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Brad Henry, Governor
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Secretary of State
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Notices of Rulemaking Intent

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

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

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

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

[OAR Docket #05-1263]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 240:1-1-4. Authority [AMENDED]
- Subchapter 3. Records and Inspections
- 240:1-3-5. Charges [AMENDED]
- 240:1-3-6. Search fees [AMENDED]

SUMMARY:

The amendments to these rules will remove the reference to a program that no longer exists and increase the fee for reproduction of an audio recording and the fee for a records search.

AUTHORITY:

40 O.S. §4-302; 51 O.S. §24A.5; and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS:

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

COMMENT PERIOD:

Written and oral comments will be accepted through December 5, 2005, during regular business hours by the contact person listed below.

PUBLIC HEARING:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #05-1263; filed 10-3-05]

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

[OAR Docket #05-1264]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Benefits
- Part 3. Computation
- 240:10-3-12. Payment of benefits [NEW]
- Part 5. Eligibility
- 240:10-3-20. Instructions to secure work [AMENDED]
- 240:10-3-24. Claims for partial unemployment benefits [AMENDED]
- Subchapter 5. Contributions
- Part 1. General Provisions
- 240:10-5-2. Definitions [AMENDED]
- Part 3. Rates
- 240:10-5-11. Subject employer acquiring the experience rating account of another employer [AMENDED]
- 240:10-5-12. Nonsubject entity acquiring the experience rating account of an employer [AMENDED]

SUMMARY:

The amendments to these rules will authorize the OESC to pay unemployment benefits by automatic fund transfer or debit card, allow more flexibility in determining acceptable claimant work searches, require substantial compliance with the Employment Security Act of 1980 before partial unemployment benefit claims are allowed, and conform definitions to statutes and correct statutory citations.

AUTHORITY:

40 O.S. §§2-103, 2-408, 2-417, 3-111, 4-302; and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide

Notices of Rulemaking Intent

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

COMMENT PERIOD:

Written and oral comments will be accepted through December 5, 2005, during regular business hours by the contact person listed below.

PUBLIC HEARING:

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

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

[OAR Docket #05-1264; filed 10-3-05]

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

[OAR Docket #05-1265]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

450:15-1-2. [AMENDED]

Subchapter 3. Consumer Rights

Part 1. Mental Health and Drug or Alcohol Abuse Services

Consumer Bill of Rights

450:15-3-2. [AMENDED]

450:15-3-14. [AMENDED]

450:15-3-16. [AMENDED]

Part 11. Resident Rights, Mental Health Residential Care
Facilities

450:15-3-81. [AMENDED]

450:15-3-82. [AMENDED]

Subchapter 7. Office of Consumer Advocacy

Part 1. Duties

450:15-7-3. [AMENDED]

Part 2. Investigations

450:15-7-11. [AMENDED]

450:15-7-15. [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance advocacy services for individuals receiving services by organizations operated or certified by or under contract with ODMHSAS, delete redundant or superfluous language, and correct scrivener's errors.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 9:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

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

[OAR Docket #05-1265; filed 10-6-05]

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

[OAR Docket #05-1266]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:16-1-2. [AMENDED]
- Subchapter 13. Quality of Life
- 450:16-13-18. [AMENDED]
- 450:16-13-46. [AMENDED]
- Subchapter 21. Personnel, Staffing and Training
- 450:16-21-1. [AMENDED]
- 450:16-21-4. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 10:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to submit written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

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

[OAR Docket #05-1266; filed 10-6-05]

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

[OAR Docket #05-1267]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:17-1-2. [AMENDED]
- Subchapter 3. Required Services
- Part 1. Required Services
- 450:17-3-1. [AMENDED]
- Part 3. Screening, Intake and Referral
- 450:17-3-21. [AMENDED]
- Part 5. Emergency Services
- 450:17-3-41. [AMENDED]
- 450:17-3-43. [AMENDED]
- Part 7. Outpatient Counseling Services
- 450:17-3-61. [AMENDED]
- 450:17-3-62. [AMENDED]
- Part 9. Medication Clinic Services
- 450:17-3-81. [AMENDED]
- 450:17-3-84. [AMENDED]
- Part 11. Case Management
- 450:17-3-101. [AMENDED]
- 450:17-3-101.1. [AMENDED]
- 450:17-3-103. [AMENDED]
- Part 15. Adult Recovery and Rehabilitation Programs
- 450:17-3-141. [AMENDED]
- 450:17-3-144. [AMENDED]
- Subchapter 5. Optional Services
- Part 7. Day Treatment Services, Children and Adolescents
- 450:17-5-34. [AMENDED]
- Part 9. Vocational Employment Services
- 450:17-5-45. [AMENDED]
- Part 11. Community Living Programs

Notices of Rulemaking Intent

450:17-5-56. [AMENDED]
Part 15. Inpatient Services
450:17-5-95. [AMENDED]
450:17-5-96. [AMENDED]
450:17-5-98. [AMENDED]
Subchapter 7. Facility Clinical Records
450:17-7-3. [AMENDED]
450:17-7-5. [AMENDED]
450:17-7-5.1. [NEW]
450:17-7-8. [AMENDED]
450:17-7-10. [AMENDED]
Subchapter 13. Organizational Management
450:17-13-1. [AMENDED]
Subchapter 19. Human Resources
450:17-19-2. [AMENDED]
Subchapter 21. Staff Development and Training
450:17-21-2. [AMENDED]
450:17-21-3. [AMENDED]
Subchapter 25. Governing Authority
450:17-25-2. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 11:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

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

[OAR Docket #05-1267; filed 10-6-05]

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

[OAR Docket #05-1269]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
450:23-1-2. [AMENDED]
Subchapter 3. CBSCC Services
450:23-3-1. [AMENDED]
450:23-3-2. [AMENDED]
450:23-3-3. [AMENDED]
450:23-3-4. [AMENDED]
450:23-3-5. [AMENDED]
Subchapter 5. CBSCC Clinical Records
450:23-5-4. [AMENDED]
450:23-5-5. [AMENDED]
450:23-5-7.1. [AMENDED]
450:23-5-8. [AMENDED]
Subchapter 11. Organizational Management
450:23-11-1. [AMENDED]
Subchapter 17. Personnel
450:23-17-2. [AMENDED]
Subchapter 19. Staff Development and Training
450:23-19-2. [AMENDED]
450:23-19-3. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 1:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

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

[OAR Docket #05-1269; filed 10-6-05]

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

[OAR Docket #05-1270]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:50-1-2. [AMENDED]
- 450:50-1-3. [AMENDED]

Subchapter 3. Behavioral Health Case Manager Certification Application

450:50-3-1. [AMENDED]

450:50-3-2. [AMENDED]

Subchapter 5. Behavioral Health Case Manager Certification Training

450:50-5-1. [AMENDED]

450:50-5-2. [AMENDED]

450:50-5-3. [AMENDED]

450:50-5-4. [AMENDED]

Subchapter 7. Rules of Professional Conduct

450:50-7-4. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 2:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #05-1270; filed 10-6-05]

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

[OAR Docket #05-1271]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
450:55-1-2. [AMENDED]
- Subchapter 3. Program Description and PACT Services
450:55-3-2. [AMENDED]
450:55-3-5. [AMENDED]
450:55-3-6. [AMENDED]
450:55-3-7. [AMENDED]
450:55-3-9. [AMENDED]
450:55-3-10. [AMENDED]
- Subchapter 5. PACT Clinical Documentation
450:55-5-4. [AMENDED]
450:55-5-5. [AMENDED]
- Subchapter 11. Organizational Management
450:55-11-1. [AMENDED]
450:55-11-2. [AMENDED]
- Subchapter 15. Personnel
450:55-15-2. [AMENDED]
- Subchapter 17. Staff Development and Training
450:55-17-2. [AMENDED]
450:55-17-3. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 1, 2005 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on December 1, 2005 at 3:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 1, 2005 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 1, 2005. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

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

[OAR Docket #05-1271; filed 10-6-05]

Submissions for Review

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

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

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

[OAR Docket #05-1260]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 11. Importation of Livestock, Poultry, and Pets

Part 7. Livestock

35:15-11-20. [AMENDED]

SUBMITTED TO GOVERNOR:

September 22, 2005

SUBMITTED TO HOUSE:

September 22, 2005

SUBMITTED TO SENATE:

September 22, 2005

[OAR Docket #05-1260; filed 9-30-05]

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

[OAR Docket #05-1261]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 40. Bovine Tuberculosis

Part 3. Rules adopted from USDA uniform methods and rules for bovine tuberculosis eradication

35:15-40-49.1. [AMENDED]
SUBMITTED TO GOVERNOR:

September 22, 2005

SUBMITTED TO HOUSE:

September 22, 2005

SUBMITTED TO SENATE:

September 22, 2005

[OAR Docket #05-1261; filed 9-30-05]

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

[OAR Docket #05-1262]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Appendix F. [REVOKED]

Appendix N. [REVOKED]

Appendix O. [REVOKED]

SUBMITTED TO GOVERNOR:

September 22, 2005

SUBMITTED TO HOUSE:

September 22, 2005

SUBMITTED TO SENATE:

September 22, 2005

[OAR Docket #05-1262; filed 9-30-05]

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 115. RX FOR OKLAHOMA
PROGRAM**

[OAR Docket #05-1258]

RULEMAKING ACTION:

Gubernatorial approval of emergency rules

RULES:

150:115-1-1. Purpose and Scope [NEW]

150:115-1-2. Definitions [NEW]

150:115-1-3. Funding [NEW]

150:115-1-4. Application process [NEW]

GUBERNATORIAL APPROVAL:

August 31, 2005

[OAR Docket #05-1258; filed 9-27-05]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #05-1273]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 47. Chronic Wasting Disease (CWD) in Cervidae

Part 3. Herd Certification Standards

35:15-47-6. [AMENDED]

Part 7. Interstate Movement Requirements

35:15-47-18. [AMENDED]

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), 2-4(7), 2-4(17), 2-4(27), 2-4(29), 6-2 and 6-291

DATES:

Adoption:

August 17, 2005

Approved by Governor:

October 3, 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 ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

This emergency rule will ensure that Oklahoma's owners of cervidae herds are not at a competitive disadvantage to other states. Chronic Wasting Disease (CWD) is a degenerative brain disease that impacts cervidae like elk and deer, eventually resulting in death.

ANALYSIS:

The Department promulgated rules to protect Oklahoma producers from CWD in 2001. Due to new knowledge regarding this disease, surrounding states adopted new time periods and requirements for herd certification. Oklahoma's rules require updating to reflect the new information and dates, while still ensuring protection of animal health. In Oklahoma, the current dates are so restrictive that owners of cervidae are unable to export their cervidae to other states, resulting in a severe economic injury to those producers. In addition, based on federal guidelines, a separation distance between certified and non-certified confined herds is required. Due to the potential for economic hardship to cervidae producers in Oklahoma, the agency finds a compelling public interest and immediate need for these emergency rules.

CONTACT PERSON:

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

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

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

SUBCHAPTER 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDAE

PART 3. HERD CERTIFICATION STANDARDS

35:15-47-6. Minimum requirements for herd certification

- (a) Herd owners shall have perimeter fencing adequate to confine their cervidae and prevent access by other cervidae.
- (b) Herd owners shall perform surveillance testing of all deaths occurring in cervidae over sixteen (16) months of age. The State Veterinarian may approve exemptions from this requirement on a case by case basis.
- (c) Herd owners shall maintain the highest quality sampling for use in the surveillance testing. The State Veterinarian may adjust the surveillance levels and herd status if poor quality samples are routinely submitted from a premise.
- (d) An accredited veterinarian or state or federal animal health official shall perform an annual verification of the herd inventory. The annual verification shall include a comparison of all cervidae with the herd inventory and provide specific information on the disposition of each cervid not present and the origin of all herd additions since the last inventory verification. The herd inventory shall also include information on any cervidae subgroups within the herd and shall detail all management, including movement between subgroups, for the purpose of assessing risk to other cervidae on the premises in the event a CWD positive cervid is diagnosed.
- (e) Herd owners shall report all cervidae deaths and maintain documentation on any cervidae movement.
- (f) Each cervid shall have at least two (2) identifiers which may include an official ear tag or any other visible, permanent identification device approved by the Board.
- (g) The initial herd inventory shall contain a Global Positioning System (GPS) or legal description of the premises and shall include a detailed description of the physical facilities, including fences, gates, and structures.
- (h) Herd status.

Emergency Adoptions

(1) The status of each herd shall be based on the number of years the herd has been enrolled in the CWD herd certification program and shown no evidence of CWD.

(2) If cervidae from a herd of lower status are added to another herd, the receiving herd's status shall revert to the same status as the herd from which the cervidae were acquired.

(3) If a cervid is added from a herd that is not in the CWD herd certification program, the receiving herd shall lose its herd status and start over at the beginning of the herd certification process.

(i) Diagnosis of CWD shall be determined by testing a post-mortem brain at a CWD certified laboratory. Any positive diagnosis at one laboratory shall be confirmed by the National Veterinary Services Laboratory (NVSL) or other CWD certified laboratory.

(j) The Board shall issue a quarantine on any herd that contained a CWD positive cervid. The quarantined herd shall not participate in the herd certification program until all herd plan requirements are completed.

(k) Herd owners shall maintain a minimum of thirty (30) feet of separation at all times between a certified herd and any non-certified confined herd.

PART 7. INTERSTATE MOVEMENT REQUIREMENTS

35:15-47-18. Minimum CWD requirements for interstate movement of Cervids

(a) A person shall not import white-tail deer, black-tail deer, mule deer, red deer (European elk), or elk into the state of Oklahoma if the state of origin has ever had any free-ranging cervidae infected with CWD. The State Veterinarian may grant an exemption from this requirement but only under quarantine restrictions.

(b) A person shall not import white-tail deer, black-tail deer, mule deer, red deer (European elk), or elk into the state of Oklahoma unless the herd of origin has participated ~~since January 1, 2002, for a minimum of five (5) years~~ in a state or federal CWD herd certification program that imposes response measures for positive and trace herds at least equal to the Oklahoma requirements ~~described in this Subchapter.~~ except in the following circumstances:

(1) The herd of origin was enrolled in an equivalent state or federal CWD monitoring program prior to July 1, 2002;

(2) The herd of origin was enrolled in an equivalent state or federal CWD monitoring program for a minimum of three (3) years prior to July 1, 2006; or

(3) The herd of origin was enrolled in an equivalent state or federal CWD monitoring program for a minimum of four (4) years prior to July 1, 2007.

(c) Any person importing cervidae to an approved slaughter facility operated pursuant to state or federal inspection is exempt from (a) and (b) of this section, as long as the cervidae

are transported directly to the slaughter facility without any diversions.

[OAR Docket #05-1273; filed 10-7-05]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 115. RX FOR OKLAHOMA PROGRAM

[OAR Docket #05-1257]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

150:115-1-1. [NEW]

150:115-1-2. [NEW]

150:115-1-3. [NEW]

150:115-1-4. [NEW]

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and Section 2, of Senate Bill 149 of the 1st Session of the 50th Oklahoma Legislature, executed by the Governor on June 9, 2005.

DATES:

Adoption:

August 24, 2005

Approved by Governor:

August 31, 2005

Effective:

Upon Approval by Governor

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Section 2, of Senate Bill 149 of the 1st Session of the 50th Oklahoma Legislature, executed by the Governor on June 9, 2005, mandates the Oklahoma Department of Commerce to promulgate emergency rules for the Rx for Oklahoma Program by September 1, 2005.

ANALYSIS:

The Emergency Rules provide a systematic, equitable method for making application for the Rx for Oklahoma Program and a framework for the Oklahoma Department of Commerce to notify applicants.

CONTACT PERSON:

Donald R. Hackler, Jr. (405) 815-5359

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):

150:115-1-1. Purpose and scope

The purpose of these rules is to implement the Rx for Oklahoma Program at the Oklahoma Department of Commerce as set forth in the Rx for Oklahoma Act.

150:115-1-2. Definitions

In addition to those terms defined elsewhere in this chapter, the following words and terms when used in this subchapter

shall have the following meaning unless the context clearly indicates otherwise.

"Department" means the Oklahoma Department of Commerce established pursuant to 74 O.S. §§ 5001 et seq. and any successor agencies thereto.

"Director" means the duly appointed and acting Director of the Department or during any period of time that the position of Director is vacant; such term shall refer to the person serving as the acting director.

"Eligible Applicants" include, but are not limited to county offices of the Department of Human Services; county health departments; community action agencies designated by the Oklahoma Department of Commerce pursuant to Section 5038 of Title 74 of the Oklahoma Statutes; community mental health centers; private nonprofit agencies; and public entities engaged in the delivery of social services.

"Eligibility for the Rx for Oklahoma Act" shall be residents of Oklahoma who:

- (A) Are medically indigent; or
- (B) Are not medically indigent but cannot reasonably afford to pay for prescription medications.

"Medically indigent" means a person who meets the criteria established by the drug manufacturer assistance programs for the purchase of prescribed medications; [74 O.S. § 5040.3].

"Prescription drug" means a drug which may be dispensed only upon prescription by a health care professional authorized by the appropriate licensing authority and which is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 (1938), 21 U.S.C.A., Section 301). [74 O.S. § 5040.3]

150:115-1-3. Funding

Agencies selected by the Department to provide services pursuant to the Rx for Oklahoma Act shall, at a minimum, demonstrate their ability to:

- (1) Deliver services in a community or geographic area of the state that is not currently receiving services pursuant to the Rx for Oklahoma Act;
- (2) Maintain a dedicated telephone line and computer with Internet access with appropriate software during normal business hours; and
- (3) Have staff or volunteers available who can:
 - (A) develop and implement community awareness initiatives about the prescription assistance services offered by the agency.
 - (B) determine whether a pharmaceutical program is offered for the drug or drugs a person needs.
 - (C) determine whether a person is eligible for assistance through a pharmaceutical program.
 - (D) assist a person to make application to and enroll in a pharmaceutical assistance program.
 - (E) keep accurate records of the number of clients served.
 - (F) maintain the confidentiality of all client information including, but not limited to, the client's identity, application information and other records, and

(G) estimate the value of prescriptions provided to clients under the program. [74 O.S. § 5040.4(C).

150:115-1-4. Application process

Based upon funding availability, the Oklahoma Department of Commerce shall issue a Rx for Oklahoma Program Request for Application to Eligible Applicants that will set forth the requirements for making application to the Rx for Oklahoma Program, and being awarded funding.

- (1) Eligible uses of funding will be set forth in the Rx for Oklahoma Program Request for Application
- (2) Only Eligible Applicants can receive funding under the Rx for Oklahoma Program.
- (3) The Director or the Director's designee shall make the funding awards from the Oklahoma Department of Commerce to the Eligible Applicants.
- (4) All other terms and conditions of funding shall be set forth in either the Rx for Oklahoma Program Request for Application or the contract between the Oklahoma Department of Commerce and the recipient of funding.

[OAR Docket #05-1257; filed 9-27-05]

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

[OAR Docket #05-1272]

RULEMAKING ACTION:
EMERGENCY adoption

- RULES:**
- Subchapter 3. Excess Contributions [NEW]
 - 590:15-3-1. Purpose and intent [NEW]
 - 590:15-3-2. Definitions [NEW]
 - 590:15-3-3. Transfer of excess contributions [NEW]
 - 590:15-3-4. Limitations on transfer of excess contributions [NEW]
 - 590:15-3-5. Initial and residual transfers [NEW]
 - 590:15-3-6. Deceased Eligible Members [NEW]

AUTHORITY:
Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §1102A

DATES:
Public Hearing:
August 18, 2005

Adoption:
August 18, 2005

Approved by Governor:
October 3, 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 ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
The Agency finds that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule.

Emergency Adoptions

ANALYSIS:

The addition of these rules are the result of amendments to 20 O.S. Section 1102A contained in HB 1858. These rules are intended to keep the Uniform Retirement System for Justices and Judges ("URSJJ") in compliance with the requirements of the federal tax laws and the rules of the Internal Revenue Service. The new rules deal with active participating justices and judges who are single as of September 1, 2005, and who prior to this date, made the additional three percent (3%) spousal contribution for a survivor benefit. These rules allow for the transfer of the three percent (3%) spousal contribution from the URSJJ to the Oklahoma State Employees Deferred Savings Incentive Plan. Rule 590:15-3-1 sets forth the purpose and intent of the transfer; Rule 590:15-3-2 provides definitions for the subchapter; Rule 590:15-3-3 sets forth the procedures for implementing the transfer of the excess funds, including the requirements of the application for transfer of excess contributions; Rule 590:15-3-4 deals with the transfer limitations as set forth by the Internal Revenue Code; Rule 590:15-3-5 explains the initial transfer of excess funds and the procedure for residual transfers; and Rule 590:15-3-6 provides for the situations involving the death of an Eligible Member before, during or after the transfer of the excess contributions.

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

SUBCHAPTER 3. EXCESS CONTRIBUTIONS

590:15-3-1. Purpose and intent

By adoption of the rules set out in this Subchapter, the Board represents that:

(1) With respect to the transfer of certain Excess Contributions which represent the additional three percent (3%) spousal contributions from the System to the Incentive Plan, the Board intends to comply in all respects with the tax qualification requirements for governmental plans applicable to such refunds or transfers as specified in the Internal Revenue Code of 1986, as amended from time to time and as applicable to governmental plans and the relevant regulatory provisions and guidance related thereto ("Tax qualification requirements").

(2) The procedures in this Subchapter will not be implemented until the Board has received a favorable private letter ruling from the Internal Revenue Service that the transfers described in this Subchapter satisfy the tax qualification requirements.

(3) In administering this Subchapter, the Board will comply with the legislative intent as contained in the Transfer Legislation.

590:15-3-2. Definitions

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

"Board" means the Board of Trustees of the Oklahoma Public Employees Retirement System which administers the Uniform Retirement System for Justices and Judges.

"Code" means the Internal Revenue Code of 1986, as amended from time to time and as applicable to governmental plans and the relevant regulatory provisions and guidance related thereto.

"Eligible Member" means a member of the System who was an active participating justice or judge and a single unmarried individual on September 1, 2005, and who, prior to September 1, 2005, made the additional three percent (3%) spousal contributions pursuant to statutes in effect at that time, provided such additional spousal contributions have not been previously refunded by the System.

"Excess Contributions" means the additional three percent (3%) spousal contributions for a survivor benefit made by an Eligible Member while the member was married, but who is unmarried on September 1, 2005, and which contributions remain on deposit with the System as of the date of the transfer, and includes both Pre-tax Excess Contributions and Post-tax Excess Contributions.

"Incentive Plan" means the Oklahoma State Employees Deferred Savings Incentive Plan, which is a qualified plan under Code Section 401(a).

"Post-tax Excess Contributions" means the Excess Contributions which were employee contributions and which were not picked up by the employer under the provisions of Code Section 414(h)(2).

"Pre-tax Excess Contributions" means the Excess Contributions which were picked up by the employer under the provisions of Code Section 414(h)(2).

"Private Letter Ruling" means the private letter ruling issued by the Internal Revenue Service to the Board.

"System" means the Uniform Retirement System for Justices and Judges.

"Transfer Legislation" means Enrolled House Bill 1858 of the 1st Session of the 50th Legislature, as it amends Section 1102A of Title 20 of the Oklahoma Statutes.

590:15-3-3. Transfer of excess contributions

On or about September 1, 2005, the Board will implement the following procedures for the transfer of the excess contributions:

(1) The Board shall cause to be sent an Application for Transfer of Excess Contributions to each member that appears to be an Eligible Member. The Application for Transfer of Excess Contributions will contain the following:

(A) An election to transfer the excess contributions or to waive the transfer and retain the option to elect at retirement a survivor benefit;

(B) A statement that by making the election to transfer the excess contributions, an Eligible Member forfeits any rights to future survivor benefits of any kind from the System;

(C) The amount of the contributions to be transferred;

(D) A statement that the Application for Transfer of Excess Contributions must be received by the System on or before December 1, 2005;

(E) A statement that failure to sign and return the Application for Transfer of Excess Contributions results in the Eligible Member waiving the option to make the transfer and such waiver is irrevocable; and
(F) A statement that the election to transfer the excess contributions shall not take effect until the Board receives official written notice that this distribution satisfies the tax qualification requirements for governmental plans applicable to such transfers as specified in the Internal Revenue Code.

(2) In the event an Eligible Member disputes the amount of transfer as set forth in the Application for Transfer of Excess Contributions, the Eligible Member shall provide a written objection to the Board within 30 days of the date the Application for Transfer of Excess Contributions was mailed to the Eligible Member. The objection shall set forth the basis for the objection, including the specific error and the amount the Eligible Member believes is correct. The Board shall respond to the complaint within 30 days of receipt. If the Eligible Member is aggrieved by the decision, the exclusive remedy is through the administrative hearing procedures as provided in 590:1-1-6.

(3) The Board will direct that the Excess Contributions are transferred to the Incentive Plan or maintained in the System as stated in the Application for Transfer of Excess Contributions.

590:15-3-4. Limitations on transfer of excess contributions

(a) The Pre-tax Excess Contributions that are transferred to the Incentive Plan may not exceed the limitations on annual additions imposed by Code Section 415(c).

(b) The Post-tax Excess Contributions that are transferred to the Incentive Plan have already been tested against the limitations imposed by Code Section 415(c) as mandatory employee contributions to a defined benefit plan and therefore will not be tested again.

590:15-3-5. Initial and residual transfers

(a) The initial transfer of Excess Contributions shall include all Eligible Members who elected to transfer their Excess Contributions and who did not object to the transfer amount. If an Eligible Member objects to the transfer amount and the objection is not resolved by the date of the initial transfer, the Excess Contributions shall not be included in the initial transfer. The Board shall provide for a residual transfer date to occur at least one year following the initial transfer date.

(b) An Eligible Member of the System who has Excess Contributions in the Plan but was not identified or included in the initial transfer must notify the System within one year of date of the initial transfer to request the transfer of the Excess Contributions as part of the residual transfer. The final transfer of all Excess Contributions shall occur at the time of the residual transfer at least one year following the initial transfer date.

590:15-3-6. Deceased Eligible Members

In order for the election for transfer to be effective, an Eligible Member must be living at the time the Board receives official written notice from the Internal Revenue Service that this distribution satisfies the tax qualification requirements for governmental plans applicable to such transfers as specified in the Internal Revenue Code. If an Eligible Member dies after the Board receives such official written notice, but before the actual transfer, the Excess Contributions shall be transferred to the Incentive Plan in the same manner as if the Eligible Member were not deceased. Once transferred to the Incentive Plan, distribution shall be governed by the Incentive Plan provisions as provided in 590:35-13-5 and 590:35-13-6. If an Eligible Member dies prior to the Board receiving such official written notice, the Eligible Member's election shall be deemed invalid and shall not be accepted by the System.

[OAR Docket #05-1272; filed 10-7-05]

