 Part 7. Voter Information [NEW]
 230:35-9-17. Public posting of voting information on election day [NEW]
 Part 9. Complaints [NEW]
 230:35-9-21. Purpose [NEW]
 230:35-9-22. Complaints [NEW]
 230:35-9-23. Receiving complaints [NEW]
 230:35-9-24. Investigation of complaint [NEW]
 230:35-9-25. Hearing [NEW]
 230:35-9-26. Resolution of complaint [NEW]
 230:35-9-27. Alternative dispute resolution for complaint [NEW]

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

[OAR Docket #05-418]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Special Elections

Part 1. Calling Special Elections

230:40-3-1.1. Times for special elections [AMENDED]

Submissions for Review

Part 3. Vacancies
230:40-3-8. Vacancies in the Legislature [AMENDED]
230:40-3-9. Vacancies for County Commissioner [AMENDED]
Subchapter 5. Municipal Elections
Part 1. Cities with Home Rule Charters
230:40-5-2. Copy of charter required [AMENDED]
230:40-5-4. Absentee voting required in home rule charter cities [AMENDED]
230:40-5-4.1. Provisional voting required in home rule charter cities [NEW]
230:40-5-5. Statutory election dates required for home rules charter cities [NEW]
Part 3. Nonpartisan Municipal Elections
230:40-5-9. Municipal elections shall be nonpartisan [AMENDED]
230:40-5-10. Partisan elections authorized by ordinance [AMENDED]
230:40-5-11. Ordinance must be attached to resolution [AMENDED]
Part 5. Statutory Municipalities
230:40-5-16. Statutory municipalities [AMENDED]
230:40-5-18. Notice of elections [AMENDED]
Part 7. Town Meetings
230:40-5-25. Town meetings required [AMENDED]
230:40-5-26. Ordinance required to hold elections [AMENDED]
230:40-5-27. Election laws apply [AMENDED]
230:40-5-28. Ordinance requiring election repealed [AMENDED]
230:40-5-29. Town meetings not required in municipalities with home rule charters [AMENDED]
Part 9. Procedures
230:40-5-34. Conduct of municipal elections [AMENDED]
230:40-5-35. Filing period for regular elections [AMENDED]
230:40-5-36. No filing fees [AMENDED]
230:40-5-38. Persons eligible to be candidates in nonpartisan elections [AMENDED]
230:40-5-41. Date for nonpartisan municipal election [AMENDED]
230:40-5-42. Dates of partisan municipal Primary and General Elections [AMENDED]
230:40-5-43. No Runoff Primary [AMENDED]
230:40-5-44. Certification [AMENDED]
230:40-5-46. Maps required [AMENDED]
230:40-5-47. Dates cannot conflict [AMENDED]
Part 11. Ballot Printing
230:40-5-52. Materials and ballots [AMENDED]
230:40-5-53. Order of names [AMENDED]
Part 13. Expenses
230:40-5-59. Pre-Election Expense Claim [AMENDED]
230:40-5-60. Claim for balance of election expenses [AMENDED]

Part 15. Municipalities in More Than One County
230:40-5-65. Municipalities in more than one county [AMENDED]
Part 17. Special Elections
230:40-5-77. Special elections for municipal offices [AMENDED]
230:40-5-78. Special election for municipal questions [AMENDED]
Part 19. Statistical Reports
230:40-5-84. ~~Report on analysis~~ Analysis of Municipal Elections ~~Election reports~~ [AMENDED]
Subchapter 7. School Elections
Part 1. Dates for Annual School Election
230:40-7-1. Annual School Elections [AMENDED]
Part 9. Procedures
230:40-7-39.1. Provisional voting [NEW]
230:40-7-42. Certification [AMENDED]
Part 23. Multi-County School Districts
230:40-7-104.1. Provisional voting [NEW]
230:40-7-109. Certification by parent County Election Board [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

[OAR Docket #05-369]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

252:4-1-5. [AMENDED]

252:4-1-6. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

[OAR Docket #05-370]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Environmental Permit Process
Part 7. Water Quality Division Tiers and Time Lines
252:4-7-73. [AMENDED]
252:4-7-74. [AMENDED]

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

[OAR Docket #05-371]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Incinerators
Part 9. Commercial and Industrial Solid Waste Incineration Units
252:100-17-63. [AMENDED]

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

[OAR Docket #05-372]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 41. Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants
Part 3. Hazardous Air Pollutants Contaminants
252:100-41-15. [AMENDED]

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

[OAR Docket #05-373]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Appendix E. Primary Ambient Air Quality Standards [REVOKED]
Appendix E. Primary Ambient Air Quality Standards [NEW]
Appendix F. Secondary Ambient Air Quality Standards [REVOKED]
Appendix F. Secondary Ambient Air Quality Standards [NEW]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

[OAR Docket #05-374]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Incorporation by Reference
252:205-3-2. Incorporation by reference [AMENDED]
Subchapter 21. Fees
252:205-21-5. Fees for waste exclusion [NEW]

Submissions for Review

Subchapter 25. Additional Requirements for Excluding a Waste from a Particular Facility [NEW]
252:205-25-1. General [NEW]
252:205-25-2. Conditions applicable to approved petitions [NEW]
252:205-25-3. Conditions of exclusion [NEW]
252:205-25-4. Reconsideration of an approved petition [NEW]
252:205-25-5. Monitoring of waste approved for exclusion [NEW]
252:205-25-6. Failure to follow approval conditions [NEW]
252:205-25-7. Effective date [NEW]
Appendix D. Waste Exclusion Fees [NEW]
Appendix E. Wastes Excluded From The Lists In Subpart D of 40 CFR Part 261 As Applicable In Oklahoma [NEW]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

[OAR Docket #05-375]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Incorporation by Reference
252:205-3-1. [AMENDED]

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

[OAR Docket #05-376]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:410-1-7. [AMENDED]
Subchapter 10. Radioactive Materials Program
Part 35. Medical Use of Byproduct Material
252:410-10-35. [AMENDED]

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

[OAR Docket #05-377]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Radiation Machines - Common Requirements
Part 1. General Provisions
252:410-3-3. [AMENDED]

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

[OAR Docket #05-378]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Radiation Management Authorizations; Procedures and Requirements
Part 1. General Provisions Common to All Authorizations
252:410-7-1. [AMENDED]
252:410-7-2. [AMENDED]
252:410-7-3. [AMENDED]
252:410-7-4. [AMENDED]

252:410-7-5. [AMENDED]
252:410-7-6. [AMENDED]
Part 3. Reciprocity Recognition
252:410-7-31. [AMENDED]
252:410-7-32. [AMENDED]
Subchapter 10. Radioactive Materials Program
Part 101. Radioactive Materials Program Fees
252:410-10-101. [AMENDED]
252:410-10-110. [AMENDED]
252:410-10-118. [AMENDED]

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

[OAR Docket #05-379]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 10. Radioactive Materials Program
Part 101. Radioactive Materials Program Fees
252:410-10-111. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

[OAR Docket #05-380]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Introduction
252:606-1-4. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 611. GENERAL WATER QUALITY**

[OAR Docket #05-381]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:611-1-3. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS**

[OAR Docket #05-382]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Introduction
252:616-1-3. Engineer Required [NEW]
Subchapter 7. Surface Impoundment Standards
252:616-7-1. Construction and maintenance [AMENDED]
Subchapter 9. Tank System Standards
252:616-9-1. ~~Tank system materials~~ Authorized use of tank systems [AMENDED]
252:616-9-2. ~~Tank system requirements~~ Tank system materials [AMENDED]
252:616-9-3. Tank system requirements [NEW]
Subchapter 11. Land Application Standards
252:616-11-1. Restrictions [AMENDED]
252:616-11-5. Recordkeeping [AMENDED]
252:616-11-6. Dust Suppression [NEW]

Submissions for Review

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 619. OPERATION AND MAINTENANCE OF NON-INDUSTRIAL TOTAL RETENTION LAGOON SYSTEMS AND LAND APPLICATION**

[OAR Docket #05-383]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions [NEW]

252:619-1-1. [NEW]

252:619-1-2. [NEW]

252:619-1-3. [NEW]

252:619-1-4. [NEW]

252:619-1-5. [NEW]

Subchapter 3. Operation and Maintenance [NEW]

252:619-3-1. [NEW]

252:619-3-2. [NEW]

252:619-3-3. [NEW]

Subchapter 5. Closure Requirements [NEW]

252:619-5-1. [NEW]

252:619-5-2. [NEW]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 621. NON-INDUSTRIAL FLOW-THROUGH AND PUBLIC WATER SUPPLY IMPOUNDMENTS AND INCLUDING LAND APPLICATION**

[OAR Docket #05-384]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

252:621-1-1. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

[OAR Docket #05-385]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Introduction

252:631-1-3. [AMENDED]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

[OAR Docket #05-386]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Introduction

252:690-1-4. [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-11. [AMENDED]

252:690-3-14. [AMENDED]

252:690-3-26. [AMENDED]

252:690-3-29. [AMENDED]

252:690-3-34. [AMENDED]

252:690-3-41. [AMENDED]

252:690-3-42. [AMENDED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [REVOKED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION**

[OAR Docket #05-387]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

252:710-1-12. [AMENDED]

Subchapter 3. Certification

252:710-3-31. [AMENDED]

252:710-3-32. [AMENDED]

252:710-3-37. [AMENDED]

Subchapter 5. Duties and Responsibilities

252:710-5-53. [AMENDED]

252:710-5-57. [AMENDED]

252:710-5-58. [AMENDED]

252:710-5-59. [AMENDED]

Appendix A. Classification of Community and Nontransient Noncommunity Water Systems, Wastewater Systems and Laboratories [REVOKED]

Appendix A. Classification of Community and Nontransient Noncommunity Water Systems, Wastewater Systems and Laboratories [NEW]

Appendix B. Certificate Requirements (252:710-3-35) [REVOKED]

Appendix B. Certificate Requirements (252:710-3-35) [NEW]

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

[OAR Docket #05-360]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

265:1-1-2. [AMENDED]

265:1-1-3. [AMENDED]

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

[OAR Docket #05-361]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Procedures

265:3-3-4. [AMENDED]

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

[OAR Docket #05-362]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Rationalization

265:10-3-1. [AMENDED]

265:10-3-2. [AMENDED]

265:10-3-3. [AMENDED]

265:10-3-4. [AMENDED]

Submissions for Review

Subchapter 5. Compliance
265:10-5-1. [AMENDED]
265:10-5-2. [AMENDED]
265:10-5-4. [AMENDED]
265:10-5-5. [AMENDED]

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**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 15. PROTECTIVE CLOTHING
AND BREATHING APPARATUS**

[OAR Docket #05-363]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions [REVOKED]
265:15-1-1. [REVOKED]
265:15-1-2. [REVOKED]
Subchapter 3. [REVOKED]
Subchapter 5. Protective Clothing [REVOKED]
265:15-5-1. [REVOKED]
265:15-5-2. [REVOKED]
265:15-5-3. [REVOKED]
265:15-5-4. [REVOKED]
265:15-5-5. [REVOKED]
265:15-5-6. [REVOKED]
Subchapter 7. Self-Contained Breathing Apparatus
(SCBA) [REVOKED]
265:15-7-1. [REVOKED]
265:15-7-2. [REVOKED]
265:15-7-3. [REVOKED]
265:15-7-4. [REVOKED]
265:15-7-5. [REVOKED]
265:15-7-6. [REVOKED]

SUBMITTED TO GOVERNOR:

March 21, 2005

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March 21, 2005

[OAR Docket #05-363; filed 3-21-05]

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

[OAR Docket #05-364]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

265:25-1-3. [AMENDED]
265:25-1-4. [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-364; filed 3-21-05]

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

[OAR Docket #05-365]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

265:30-1-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-365; filed 3-21-05]

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

[OAR Docket #05-366]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

265:35-1-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-366; filed 3-21-05]

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

[OAR Docket #05-410]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 11. Finance

Part 8. General Provisions

340:2-11-91. [AMENDED]

Part 13. Electronic Benefit Disbursement [NEW]

340:2-11-150. [NEW]

(Reference APA WF 05-02)

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-410; filed 3-24-05]

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

[OAR Docket #05-411]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-5. [AMENDED]

Subchapter 15. Overpayments

340:40-15-1. [AMENDED]

(Reference APA WF 04-09 and 05-01)

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-411; filed 3-24-05]

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

[OAR Docket #05-318]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

385:1-1-2. Commissioners [AMENDED]

385:1-1-3. Office of the Secretary [AMENDED]

385:1-1-4. Authorization to adopt rules and regulations [AMENDED]

385:1-1-5. Office Meeting location; quorum [AMENDED]

385:1-1-6. Land Office divisions [AMENDED]

385:1-1-7. Responsibilities of division directors [AMENDED]

385:1-1-8. Requests for information [AMENDED]

385:1-1-9. Hearings [AMENDED]

385:1-1-10. Minutes of Meetings [AMENDED]

385:1-1-11. Rules and regulations [AMENDED]

SUBMITTED TO GOVERNOR:

March 15, 2005

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[OAR Docket #05-318; filed 3-15-05]

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

[OAR Docket #05-319]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

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March 15, 2005

[OAR Docket #05-319; filed 3-15-05]

Submissions for Review

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

[OAR Docket #05-320]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-320; filed 3-15-05]

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

[OAR Docket #05-367]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

- 435:5-1-4.1. Administrative fines [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-367; filed 3-21-05]

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

[OAR Docket #05-368]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

- Subchapter 7. Regulation of Physician and Surgeon Practice
- 435:10-7-11. ~~Intractable pain~~ Use of controlled substances for the management of chronic pain [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-368; filed 3-21-05]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 1. ADMINISTRATION

[OAR Docket #05-340]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

- Subchapter 1. General Information
- 450:1-1-1.1. [AMENDED]
- 450:1-1-5. [AMENDED]
- 450:1-1-7. [AMENDED]
- Subchapter 5. Procedure in Individual Administrative Proceedings
- 450:1-5-4. [AMENDED]
- Subchapter 7. Charges and Eligibility for ODMHSAS Services
- 450:1-7-4. [REVOKED]
- Subchapter 9. Certification and Designation of Facilities and Services
- 450:1-9-4. [AMENDED]
- 450:1-9-6. [AMENDED]
- 450:1-9-7. [AMENDED]
- 450:1-9-8. [AMENDED]
- 450:1-9-9. [AMENDED]

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[OAR Docket #05-340; filed 3-17-05]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 15. CONSUMERS RIGHTS**

[OAR Docket #05-341]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Consumer Rights

Part 1. Mental Health and Drug or Alcohol Abuse Services

Consumer Bill of Rights

450:15-3-1. [AMENDED]

450:15-3-3. [AMENDED]

450:15-3-27. [AMENDED]

Subchapter 7. Office of Consumer Advocacy

Part 2. Investigations

450:15-7-9. [AMENDED]

450:15-7-14. [AMENDED]

450:15-7-15. [AMENDED]

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[OAR Docket #05-341; filed 3-17-05]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 18. STANDARDS AND CRITERIA
FOR ALCOHOL AND DRUG TREATMENT
PROGRAMS**

[OAR Docket #05-342]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

450:18-1-1. [AMENDED]

450:18-1-2. [AMENDED]

450:18-1-4. [AMENDED]

Subchapter 3. Substance Abuse Treatment Services

Part 1. Levels of Care

450:18-3-1. [AMENDED]

450:18-3-2. [AMENDED]

450:18-3-3. [NEW]

Part 3. Outpatient Services

450:18-3-21. [AMENDED]

Part 5. Intensive Outpatient Services

450:18-3-41. [AMENDED]

450:18-3-42. [AMENDED]

Part 7. Medically Supervised Detoxification

450:18-3-61. [AMENDED]

PART 9. Non-Medical Detoxification

450:18-3-81. [AMENDED]

Part 11. Residential Treatment

450:18-3-101. [AMENDED]

Part 13. Residential Treatment for Persons with Dependent
Children

450:18-3-121. [AMENDED]

Part 15. Adult Residential Treatment For The Dually
Diagnosed

450:18-3-141. [AMENDED]

Part 17. Residential Treatment For Adolescents

450:18-3-161. [AMENDED]

Part 19. Halfway House Services

450:18-3-181. [AMENDED]

Part 20. Adolescent Halfway House Services

450:18-3-190. [AMENDED]

Part 21. Halfway House Services for Persons With
Dependent Children

450:18-3-201. [AMENDED]

Part 25. ~~Opioid Substitution Treatment Programs and
Opiate Antagonists and Opiate Agonists Medication
Assisted Treatment~~

450:18-3-241. [AMENDED]

450:18-3-242. [AMENDED]

Subchapter 5. Ancillary Services and Activities

450:18-5-3.1. [NEW]

450:18-5-3.2. [NEW]

450:18-5-4. [AMENDED]

450:18-5-5. [AMENDED]

450:18-5-6. [AMENDED]

450:18-5-8. [AMENDED]

450:18-5-9. [REVOKED]

Subchapter 7. Facility Record System

Part 1. Record System

450:18-7-1. [AMENDED]

450:18-7-2. [AMENDED]

450:18-7-3.1. [AMENDED]

450:18-7-4. [AMENDED]

Part 3. Intake and Admission Assessment

450:18-7-21. [AMENDED]

Part 5. Biopsychosocial Assessment

450:18-7-41. [AMENDED]

Part 9. Treatment Planning

450:18-7-81. [AMENDED]

Part 11. Progress Notes

450:18-7-101. [AMENDED]

Subchapter 9. Services Support and Enhancement

Part 1. Staff Support

Submissions for Review

450:18-9-2. [AMENDED]
450:18-9-3. [AMENDED]
Part 2. Organizational and Facility Management
450:18-9-20. [AMENDED]
Subchapter 11. Consumer Rights
450:18-11-1. [AMENDED]
450:18-11-2. [REVOKED]

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**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 19. STANDARDS AND CRITERIA
FOR DOMESTIC VIOLENCE AND SEXUAL
ASSAULT PROGRAMS**

[OAR Docket #05-343]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions
450:19-1-2. [AMENDED]
450:19-1-6. [AMENDED]
Subchapter 3. ~~Services—Domestic Violence and Sexual
Assault Programs~~
Part 1. ~~Required DV/Sa—Shelter—Program—Components
Types of Service Programs~~
450:19-3-1. [AMENDED]
450:19-3-2. [AMENDED]
450:19-3-3. [REVOKED]
450:19-3-4. [REVOKED]
450:19-3-6. [REVOKED]
Part 2. Other Service Components
450:19-3-7. [AMENDED]
450:19-3-8. [AMENDED]
450:19-3-9. [AMENDED]
450:19-3-10. [AMENDED]
Subchapter 5. Client Records and Confidentiality
450:19-5-3.1. [AMENDED]
Subchapter 7. DV/Sa Shelter Program Physical
Environments
450:19-7-1. [AMENDED]
450:19-7-3. [AMENDED]
450:19-7-6. [AMENDED]

450:19-7-7. [NEW]
Subchapter 9. Program Management and Performance
Improvement
450:19-9-10. [AMENDED]
Subchapter 13. Personnel and Volunteers
Part 3. Training
450:19-13-20.1. [AMENDED]
450:19-13-20.2. [AMENDED]
450:19-13-27. [AMENDED]
450:19-13-29. [AMENDED]

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[OAR Docket #05-343; filed 3-17-05]

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

[OAR Docket #05-344]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. Certification of Alcohol and Drug Substance
Abuse Courses (ADSAC), Organizations and Facilitators
450:21-1-3. [AMENDED]
450:21-1-5. [AMENDED]
450:21-1-8. [AMENDED]
450:21-1-9. [AMENDED]
450:21-1-10. [AMENDED]
Subchapter 5. Course Attendance and Completion
450:21-5-1. [AMENDED]
450:21-5-2. [AMENDED]
SUBMITTED TO GOVERNOR:
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[OAR Docket #05-344; filed 3-17-05]

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

[OAR Docket #05-345]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

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**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 30. ~~CLINICAL CARE~~
STATE-OPERATED INPATIENT SERVICES**

[OAR Docket #05-346]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

- Subchapter 15. Forensic Review Board [NEW]
- 450:30-15-1. [NEW]
- 450:30-15-2. [NEW]
- 450:30-15-3. [NEW]

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[OAR Docket #05-346; filed 3-17-05]

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

[OAR Docket #05-309]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 5. Rulemaking and declaratory rulings
- 505:1-5-6. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-309; filed 3-11-05]

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

[OAR Docket #05-310]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 5. Regulation of licensees
- 505:10-5-11. [AMENDED]
- 505: 10-5-17. [NEW]

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[OAR Docket #05-310; filed 3-11-05]

Submissions for Review

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

[OAR Docket #05-301]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 5. Instructor and Entity Requirements and Standards
- 605:10-5-1. Approval of prelicense course offerings [AMENDED]
- 605:10-5-1.1 Approval of postlicense course offerings [AMENDED]
- 605:10-5-2. Approval of continuing education offerings [AMENDED]
- Subchapter 11. Associate's Licensing Procedures
- 605:10-11-3. Associate's corporation or association [AMENDED]
- Subchapter 13. Trust Account Procedures
- 605:10-13-1. Duty to account; broker [AMENDED]
- Subchapter 15. Disclosures
- 605:10-15-3. Guidelines for furnishing psychological factors [AMENDED]
- Subchapter 17. Causes for Investigation; Hearing Process; Prohibited Acts; Discipline
- 605:10-17-5. Substantial misrepresentation [AMENDED]
- 605:10-17-6. Guidelines for suspended/revoked brokers and associates [AMENDED]
- 605:10-17-7. Cessation of licensed activities upon loss of license [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-301; filed 3-10-05]

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

[OAR Docket #05-327]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-327; filed 3-16-05]

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

[OAR Docket #05-328]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Chapter 10. Vocational Rehabilitation and Visual Services [AMENDED]

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SUBMITTED TO SENATE:

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[OAR Docket #05-328; filed 3-16-05]

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

[OAR Docket #05-329]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-329; filed 3-16-05]

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

[OAR Docket #05-330]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

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[OAR Docket #05-330; filed 3-16-05]

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

[OAR Docket #05-331]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 2. General Provisions
 - 612:25-2-5. Definitions [AMENDED]
 - 612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED]
- Subchapter 4. The State Licensing Agency
 - Part 1. Organization and General Operation Standards
 - 612:25-4-1. Organization of the State Licensing Agency [AMENDED]
 - 612:25-4-2. SLA staff responsibilities [REVOKED]
 - 612:25-4-3. Guidelines for communication [AMENDED]
 - 612:25-4-4. Management services provided by the State Licensing Agency [AMENDED]
 - Part 3. Business Enterprise Program Training

- 612:25-4-14. Training for new or potential licensed managers [AMENDED]
 - 612:25-4-15. Training for present licensed managers [AMENDED]
 - Part 5. State Licensing Agency Responsibility for Business Enterprise Operations
 - 612:25-4-25. Management of BEP equipment and fixtures [AMENDED]
 - 612:25-4-26. Maintenance and replacement of business enterprise equipment [AMENDED]
 - 612:25-4-27. Initial inventory and supplies [AMENDED]
 - 612:25-4-30. Second merchandise loan [AMENDED]
 - Part 7. Support Services and Warehouse
 - 612:25-4-40. Overview of support services [REVOKED]
 - 612:25-4-41. Support services personnel [REVOKED]
 - 612:25-4-42. Warehouse operations [REVOKED]
 - Part 9. Assignment and Transfer of Licensed Managers
 - 612:25-4-54. Business enterprise vacancy announcement [AMENDED]
 - 612:25-4-55. Qualifications [AMENDED]
 - 612:25-4-56. Applications [AMENDED]
 - 612:25-4-57. Applicant Selection Committee [AMENDED]
 - 612:25-4-58. InterviewsAnnual Evaluation [AMENDED]
 - 612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
 - 612:25-4-60. Ninety day replacement [AMENDED]
 - 612:25-4-61. Satellite/remote business enterprise locations [AMENDED]
 - Part 11. Business Enterprise Program Auditing and Due Process
 - 612:25-4-72. ~~Audit procedures~~Audits [AMENDED]
 - 612:25-4-73. Due process [AMENDED]
 - 612:25-4-74. Probation [AMENDED]
 - Subchapter 6. Licensed Managers and Business Enterprise Operation
 - Part 3. Business Enterprises
 - 612:25-6-15. Setting aside of funds [AMENDED]
 - 612:25-6-18. ~~Establishing Procedures to establish~~ new business enterprises [AMENDED]
 - Part 5. The Elected Committee of Licensed Managers
 - 612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]
- SUBMITTED TO GOVERNOR:**
March 16, 2005
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[OAR Docket #05-331; filed 3-16-05]

Submissions for Review

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 12. GUIDELINES FOR SUPERVISION

[OAR Docket #05-312]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

675:12-1-6. Board Approved Supervisors [AMENDED]

SUBMITTED TO GOVERNOR:

March 9, 2005

SUBMITTED TO HOUSE:

March 9, 2005

SUBMITTED TO SENATE:

March 9, 2005

[OAR Docket #05-312; filed 3-11-05]

TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION

[OAR Docket #05-339]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Teacher Preparation Program Accreditation

712:10-5-1. [AMENDED]

712:10-5-2. [AMENDED]

712:10-5-3. [AMENDED]

712:10-5-4. [AMENDED]

Subchapter 11. Education Leadership Oklahoma

712:10-11-1. [AMENDED]

SUBMITTED TO GOVERNOR:

March 17, 2005

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March 17, 2005

SUBMITTED TO SENATE:

March 17, 2005

[OAR Docket #05-339; filed 3-17-05]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS

[OAR Docket #05-355]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 31. Refunds

Part 3. State Parks

725:15-31-10. [AMENDED]

725:15-31-11. [AMENDED]

Part 5. Golf Courses

725:15-31-20. [AMENDED]

725:15-31-21. [AMENDED]

Part 7. State Lodges

725:15-31-30. [AMENDED]

725:15-31-31. [AMENDED]

725:15-31-32. [AMENDED]

Part 9. Oklahoma Today Magazine

725:15-31-41. [AMENDED]

SUBMITTED TO GOVERNOR:

March 21, 2005

SUBMITTED TO HOUSE:

March 21, 2005

SUBMITTED TO SENATE:

March 21, 2005

[OAR Docket #05-355; filed 3-21-05]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #05-356]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 6. Fees, Discounts and Waivers

725:30-6-1. [AMENDED]

SUBMITTED TO GOVERNOR:

March 21, 2005

SUBMITTED TO HOUSE:

March 21, 2005

SUBMITTED TO SENATE:

March 21, 2005

[OAR Docket #05-356; filed 3-21-05]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #05-357]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 4. Public Use and Recreation

725:30-4-10. [AMENDED]

725:30-4-26. [AMENDED]

Subchapter 8. Camping and Day Use

725:30-8-1. [AMENDED]

725:30-8-3. [AMENDED]

Subchapter 12. Reservations and Use of Cabins, Group Camps, Shelters, Reserved/Assigned Camping Facilities, Amphitheaters, Community Buildings and Meeting Rooms

725:30-12-5. [AMENDED]

Subchapter 24. Golf

725:30-24-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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March 21, 2005

SUBMITTED TO SENATE:

March 21, 2005

[OAR Docket #05-357; filed 3-21-05]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 30. DIVISION OF STATE PARKS**

[OAR Docket #05-358]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 22. Concession Leases

725:30-22-8. [NEW]

SUBMITTED TO GOVERNOR:

March 21, 2005

SUBMITTED TO HOUSE:

March 21, 2005

SUBMITTED TO SENATE:

March 21, 2005

[OAR Docket #05-358; filed 3-21-05]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 30. DIVISION OF STATE PARKS**

[OAR Docket #05-359]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 23. Mineral Leases and Operations [NEW]

725:30-23-1. [NEW]

725:30-23-2. [NEW]

725:30-23-3. [NEW]

725:30-23-4. [NEW]

725:30-23-5. [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #05-359; filed 3-21-05]

**TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 30. HIGHWAY DESIGN**

[OAR Docket #05-317]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 9. Permitting of Oversize, Overweight, and Special Combination Vehicles

730:30-9-15. [AMENDED]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

March 11, 2005

SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-317; filed 3-11-05]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 20. APPROPRIATION AND USE OF STREAM WATER**

[OAR Docket #05-313]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Permits

785:20-7-2. Contents of regular permits [AMENDED]

Subchapter 9. Actions After Stream Water Right Obtained

785:20-9-3. Loss of rights and reversion of water to public [AMENDED]

Subchapter 11. Miscellaneous Provisions

785:20-11-9. Impoundment of water in mine pits [NEW]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

March 11, 2005

Submissions for Review

SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-313; filed 3-11-05]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP
INSTALLER LICENSING**

[OAR Docket #05-314]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 785:35-1-2. Definitions [AMENDED]
- Subchapter 3. Licensing and Certifications
- 785:35-3-1. Licensing procedures [AMENDED]
- 785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]
- Subchapter 7. Minimum Standards for Construction of Wells.
- 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]
- 785:35-7-2. Minimum standards for construction of monitoring wells and geotechnical borings [AMENDED]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
- 785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]
- 785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

March 11, 2005

SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-314; filed 3-11-05]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 46. IMPLEMENTATION
OF OKLAHOMA'S WATER QUALITY
STANDARDS**

[OAR Docket #05-316]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 785:46-1-2. Definitions [AMENDED]
- 785:46-1-4. Testing procedures [AMENDED]
- Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use
- 785:46-9-2. Applicable mineral criteria [AMENDED]
- Subchapter 15. Use Support Assessment Protocols
- 785:46-15-3. Data requirements [AMENDED]
- 785:46-15-5. Assessment of Fish and Wildlife Propagation support [AMENDED]
- 785:46-15-8. Assessment of Agriculture support [AMENDED]
- 785:46-15-10. Nutrients [AMENDED]
- Subchapter 17. OWRB Water Quality Standards Implementation Plan
- 785:46-17-3. Processes to ensure compliance with antidegradation standards and leading to maintenance of, removal of threats to, and restoration of beneficial uses [AMENDED]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

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SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-316; filed 3-11-05]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 55. DEVELOPMENT ON STATE
OWNED OR OPERATED PROPERTY
WITHIN FLOODPLAINS AND FLOODPLAIN
ADMINISTRATOR ACCREDITATION**

[OAR Docket #05-315]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 7. Floodplain Administrator Accreditation Program [NEW]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

March 11, 2005

SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-315; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #05-303]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 11. Publications

800:1-11-1. Charges for workshops, publications and other material [AMENDED]

Subchapter 13. Hunting and Fishing ~~Licenses~~ License Dealers

800:1-13-3. Dealer operating provisions [AMENDED]

800:1-13-11. Wildlife Land Stamp, also know as Fishing and Hunting Legacy Permit [NEW]

800:11-13-13. Internet Point of Sale License System [NEW]

SUBMITTED TO GOVERNOR:

February 16, 2005

SUBMITTED TO HOUSE:

February 16, 2005

SUBMITTED TO SENATE:

February 16, 2005

[OAR Docket #05-303; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #05-304]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Harvest and Possession Limits

800:10-1-4. Size limits on fish [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

February 16, 2005

[OAR Docket #05-304; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 15. COMMERCIAL HARVEST
RULES, AQUATIC SPECIES**

[OAR Docket #05-305]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Commercial Turtle Harvest

800:15-9-3. General; operating provisions [AMENDED]

SUBMITTED TO GOVERNOR:

February 16, 2005

SUBMITTED TO HOUSE:

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SUBMITTED TO SENATE:

February 16, 2005

[OAR Docket #05-305; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #05-306]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Hunting on Corps of Engineers Lands

800:25-3-2. Areas open to shotgun with pellets and bow and arrow only [AMENDED]

800:25-3-4. Areas open to archery and shotgun and muzzleloading firearms [AMENDED]

Subchapter 7. General Hunting Seasons

Part 5. Upland Game

800:25-7-16. Wild turkey - Fall; legal means of taking [AMENDED]

800:25-7-18. Wild turkey - Spring; legal means of taking [AMENDED]

Part 7. Falconry

800:25-7-33. General stipulations [AMENDED]

Part 13. Deer

800:25-7-50. General provisions for deer [AMENDED]

800:25-7-51. Deer - archery [AMENDED]

800:25-7-54. Legal firearms specifications [AMENDED]

800:25-7-55. Deer-Youth Gun Season [AMENDED]

Submissions for Review

Part 19. Season on Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service

800:25-7-91. Cherokee GMA [AMENDED]

800:25-7-93. Cookson WMA [AMENDED]

800:25-7-98. Fort Cobb WMA [AMENDED]

800:25-7-105.6. Hackberry Flat WRP [AMENDED]

800: 25-7-127. Okmulgee GMA [AMENDED]

800:25-7-140. Sandy Sanders WMA [AMENDED]

800:25-7-152. Washita County WMA [AMENDED]

800:25-7-154. Waurika WMA [AMENDED]

SUBMITTED TO GOVERNOR:

February 16, 2005

SUBMITTED TO HOUSE:

February 16, 2005

SUBMITTED TO SENATE:

February 16, 2005

[OAR Docket #05-306; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #05-307]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Commercial Hunt Areas

800:25-13-10. Record requirements [NEW]

800:25-13-11. Release of wildlife requirements [NEW]

800:25-13-16. Facility requirements [AMENDED]

SUBMITTED TO GOVERNOR:

March 11, 2005

SUBMITTED TO HOUSE:

March 11, 2005

SUBMITTED TO SENATE:

March 11, 2005

[OAR Docket #05-307; filed 3-11-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 30. DEPARTMENT OF
WILDLIFE LANDS MANAGEMENT**

[OAR Docket #05-308]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Use of Department Managed Lands

800:30-1-4. Camping [AMENDED]

800:30-1-20. Restricted public use areas [AMENDED]

SUBMITTED TO GOVERNOR:

February 16, 2005

SUBMITTED TO HOUSE:

February 16, 2005

SUBMITTED TO SENATE:

February 16, 2005

[OAR Docket #05-308; filed 3-11-05]

Gubernatorial Approvals

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

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

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 65. OKLAHOMA QUALITY JOBS PROGRAM

[OAR Docket #05-353]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Quality Jobs Program

150:65-1-2. [AMENDED]

150:65-1-3. [AMENDED]

150:65-1-4. [AMENDED]

150:65-1-5. [AMENDED]

150:65-1-6. [AMENDED]

150:65-1-7. [AMENDED]

150:65-1-8. [AMENDED]

150:65-1-9. [AMENDED]

150:65-1-10. [AMENDED]

150:65-1-11. [AMENDED]

150:65-1-12. [AMENDED]

150:65-1-13. [AMENDED]

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-353; filed 3-18-05]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 110. OKLAHOMA QUALITY INVESTMENT ACT

[OAR Docket #05-354]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

150:110-1-1. [NEW]

150:110-1-2. [NEW]

150:110-1-3. [NEW]

150:110-1-4. [NEW]

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-354; filed 3-18-05]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-421]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

235:1-1-1. [AMENDED]

235:1-1-2. [AMENDED]

GUBERNATORIAL APPROVAL:

March 4, 2005

[OAR Docket #05-421; filed 3-25-05]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 10. FUNERAL SERVICES LICENSING

[OAR Docket #05-422]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

235:10-1-1. [AMENDED]

235:10-1-2. [AMENDED]

Subchapter 3. Qualifications and Requirements for
Licensure

235:10-3-1. [AMENDED]

235:10-3-2. [AMENDED]

235:10-3-3. [AMENDED]

235:10-3-5. [AMENDED]

235:10-3-6. [REVOKED]

Subchapter 5. Licensing Fees

235:10-5-1. [AMENDED]

Subchapter 7. License Renewal, Revocation, and
Suspension

235:10-7-1. [AMENDED]

235:10-7-2. [AMENDED]

Subchapter 9. Procedures for the Disposition of Complaints

235:10-9-2. [AMENDED]

235:10-9-5. [AMENDED]

235:10-9-9. [AMENDED]

235:10-9-11. [AMENDED]

Subchapter 13. Continuing Education [NEW]

235:10-13-1. [NEW]

235:10-13-3. [NEW]

235:10-13-5. [NEW]

Gubernatorial Approvals

235:10-13-7. [NEW]
235:10-13-9. [NEW]
Subchapter 15. Advertising
235:10-15-3. [AMENDED]
235:10-15-4. [REVOKED]

GUVERNATORIAL APPROVAL:

March 4, 2005

[OAR Docket #05-422; filed 3-25-05]

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

[OAR Docket #05-323]

RULEMAKING ACTION:

Gubernatorial approval

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]

GUVERNATORIAL APPROVAL:

February 11, 2005

[OAR Docket #05-323; filed 3-16-05]

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

[OAR Docket #05-324]

RULEMAKING ACTION:

Gubernatorial approval

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 and initial monitoring determination [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]

GUVERNATORIAL APPROVAL:

February 11, 2005

[OAR Docket #05-324; filed 3-16-05]

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

[OAR Docket #05-404]

RULEMAKING ACTION:

Gubernatorial approval

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)

GUVERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-404; filed 3-23-05]

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

[OAR Docket #05-405]

RULEMAKING ACTION:

Gubernatorial approval

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)**

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-405; filed 3-23-05]

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

[OAR Docket #05-406]

RULEMAKING ACTION:

Gubernatorial approval

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)**

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-406; filed 3-23-05]

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

[OAR Docket #05-407]

RULEMAKING ACTION:

Gubernatorial approval

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)**

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-407; filed 3-23-05]

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

[OAR Docket #05-408]

RULEMAKING ACTION:

Gubernatorial approval

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

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)

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-408; filed 3-23-05]

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

[OAR Docket #05-409]

RULEMAKING ACTION:

Gubernatorial approval

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]

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

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-409; filed 3-23-05]

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

[OAR Docket #05-332]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

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

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-332; filed 3-17-05]

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

[OAR Docket #05-333]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 3. Investigations and Hearings

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

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-333; filed 3-17-05]

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

[OAR Docket #05-334]

RULEMAKING ACTION:

Gubernatorial approval.

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]
GUBERNATORIAL APPROVAL:
March 11, 2005

[OAR Docket #05-334; filed 3-17-05]

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

[OAR Docket #05-335]

RULEMAKING ACTION:

Gubernatorial approval.

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]

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-335; filed 3-17-05]

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

[OAR Docket #05-336]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 11. Prescriptive Guidelines and Drug
Formulary

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

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-336; filed 3-17-05]

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

[OAR Docket #05-337]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 7. Regulation of Practice

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

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-337; filed 3-17-05]

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

[OAR Docket #05-338]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 7. Regulation of Practice

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

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-338; filed 3-17-05]

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

[OAR Docket #05-325]

RULEMAKING ACTION:

Gubernatorial Approval of Permanent Rules

RULES:

Subchapter 1. General Provisions

485:10-1-3. [AMENDED]

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-325; filed 3-16-05]

Gubernatorial Approvals

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

[OAR Docket #05-326]

RULEMAKING ACTION:

Gubernatorial Approval of Permanent Rules

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]

GUBERNATORIAL APPROVAL:

March 11, 2005

[OAR Docket #05-326; filed 3-16-05]

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

[OAR Docket #05-419]

RULEMAKING ACTION:

Gubernatorial approval of permanent rule

RULES:

- Subchapter 5. Rulemaking and declaratory rulings
- 505:1-5-6. [AMENDED]

GUBERNATORIAL APPROVAL:

March 16, 2005

[OAR Docket #05-419; filed 3-25-05]

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

[OAR Docket #05-420]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 5. Regulation of licensees
- 505:10-5-11. [AMENDED]
- 505:10-5-17. [NEW]

GUBERNATORIAL APPROVAL:

March 16, 2005

[OAR Docket #05-420; filed 3-25-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 10. AD VALOREM

[OAR Docket #05-321]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

- Subchapter 1. General Provisions
- 710:10-1-4. Limitation of the fair cash value on homestead property of qualified owners; implementation of Article 10, Section 8C of the Oklahoma Constitution [AMENDED]
- Subchapter 3. Equalization Study
- Part 5. Authorities and Methodology
- 710:10-3-63. School funding code compliance [AMENDED]
- Subchapter 5. Homestead Exemption
- 710:10-5-7. Undivided interests in homesteads [AMENDED]
- 710:10-5-10. Filing an application [AMENDED]
- Subchapter 7. Manufacturing Facilities
- 710:10-7-1. Purpose [AMENDED]
- 710:10-7-2. Requirements for exemption for qualified manufacturing facilities established, expanded, or acquired, on or before July 1, 2003 [AMENDED]
- 710:10-7-2.1. Manufacturing facility exemption for facilities which are established, expanded, or acquired on or after January 1, 2000 [AMENDED]
- 710:10-7-5. Date of qualification; application for exemption [AMENDED]

- 710:10-7-8. Property ~~engaged~~ used in a manufacturing facility [AMENDED]
- 710:10-7-10. Examination and inspection of property and records [AMENDED]
- 710:10-7-11. County assessor to make initial determination of status; examination and valuation of the facility; notice upon rejection [AMENDED]
- 710:10-7-13. Hearings before County Board of Equalization [AMENDED]
- 710:10-7-14. Appeal from Board of Equalization to district court [AMENDED]
- 710:10-7-15. Review; protest; appeal [AMENDED]
- 710:10-7-16. County recording procedure for assessment and tax rolls [AMENDED]
- 710:10-7-17. Fair cash value [AMENDED]
- 710:10-7-24. Assessor's report to Excise Board; abstract of assessment [AMENDED]
- 710:10-7-25. County claim for reimbursement; funding shortfall [AMENDED]
- Subchapter 14. Full Fair Cash Value Exemption for Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate [NEW]
- 710:10-14-1. General provisions [NEW]
- 710:10-14-2. [RESERVED]
- 710:10-14-3. Relationship to other exemptions and programs [NEW]
- 710:10-14-4. Qualified owner [NEW]
- 710:10-14-5. Application [NEW]
- 710:10-14-6. Duties of the assessor [NEW]
- 710:10-14-7. Right of appeal [NEW]
- 710:10-14-8. Duration; conditions which terminate the exemption [NEW]

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-321; filed 3-16-05]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #05-322]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 3. Returns and Reports
- Part 1. General Information
- 710:50-3-6. Amended returns for individuals [AMENDED]
- 710:50-3-8. Adjustments by the Internal Revenue Service [AMENDED]
- Part 7. Other Required Reporting
- 710:50-3-54. Income tax withholding for pass-through entities [AMENDED]

- Subchapter 9. Refunds
- 710:50-9-3. Interest on refunds [AMENDED]
- 710:50-9-7. Refund vouchers void after 90 days [AMENDED]
- 710:50-9-9. Different spouse refunds [REVOKED]
- 710:50-9-10. Check-off program [NEW]
- Subchapter 11. Intercept of Refunds
- 710:50-11-1. Refunds may be intercepted [REVOKED]
- 710:50-11-2. Notice to taxpayer [REVOKED]
- 710:50-11-3. Notice of protest [REVOKED]
- 710:50-11-4. Joint returns intercept [REVOKED]
- 710:50-11-5. Refunds shall be intercepted [NEW]
- 710:50-11-6. Tax commission shall have priority over all other agencies or district courts [NEW]
- 710:50-11-7. Notice to taxpayer [NEW]
- 710:50-11-8. Post intercept notice [NEW]
- 710:50-11-9. Joint returns intercept [NEW]
- 710:50-11-10. Nondebtor spouse protest [NEW]
- 710:50-11-11. Notification after final determination at hearing [NEW]
- 710:50-11-12. Debts owed to the internal revenue service [NEW]
- Subchapter 12. Treasury Offset Program [NEW]
- 710:50-12-1. Purpose [NEW]
- 710:50-12-2. Definitions [NEW]
- 710:50-12-3. Address on federal tax return [NEW]
- 710:50-12-4. Advance notification to debtor [NEW]
- 710:50-12-5. Post-offset notice [NEW]
- 710:50-12-6. Offsets on joint returns [NEW]
- 710:50-12-7. Fees paid to top [NEW]
- Subchapter 13. Estimated Tax
- 710:50-13-10. The return for the taxable year [NEW]
- Subchapter 15. Oklahoma Taxable Income
- Part 5. Other Adjustments to Income
- 710:50-15-48. Oklahoma source capital gain subtraction [NEW]
- 710:50-15-49. Deduction for Oklahoma or federal government retirement income [AMENDED]
- Part 7. Credits Against Tax
- 710:50-15-86. Small Business Capital Company / Oklahoma Small Business Venture credits [AMENDED]
- 710:50-15-94. Volunteer firefighter credit [NEW]
- 710:50-15-95. Poultry litter credit [NEW]
- 710:50-15-96. Sales tax relief credit [NEW]
- Subchapter 17. Oklahoma Taxable Income for Corporations
- Part 5. Determination of Taxable Corporate Income
- 710:50-17-51. Adjustments to arrive at Oklahoma taxable income for corporations [AMENDED]
- Subchapter 19. Oklahoma Taxable Income for Partnerships
- 710:50-19-1. Partnership return [AMENDED]
- 710:50-19-3. Reporting the gain on the sale, exchange, or other disposition of property for which a section 179 expense deduction was passed through to partners or shareholders, or both [NEW]

Gubernatorial Approvals

Subchapter 21. Oklahoma Taxable Income for Subchapter "S" Corporations

710:50-21-3. Reporting the gain on the sale, exchange, or other disposition of property for which a Section 179 expense deduction was passed through to shareholders [NEW]

GUBERNATORIAL APPROVAL:

March 9, 2005

[OAR Docket #05-322; filed 3-16-05]

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

[OAR Docket #05-392]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-131.2. [AMENDED]

(Reference APA WF # 04-01)

DATES:

Adoption:

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February 24, 2005

Gubernatorial approval:

Not yet approved

Withdrawn:

March 18, 2005

[OAR Docket #05-392; filed 3-23-05]

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

[OAR Docket #05-393]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-123. [AMENDED]

(Reference APA WF # 04-03A)

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[OAR Docket #05-393; filed 3-23-05]

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

[OAR Docket #05-394]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 2. Physician Assistants

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

317:30-5-34. [REVOKED]

(Reference APA WF # 04-04)

DATES:

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March 18, 2005

[OAR Docket #05-394; filed 3-23-05]

Withdrawn Rules

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

[OAR Docket #05-395]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-700. [AMENDED]

(Reference APA WF # 04-05)

DATES:

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[OAR Docket #05-395; filed 3-23-05]

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

[OAR Docket #05-396]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 90. Diagnostic Testing Entities [NEW]

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

(Reference APA WF # 04-09)

DATES:

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[OAR Docket #05-396; filed 3-23-05]

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

[OAR Docket #05-397]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-134. [AMENDED]

(Reference APA WF # 04-10)

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[OAR Docket #05-397; filed 3-23-05]

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

[OAR Docket #05-398]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-96. [AMENDED]

(Reference APA WF # 04-12)

DATES:

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[OAR Docket #05-398; filed 3-23-05]

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

[OAR Docket #05-399]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-40. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 51. Habilitation Services

317:30-5-482. [AMENDED]

(Reference APA WF # 04-16A)

DATES:

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[OAR Docket #05-399; filed 3-23-05]

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

[OAR Docket #05-400]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 19. Nursing Facility Services

317:35-19-14. [AMENDED]

(Reference APA WF # 04-03B)

DATES:

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[OAR Docket #05-400; filed 3-23-05]

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

[OAR Docket #05-401]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 6. SoonerCare Health Benefits for Categorically

Needy Pregnant Women and Families with Children

Part 7. Certification, Redetermination and Notification

317:35-6-64.1. [NEW]

(Reference APA WF # 04-02)

DATES:

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Withdrawn:

March 18, 2005

[OAR Docket #05-401; filed 3-23-05]

Withdrawn Rules

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

[OAR Docket #05-402]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

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

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

(Reference APA WF # 04-13)

DATES:

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Withdrawn:

March 18, 2005

[OAR Docket #05-402; filed 3-23-05]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 40. DEVELOPMENTAL
DISABILITIES SERVICES**

[OAR Docket #05-403]

RULEMAKING ACTION:

Withdrawal of Permanent rulemaking

WITHDRAWN RULES:

Subchapter 5. Client Services

Part 9. Service Provisions

317:40-5-113. [NEW]

(Reference APA WF # 04-16B)

DATES:

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Withdrawn:

March 18, 2005

[OAR Docket #05-403; filed 3-23-05]

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 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #05-388]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions
Part 1. General Provisions
530:10-1-2. [AMENDED]
Subchapter 3. Affirmative Action and Equal Employment Opportunity
Part 5. Noncompliance, Investigations, Hearings and Remedies
530:10-3-54. [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rates of Pay
530:10-7-1. [AMENDED]
530:10-7-6. [AMENDED]
530:10-7-7. [AMENDED]
530:10-7-11. [AMENDED]
530:10-7-14. [AMENDED]
530:10-7-17. [AMENDED]
Subchapter 9. Recruitment and Selection
Part 9. Classified Appointments
530:10-9-99. [AMENDED]
Part 13. Veterans Preference
530:10-9-130. [AMENDED]
Subchapter 11. Employee Actions
Part 1. General Provisions
530:10-11-1. [AMENDED]
Part 3. Probationary Employees
530:10-11-31. [AMENDED]
530:10-11-32. [AMENDED]
530:10-11-39. [AMENDED]
Subchapter 13. Reduction-in-Force
Part 1. General Provisions for Reduction-in-Force
530:10-13-1. [AMENDED]
530:10-13-2. [AMENDED]
530:10-13-3. [AMENDED]
Part 3. Reduction-in-Force Plan Requirements
530:10-13-32. [AMENDED]
Subchapter 15. Time and Leave
Part 1. General Provisions
530:10-15-1. [AMENDED]
Part 3. Annual and Sick Leave Policies
530:10-15-10. [AMENDED]
530:10-15-12. [AMENDED]
Part 5. Miscellaneous Types of Leave
530:10-15-45. [AMENDED]
530:10-15-49. [AMENDED]
Subchapter 17. Employee Performance Management System and Career Enhancement Programs

Part 3. Performance Evaluation System
530:10-17-31. [AMENDED]
Part 7. Carl Albert Public Internship Program
530:10-17-74. [AMENDED]
530:10-17-75. [AMENDED]
530:10-17-77. [AMENDED]
530:10-17-80. [AMENDED]
Part 11. Certified Public Manager Program
530:10-17-110. [AMENDED]
530:10-17-111. [AMENDED]

AUTHORITY:

The Administrator of the Office of Personnel Management; 74 O.S., §§ 840-1.6A, 840-2.1, 840-2.17, 840-5.16 and 4121.

DATES:

Adoption:

December 15, 2004

Approved by Governor:

January 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled House Bill 1227, Enrolled Senate Bills 1136 and 1385 (all enacted during the 2004 Legislative Session) made various amendments to the Oklahoma Personnel Act. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments have taken effect during the recess of the 2004 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled House Bill 1227 Enrolled Senate Bills 1136 and 1385 and to make the Merit Rules consistent with the statutory amendments made by these laws.

ANALYSIS:

These amendments to the Merit Rules are necessary to harmonize the rules and statutes in view of statutory changes made during the 2004 Legislative Session, as well as to incorporate suggested improvements in the rules made by state agencies and Office of Personnel Management staff, and to correct improper citations to the Oklahoma statutes.

CONTACT PERSON:

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

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SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. GENERAL PROVISIONS

530:10-1-2. Definitions

In addition to terms defined in OAC 455:10-1-2, the following words and terms, when used in the Merit Rules, shall have the following meaning, unless the context clearly indicates otherwise.

"Absence without leave" and **"unauthorized absence"** means any absence of an employee from duty without specific approval.

"Absolute preference veteran" means a veteran eligible for placement at the top of registers for appointment to the classified service because of a service-connected disability of 30% or more.

"Act" means the Oklahoma Personnel Act.

"Administrator" means the appointing authority of the Oklahoma Office of Personnel Management [74:840-1.3]. As the term is used in the Merit Rules, the term includes employees of the Office of Personnel Management to whom the Administrator has lawfully delegated authority to act on his or her behalf. The term, as used in the Merit rules, may also include Appointing Authorities to whom the Administrator has delegated authority under a duly executed delegation agreement.

"Adverse impact" or **"disparate impact"** means a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group. A common yardstick for determining adverse impact is the **"4/5ths rule"** which indicates adverse impact if the selection rate for any protected group is less than 4/5ths (80%) of the selection rate of the group with the highest selection rate.

"Agency" means any office, department, board, commission or institution of the executive branch of state government [74:840-1.3].

"Allocation" or **"Position allocation"** means the process by which the Office of Personnel Management designates a position to an established job family. A position is allocated on the basis of duties, authority, responsibilities, classification guides, and other appropriate factors.

"Appointing authority" means the chief administrative officer of an agency [74:840-1.3]. As the term is used in the Merit Rules, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Assignment" or **"Position assignment"** in the context of position allocation means the process by which an Appointing Authority designates a position to an established job family level.

"Balanced and representative work force" means a work force whose composition at all levels approximates the composition of the relevant civilian labor force in terms of race, sex, and ethnicity.

"Base pay", **"base rate"**, or **"base salary"** means the hourly rate or salary established for a job performed. It does

not include shift differentials, benefits, overtime, incentives, longevity, or any other pay elements.

"Break in service" means a period of time in excess of thirty (30) days during which an employee is not present at work and is not in paid leave status or on approved leave without pay.

"Career progression" means a type of intra-agency promotion in which an employee is advanced from one level of a job family to a higher non-supervisory level in the same job family.

"Certification", in the context of initial classified appointments, means the submission of available names of eligibles from the appropriate register to an Appointing Authority. Such a list is called a **"certificate"**. Individuals whose names appear on the certificate are said to be **"certified"**. In the context of all other types of appointments, certification means the determination by the Office, or by an Appointing Authority to whom the Administrator has delegated authority, that a candidate possesses permanent classified status or is eligible for reinstatement to permanent classified status, and meets requirements for appointment to a specified job in the classified service.

"Classification" means:

(A) the process of placing an employee into an appropriate job family and level within the job family, consistent with the allocation of the position to which the employee is assigned, or

(B) an employee's job family and the level at which work is assigned [74:840-1.3].

"Classification plan" means the orderly arrangement of positions within an agency into separate and distinct job families so that each job family will contain those positions which involve similar or comparable skills, duties and responsibilities [74:840-1.3].

"Classified employee" means an employee in the classified service, or an employee currently on leave from the classified service in accordance with established Merit Rules governing leave.

"Classified service" means state employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration [74: 840-1.3].

"Commission" means the Oklahoma Merit Protection Commission [74:840-1.3].

"Compensation plan" means a schedule of salaries or hourly wages established for the jobs recognized in the agency classification plan so that all positions of a given job within an agency may be paid the same salary range established for the job.

"Consider" means a reasonable judgment based on job related criteria and on an individual's fitness for duties for initial or internal appointment.

"Demotion" means the reclassification of a classified employee to a different job with a lower pay band assignment or to a lower level within the same job family. Demotion may be voluntary or involuntary.

"Direct reclassification" means a change made in a classified employee's classification by an Appointing Authority as a result of the adoption of a new or revised job family descriptor.

"Discharge" is defined in 455:10-11-3.

"Displacement" or **"displace"** means the process of an employee accepting an offer of employment to an occupied or funded vacant position [74:840-2.27B].

"EEO Job Categories", as used in the context of affirmative action/equal employment opportunity, means the following occupational categories:

(A) **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district, or area basis.

(B) **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

(C) **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.

(D) **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces.

(E) **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status.

(F) **Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office.

(G) **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs.

(H) **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property.

"Eligible" means a person who has met all requirements for appointment to a given job.

"Employee" or **"state employee"** means an elected or appointed officer or employee of an agency unless otherwise indicated [74:840-1.3].

"Entrance examination" means any employment test used by the Office of Personnel Management to rank the names of applicants who possess the minimum requirements of education, experience, or licensure for a job or group of similar jobs on a register of eligibles established by the Office of Personnel Management [74:840-1.3].

"Executive Director" means the appointing authority of the Oklahoma Merit Protection Commission [74:840-1.3].

"FEPA" means the Oklahoma Fair Employment Practices Act, Section 840-4.12 of the Oklahoma Personnel Act.

"FLSA" means the federal Fair Labor Standards Act.

"FLSA exempt" means employees performing work which is considered to be exempt from the overtime payment provisions of the FLSA.

"FLSA non-exempt" means employees performing work which is considered to be under the overtime payment provisions of the FLSA.

"Hiring range" means a range within a pay band within which an Appointing Authority may establish the initial rate of pay for a given job.

"Hiring rate" means the initial rate of pay for a given job within the pay band assigned to the job family level.

"Hiring rule" refers to the names of the top 10 available eligibles certified to an Appointing Authority by the Administrator.

"Initial appointment" or **"original appointment"** means the act of an Appointing Authority hiring a person, usually from a certificate, for a probationary period. Contrast the meaning of these terms with "internal action" and "internal appointment" which are also defined in this Section.

"Interagency transfer" means an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state [74:840-1.3].

"Internal action" or **"Internal appointment"** means the reclassification of a current employee or the reinstatement, recall or reemployment from a Priority Reemployment Consideration Roster of a former employee.

"Intra-agency transfer" means moving an employee from one position to another position with the same agency either with or without reclassification [74:840-1.3].

"Job" means a position or job family level in a job family [74:840-1.3].

"Job family" means:

(A) jobs which require similar core skills and involve similar work, and

(B) a logical progression of roles in a specific type of occupation in which the differences between roles are related to the depth and breadth of experience at various levels within the job family and which are sufficiently similar in duties and requirements of the work to warrant similar treatment as to title, typical functions, knowledge, skills and abilities required, and education and experience requirements [74:840-1.3].

"Job family descriptor" means a written document that:

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(A) *describes a job family, including, but not limited to, the basic purpose, typical functions performed, various levels within the job family, and the knowledge, skills, abilities, education, and experience required for each level, and*

(B) *identifies the pay band assigned for each level* [74:840-1.3].

"Job family level" or "level" means a role in a job family having distinguishable characteristics such as knowledge, skills, abilities, education, and experience [74:840-1.3].

"Job-related organization" means a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to paragraph 5 of subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes [74:840-1.3].

"Lateral transfer" means the reassignment of an employee to another state job with the same pay band assignment as the job family level in which the employee was classified prior to the lateral transfer [74:840-1.3].

"Leave of absence without pay" means leave or time off from duty granted by the Appointing Authority, for which period the employee receives no pay.

"Manifest imbalance" means representation of females, Blacks, Hispanics, Asian/Pacific Islanders and American Indians/Alaskan natives in specific job groups or EEO job categories within the agency's work force that is substantially below its representation in the appropriate civilian labor force.

"Merit Rules" or "Merit Rules for Employment" or "Merit System of Personnel Administration Rules" means rules adopted by the Administrator of the Office of Personnel Management or the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act [74:840-1.3]. Merit Rules adopted by the Administrator are in OAC 530:10, and Merit Rules adopted by the Commission are in OAC 455:10.

"Merit System" means the Oklahoma Merit System of Personnel Administration [74:840-1.3].

"Minimum qualifications" means the requirements of education, training, experience and other basic qualifications for a job.

"Minority" means a person who appears to belong, identify with, or is regarded in the community as belonging to one of the following racial or ethnic groups:

(A) **"Black"**, meaning all persons having origins in any of the Black racial groups of Africa;

(B) **"Hispanic"**, meaning all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(C) **"Asian or Pacific Islander"**, meaning all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(D) **"American Indian or Alaskan Native"**, meaning all persons having origins in any of the original peoples of North America, and who maintain

cultural identification through tribal affiliation or community recognition. For affirmative action purposes, persons who are reported as American Indian shall verify tribal affiliation by providing a certificate of Degree of Indian Blood from the U.S. Department of Interior, Bureau of Indian Affairs, or by providing the name and address of tribal officials who can verify tribal affiliation [74:840-2.1].

"New position" means a position not previously existing.

"Noncompetitive appointment" means the appointment of a person to a noncompetitive job level within a job family [74:840-1.3].

"Noncompetitive job" means an unskilled or semiskilled job designated by the Office of Personnel Management as noncompetitive. Noncompetitive jobs do not require written examinations for placement on registers of eligibles [74:840-1.3].

"Office" means the Office of Personnel Management [74:840-1.3].

"Oklahoma Personnel Act" means Sections 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, creating the Merit System of Personnel Administration and any amendments or supplements.

"Part-time employee" means an employee who works less than full time.

"Pay band" means the pay range assigned to a job family level.

"Payline" means the relationship between the rate of pay of a particular job family level and the assigned job evaluation points for the same job family level.

"Permanent employee" means a classified employee who has acquired permanent status in the classified service according to the Act and the Merit Rules.

"Position" means a group of specific duties, tasks and responsibilities assigned by the Appointing Authority to be performed by one person; a position may be part time or full time, temporary or permanent, occupied or vacant.

"Priority reemployment consideration" means the requirement that Appointing Authorities consider eligible former state employees who were separated as a result of a reduction-in-force whose names appear on Priority Reemployment Consideration Rosters before any vacant position is filled by any eligible initially appointed from an employment register.

"Probationary employee" means a classified employee who has not acquired permanent status in the classified service in accordance with the Act and the Merit Rules.

"Probationary period" means a working test period during which a classified employee is required to demonstrate fitness for the job to which appointed by the satisfactory performance of the duties and responsibilities of the job.

"Promotion" means the reclassification of a classified employee to a different job with a higher pay band assignment or to a higher level within the same job family.

"Promotional examination" means any employment test designated by the Office of Personnel Management to determine further the qualifications of a permanent classified employee of a state agency for employment in a different job for which the employee possesses the minimum qualifications

of education, experience, or licensure within that agency [74:840-1.3].

"Reallocation" or **"Position reallocation"** means the process of reassigning an established position, occupied or vacant, from one job family to another.

"Recall right" means the entitlement of an eligible person to be offered reappointment to the job family level from which removed by a reduction-in-force before any other person may be appointed, except by recall.

"Reclassification" means the process of changing a classified employee from one job family to another job family or from one job family level to another job family level in the same job family, resulting in a change in the employee's assigned job code [74:840-1.3].

"Register" means a list of eligibles for original probationary appointment to a job.

"Register life" means the length of time during which a person's name may be continuously or intermittently on a register as a result of an entrance examination.

"Regular and consistent" means, in connection with an employee's work assignments, the employee's usual and normal work assignments, excluding incidental, casual, occasional tasks, and activities the employee assumes without direction to do so. Temporary work assignments of less than 60 days in any 12 month period are not considered regular and consistent.

"Regular unclassified service employee" means an unclassified service employee who is not on a temporary or other time-limited appointment [74:840-1.3].

"Reinstatement" means the reappointment of a former permanent classified employee as provided in the Merit Rules or the replacing of an eligible's name on a register.

"Resignation" means an employee's voluntary termination of his or her employment with the state. In the case of a classified employee, it includes the forfeiture of status in the classified service.

"Salary administration plan" means the plan adopted by an Appointing Authority and submitted to the Administrator for approval which establishes hiring ranges for positions. Components of a salary administration plan may include but are not limited to conditions for hiring above the midpoint of a pay range, skill-based pay programs, and other pay movement mechanisms authorized by Section 840-2.17 of the Oklahoma Personnel Act.

"Senior EEO Investigator" means a person who has been designated by the Administrator to provide advice and support to persons completing the training requirements for discrimination complaints investigators as described in 530:10-3-22.

"Successor job family level" means a job family level that takes the place of another job family level.

"Supervisor" means a classified or unclassified employee [within the executive branch, excluding employees within The Oklahoma State System of Higher Education 74:840-3.1] who has been assigned authority and responsibility for evaluating the performance of [other state employees] [74:840-3.1][74:840-1.3].

"Trial period" means a working test period after promotion, voluntary demotion, or intra-agency lateral transfer during which a classified employee is required to demonstrate satisfactory performance in the job to which promoted, voluntarily demoted, or transferred before acquiring permanent status in the job.

"Unclassified service" or **"exempt service"** means employees and positions excluded from coverage of the Oklahoma Merit System of Personnel Administration [74:840-1.3]. Such employees and positions are subject to various provisions of the Oklahoma Personnel Act and the Merit Rules.

"Veteran" means a person who has been honorably discharged from the Armed Forces of the United States and who has been a resident of Oklahoma for at least 1 year before the date of examination [74:840-1.3].

PART 3. DELEGATION OF HUMAN RESOURCE FUNCTIONS

530:10-1-43. Written memorandum of agreement of delegated authority

(a) Before the Administrator approves the application for delegation authority, a memorandum of agreement shall be prepared by the Administrator in cooperation with the Appointing Authority. This delegation agreement shall include or incorporate by reference the following documents and information:

- (1) A description of the delegation authority;
- (2) An outline of the terms and conditions of the agreement, including an effective date for the agreement;
- (3) A description of audit activities, reports to the Administrator, and a description of records to be maintained by the Appointing Authority.
- (4) The application for delegation authorization, as amended before execution of the delegation agreement.
- (5) The list of delegation audit activities provided by the Administrator to the Appointing Authority.
- (6) The delegation standards, procedures, records, and reports required by the Administrator.
- (7) The timing of and methodology for conducting scheduled audits.
- (8) A statement describing the degree to which the personnel professional designated as the professional administrator of the delegated functions will act in the Appointing Authority's stead in regards to the delegated authority during the life of the agreement. The Appointing Authority shall not delegate ultimate responsibility for the agency's exercise of the delegated authority, or authority to sign or terminate the delegation agreement.

(b) The delegation agreement shall be dated and signed by the Appointing Authority of the requesting agency and then by the Administrator. The Administrator's signature on the agreement shall constitute approval of the application for delegation authority. Approval of this application for delegation authority shall constitute authority for the Appointing Authority or designee to implement the approved delegation of personnel authority. [74:840-1.15(5)][74:840-3.1] The Administrator

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shall send the Appointing Authority and the agency administrator of the delegated functions a copy of the agreement within five calendar days after signing the agreement.

SUBCHAPTER 3. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

PART 5. NONCOMPLIANCE, INVESTIGATIONS, HEARINGS, AND REMEDIES

530:10-3-54. Failure to make significant progress; pattern of noncompliance

(a) If, after notice and a hearing pursuant to Article II of the Administrative Procedures Act ~~[74:308a et seq.]~~ [75:308a et seq.], the Administrator finds that an agency has failed to make significant progress toward affirmative action goals or has a pattern of noncompliance with affirmative action goals, the Administrator may:

(1) Require the *noncomplying appointing authority to participate in programs for special recruiting efforts* [74:840-2.1(G)(1)(a)];

(2) Develop *training programs to enhance promotability of minorities within agencies and supervisory training in equal employment opportunity employment, affirmative action, managing workplace diversity* [74:840-2.1(G)(1)(b)];

(3) Require *mandatory review and approval of all hiring decisions by an appointing authority by the Administrator if the Administrator can document a pattern of noncompliance in previous remedial actions pursuant to this subsection or appointment of a full-time affirmative action officer to any agency in noncompliance with affirmative action remedies* [74:840-2.1(G)(1)(c)].

(b) If the Administrator determines that none of the remedies in subsection (a) of this Section are appropriate, the Administrator may remove personnel function(s) relating to recruitment, hiring, or promotion from the appointing authority and place that function with the Administrator of the Office of Personnel Management. Removal of personnel functions under this subsection shall require:

(1) A determination by the Administrator that a pattern of noncompliance with affirmative action goals exists at an agency;

(2) A determination by the Administrator that the Office of Personnel Management has sufficient resources;

(3) Documentation by the Administrator of a pattern of noncompliance with the affirmative action plan;

(4) A vote by two-thirds of the Affirmative Action Council recommending that the Administrator remove personnel functions.

(c) Removal of personnel functions under subsection (b) shall terminate one calendar year from the removal of the function unless the Administrator is able to demonstrate that the restoration of personnel functions to the appointing authority will result in further noncompliance with the affirmative action plan. A vote of two-thirds of the Affirmative Action Council

shall be necessary to continue the removal of personnel functions for each additional year.

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATES OF PAY

530:10-7-1. Purpose and general provisions

(a) The purpose of the rules in this Part is to *establish pay regulations, regulations for performance pay increases, rates for pay differentials, on-call pay, and other types of pay incentives and salary adjustments* [74:840-1.6A].

(b) Pay raises are prohibited unless specifically authorized by legislation or the Merit Rules. A cost-of-living raise or any other type of raise that would be given to state employees on an across-the-board basis is prohibited unless specifically authorized by the Legislature. [74:840-2.17]

(c) The rules in this subchapter provide for market adjustments, increases upon lateral transfer, skill-based adjustments, equity-based adjustments, career progression increases, salary adjustments upon completion of the initial probationary period or trial period, and performance-based adjustments. Appointing Authorities may use these pay mechanisms only if funds are available in the agency's budget for the current and subsequent fiscal year without the need for additional funding to increase the personal services budget of the agency. Upon certification from the Director of State Finance that an Appointing Authority has exceeded the agency's budget for the current or subsequent fiscal year due to the use of the pay movement mechanisms listed in this subsection, the Administrator may withdraw authorization for the agency to use the following pay movement mechanisms during the next appropriations cycle: market adjustments, increases upon lateral transfer, equity-based adjustments, performance-based adjustments, and career progression increases. [74:840-2.17]

(d) The rules in this subchapter do not apply to employees and positions in the unclassified service unless stated otherwise.

530:10-7-6. Sign-on pay incentive

(a) Appointing Authorities may implement a pay incentive for the following individuals who are appointed to positions in job families for which there are critical recruitment and retention problems as identified by the Appointing Authority [74:840-1.6A(11)]:

(1) individuals not currently employed in state government;

(2) Carl Albert Executive Fellows and other professional trainees and students employed pursuant to paragraphs 10 and 11(a) and (b) of Section 840-5.5(A) of Title 74 of the Oklahoma Statutes; and (1) individuals employed pursuant to the Cooperative Engineering Trainee Program.

(b) Appointing Authorities who choose to implement the pay incentive shall file a plan with the Administrator of the Office of Personnel Management and the Director of the Office

of State Finance which contains information related to the implementation of the pay incentive within the agency. The plan shall provide documentation of the critical recruitment and retention problems and shall include a project description, specific prerequisites that each employee shall meet in order to receive the pay incentive, and information concerning the funding of the incentive from the agency's existing budget. The plan shall be signed by the Appointing Authority, and this signature requirement may not be delegated. No payment shall be made under this Section until the plan has been reviewed and accepted by the Administrator.

(c) The pay incentive shall not exceed \$5,000.00 and is payable to eligible individuals as a lump sum payment or in two equal payments during the first six months of state employment. Former state employees may be eligible for the pay incentive following a break-in-service of at least 180 days.

(d) To receive the pay incentive, an eligible individual shall be required to sign an agreement form acknowledging that the individual is obligated to repay the entire incentive, including tax withholdings on the incentive, if the individual leaves state employment or accepts employment with another state agency within 1 year after he or she receives the pay incentive. Appointing Authorities may use the agreement form developed by the Administrator or any other agreement form which is consistent with the provisions of this Section.

(e) An individual may receive only one sign-on pay incentive during his or her state employment.

530:10-7-7. Pay differential

(a) The Administrator may authorize a pay differential [74:840-1.6A(11)] for a position within a job family because of special duty requirements related to the position. This may include shift pay, on-call pay, skill-based pay adjustments, and other types of differentials based on special work requirements, as approved by the Administrator. These payments shall be over and above the employee's base pay and shall be paid only as long as the employee occupies the particular position under the circumstances which have necessitated the differential. The request for the differential shall be submitted in writing by the requesting agency and shall adequately identify the need.

(b) An Appointing Authority shall determine whether pay differentials will be paid while employees are in paid leave status or provided only for hours actually worked. Appointing Authorities shall apply such practices uniformly. Pay differentials shall not be provided for hours that an employee is not in pay status.

530:10-7-11. Continuous Service Incentive Plan

(a) Appointing Authorities may implement a pay incentive plan [74:840-1.6A(11)] intended to promote continuous service within the first two years of state employment. The plan shall be limited to job families for which there are critical recruitment and retention problems as identified by the Appointing Authority.

(b) The pay incentive shall consist of scheduled periodic payments over the employee's first two years of continuous service in the targeted job families, not to exceed a total of

\$2,500 in any 12-month period. Payments may not be made prospectively or prorated. No payment shall be made under the plan until the employee has completed at least six months of continuous service in the targeted job family.

(c) At the discretion of the Appointing Authority, the following persons filling positions in the targeted job families may be included in the plan:

- (1) Persons not currently employed in state government;
- (2) Current state employees during their first two years of continuous state employment in the targeted job family; and
- (3) Former state employees following a break in service of at least 30 days.

(d) Appointing Authorities who choose to implement the pay incentive shall submit a written plan to the Administrator of the Office of Personnel Management and the Director of the Office of State Finance prior to implementation. The plan shall identify the job families to which the pay incentive will be applicable and shall document the critical recruitment and retention problems and the agency's rationale for the plan. The plan may provide for different pay incentives for different job families at the discretion of the Appointing Authority. The plan shall also identify the criteria for eligibility and shall include information concerning the funding of the pay incentive from the agency's existing budget. The plan shall be signed by the Appointing Authority, and this signature requirement may not be delegated. No payment shall be made under this Section until the plan has been reviewed and accepted by the Administrator.

530:10-7-14. Rate of pay upon reclassification, promotion, career progression, demotion, and transfer

(a) **Rate of pay when incumbent is reclassified directly.** When an employee is reclassified directly under 530:10-5-90, the rate of pay shall be fixed in accordance with 530:10-7-13.

(b) **Rate of pay upon promotion or career progression.**

(1) An Appointing Authority shall adopt objective written criteria for the amount of salary advancements on promotion or career progression. These criteria shall be a part of the agency salary administration plan established under 530:10-7-1.1 and shall be consistent with state and federal statutes prohibiting discrimination.

(2) The Appointing Authority shall set an employee's salary on promotion or career progression at no less than 5% and no more than 20% of the employee's salary before promotion or career progression, except as follows:

(A) If the increase would make the employee's salary after promotion or career progression greater than the maximum rate of pay for the new pay band, the employee's salary shall be set at the maximum rate of pay for the new pay band.

(B) If the increase is insufficient to raise the employee's salary to the minimum of the new pay band, the employee's salary shall be raised to the minimum of the new pay band.

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(C) The Appointing Authority may set the employee's salary on promotion or career progression at any more than 20% of the employee's salary before promotion or career progression as long as the rate is within the hiring range established for the position in an approved salary administration plan.

(D) The Appointing Authority shall not lower the salary of an employee on promotion or career progression. If the employee's salary before promotion or career progression exceeds the maximum of the new pay band, the employee's salary shall remain the same.

(c) **Rate of pay when demoted.** The rate of pay of an employee who is demoted shall be set by the Appointing Authority at any rate of pay within the pay band for the job to which demoted, which does not exceed that employee's last rate of pay. An Appointing Authority may delay setting the rate of pay upon demotion for up to **1** year when the demotion is due to an agency reorganization. For the purposes of this subsection, "agency reorganization" means the reclassification of employees in lieu of reduction-in-force.

(d) **Rate of pay upon intra-agency lateral transfer.** An Appointing Authority may provide up to a 5% increase in salary, not to exceed the maximum rate of pay for the pay band, for an employee upon intra-agency lateral transfer to a position in the same job family and level or another job family and level with the same pay band assignment, based on the needs of the agency. [74:840-2.17]

530:10-7-17. Rate of pay upon detail to special duty

The pay of an employee who is detailed to special duty in accordance with ~~530:10-5-110~~ 530-10-11-110 shall not be reduced, but must be increased to at least the minimum rate but not more than the maximum rate the employee could receive upon promotion to that job family and level, provided:

- (1) any such temporary increase shall not affect eligibility for increase in the regular job family and level which the Appointing Authority could grant if the employee had not been detailed.
- (2) at the conclusion of the detail, pay shall revert to the authorized rate of pay in the employee's regular job family and level.

SUBCHAPTER 9. RECRUITMENT AND SELECTION

PART 9. CLASSIFIED APPOINTMENTS

530:10-9-99. Fair employment practices appointments

(a) This Section establishes procedures for the application of the optional hiring procedure authorized by the Fair Employment Practices Act (FEPA), Section 840-4.12 ~~(H)~~ of the Oklahoma Personnel Act, *to employ females, blacks, Hispanics, Asian/Pacific Islanders and American Indians/Alaskan natives* [74:840-4.12(I)(2)]-[74:840-4.12(H)(2)].

(b) An Appointing Authority intending to use the optional FEPA hiring procedure shall indicate that intention on a request for certification along with the targeted group, i.e., gender or race/ethnic category. An FEPA certification shall include a regular certificate with the availability of eligibles and ranking of names determined in accordance with the regular methods described in 530:10-9-71, **Certification methods**. An FEPA certification shall also include a separate list of the names of the top **10** available members of the targeted group. The Administrator may also include additional names as alternates. The names on this separate list shall be a subset of the regular certificate, and the names on it shall be ranked in the same order as on the regular certificate. If an Appointing Authority has targeted more than one group, a separate list shall be included for each group.

(c) If the Appointing Authority makes one or more appointments using an FEPA certification, each appointment shall be in accordance with either 530:10-9-92 or the optional FEPA hiring procedure authorized by Section 840-4.12 ~~(H)~~ of the Oklahoma Personnel Act.

PART 13. VETERANS PREFERENCE

530:10-9-130. Veterans preference on lists of eligibles

In establishing employment lists of eligible persons for competitive and noncompetitive appointment, certain preferences shall be allowed for veterans honorably discharged from the Armed Forces of the United States [74:840-4.14(A)].

(1) *Five points shall be added to the final grade of any person who has passed the examination and has submitted proof of having status as a:*

- (A) *veteran* [74:840-4.14(A)(1)]; or
- (B) *unremarried surviving spouse of a veteran* [74:840-4.14(A)(1)]; or
- (C) *spouse of a veteran who is unemployable due to a service-connected disability as certified by the Veterans Administration or agency of the Defense Department within six (6) months of the date of application* [74:840-4.14(A)(2)].

(2) *Ten points shall be added to the final grade of any ~~war~~ veteran as defined in Section 67.13a of Title 72 of the Oklahoma Statutes who has passed the examination and has submitted proof of having a service-connected disability as certified by the Veterans Administration or Agency of the Defense Department within six (6) months of date of application* [74:840-4.14(A)(3)].

(3) In addition to the **10** points preference provided in (2) of this subsection, such eligible ~~war~~ veterans who are in receipt of benefits payable at the rate of **30%** or more because of the service-connected disability, shall be considered Absolute Preference Veterans. Their names shall be placed at the top of the register, ranked in order of their examination scores. Absolute Preference Veterans shall not be denied employment and passed over for others without showing cause. [74:840-4.14(A)(3)]

SUBCHAPTER 11. EMPLOYEE ACTIONS

PART 1. GENERAL PROVISIONS

530:10-11-1. Purpose

The purposes of the rules in this Subchapter are to establish policies and procedures for *probationary periods of employment* ~~[74:840-2.12(8)]~~[74:840-4.13(D)], transfers, promotions, demotions, and separations, while protecting *employees from arbitrary dismissal or unfair treatment* ~~[74:840-2.12(3)]~~[74:840-1.6(A)(3)].

PART 3. PROBATIONARY EMPLOYEES

530:10-11-31. Permanent status

Permanent status in the classified service shall not be granted until the probationary period has been successfully completed. Such status shall begin at the end of the final working day of the probationary period ~~[74:840-4.13(C)]~~[74:840-4.13(D)] except as otherwise provided in the following Sections: 530:10-11-30; 530:10-11-34; 530:10-11-36; and 530:10-11-32.

530:10-11-32. Termination during probationary period

The probationary appointment of any person may be terminated at any time during the probationary period without the right of appeal ~~[74:840-4.13(C)]~~[74:840-4.13(D)].

530:10-11-39. Transfer of probationary employees

A probationary employee shall not be transferred to a position in another job family level or agency except as provided in Section 840-2.21 of Title 74 of the Oklahoma Statutes, 530:10-15-49, or 530:10-11-74. No probationary employee appointed from a local certificate, issued in accordance with 530:10-9-71(b), shall be transferred from that locality until the probationary period has been completed.

SUBCHAPTER 13. REDUCTION-IN-FORCE

PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE

530:10-13-1. Purpose

The purpose of the rules in this Subchapter is to implement the provisions of Sections 840-2.27A through ~~840-2.27C~~ 840-2.27(I) of the Oklahoma Personnel Act which pertain to reductions-in-force. The rules in this Subchapter establish general provisions for reductions-in-force and policies and procedures for recall and priority consideration for reemployment. The rules in this Subchapter governing reductions-in-force apply to classified employees within the executive branch only. This Subchapter is not a comprehensive listing of state and federal statutory provisions related to reductions-in-force and

regulations promulgated thereunder, and is not intended to conflict with either state or federal law and regulations.

530:10-13-2. Definitions

In addition to terms defined in 530:10-1-2 and 455:10-1-2, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Affected job family levels" means those containing affected positions.

"Affected employees" means classified employees in affected positions.

"Affected positions" means positions being abolished or positions which are subject to displacement action.

"Agency" means any office, department, board, commission, or institution of all branches of state government, except institutions within The Oklahoma State System of Higher Education.

"Displacement or displace" means the process of an employee accepting an offer of employment to an occupied or funded vacant position.

"Displacement limit" means any area within an agency in which displacement may not occur. These areas may include, but are not limited to, job families, units, and geographic areas within an agency.

"Displacement opportunity" means the circumstances under which an occupied or funded vacant position is subject to displacement by an affected employee.

"Displacement privilege" means the privilege an affected employee has to utilize a displacement opportunity.

"Educational institution" means an institution within The Oklahoma State System of Higher Education, a facility under the management or control of the Oklahoma State Department of Vocational and Technical Education, or a licensed private educational institution in the State of Oklahoma.

"Personnel transaction" means the record of the separation as a result of a reduction-in-force of a classified affected employee from an agency, or the record of the transfer or demotion of a classified affected employee. [74:840-2.27B]

"Reduction-in-force" means abolition of positions in an agency or part of an agency and the corresponding nondisciplinary removal of affected employees from such positions through separation from employment or through displacement to other positions.

"Reorganization" means the planned elimination, addition or redistribution of functions or duties either wholly within an agency, any of its subdivisions, or between agencies.

"Severance benefits" means employee benefits provided by the State Government Reduction-in-Force and Severance Benefits Act to affected employees separated through a reduction-in-force.

"Years of service" means current and prior service which is creditable for the Longevity Pay Plan. An affected employee shall not be required to have been continuously employed for two (2) years to be given credit for either current or prior service pursuant to the State Government Reduction-in-Force and Severance Benefits Act.

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530:10-13-3. Notice of reduction-in-force and time requirements

(a) **Cabinet Secretary approval.** Prior to the posting of any reduction-in-force notice, the notice shall be approved by the cabinet secretary for the agency conducting the reduction-in-force. [74:840-2.27C] If there is no incumbent cabinet secretary for the agency, the approval requirement shall not apply.

(b) **Notice.** At least **60** days before the scheduled beginning of reduction-in-force separations or as otherwise provided by law, the Appointing Authority shall post a notice in each office affected by the proposed reduction-in-force that a reduction-in-force will be conducted in accordance with the Oklahoma Personnel Act and Merit Rules. Such notice shall be posted for **5** days. The Appointing Authority shall provide a copy of the notice to the Administrator. A reduction-in-force shall not be used as a disciplinary action. [74:840-2.27C(A)]

(c) **Implementation plan** The reduction-in-force implementation plan and subsequent personnel transactions directly related to the reduction-in-force shall be in compliance with rules adopted by the Administrator. The reduction-in-force implementation plan, including the description of and reasons for displacement limits and protections from displacement actions, and severance benefits that will be offered shall be posted in each office affected by the plan within **5** business days after posting of the reduction-in-force notice. At the discretion of the Appointing Authority, the reduction-in-force implementation plan may be posted concurrently with the reduction-in-force notice. The reduction-in-force implementation plan shall:

(1) Specify the position or positions to be abolished within specified units, divisions, facilities, agency-wide or any parts thereof, as determined by the Appointing Authority;

(2) Provide for retention of affected employees based on type of appointment;

(3) Require separation of probationary classified affected employees in affected job family levels, except those affected employees in probationary status after reinstatement from permanent classified status without a break in service, prior to the separation of any permanent classified affected employee in an affected job family level;

(4) Provide for the retention of permanent classified affected employees in affected job family levels and those affected employees in probationary status after reinstatement, based on years of service;

(5) Provide for exercise of displacement opportunities by permanent classified affected employees and those affected employees in probationary status after reinstatement if any displacement opportunities exist; and

(6) Provide for outplacement assistance and employment counseling from the Oklahoma Employment Security Commission and any other outplacement assistance and employment counseling that may be available. [74:840-2.27C(B)]

(d) **Review of fiscal components** The Director of the Office of State Finance shall, within **5** business days of receipt,

review the fiscal components of the reduction-in-force implementation plan and reject any plan that does not meet the requirements of Section ~~840-2.27C(C)~~ 840-2.27C(D) of Title 74 of the Oklahoma Statutes.

PART 3. REDUCTION-IN-FORCE PLAN REQUIREMENTS

530:10-13-32. Order of employee removal

(a) Agency-wide, or within displacement limits, if established, retention of affected employees shall be based on job family level and type of appointment [74:840-2.27C]. Subject to eligible classified employees accepting displacement offers, unclassified employees in a job family level on limited term appointments shall be separated first, followed by employees on project indefinite appointments, followed by employees on probationary appointments with the agency, prior to the separation or voluntary demotion of any permanent classified employee from the same job family level [74:840-2.27C].

(b) Retention of permanent classified employees in affected job family levels and within displacement limits, if any are established, shall be based on years of service [74:840-2.27C].

(c) The Appointing Authority shall calculate retention points for all eligible classified employees, including those on an approved leave of absence. Eligible classified employees with more retention points shall be ranked higher; with the order of removal from a job family level in inverse order of that ranking. If tie scores occur, the ranking of employees who have the same total retention points shall be determined first by giving a veteran's preference over affected nonveterans who have equal retention points to the affected veteran and then by giving preference for retention according to years of service in the agency. If a tie continues to exist, retention status shall be determined by a method established by the Appointing Authority and described in the reduction-in-force implementation plan.

(d) For purposes of a reduction-in-force, any permanent classified employee on a detail to special duty shall be ranked on the basis of base job family level, not on the basis of the job to which detailed.

SUBCHAPTER 15. TIME AND LEAVE

PART 1. GENERAL PROVISIONS

530:10-15-1. Purpose

The purpose of the rules in this Subchapter is to establish leave regulations ~~[74:840-2.12(11)]~~ [74:840-1.6a(11); 74:840-2.20] for classified and unclassified employees of the State of Oklahoma who are subject to leave rules. [O]ffices and positions of the State Senate and House of Representatives shall not be subject to . . . [the Merit Rules governing] involuntary leave without pay or furlough . . . No person chosen by election or appointment to fill an elective office shall be subject

to any leave plan or regulation or shall such person be eligible for accrual of any leave benefits [74:840-5.1]

PART 3. ANNUAL AND SICK LEAVE POLICIES

530:10-15-10. GENERAL ANNUAL AND SICK LEAVE POLICIES

(a) Permanent and probationary classified employees and regular unclassified employees are eligible for annual leave and sick leave with full pay according to law and the rules in this Chapter. Temporary employees and other limited term employees are ineligible to accrue, use or be paid for sick leave and annual leave ~~[74:840-2.20(4)]~~ [74:840-2.20(A)(3)].

(b) The tables in Appendix B of this Chapter list leave accrual rates and accumulation limits. OAC 530:10-15-11 and 530:10-15-12 also govern annual and sick leave.

(c) Annual and sick leave accrual rates and accumulation limits are based on cumulative periods of employment calculated in the manner that cumulative service is determined for longevity purposes [74:840-2.20(A)(1)]. For purposes of this Subchapter and the longevity pay program, cumulative service shall be calculated as prescribed in this subsection.

(1) State employment with any classified or unclassified agency in any branch of state government including service under the administrative authority of the Regents for Higher Education and the Department of Vocational and Technical Education shall be qualifying for purposes of calculating cumulative service. Cumulative service includes periods of part-time qualifying employment in excess of **2/5** time that were continuous for at least **5** months and any period of full-time employment described in (A) through (G) of this paragraph:

- (A) Employment as a permanent classified employee;
- (B) Employment as a probationary classified employee;
- (C) Employment as a regular unclassified employee;
- (D) Temporary or other time-limited unclassified employment;
- (E) Paid leave;
- (F) Leave without pay of **30** continuous calendar days or less; and
- (G) Leave without pay in excess of **30** calendar days taken under Section 840-2.21 of Title 74 of the **Oklahoma Statutes**. Any other leave without pay in excess of **30** calendar days shall not be counted as cumulative service.

(2) Periods of service that are described in (1) of this subsection, shall be combined for purposes of determining cumulative service and the total shall be expressed in whole years. Partial years, less than **12** months, are dropped.

(d) Annual leave and sick leave shall accrue only when an employee is actually working, on authorized leave with pay, or during the time the employee is using paid leave to supplement

workers compensation benefits under Section 2e of Title 85. Leave shall not accrue after the last day the employee works.

(e) An employee using paid leave to supplement workers compensation benefits under Section 2e of Title 85 of the **Oklahoma Statutes** shall be in leave without pay status.

(f) An Appointing Authority may terminate an employee who is absent from work after the employee has exhausted all of his or her sick and annual leave accumulations unless the absence is covered by 530:10-15-45 or 530:10-15-49. Termination of a permanent classified employee under this subsection is subject to the pretermination hearing requirements of Section 840-6.4 of Title 74 of the **Oklahoma Statutes**. This subsection does not prevent an Appointing Authority from granting leave without pay according to 530:10-15-47.

530:10-15-12. Sick leave

Eligible employees shall accrue sick leave based upon hours worked (excluding overtime), paid leave, and holidays ~~[74:840-2.20(1)]~~[74:840-2.20(A)(1)] according to 530:10-15-10 and this Section, not to exceed the total possible work hours for the month. The hourly rate is equal to the annual accrual divided by the number of work hours in the current year. Sick leave earned during one month shall not be available for use until the beginning of the next month.

(1) Sick leave means a period when the employee cannot work because of sickness, injury, pregnancy, or medical, surgical, dental or optical examination, or treatment, or where the employee's presence at work would jeopardize the health of the employee or others. An employee may charge family and medical leave, taken in accordance with 530:10-15-45, against sick leave accumulations.

(2) An employee shall not use sick leave for annual leave.

(3) An employee shall not use sick leave before it is accrued.

(4) Immediately on return to work, an employee who has been absent on sick leave shall give the Appointing Authority a signed statement that the absence was due to reasons listed in (1) of this Section. If an absence exceeds **3** working days, the employee shall give the Appointing Authority a physician's statement unless the Appointing Authority waives it. For shorter absences, the Appointing Authority may require the employee to supply proof the absence was consistent with (1) of this Section. Sick leave shall not be granted until approved by the Appointing Authority. An Appointing Authority shall approve sick leave unless there are facts to show that an employee abused sick leave privileges or the employee failed to supply requested evidence of illness.

(5) Sick leave shall be charged against an employee's sick leave balance based on the amount of time an employee is absent from work during the employee's assigned work schedule. Holidays, or the scheduled days off for holidays, occurring within a period of sick leave shall not be charged to sick leave.

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(6) Sick leave earned during a pay period shall be prorated according to the number of hours (excluding overtime) an employee is on the payroll ~~[74:840-2-20(1)]~~[74:840-2.20(A)(1)].

(7) Part-time employees shall accrue sick leave in an amount proportionate to that which would have accrued under full-time employment ~~[74:840-2-20(1)]~~[74:840-2.20(A)(1)].

(8) When an employee transfers from one agency to another, the Appointing Authority of the receiving agency shall give the employee credit for all unused sick leave accumulations.

(9) Employees shall not be compensated for accumulated sick leave when they separate from state service.

(10) If an absence because of illness or injury extends beyond the sick leave an employee has accumulated, the Appointing Authority may charge additional absence to the employee's annual leave accumulations.

(11) Unless it is against the law, an Appointing Authority shall approve sick leave when an employee is absent due to illness or injury and receiving Oklahoma State Workers Compensation benefits.

(12) If an employee leaves the state service on or after October 1, 1992, and is reemployed within a period of 2 years from the date of separation, the Appointing Authority may reinstate all or a part of the unused sick leave accumulated during the previous period of continuous employment with the state ~~[74:840-2-20(6)]~~[74:840-2.20(A)(7)].

(13) There is no limit on sick leave accumulations.

(4) a serious health condition that makes the employee unable to perform the functions of the employee's job.

(c) An Appointing Authority may require that an employee's request for family and medical leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member.

(d) The entitlement to family and medical leave resulting from (b)(1) and (b)(2) of this Section expires at the end of the 12-month period beginning on the date of the birth or placement.

(e) When family and medical leave is taken to care for a sick family member as defined in (b)(3) of this Section or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when it is medically necessary. An Appointing Authority may adopt a policy allowing family and medical leave to be taken intermittently to care for a newborn child or newly placed adopted or foster child.

(f) Whenever it is possible, an employee shall schedule family and medical leave to accommodate the operations of the employee's agency. An employee shall give the Appointing Authority notice and a leave request at least 30 days before leave is to begin if the need for family and medical leave is expected. When the need for family and medical leave is unexpected, an employee shall give the Appointing Authority notice and a leave request as soon as possible. The notice and request shall:

- (1) be in writing;
- (2) refer to this Section;
- (3) describe the reason for the family and medical leave;
- (4) specify the type of leave the employee is requesting to account for the time off; and
- (5) include any information or documentation required for the type of leave requested.

(g) The Appointing Authority has the responsibility to review requests for sick leave and leave without pay for designation as family and medical leave. The Appointing Authority has the right to designate leave taken for an FMLA-qualifying event as FMLA leave, regardless of whether the employee has requested FMLA leave. The Appointing Authority's designation decision shall be based only on information provided by the employee or the employee's spokesperson. In accordance with the federal Family and Medical Leave Act, the Appointing Authority shall not designate leave as family and medical leave retroactively, unless the Appointing Authority does not have sufficient information concerning the employee's reason for taking the leave until after the leave period has begun.

(h) Family and medical leave is not a separate type of leave, and it is not accrued or accumulated. An Appointing Authority shall give employees the following options to account for time lost because of leave under the federal Family and Medical Leave Act of 1993.

- (1) Charge to accumulated annual leave [74:840-2.22];

PART 5. MISCELLANEOUS TYPES OF LEAVE

530:10-15-45. Family and medical leave

(a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to family and medical leave. This section is not a comprehensive listing of the provisions of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. To be eligible, an employee shall have been employed by the state at least 12 months and have worked at least 1,250 hours during the preceding 12-month period.

(b) An eligible employee is entitled to family and medical leave for up to a total of 12 weeks during any 12-month period, for the following reasons:

- (1) the birth of the employee's son or daughter, and to care for the newborn child;
- (2) the placement with the employee of a son or daughter for adoption or foster care;
- (3) to care for the employee's spouse, son, daughter, or parent with a serious health condition. As used in this subsection, "son" or "daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability; and

- (2) Charge to accumulated sick leave [74:840-2.22];
- (3) Charge to leave donated by other state employees under Section 840-2.23 of Title 74 of the **Oklahoma Statutes**, which is also known as "shared leave"; ~~and~~
- (4) Charge to accumulated compensatory time. If FMLA qualifying leave is paid with an employee's accrued compensatory time, the time shall not be charged against the employee's 12-week FMLA entitlement [29 CFR 825.207(i)]; and
- (5) Record as leave without pay in accordance with 530:10-15-47.

- (i) The agency shall continue paying the employee's insurance coverage while the employee is on family and medical leave.
- (j) Upon return from family and medical leave, an employee shall have the right to be restored to the same or equivalent position and benefits, except for extension of his or her anniversary date for longevity pay, leave accrual, and calculation of retention points, he or she would have had if the employee had been continuously employed in pay status during the leave period.
- (k) An employee shall not be required to take more leave than necessary to resolve the circumstance that precipitated the need for leave.

530:10-15-49. Leave and first preference due to work related illness or injury

- (a) **Purpose.** The purpose of this Section is to interpret Section 840-2.21 of Title 74 of the **Oklahoma Statutes** (Section 840-2.21). Section 840-2.21 establishes the rights and benefits of state employees who are absent from work because of an illness or injury arising out of and sustained in the course of employment with the State. These employees have a right to return to work if certain conditions are met. **In applying Section 840-2.21 and this Section, employing agencies shall return an employee to work as soon as possible, either to the original position or to an alternate position if an employee, with reasonable accommodation, is unable to return to the original position.**
- (b) **Employee eligibility.** ~~This Section applies to all eligible probationary and permanent classified and regular unclassified employees. It does not apply to unclassified employees on temporary and other limited term appointments.~~ An employee shall file a claim for workers compensation benefits to be eligible [74:840-2.21].
- (c) **Termination of rights.** All rights and benefits under Section 840-2.21 and this Section shall end 1 year after the start of leave without pay under this Section and shall end immediately if the claim for workers compensation is denied or ~~canceled~~ otherwise concluded within the 1 year period [74:840-2.21].
- (d) **Employing agency practice, policy, and procedure.** An agency's policy, procedure and practice affecting employees who file claims for workers compensation benefits shall agree with Section 840-2.21.
- (e) **Required notice to employees.** Appointing Authorities shall give employees who report a job related illness or injury copies of this Section, Section 840-2.21, and the agency's

policies and procedures for complying with this Section and the law. The procedures shall include instructions about requesting leave without pay under Section 840-2.21.

- (f) **Placement of employee on leave without pay.** Appointing Authorities shall refer to this Section when they place an employee on leave without pay under Section 840-2.21. The Appointing Authority shall not require employees to exhaust paid sick and annual leave accumulations before placing them on leave without pay [74:840-2.21]. The Appointing Authority shall continue paying the employee's basic plan insurance coverage and dependent insurance benefit allowance while the employee is on leave without pay, and the leave shall not be a break in service [74:840-2.21].
- (g) **Medical reports.** At least every 3 months, an employee on leave without pay under this Section shall give the Appointing Authority a medical statement as to his or her ability to perform the essential duties of the original position [74:840-2.21]. The medical statement shall be made by a physician as defined in Section 14 of Title 85 of the **Oklahoma Statutes**.
- (h) **Inability to perform essential duties of original position.** If an employee on leave without pay under this Section cannot perform the essential duties of the original position, the employing agency shall give the employee first preference for other classified and unclassified positions according to Section 840-2.21.

- (1) Appointing Authorities shall establish a procedure for giving employees on leave without pay under this Section first preference to fill classified and unclassified positions that do not represent a promotion to the employee, if the employee is medically able to do the essential duties and has the minimum qualifications for positions the Appointing Authority seeks to fill.
- (2) The Appointing Authority's procedure shall include either notifying an employee of all vacant classified and unclassified positions the Appointing Authority seeks to fill or allowing the Appointing Authority and the employee to agree on notice for specific positions or jobs. The procedure may require employees to submit medical reports stating their ability to perform the essential duties of specific positions or groups of positions. The Appointing Authority shall give a copy of the procedure to each employee on leave without pay under this Section.
- (3) Appointing Authorities do not have to notify employees on leave without pay under this Section when the Appointing Authority fills a vacant position temporarily (by temporary unclassified appointment or detail to special duty).
- (4) Before an Appointing Authority may give a classified or unclassified employee first preference for a classified position, the employee shall be certified by the Office of Personnel Management as meeting the minimum qualifications. Neither classified nor unclassified employees shall be required to compete through the open competitive process for a classified position. The Appointing Authority shall submit the necessary paperwork to the Office of Personnel Management for review.
- (5) Before an Appointing Authority assigns an employee to an alternate position (a position that is not the

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original position), the Appointing Authority shall give the employee written notice of the requirement to return to the original position under (i) of this Section. While in an alternate position, an employee shall submit medical reports at least every 3 months and whenever the medical condition changes enough to affect his or her ability to return to the original position.

(i) **Return to original position.** An employee on leave without pay or working in an alternate position shall have the right to return to his or her original position according to this Section and Section 840-2.21. When a medical report indicates the employee is able to perform the essential duties of the original position, with or without reasonable accommodation, the Appointing Authority shall return the employee to the original position. The employee and the Appointing Authority may agree in writing to waive the requirement to return the employee to the original position from an alternate position.

(j) **Failure to return to work.**

(1) The Appointing Authority may discipline a permanent classified employee or a probationary classified employee or an unclassified employee if:

(A) a medical report states the employee is able to do the essential duties of the original position or an alternate position (for which the employee is qualified); and

(B) the employee does not return to work within 7 days after the Appointing Authority mails a notice to the employee's last known address or delivers a notice to the employee.

(2) If an employee does not return to the original position or an alternate position within 1 year after the start of leave without pay, the Appointing Authority may terminate the employee under Section 840-2.21. An Appointing Authority that uses Section 840-2.21 as authority to terminate an employee shall give the employee a copy of (k) of this Section. Termination of a permanent classified employee under this Section is subject to the pretermination hearing requirements of Section 840-6.4 of Title 74 of the **Oklahoma Statutes**.

(k) **Reinstatement upon separation.** A classified employee shall be eligible for reinstatement to either classified or unclassified employment with any state agency for 12 months after the date of separation under (j)(2) of this Section. An unclassified employee shall be eligible for reinstatement to unclassified employment with any state agency for 12 months after the date of separation under (j)(2) of this Section. This does not reduce eligibility under other general reinstatement or reemployment laws or rules, such as 530:10-9-102. [74:840-2.21]

SUBCHAPTER 17. EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM AND CAREER ENHANCEMENT PROGRAMS

PART 3. PERFORMANCE EVALUATION SYSTEM

530:10-17-31. Employee performance management system

(a) *The Office of Personnel Management shall make available one standard performance management system ~~to that shall be used by all agencies for completing employee service ratings. Agencies shall implement this new system on or before January 1, 2000. Until January 1, 2000, agencies may continue to use employee service rating systems which were approved or provided by the Administrator prior to November 1, 1999.~~ The purpose of this employee performance management system is to evaluate the performance of each classified, unclassified and exempt employee in the executive branch of state government except those in the exempt unclassified service as specified in paragraphs 1 and 2 of subsection A of Section 840-5.5 and those employees employed by the institutions under the administrative authority of The Oklahoma State System of Higher Education [74:840-4.17].*

(b) *The employee performance management system shall provide for the following:*

(1) *An objective evaluation of the employee, by the immediate supervisor, of the performance of the employee within the assigned duties of the job;*

(2) *The identification of the strengths and deficiencies of the employee;*

(3) *Corrective actions, if necessary, to correct deficiencies;*

(4) *An interview with the employee by the immediate supervisor who shall provide the employee with a copy of the service ratings; and*

(5) *The opportunity for the employee to submit written comments regarding the service rating [74:840-4.17].*

(c) *Each employee shall be rated at least thirty (30) days prior to the end of the probationary period. Thereafter, each employee shall be rated no less than once each year [74:840-4.17].*

(d) *The immediate supervisor shall hold a meeting in person with the employee at least three times during a 12-month evaluation period.*

(1) *One meeting shall take place at the beginning of the evaluation period in order to communicate the accountabilities and behaviors upon which the employee will be evaluated. A copy shall be provided to the employee.*

(2) *One meeting shall take place during the rating period for the purpose of discussing the progress of the employee in meeting the accountabilities upon which the employee will be evaluated.*

(3) *One meeting shall take place at the end of the review period to provide the final evaluation. A copy of the evaluation shall be provided to the employee, and the employee shall have the opportunity to provide written comments.*

(e) *The agency shall use the available service ratings of current or former state employees in decisions regarding promotions, appointments, demotions, performance pay increases, and discharges. Reductions-in-force shall not be considered discharges [74:840-4.17].*

(f) *The agency shall retain a copy of the service rating for each employee of the agency. A copy of the service rating shall be retained in the employee's personnel file [74:840-4.17].*

(g) The basic document to be used in conducting performance evaluations is the Performance Management Process form (OPM-111), a form prescribed by the Administrator. The form contains spaces for the supervisor to describe a list of accountabilities on which the employee will be evaluated. The form also lists behaviors on which state employees will be evaluated. The form provides spaces for the supervisor to enter an overall accountability rating, an overall performance rating, and a summary/development plan. The form requires signature by the employee, the supervisor, and the reviewer.

(h) On or before each ~~January 1st~~ March 31st, Appointing Authorities shall ~~confirm~~ report their agency's compliance with the requirements of 74:840-4.17 to the Administrator. The confirmation report shall be conveyed on a form prescribed by the Administrator and shall include information from the most recent annual review period used by that agency.

PART 7. CARL ALBERT PUBLIC INTERNSHIP PROGRAM

530:10-17-74. Undergraduate internship program

(a) **Eligibility.** The undergraduate internship program consists of temporary positions for students enrolled in institutions of higher education and working toward an undergraduate degree ~~[74:840-3.4(1)]~~[74:840-3.4(A)(1)]. To be considered for eligibility determination, applicants shall have completed at least **24** semester hours of coursework with at least a **2.5** cumulative grade point average on a **4.0** scale. Applicants shall follow the procedures in 530:10-17-77 for eligibility determination.

(b) **Conditions of employment.** Participants in the Undergraduate Internship Program who receive internship appointments shall:

- (1) be employed in accordance with paragraph 8 of Section 840-5.5 of Title 74 of the Oklahoma Statutes, for not more than 2 semesters or 999 hours,
- (2) continue making progress toward an undergraduate degree,
- (3) maintain the grade point average set out in (a) of this Section, and
- (4) complete the training requirements described in (d)(3) of this Section.

(c) **Benefits.** Undergraduate interns shall not be eligible for paid leave, or health and retirement benefits.

(d) **Responsibilities of appointing authorities.**

- (1) The Appointing Authority or designee shall ensure that the intern provides written verification to the Office of Personnel Management that the intern is:
 - (A) continuing to make progress toward an undergraduate degree during each semester employed, and
 - (B) maintaining the grade point average set out in (a) of this Section.
- (2) If this information is not transmitted to the Office of Personnel Management within **30** days after the end of the previous semester, the Administrator shall notify the Office of State Finance and the Appointing Authority of

the termination of the internship agreement in accordance with Section 530:10-17-82(a).

(3) Each Appointing Authority shall provide a minimum of 4 clock hours of job-related training for undergraduate interns during the internship, in addition to the training coordinated by the Administrator, and shall provide verification to the Office of Personnel Management of the completion of the training requirements.

530:10-17-75. Executive Fellows program

(a) **Eligibility.** An Executive Fellows Program consists of six-month to two-year placements in professional or managerial level positions for students ~~[74:840-3.4(2)]~~[74:840-3.4(A)(2)]. No person is eligible to participate in the Executive Fellows program for more than **2** years. To be considered for eligibility determination, applicants shall have completed a baccalaureate degree and at least **6** semester hours of graduate level coursework with at least a **3.0** grade point average on a **4.0** scale ~~[74:840-3.4(1)]~~[74:840-3.4(A)(1)] or a **7.0** on a **12.0** scale in all graduate level coursework. Applicants shall follow the procedures in 530:10-17-77 for eligibility determination.

(b) The Administrator may waive the completion of **6** semester hours of graduate level coursework required by subsection (a) of this section for **1** semester, if:

(1) An individual currently employed by a state agency as a Carl Albert Public Internship Program undergraduate intern provides written verification to the Office of Personnel Management that he or she has:

- (A) completed an undergraduate degree, and
- (B) is enrolled in **6** semester hours of approved graduate level work; and

(2) The Appointing Authority or designee of the agency where the undergraduate intern is currently employed certifies in writing on a form provided by the Office of Personnel Management that the agency intends to employ the undergraduate intern as a Carl Albert Public Internship Program Executive Fellow immediately upon the undergraduate intern's completion of an undergraduate degree.

(c) The appointment of an Executive Fellow in accordance with subsection (b) is not effective until the Administrator approves:

- (1) the waiver of the **6** semester hours of graduate level coursework; and
- (2) an Executive Fellow agreement form prepared by the Appointing Authority in accordance with 530:10-17-77(f).

(d) At the end of the semester for which the waiver of the **6** semester hours of graduate level coursework was approved by the Administrator pursuant to subsection (b), the individual employed as a Carl Albert Public Internship Program Executive Fellow shall meet the eligibility requirements in subsection (a) of this section or be removed from the Carl Albert Public Internship Program. [74:840-3.5]

(e) **Conditions of employment.** Participants in the Executive Fellows Program who receive internship appointments shall:

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- (1) be appointed in accordance with paragraph 10 of Section 840-5.5 of Title 74 of the **Oklahoma Statutes** [74:840-3.5(4)],
 - (2) be granted leave benefits commensurate with regular state employees [74:840-3.5(4)],
 - (3) be enrolled in the state health insurance and retirement benefits programs, if expected to work one thousand (1,000) or more hours per year,
 - (4) continue to make scholastic progress toward their graduate degrees during each fall and spring semester until completion of all graduate degree requirements,
 - (5) maintain the grade point average set out in (a) of this Section, and
 - (6) complete the training requirements described in (c)(3) of this Section.
- (f) Responsibilities of appointing authorities.
- (1) The Appointing Authority or designee shall ensure that the intern provides written verification to the Office of Personnel Management that the intern is:
 - (A) continuing to make scholastic progress toward a graduate degree, until completion of all graduate degree requirements, and
 - (B) maintaining the grade point average set out in (a) of this Section.
 - (2) If this information is not transmitted to the Office of Personnel Management within **30** days after the end of the previous semester, the Administrator shall notify the Office of State Finance and the Appointing Authority of the termination of the internship agreement in accordance with Section 530:10-17-82(a).
 - (3) Each Appointing Authority shall provide a minimum of **8** clock hours of job related training for Executive Fellows during each **6**-month period, in addition to the training coordinated by the Administrator, and shall provide verification to the Office of Personnel Management of the completion of the training requirements.
 - (4) Each Appointing Authority shall rate the performance of participants in the Executive Fellows Program in accordance with Section 840-4.17 of Title 74 of the Oklahoma Statutes. [74:840-3.4]
- 530:10-17-77. Application form and procedure**
- (a) **Application form and applicant survey form.**
- (1) The Carl Albert Public Internship Program application is available from the Office of Personnel Management. The application form provides information about the application process and eligibility requirements. It solicits information about applicants and their qualifications for participation in the program.
 - (2) Applicants may apply at any time.
 - (3) An applicant may complete a voluntary survey form which solicits information related to demographics, including race or ethnic group, and disabilities. The information shall be used for statistical purposes only.
- (b) **Communication with the Office of Personnel Management.** Interested persons may direct communications to the attention of the Carl Albert Public Internship Program in accordance with 530:1-1-12.
- (c) **Application procedure.** Applicants for the internship program shall provide the following information to the Office of Personnel Management for review and determination of eligibility:
- (1) A completed and signed application form;
 - (2) Transcript(s) of coursework from accredited higher education institutions;
 - (3) A letter of nomination from a faculty member of the higher education institution where they are enrolled;
 - (4) A letter of recommendation from the current Appointing Authority, if the applicant is a state employee [74:840-3.4(4)][74:840-3.4(C)];
 - (5) A resume;
 - (6) Three letters of recommendation from persons other than relatives or the nominating faculty member;
 - (7) Verification of current enrollment.
- (d) **Notification.** The Administrator shall notify applicants if the documents they submit are sufficient for eligibility. A notice of eligibility does not mean the applicant will be employed as an intern.
- (e) **Length of eligibility.** Applicant information on file at the Office of Personnel Management shall remain active if eligible applicants submit verification of current enrollment and an updated transcript each semester. If applicants fail to provide updated information within 90 days after the end of the previous semester, they will no longer be eligible for employment as an intern and their names will be removed from the list of eligible applicants made available to state agencies.
- (f) **Appointment.**
- (1) The Administrator shall provide a list of all eligible applicants for the Carl Albert Public Internship Program to state agencies periodically and at an agency's request. An agency may request an eligible applicant list and copies of individual eligible intern files at any time.
 - (2) An agency may appoint any eligible applicant after the Administrator has approved a completed Carl Albert Public Internship Agreement Form described in (3) of this subsection. A new form shall be completed if there are any substantive changes to the original agreement.
 - (3) The Administrator shall provide the internship agreement form to state agencies. The form solicits information about the employing agency, the Executive Fellow or Undergraduate Intern, and the internship faculty member. The form provides information regarding employment, benefits, training, work schedules, duties, compensation, and projected length of internship. Before an eligible applicant enters on duty, the agreement form shall be completed and signed by:
 - (A) The eligible applicant;
 - (B) The Appointing Authority or designee of the employing agency, who shall certify that the internship appointment does not contravene any provision of the Oklahoma Personnel Act or the Merit Rules;
 - (C) The college or university faculty member who shall monitor the internship; and
 - (D) A representative of the Administrator.
 - (4) All intern appointments are made at the discretion of the Appointing Authority. Executive Fellows will count

against an agency's full-time-equivalent employee limit if an agency retains them after the internship time period is completed.

(5) The signature of the faculty member shall not be required when a Carl Albert Executive Fellow who has already completed his or her degree requirements is completing a new agreement form.

(g) **State employees.** State employees may apply to participate in the Carl Albert Public Internship Program. Permanent classified and regular unclassified employees who receive internship appointments may request leave without pay from their permanent or regular employment in accordance with 530:10-15-47, **Leave of absence without pay.** Probationary employees and regular unclassified employees with less than 12 months continuous service shall resign before entry-on-duty as an intern.

530:10-17-80. General conditions of employment

(a) **No expectation of continued employment.**

(1) Persons participating in the Carl Albert Public Internship Program shall be employed in the unclassified service of the state in accordance with Section 840-5.5 of Title 74 of the **Oklahoma Statutes** and Sections 530:10-17-74 and 530:10-17-75.

(2) An intern has no right or expectation of continued employment in any classified or unclassified position with the state because of participation in the Carl Albert Public Internship Program.

(b) **Compensation plan for interns.**

(1) The employing agency shall establish compensation plans that include rates of pay for Carl Albert Public Internship Program positions which are consistent with positions having like duties and responsibilities within the agency.

(2) The Administrator may establish job descriptions for interns in accordance with Section 530:10-5-8.

(3) Carl Albert interns who are not exempt from the provisions of the Fair Labor Standards Act (29 U.S.C. 201 et seq.) are subject to its overtime provisions and 530:10-7-12.

(4) Salary adjustments may be made in accordance with Section 840-2.17 of Title 74 of the **Oklahoma Statutes.**

(c) **Report of work performance to educational institution.** The Appointing Authority or designee of the employing agency shall provide the internship faculty member with information necessary to evaluate the intern's work experience for academic purposes at the faculty member's request.

(d) **Intercession by the Office of Personnel Management.** The Office of Personnel Management may intercede in an internship if the Office determines, at the request of the intern, the agency, or the institution of higher education at which the intern is enrolled, that an internship is not functioning [74:840-3.5(7)][74:042-3.5(8)] in accordance with the rules in this Part, and the individual internship agreement. The intercession process may include, but is not limited to the following actions: modification of certain agreement terms, reassignment, and separation or early release from the internship.

(e) **State employees; continuation of benefits.** State employees leaving classified or exempt positions in state government in order to take an internship shall continue to receive all fringe benefits they would have received in their previous classified or exempt positions [74:840-3.5(2)].

(f) **Training requirements.** Each intern shall complete the training requirements prescribed by the employing agency and the Administrator.

PART 11. CERTIFIED PUBLIC MANAGER PROGRAM

530:10-17-110. Purpose

(a) The rules in this Part establish policies and procedures to implement the Certified Public Manager Program in accordance with Section ~~840-2.12(10)~~840-1.6A(10) of Title 74 of the **Oklahoma Statutes.** The Program is administered by the Administrator of the Office of Personnel Management.

(b) It is the purpose of the Certified Public Manager Program to develop the management skills of public sector employees and to assist state agencies and other public sector organizations in the identification and development of future leaders.

530:10-17-111. Definitions

In addition to words and terms defined in OAC 455:10-1-2 or 530:10-1-2, the following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise.

"**Organizations**" means municipalities, counties, Indian Nations, and the federal government.

"**Program**" means the Certified Public Manager Program authorized by Section ~~840-2.12(10)~~840-1.6A(10) of Title 74 of the **Oklahoma Statutes.**

[OAR Docket #05-388; filed 3-23-05]

**TITLE 530. OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION RULES**

[OAR Docket #05-389]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. General Provisions

530:15-1-2. [AMENDED]

Subchapter 3. Administrative Provisions

530:15-3-15. [NEW]

AUTHORITY:

The Administrator of the Office of Personnel Management; Title 62 O.S., § 7.10, Title 74 O.S., §§ 842 and 843 and Title 75 O.S., §§ 302, 305 and 307.

DATES:

Adoption:

December 15, 2004

Approved by Governor:

January 24, 2005

Emergency Adoptions

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled Senate Bill 1105 (enacted during the 2004 Legislative Session) made various amendments to the State Employee Advocacy Rights Act. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments have taken effect during the recess of the 2004 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled Senate Bill 1105 and to make the Voluntary Payroll Deduction Rules consistent with the statutory amendments made by these laws.

ANALYSIS:

These amendments to the Voluntary Payroll Deduction Rules are necessary to harmonize the rules and statutes in view of statutory changes made during the 2004 Legislative Session. The proposal also clarifies that the definition of "employee association" encompasses an "employee organization."

CONTACT PERSON:

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

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

SUBCHAPTER 1. GENERAL PROVISIONS

530:15-1-2. Definitions

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

"Administrator" means the chief administrative officer of the Office of Personnel Management, an officer of the State of Oklahoma appointed by the Governor pursuant to Section 840-1.6A of Title 74 of the **Oklahoma Statutes**, and authorized to establish procedures for administration of voluntary payroll deductions by Section 7.10. The term, as used in this Chapter, includes employees of the Office of Personnel Management to whom the Administrator has lawfully delegated authority to act on his or her behalf.

"Appointing Authority" means the chief administrative officer of an agency. As the term is used in the Voluntary Payroll Deduction Rules, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Complaint" means a grievance with respect to any matter relevant to the Administrator's duties under Section 7.10.

"Complainant" means a person or an organization that has submitted a complaint.

"Declaratory ruling" means an explanation of a rule or order and its applicability to a particular matter.

"Dues-paying" means, with respect to a member of an employee association, the member is either currently

paying dues or has provided a valid authorization to have such dues withheld from pay and remitted to the association. [62:7.10(B)(4)]

"Employee association" means a formal and continuing affiliation of state employees with the principle objective of speaking for and benefiting their interests as employees, in which membership is restricted to state employees but unrestricted as to the geographic location of their duty stations, and which has at least 1,000 dues-paying members. An employee organization also falls within this definition.

"Member" means:

- (A) with respect to a credit union, a shareholder; and
- (B) with respect to an employee association, a person who has sought and been granted recognition as one of those within the field of membership as defined by the association's governing instruments.

"Participation" means the total number of state employees reported to the Office of Personnel Management for which amounts withheld from pay for a given month were remitted pursuant to employee authorization to a single billing unit as identified by its Federal Employer (Tax) Identification Number.

"Party" means any person, employee association, credit union or insurance organization that is the subject of, or requests, action by the Administrator in connection with any matter relevant to the Administrator's duties under Section 7.10.

"Product vendor" means any of the following entities approved for state employees' voluntary payroll deduction:

- (A) an entity offering a supplemental retirement plan with a minimum participation of **500** state employees;
- (B) a private insurance organization with a minimum participation of **500** state employees for supplemental life, accident, or health insurance;
- (C) a private insurance organization with a minimum participation of **500** state employees for legal services;
- (D) the Oklahoma Tourism and Recreation Department as publisher of Oklahoma Today magazine.

"Provided for by the State" means:

- (A) for insurance purposes, the basic health, life, dental, or disability plan or any other such insurance a state agency is authorized to provide for its employees as evidenced by financial participation in those policies or a group policy(s) the agency has negotiated as a basic employment benefit; and
- (B) for retirement purposes, any state retirement system, deferred compensation program (commonly referred to as deferred annuities), or other retirement plan(s) a state agency is authorized to provide for its employees as evidenced by financial participation in those plans.

"Section 7.10" means Section 7.10 of Title 62 of the **Oklahoma Statutes**.

"State agency" means any office, department, board, commission, or institution of the State of Oklahoma."

"State employee" means any employee of a state agency.

"Supplemental" means:

(A) for insurance purposes, life, accident (including income continuation during disability), legal, and health insurance policies not provided for by the State; and

(B) for retirement purposes, plans that provide retirement income benefits and are not provided for by the State. In recognition of the powers conferred upon state institutions of higher education by Section 3905 of Title 70 of the **Oklahoma Statutes**, the Administrator will follow such institutions' decisions as to whether an insurance policy or retirement plan is a basic or a supplemental employee benefit.

SUBCHAPTER 3. ADMINISTRATIVE PROVISIONS

530:15-3-15. Annual distribution of employee organization materials.

Appointing Authorities shall provide for the annual distribution of employee organization materials to agency employees. It shall be the responsibility of an employee organization to provide the materials to state agencies for distribution.

[OAR Docket #05-389; filed 3-23-05]

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

[OAR Docket #05-390]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. General Policies and Procedures

530:20-1-2. [AMENDED]

530:20-1-3. [NEW]

530:20-1-4. [NEW]

530:20-1-14. [AMENDED]

530:20-1-16. [AMENDED]

Subchapter 3. OPM Administrative Policies and Procedures

530:20-3-7. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

December 15, 2004

Approved by Governor:

January 24, 2005

Effective:

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

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled Senate Bill 1580 (enacted during the 2004 Legislative Session) made various amendments to the Oklahoma State Employees' Direct Deposit Act. The statutory changes have caused the current rules to be inconsistent with state law, as the statute mandates participation in the direct deposit system by all employees hired after December 31, 2004. It is not possible to make permanent rule amendments at this time prior to January 1, 2005. Further, in contemplation of the statutory mandate, the Office of Personnel Management is de-centralizing the direct deposit process to coincide with the effective date of the statute. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled Senate Bill 1580 and to make the Oklahoma State Employees' Direct Deposit Rules consistent with the statutory amendments made by these laws.

ANALYSIS:

These amendments to the Oklahoma State Employees' Direct Deposit Rules are necessary to harmonize the rules and statutes in view of statutory changes made during the 2004 Legislative Session.

CONTACT PERSON:

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

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

SUBCHAPTER 1. GENERAL POLICIES AND PROCEDURES

530:20-1-2. Definitions

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

"Act" means the Oklahoma State Employees' Direct Deposit Act, Section 292.10 et seq. of Title 74 of the **Oklahoma Statutes**.

"Administrator" means the Administrator of the Office of Personnel Management.

"Automatic Deposit Transmittal form" means a form voluntarily completed by a state employee to provide enrollment or termination information for the direct deposit system and to authorize the use of electronic funds transfer for payroll warrants.

"Banking day" means a day on which a bank is open to the public for carrying on substantially all of its banking functions [12A:4-104].

"Day" means a calendar day.

"Direct deposit system" shall mean a method of electronically transferring a payroll [warrant] for an eligible employee whereby the employee agrees to an electronic transfer of any payroll [warrant] to a financial institution [74:292.11(1)].

"Electronic funds transfer" means transferring an employee's net pay directly into the employee's financial institution account electronically rather than issuing pay warrants.

"Employee" means any person in the classified, unclassified or exempt service of any employer [74:292.11(2)].

"Employer" shall mean any state agency, board, commission, department, institution, authority, officer, bureau,

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council, office, the Oklahoma State Regents for Higher Education or any institution under the authority of the State Regents for Higher Education, or other entity created by the Oklahoma Constitution. "Employer" shall not include any school district or political subdivision of this state [74:292.11(3)].

"OPM" means the Office of Personnel Management.

"OSF" means the Office of State Finance.

"Participant" means a person who is participating in the direct deposit system.

530:20-1-3. Participation mandatory

(a) Employees hired after December 31, 2004, shall participate in the direct deposit system. At the time the employee enters on duty, the employee shall identify a financial institution that will serve as a personal depository agent for the employee [74:292.12(A)(1)].

(b) Employees hired before December 31, 2004, shall participate in the direct deposit system. No later than June 30, 2007, each employee hired before December 31, 2004, who is not a participant in the direct deposit system, shall identify a financial institution that will serve as a personal depository agent for the employee [74:292.12(A)(2)].

530:20-1-4. Exceptions to participation

(a) An employer may waive participation in the direct deposit system for temporary, seasonal or student employees.

(b) An employee may submit a written application to his employer that identifies extraordinary needs or circumstances that would prevent the employee from participating in the direct deposit system. If deemed appropriate, the employer may waive participation in the direct deposit system for that employee. The employer may require periodic review of the extraordinary needs and circumstances of its employees granted exceptions to determine whether or not continued exemption is warranted.

530:20-1-14. Forms and instructions

(a) ~~The automatic deposit transmittal form is an voluntary agreement that shall be used by an the employee if the employee elects to authorize:~~

- (1) deposit of his or her payroll warrant in a specified checking or savings account in the financial institution of his or her choice through electronic funds transfer;
- (2) the specified financial institution to make a credit entry to the specified account;
- (3) the state of Oklahoma to direct the financial institution to return any moneys that are deposited in the employee's account to which the employee is not entitled;
- (4) changes in his or her enrollment information;
- (5) termination of the direct deposit of his or her payroll warrant; and
- (6) ~~the agreement to remain in full force and effect until the employee gives 30 days notice to end the direct deposit agreement.~~

(b) The automatic deposit transmittal form contains spaces for the employee to:

- (1) provide personal data to facilitate his or her personal banking needs;

- (2) sign and date the agreement.

(e) ~~The automatic deposit transmittal form also contains instructions for its completion and selected information from the Act and the rules in this Subchapter. This includes:~~

- (1) ~~directions to attach a voided check or other official document from the employee's financial institution;~~
- (2) ~~mailing instructions;~~
- (3) ~~detailed instructions for completing the form;~~
- (4) ~~notice of the procedure to confirm the account number provided by the employee;~~
- (5) ~~instructions to follow if the employee experiences problems with direct deposit.~~

530:20-1-16. Procedures for direct deposit enrollment and changes

(a) ~~Procedures for employees under the OSF Office of State Finance payroll accounting system.~~ To authorize direct deposit, employees under the OSF Office of State Finance payroll accounting system, or its successor, shall file a properly completed automatic deposit transmittal form ~~with OPM.~~ An employee shall file this form ~~at least 30~~ days before the desired effective date of the first electronic funds transfer, change or termination. The employee shall attach the form to an official document from the financial institution. (For example, an employee may attach a blank check with the word "VOID" printed across it.) The official document shall show the financial institution's routing number and employee's deposit account number. ~~OPM does not accept deposit slips.~~

(b) ~~Procedures for employees not under the OSF Office of State Finance payroll accounting system.~~ Several employers (state agencies) do not pay employees through OSF. Grand River Dam Authority and Oklahoma Turnpike Authority are examples of agencies that operate their own payroll accounting systems. Employees of these agencies not under the Office of State Finance payroll accounting system shall complete and submit automatic deposit transmittal forms according to the instructions of their employers.

(c) An instruction manual may be obtained from the Office of Personnel Management.

SUBCHAPTER 3. OPM OFFICE OF PERSONNEL MANAGEMENT ADMINISTRATIVE POLICIES AND PROCEDURES

530:20-3-7. Confidential records; inspection and release of open records

(a) State employees supply personal information to OPM the Office of Personnel Management or other state employers to facilitate their personal banking needs under the Act. Public disclosure of this information would be a clearly unwarranted invasion of the employees' personal privacy under Section 24A.7 (A)(2) of Title 51 of the Oklahoma Statutes. Therefore, the Administrator shall not release that information for public inspection.

(b) *State employee home addresses, state employee home telephone numbers, and state employee social security numbers shall not be open to public inspection or disclosure* [74:841.6A].

(c) Section 530:1-1-14 contains other general standards and procedures for inspecting and copying OPM Office of Personnel Management records.

[OAR Docket #05-390; filed 3-23-05]

**TITLE 695. STATE AGENCY REVIEW
COMMITTEE
CHAPTER 10. OKLAHOMA STATE
EMPLOYEE CHARITABLE CONTRIBUTION
CAMPAIGN RULES**

[OAR Docket #05-391]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. General Provisions

695:10-1-2. [AMENDED]

695:10-1-5. [AMENDED]

695:10-1-6. [AMENDED]

695:10-1-8. [AMENDED]

695:10-1-9. [AMENDED]

695:10-1-10. [AMENDED]

695:10-1-11. [AMENDED]

Subchapter 3. Principal Combined Fund Raising Organizations

Part 1. State Principal Combined Fund Raising Organization (State PCFRO)

695:10-3-2. [AMENDED]

695:10-3-3. [AMENDED]

695:10-3-4. [AMENDED]

Subchapter 5. Conduct of the Charitable Contribution Campaign

695:10-5-3. [AMENDED]

695:10-5-4. [AMENDED]

695:10-5-6. [AMENDED]

Subchapter 7. Pledge Cards, Payroll Authorizations and Mailing Lists

695:10-7-2. [AMENDED]

695:10-7-3. [AMENDED]

Subchapter 9. Remittance, Allocation and Distribution of Funds

695:10-9-2. [AMENDED]

Subchapter 11. State and Local PCFRO Proceeds and Costs

695:10-11-2. [AMENDED]

Subchapter 13. Notices, Complaints, Appeals and Hearings

695:10-13-3. [AMENDED]

AUTHORITY:

State Agency Review Committee; 74 O.S., § 7005.

DATES:

Adoption:

November 10, 2004

Approved by Governor:

January 28, 2005

Effective:

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

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled Senate Bill 1385 (enacted during the 2004 Legislative Session) changed the name of Oklahoma's charitable campaign from the "Oklahoma State Employee Charitable Contribution Campaign Rules" to the "Oklahoma

State Charitable Campaign." This statutory change has caused the current rules to be inconsistent with state law. Further, the State Agency Review Committee has suggested various changes to the rules to streamline and clarify the rules as they relate to the charitable organizations that participate in the state campaign. The Committee would like to see these changes go into effect January 1, 2005 so that the participating organizations will be able to take advantage of new deadline dates and other requirements. The State Agency Review Committee finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled Senate Bill 1385 and to make the Oklahoma State Employee Charitable Contribution Campaign Rules consistent with the statutory amendments made by these laws.

ANALYSIS:

These amendments to the Oklahoma State Employee Charitable Contribution Campaign Rules are necessary to harmonize the rules and statutes in view of statutory changes made during the 2004 Legislative Session. The proposal also streamlines and clarifies the rules as they relate to the charitable organizations that participate in the state campaign.

CONTACT PERSON:

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

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 1. GENERAL PROVISIONS

695:10-1-2. Definitions

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

"**Act**" means the Oklahoma State Employee Charitable Contribution Act, Sections 7001 through 7010 of Title 74 of the **Oklahoma Statutes**.

"**Appointing Authority**" means the chief executive officer of a state agency.

"**Campaign**" means the annual combined ~~Oklahoma State Employee Charitable Contribution Campaign ("SCC")~~. "Local campaign" refers to the annual Oklahoma State ~~Employee Charitable Contribution Campaign~~ in a geographic area.

"**Campaign proceeds**" means the amount of money pledged by employees during a campaign. It does not mean the amount of money actually deducted during the following calendar year.

"**Designated funds**" means contributions which the contributor has designated to a specific voluntary agency or federation.

"**Federation**" means a legally constituted grouping of at least five health and social service agencies that are bound together to raise and distribute charitable contributions [74:7003(1)]. "Legally constituted grouping" means the organizational relationship among the agencies is recognized by law.

"**Geographic area**" means a county or the area encompassed by counties or portions of counties which have been

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combined for the purpose of conducting a local ~~Oklahoma State Employee Charitable Contribution~~ Campaign.

"**International social service agency**" means a voluntary agency that provides the majority of its services to needy persons overseas.

"**LARC**" means local advisory review committee.

"**Licensed by the Oklahoma Tax Commission**" means registered with the Oklahoma Tax Commission in accordance with Section 552.3 et seq. of Title 18 of the **Oklahoma Statutes**.

"**Local advisory review committee**" means a group of state employees in a facility or agency assisting in the local involvement of state employees in the campaign [74:7003(3)]. The committee is authorized by the SARC to implement the local campaign in their geographic area; the committee performs purely administrative or ministerial tasks and does not exercise actual or de facto decision-making authority for the SARC.

"**Local federation**" means a federation that provides direct service in a specific geographic area in this state.

"**Local presence**" means a test to determine whether the agency actually provides service to people in the geographic area and whether said geographic area has any input into the service provisions process.

"**PCFRO**" means the principal combined fund raising organization.

"**Principal combined fund raising organization**" means the organization in State of Oklahoma responsible for the charitable contribution campaign [74:7003(4)]. "State PCFRO" refers to the organization which is selected by the SARC to assist them statewide with the campaign. "Local PCFRO" refers to the organization which is selected by the SARC to assist the LARC with the local campaign.

"**Rules**" means the ~~Oklahoma State Employee Charitable Contribution~~ Campaign Rules in this Chapter.

"**SARC**" means State Agency Review Committee.

"**State Agency Review Committee**" means a group of state employees responsible for overseeing at the state level the conducting of the ~~Oklahoma State Employee Charitable Contribution~~ Campaign [74:7003(5)].

"**State agency**" means any office, department, board, commission or institution of the state government.

"**State employee**" means an elected or appointed officer or employee of the executive, judicial or legislative branch of government.

"**State presence**" means a test to determine whether the agency actually provides service to people in the State of Oklahoma [74:7003(2)].

"**Undesignated funds**" means those contributions which the contributor has not designated to a specific voluntary agency or federation.

"**Voluntary agency**" means a nonprofit organization which meets the requirements for participation in the ~~Oklahoma State Employee Charitable Contribution~~ Campaign which are provided in Section 7009 of Title 74 of the **Oklahoma Statutes**.

695:10-1-5. State Agency Review Committee (SARC); organization and meetings

(a) The membership of the SARC consists of 7 state employees. Section 7005 of Title 74 of the **Oklahoma Statutes** provides for the appointment and service of the membership of the SARC. The officers of the SARC are the chairman and the vice-chairman.

(1) At least annually, the SARC shall elect a chairman and a vice-chairman from among its members. A member may be elected for succeeding terms of office.

(2) The chairman shall call and preside at meetings and may represent the SARC in other matters as it may lawfully authorize. In the absence of the chairman, the vice-chairman shall assume the chairman's duties and have the chairman's authority. The vice-chairman shall also perform such duties as may be assigned by the chairman.

(b) All meetings of the SARC shall be held and conducted in accordance with the Open Meeting Act, Sections 301 through 314 of Title 25 of the **Oklahoma Statutes**.

(1) The chairman of the SARC may call special meetings or emergency meetings.

(2) Special or emergency SARC meetings shall also be called at the written request of a majority of the appointed members of the committee.

(3) A majority of the appointed members of the SARC shall constitute a quorum.

(4) A quorum of the members of the SARC shall be present to transact any business.

(5) An affirmative vote from a majority of a quorum is required for action by the SARC.

(6) Regularly scheduled meetings shall be held ~~quarterly~~ on the 2nd Wednesday of each of the following months: January, February, April, May, August, and November.

(c) The Office of Personnel Management shall provide the following support as is required by the SARC and pursuant to Section 7005(D) of Title 74 of the Oklahoma Statutes.

(1) Prepare meeting notices and agendas for submission to the chairman;

(2) Upon approval of the chairman, file, post and distribute meeting notices and agendas;

(3) Tape record meetings of the SARC and permanently maintain audio tapes so they will be available for future transcription; and,

(4) Provide necessary clerical support for SARC during its meetings.

695:10-1-6. Local Advisory Review Committee (LARC); organization

Each year, ~~LARCs shall be created after the establishment of the annual campaign's geographic areas [See 695:10-5-2] and prior to July 1,~~ the local PCFRO shall identify and contact the LARC from each state agency or facility within the appropriate SCC geographic area. The SPCFRO shall provide the LCPFRO with any and all materials and information needed to help identify state agencies or facilities within the LARCS geographic area.

(1) The team leader of each LARC shall be the local state agency employee who is administratively in charge of the largest number of state employees a state agency or facility in a campaign assigned to work in the LARC's geographic campaign area or his or her designee. The team leader shall assist the LARC members in organizing the local campaign and may represent them in other matters.

(2) ~~The LARC team leader~~ local PCFRO is responsible for submitting the following information in writing to the ~~SARC prior to August 1~~ SPCFRO no later than July 31, and again whenever any of the information is changed.

(A) The name and employing agency of each LARC member;

(B) The mailing address and location for submissions to the LARC;

(C) The telephone number used by the LARC; The SPCFRO shall provide this information to the SARC one week prior to the regularly scheduled August meeting.

(3) The primary responsibility of the LARC is to work together with their local PCFRO to ensure that the ~~local charitable contribution~~ State Charitable Campaign-Campaign for state employees is a convenient, informative and responsible program. To help the local campaign meet these goals the LARC and local PCFRO should:

(A) develop the campaign materials and publicity for the local ~~Oklahoma State of Oklahoma Employee Charitable Contribution Campaign~~;

(B) ensure that each state employee receives informational material and a pledge card;

(C) recruit and train volunteers, departmental coordinators and solicitors to distribute material, conduct meetings, answer questions and collect pledge cards;

(D) ensure that all informational materials are fair and equitable;

(E) ensure that each state employee is given the opportunity to make a gift and the option to designate the gift.

695:10-1-8. Locations for information and for filing

(a) **SARC.** Any person may obtain information from, make a submission to, or make a request of the SARC by submitting a written request. Papers may be mailed to the SARC, or they may be hand delivered during normal business hours. Normal business hours are 8:00 a.m. to 4:45 p.m., Monday through Friday. The mailing address and location for filing is: Office of Personnel Management, ATTENTION: STATE AGENCY REVIEW COMMITTEE, Jim Thorpe Building, Room G-80, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105, Telephone Number: (405) 521-2177. You may e-mail to: SARC@opm.state.ok.us. The date on which the papers are actually received at the Office of Personnel Management shall be recorded as the date of filing.

(b) **LARCS.** Any person may obtain a list of the LARCS from the SARC. This list shall include the information listed in 695:10-1-6(2).

695:10-1-9. Retention and public inspection of documents and release of records

(a) All documents filed with or presented to the SARC will be retained in the files of the SARC located at the Office of Personnel Management for the length of time required by state and federal laws. Documents will be disposed of in a manner consistent with the Records Management Act, Sections 201 through 216 of Title 67 of the **Oklahoma Statutes**, and rules promulgated by the Archives and Records Commission pursuant to Section 564 through 576 of Title 74 of the **Oklahoma Statutes**.

(b) Individual employee contribution records are confidential ~~in the meaning of as defined by~~ Section 24A.7 (A)(2) of Title 51 of the **Oklahoma Statutes**. Except for records required by law to be kept confidential, all other records of the SARC are available for inspection in accordance with the Oklahoma Open Records Act, Sections 24A.1 through 24A.18 of Title 51 of the **Oklahoma Statutes**.

(c) Records may be released during the normal business hours of the Office of Personnel Management.

(d) ~~The following fees have been determined by the SARC to pay for the recovery of reasonable, direct costs of document copying and/or mechanical reproduction. Fees will be assessed pursuant to Section 24A.3 of Title 51 of the Oklahoma Statutes.~~

(1) ~~Charges for copies. 8 1/2" X 11" sheet - \$0.25 each for one sided copies \$0.35 each for two sided copies Larger Sheet - Amount billed directly by a copying source.~~

(2) ~~Search charges. In the event a request is solely for commercial purposes or clearly would cause excessive disruption of the Office of Personnel Management's essential functions, the SARC may charge the hourly rate, including any fraction of an hour, of the person doing the search, multiplied by the hour(s) and any fraction of an hour required.~~

(3) ~~Transcript charges. When materials from meetings or hearings are transcribed from tapes or notes, the charge will be calculated at a rate charged by a court reporter; or if done by Office of Personnel Management staff, will be at a rate established by OPM \$4.50 per page double spaced, with 1 1/2" side margins and 1" top margins. Copies of transcripts will be \$0.25 per page.~~

695:10-1-10. Declaratory rulings

Any person may request the SARC to issue a declaratory ruling as to the applicability of any rule or order of the SARC. The purpose of a declaratory ruling is to explain, or clarify, a rule or an order of the SARC in relation to a particular matter.

(1) A request for a declaratory ruling must be in writing and must include the following information:

(A) Name, address and telephone number of the person making the request;

(B) Name, address and telephone number of the organization the person represents, if applicable;

(C) Date of the request;

(D) A description of the problem or issue which made it necessary to request a declaratory ruling; and

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(E) The number and heading used to identify the rule or the order on which the declaratory ruling is sought.

(2) The SARC will consider each ~~petition request~~ submitted and, within a reasonable time after the submission thereof, either deny the ~~petition request~~ in writing, stating its reasons for such denial, or issue a declaratory order on the matters contained in the ~~petition request~~.

695:10-1-11. Rulemaking

(a) Any person may request the SARC to amend or revoke an existing rule or ~~establish establishment~~—a new rule. The request must be in writing, and it must include the following information.

- (1) Name, address and telephone number of the person making the request;
- (2) Name, address and telephone number of the organization the person represents, if applicable;
- (3) Date of the request;
- (4) The requested action, that is: change to existing rule, revocation of existing rule, addition of new rule;
- (5) The number and heading used to identify existing rule if the request is to change or revoke existing rule;
- (6) The proposed language if the request is to change existing rule or for new rule;
- (7) The circumstances which created the need for the action; and
- (8) The intended effect of the rule.

(b) If the SARC does not take action to initiate rulemaking procedures ~~within 60 days after the~~ no later than the next regularly scheduled meeting at which a request for rulemaking is considered, the request will be deemed to have been denied.

SUBCHAPTER 3. PRINCIPAL COMBINED FUND RAISING ORGANIZATIONS

PART 1. STATE PRINCIPAL COMBINED FUND RAISING ORGANIZATION (STATE PCFRO)

695:10-3-2. Selection of the state PCFRO

(a) The SARC shall select the state principal combined fund raising organization [74:7005(C)(7)].

(b) To apply to become the state principal combined fund raising organization (PCFRO), a federation shall submit 7 copies of each of the following documents to the SARC on or before January 4~~5~~31:

- (1) A completed state PCFRO application form which contains the following information:
 - (A) the name of the federation applying;
 - (B) the name of the administrator or agent authorized to represent the federation;
 - (C) the business mailing address of the federation;
 - (D) the primary business telephone number of the federation; and
 - (E) a list of the nonprofit organizations which the federation represents.

(2) An organization chart and staffing table for the federation and a description of any additional staffing requirements if the federation is selected as the state PCFRO.

(3) A separate statement signed by the federation's local director, or equivalent, pledging to administer the duties fairly and equitably.

(4) A copy of articles of incorporation or other documents authorizing the federation to do business in this state as a private, nonprofit corporation.

(5) A copy of an audit of the federation, conducted by an accounting firm or individual holding a permit to practice public accounting in this state according to the generally accepted standards of accounting for nonprofit organizations for the immediately preceding year.

(6) A copy of the last annual report issued by the federation.

(7) A separate certification affirming ~~the~~ the federation prepares and makes available to the public an annual report that includes a full description of the federation's activities and supporting services and identifies its directors and chief administrative personnel.

(8) A proposed budget of overall costs of administration of the campaign.

695:10-3-3. Terms and conditions of service of the state PCFRO

The state PCFRO will be selected by the SARC and will serve at its pleasure, normally for the period beginning ~~February~~ March 1 and ending January 31 of the following year.

695:10-3-4. Duties and responsibilities of the state PCFRO

The duties and responsibilities of the state PCFRO, at the direction and with the approval of the SARC and as provided by the Act and elsewhere in the rules in this Chapter, include, ~~at the direction and with the approval of the SARC and as provided by the Act and elsewhere in the rules in this Chapter~~, to:

- (1) ~~Be responsible~~ Responsibility for the staffing of and the financial obligations necessary for the SARC;
- (2) ~~Work~~ Working with the [SARC] to develop the charitable contribution campaign plan for the [Campaign] [74:7007(B)(1)];
- (3) ~~Develop~~ Developing the charitable contribution campaign materials and publicity for the [Campaign] [74:7007(B)(2)];
- (4) ~~Recruit~~ Recruiting and ~~train~~ training the volunteers, departmental coordinators and solicitors in a bipartisan manner; develop and keep records on all the accounts to be solicited; and cultivate the accounts to encourage participation in the charitable contribution campaign [74:7007(B)(3)];
- (5) ~~Keep~~ Keeping all fiscal and financial records of the activities and submit to the [SARC] a separate accounting of all proceeds of the [Campaign] [74:7007(B)(4)];
- (6) ~~Submit~~ Submitting to the participating federations a detailed accounting of the amount of money designated

to the federation and to each of its member agencies [74:7007(B)(5)];

(7) ~~Disperse~~ Dispersing the allocation checks to the participating agencies [74:7007(B)(6)]. For purposes of this section, participating agencies are identified as LPCFROs;

(8) ~~Arrange~~ Arranging for publication of information about the application process for federations seeking to participate in the campaign;

(9) ~~Assist~~ Assisting the SARC in gathering and accumulating the applications;

(10) ~~Review~~ Reviewing applications of federations electing to participate in the ~~Oklahoma—State Employee Charitable Contribution Campaign~~ and certify that a federation and each of its member agencies meet the eligibility criteria in Section 7009 of the Act;

(11) ~~Notify~~ Notifying each of the applying federations of its acceptance or rejection by the SARC, including, if applicable, the reason for rejection of each of the member agencies of the federation;

(12) ~~Notify~~ Notifying each LARC of the federations approved for its area by the SARC;

(13) ~~Develop~~ Developing a pledge card to be used throughout the ~~Oklahoma—State Employee Charitable Contribution Campaign~~ SCC;

(14) ~~Prepare meeting notices and agendas for submission to the chairman;~~

(15) ~~Upon approval of the chairman, file, post and distribute meeting notices and agendas;~~

(16) ~~Tape record meetings of the SARC and permanently maintain audio tapes so they will be available for future transcription;~~

(17) ~~Provide necessary clerical support for SARC during its meetings;~~

(1418) ~~Attend~~ Attending to all correspondence as required;

(1549) ~~Maintain~~ Maintaining accurate and complete records of all business transactions of the ~~SARC~~ SCC;

(1620) Upon the conclusion of its service as the state PCFRO, ~~transmittal~~ transmission of all records created or received in connection with the Act or the rules in this Chapter to its successor state PCFRO or to SARC if there is no successor;

(1724) ~~Make~~ Making all records, as defined in the Oklahoma Open Records Act, Sections 24A.1 through 24A.18 of Title 51 of the **Oklahoma Statutes**, available to the SARC and to the public in accordance with the provisions of the Open Records Act; and

(1822) ~~Absorb~~ Absorbing the cost of any reprinting, embezzlement, loss of funds, or cost overrun connected with the campaign as a result of its action or inaction.

SUBCHAPTER 5. CONDUCT OF THE CHARITABLE CONTRIBUTION CAMPAIGN

695:10-5-3. Applications for participation in the campaign

By April 15, the SARC shall arrange for publication of information about the process by which federations may apply to participate in the campaign [74:7005(C)(1)]. Federations wishing to participate in the campaign shall submit an application to the SARC [74:7009(D)]. The application shall include:

(1) Proof of eligibility for participation in the campaign in accordance with Section 7009 of the Act;

(2) A 25-word or less description of each member agency; and

(3) The local campaign or campaigns in which the federation seeks to participate.

(4) Proof of meeting the state presence test as required in Subsection A of Section 7010 of the Act; or

(5) Proof of eligibility for exemption from the state presence test as provided in Subsection B of Section 7010 of the Act.

695:10-5-4. Campaign period

The annual campaign period in each geographic area shall be established by the LARC in accordance with this Section. It shall be set within the period beginning August 1 and ending November 30 unless designated by the SARC as part of an early bird campaign. The announced local campaign period may be up to **8** weeks in length. Each LARC shall notify the SARC in writing of the beginning and ending dates of its campaign by August 1. A period initially announced for less than **8** weeks may be extended up to a total of **8** weeks for the entire period by sending the SARC written notice of the new ending date. This notice shall be postmarked on or before the original ending date.

695:10-5-6. Workplace solicitation

(a) Workplace solicitation shall be approved by the Appointing Authority. Appointing Authorities are encouraged to permit time and provide space during the working day sufficient for all employees to be given information which will allow employees to make informed decisions about giving.

(b) ~~No more than one on the job solicitation shall be made in any calendar year at any location in connection with the Act or the rules in this Chapter.~~ Individual voluntary agencies or federations shall not, on their own, solicit state employees at their workplace. No more than one on-the-job solicitation shall be made in any calendar year at any location in connection with the Act or the rules in this Chapter. Workplace solicitation of employees in connection with this Act and these Rules shall occur only during the campaign period, only in accordance with the procedures outlined in the rules in this Chapter and only under the direction of the LARCs.

SUBCHAPTER 7. PLEDGE CARDS, PAYROLL AUTHORIZATIONS AND MAILING LISTS

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695:10-7-2. Pledge cards

(a) The SARC shall make available a model pledge card which may be reproduced. This shall be the only authorized pledge card for use in the campaign. The use of a pledge card other than the one that faithfully reproduces the SARC's authorized format is prohibited. The pledge card shall include instructions for its completion and return, the duration of the payroll deduction, if any, and other information about the campaign, participating agencies, federations, and allow the utilization of logos.

(b) The pledge card shall solicit information from the employee such as: name; residence county; social security number and/or employee identification number; employing agency and work location; amount of pledge; method of payment; designation of gift, if any; whether the donor wishes to remain anonymous; and describe how undesignated funds shall be distributed.

(c) Employees making gifts shall return completed pledge cards to the LARC and/or the local PCFRO. The local PCFRO shall retain a copy, and shall give a copy to the employing agency by December 15.

695:10-7-3. Payroll deductions

(a) Payroll deductions for charitable contributions are based upon individual state agency pay periods for one calendar year. Payroll deductions shall start with the first pay period beginning in January and end with the last pay period that begins in December.

(b) Payroll deductions shall be made in each pay period during the calendar year.

(c) No change in the amount of the payroll deduction or designated nonprofit agencies shall be permitted during the term of authorization.

(d) No deduction shall be made in any pay period which is insufficient to cover the deduction because of other legal or previously authorized deductions. No adjustments shall be made in subsequent pay periods to make up missed deductions.

(e) The minimum payroll deduction shall be \$1.00 per pay period.

(f) Payroll deduction shall be permanently discontinued when the:

(1) Term of authorization expires at the end of one calendar year, i.e. December 31;

(2) Employee retires, dies, or is otherwise separated from employment; or

(3) Employee revokes authorization for deduction; ~~this~~ Any revocation shall be in writing and presented to the payroll office. Discontinuance shall be effective on the next available pay period after receipt of the written request.

(g) Once an employee's payroll deduction has been canceled, it can not be reinstated for the calendar year.

SUBCHAPTER 9. REMITTANCE, ALLOCATION AND DISTRIBUTION OF FUNDS

695:10-9-2. Remittance to the state PCFRO

(a) Each state agency with contributing employees shall send a check to the state PCFRO after the end of each pay period. The check shall be for the gross amount of deductions on the basis of current authorizations.

(b) The check shall be accompanied by a list of the social security numbers and/or employee identification numbers of contributors and the dollar amount of each contribution. There shall be no listing of the related LARCs, local PCFROs, federations or member agencies.

SUBCHAPTER 11. STATE AND LOCAL PCFRO PROCEEDS AND COSTS

695:10-11-2. Report of campaign proceeds

By January 1, each local PCFRO shall submit to the SARC a full accounting of all pledges of the completed campaign, together with the actual costs for developing the campaign materials, training the solicitors and the overall administration of the campaign. The cost, including costs incurred by the SPCFRO, shall be borne by each of the federations proportionally and shall be no greater than **10%** of the campaign proceeds or actual costs, whichever is less [74:7008].

SUBCHAPTER 13. NOTICES, COMPLAINTS, APPEALS AND HEARINGS

695:10-13-3. Appeal from rejection by SARC

Rejected federations and member agencies may appeal to the SARC for reconsideration on the basis of new proof of their eligibility to participate in the campaign. Appeals must be submitted no later than 45 days after the SARC's regularly scheduled May meeting. Such appeal shall be made by submission of new information before the meeting during which the SARC is scheduled to reconsider applications. A special meeting shall be convened in which ~~the~~ SARC shall review the new information and hear staff recommendations and hear public comment, if any. The appealing agency or federation is not required to attend the meeting but may do so. Oral presentations by the appealing agency or federation, or both, may be limited to 10 minutes. The SARC shall notify the appealing federation and agency of its final decision in writing.

[OAR Docket #05-391; filed 3-23-05]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 1. OPERATIONS AND PROCEDURES

[OAR Docket #05-302]

RULEMAKING ACTION:
EMERGENCY adoption

RULE:

Subchapter 13. Hunting and Fishing Licenses License Dealers
800:1-13-11. Wildlife Land Stamp, also know as Fishing and Hunting Legacy Permit [NEW]

AUTHORITY:

Title 29 O.S., Section 3-103; 5-401 and 4-140 (D); Title 4 O.S. and Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

DATES:

Adoption:

January 10, 2005

Approved by Governor:

February 8, 2005

Effective:

Immediately upon Governor's Approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A finding of an emergency is necessary because Title 29 4-140(D) prescribes the Wildlife Conservation Commission to form, design, and establish manner of issuance of the Oklahoma Wildlife Land Stamp.

ANALYSIS:

The rules changes are needed to define the form, design and establish manner of issuance of the Oklahoma Wildlife Land Stamp.

CONTACT PERSON:

Richard Hatcher, Assistant Director, 405/522-6279 or APA Liaison, Rhonda Hurst, Administrative Assistant, 405/522-6279.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE**

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

**SUBCHAPTER 13. HUNTING AND FISHING
LICENSES LICENSE DEALERS**

**800:1-13-11. Wildlife Land Stamp, also know as
Fishing and Hunting Legacy Permit**

(a) The form and design applicable to annual hunting and fishing licenses shall apply to the Fishing and Hunting Legacy Permit. The manner of issuance applicable to all annual hunting and fishing licenses which includes the universal license form, the Department's Internet Point of Sale or Online Sales System, or phone sales will apply.

(b) The form and design of the lifetime Fishing and Hunting Legacy Permit or Wildlife Land Stamp shall be incorporated into the current design of the appropriate Oklahoma Lifetime License. The issuance shall be consistent with all current lifetime licenses. Each lifetime license sold on or after September 1, 2004 will include the appropriate Wildlife Land Stamp fee in the price of the license.

[OAR Docket #05-302; filed 3-11-05]

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

1:2005-7.

EXECUTIVE ORDER 2005-7

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 1 of Article VI of the Oklahoma Constitution hereby declare the following:

1. Joint State and local damage assessments have been made in the Town of Helena in Alfalfa County, which received damages as a result of severe ice storms that occurred January 4, 2005.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by severe ice storms in the Town of Helena in Alfalfa County that threatened the lives and property of the people of this State and the peace, health and safety of the public.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. This Executive Order shall terminate at the end of thirty (30) days.

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

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 16 day of March, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #05-350; filed 3-17-05]

1:2005-8.

EXECUTIVE ORDER 2005-8

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Friday, March 18, 2005, to honor Leo Winters, who died on Saturday, March 5, 2005.

The son of German immigrants from the Russian Ukraine, Leo Winters was born on November 7, 1922 in Hooker, Oklahoma. He left Panhandle State University to join the military where he flew B-17s in Africa and the Mediterranean during World War II. Winters returned to Panhandle State University to complete his degree after his military service. In 1957, he earned his law degree from the University of Oklahoma.

Winters was elected Lieutenant Governor in 1962. He served as State Treasurer from 1966 until 1982. In 1988, he was elected president of the American Quarter Horse Association. Leo Winters was a dedicated, enthusiastic and hardworking public servant. He believed that public service is a high calling and an important duty. Leo Winters will be missed, but his accomplishments will not be forgotten.

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.

Executive Orders

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 16 day of March, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-351; filed 3-17-05]

1:2005-9.

EXECUTIVE ORDER 2005-9

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the powers vested in me by the Oklahoma Statutes in 25 O.S. Section 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2006:

Monday	January 2, 2006	New Year's Day
Monday	January 16, 2006	Martin Luther King, Jr. Day
Monday	February 20, 2006	President's Day
Monday	May 29, 2006	Memorial Day
Tuesday	July 4, 2006	Independence Day
Monday	September 4, 2006	Labor Day
Friday	November 10, 2006	Veterans Day
Thursday & Friday	November 23 & 24, 2006	Thanksgiving
Monday	December 25, 2006	Christmas

This Executive Order shall be forwarded to the Director of the Office of Personnel Management 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 16 day of March, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-352; filed 3-17-05]

1:2005-10.

EXECUTIVE ORDER 2005-10

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Thursday, March 24, 2005, to honor Lt. Col. Ernest Childers, who died on Thursday, March 17, 2005.

Ernest Childers was born in Broken Arrow. In 1930, Childers, a member of the Creek Nation, enrolled in the Chilocco Indian School near Ponca City. At the beginning of World War II, the Chilocco Indian School's guard unit went on active duty. It was during basic training that he first wore the distinctive insignia of the proud Thunderbirds that were the 45th Infantry Division.

During World War II then-First Lt. Childers acted with heroism nothing short of remarkable. In September 1943, confronted by a barrage of Nazi machine gun fire, Childers and his eight men charged a hill controlled by enemy forces. He suffered a broken foot in the attack, but would not be deterred. He advanced on the German positions, single-handedly killing two enemy snipers, silencing two machine gun nests and capturing an enemy mortar observer. In 1944, First Lt. Ernest Childers received the Medal of Honor.

Childers continued his service to our great country for over 28 years until retiring as a Lt. Col. at Fort Sill, Oklahoma in 1965. Childers was honored many times and received the Bronze Star, Purple Heart, Italian Cross of Valor, the Combat Infantryman's Badge and several theater ribbons. Broken Arrow honored him by giving him the Key to the City and naming one of their middle schools after him. The unwavering bravery and patriotism of Lt. Col. Ernest Childers will not be forgotten.

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 23 day of March, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-412; filed 3-24-05]
