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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	viii
Notices of Rulemaking Intent	
Election Board, State (Title 230)	399, 400, 401, 402
Employment Security Commission, Oklahoma (Title 240)	402, 403
Finance, Office of State (Title 260)	404, 405
Health, Oklahoma State Department of (Title 310)	405, 406
Housing Finance Agency, Oklahoma (Title 330)	406
Insurance Board, Oklahoma State and Education Employees Group (Title 360)	407, 408
Juvenile Affairs, Office of (Title 377)	409, 410, 411
Mines, Department of (Title 460)	412, 413, 414
Central Services, Department of (Title 580)	414
Public Safety, Department of (Title 595)	415
Regents for Higher Education, State (Title 610)	416, 417
Rehabilitation Services, State Department of (Title 612)	418, 419
Tax Commission, Oklahoma (Title 710)	420, 421, 422, 423, 424
Cancelled Hearings/Comment Periods	
Finance, Office of State (Title 260)	425
Central Services, Department of (Title 580)	425
Submissions for Review	
Perfusionists, State Board of Examiners of (Title 527)	427
Regents for Higher Education, State (Title 610)	427
Emergency Adoptions	
Transportation, Department of (Title 730)	429
Executive Orders (Title 1)	431

Agency/Action/Subject Index

<p>ELECTION Board, State (Title 230) <i>Notices of Rulemaking Intent</i> The County Election Board (Chapter 10) 399 Voter Registration (Chapter 15) 399 Absentee Voting (Chapter 30) 400 Election Conduct (Chapter 35) 401 Types of Elections (Chapter 40) 401 Contests of Election (Chapter 45) 402</p> <p>EMPLOYMENT Security Commission, Oklahoma (Title 240) <i>Notices of Rulemaking Intent</i> Unemployment Insurance Program (Chapter 10) 402 Workforce Investment Act (Chapter 21) 403</p> <p>FINANCE, Office of State (Title 260) <i>Notices of Rulemaking Intent</i> <u>Administrative Operations</u> (Chapter 1) 404 <u>Accessibility of Information Technology</u> (Chapter 15) ... 405 <i>Cancelled Hearings/Comment Periods</i> <u>Administrative Operations</u> (Chapter 1) 425 <u>Accessibility of Information Technology</u> (Chapter 15) ... 425</p> <p>GOVERNOR <i>Executive Orders</i> Ordering flags at half-staff in recognition of Pearl Harbor Remembrance Day (05-33) 431 Establishing Governor's Transformation Advisory Board (05-34) 431 Ordering flags at half-staff to honor Dr. Robert P. Todd (05-35) 432</p> <p>HEALTH, Oklahoma State Department of (Title 310) <i>Notices of Rulemaking Intent</i> Direct Services to Individuals (Chapter 525) 405 Immunizations (Chapter 535) 406</p> <p>HOUSING Finance Agency, Oklahoma (Title 330) <i>Notices of Rulemaking Intent</i> Affordable Housing Tax Credit Program (Chapter 36) 406</p> <p>INSURANCE Board, Oklahoma State and Education Employees Group (Title 360) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 407 State and Education Employees Health, Life, and Dental Plans (Chapter 10) 408 The Disability Program (Chapter 15) 408</p> <p>JUVENILE Affairs, Office of (Title 377) <i>Notices of Rulemaking Intent</i> Function and Structure of the Office of Juvenile Affairs (Chapter 1) 409 Administrative Services (Chapter 3) 409 Juvenile Services Unit (Chapter 25) 410 Residential Services (Chapter 30) 411</p>	<p>JUVENILE Affairs, Office of – continued <i>Notices of Rulemaking Intent – continued</i> Institutional Services (Chapter 35) 411</p> <p>MINES, Department of (Title 460) <i>Notices of Rulemaking Intent</i> Oklahoma Mining Commission (Chapter 1) 412 Non-Coal Rules and Regulations (Chapter 10) 413 The Permanent Regulations Governing the Coal Reclamation Act of 1979 (Chapter 20) 413 Oklahoma Explosives and Blasting Regulations (Chapter 25) 414</p> <p>PERFUSIONISTS, State Board of Examiners of (Title 527) <i>Submissions for Review</i> Practice/Licensure/Examination (Chapter 10) 427</p> <p>CENTRAL Services, Department of (Title 580) <i>Notices of Rulemaking Intent</i> Central Purchasing (Chapter 15) 414 <i>Cancelled Hearings/Comment Periods</i> Central Purchasing (Chapter 15) 425</p> <p>PUBLIC Safety, Department of (Title 595) <i>Notices of Rulemaking Intent</i> Driver Licenses and Identification Cards (Chapter 10) 415</p> <p>REGENTS for Higher Education, State (Title 610) <i>Notices of Rulemaking Intent</i> Student Financial Aid and Scholarships (Chapter 25) 416, 417 <i>Submissions for Review</i> Student Financial Aid and Scholarships (Chapter 25) 427</p> <p>REHABILITATION Services, State Department of (Title 612) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 418 Management Services Division (Chapter 3) 419 Vocational Rehabilitation and Visual Services (Chapter 10) 419</p> <p>TAX Commission, Oklahoma (Title 710) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 420 Alcohol, Mixed Beverages, and Low-Point Beer (Chapter 20) 421 Boats and Motors (Chapter 22) 422 Coin Operated Vending Devices (Chapter 25) 422 Franchise Tax (Chapter 40) 423 Miscellaneous Areas of Regulatory and Administrative Authority (Chapter 95) 424</p> <p>TRANSPORTATION, Department of (Title 730) <i>Emergency Adoptions</i> Railroads (Chapter 40) 429</p>
---	---

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
35:15-11-20. [AMENDED] (E)	11	38:10-13-3. [NEW] (E)	137
35:15-47-6. [AMENDED] (E)	105	38:10-13-4. [NEW] (E)	137
35:15-47-18. [AMENDED] (E)	106	38:10-13-5. [NEW] (E)	137
38:1-1-1. [NEW] (E)	123	38:10-13-6. [NEW] (E)	137
38:1-1-2. [NEW] (E)	123	75:1-1-1. [NEW] (E)	329
38:1-1-3. [NEW] (E)	124	75:1-1-1.1. [NEW] (E)	329
38:1-1-4. [NEW] (E)	124	75:1-1-2. [NEW] (E)	330
38:1-1-5. [NEW] (E)	125	75:1-1-3. [NEW] (E)	330
38:1-1-6. [NEW] (E)	125	75:1-1-4. [NEW] (E)	330
38:1-1-7. [NEW] (E)	125	75:1-1-5. [NEW] (E)	330
38:1-1-8. [NEW] (E)	125	75:1-1-6. [NEW] (E)	330
38:1-1-9. [NEW] (E)	125	75:1-1-7. [NEW] (E)	330
38:1-1-10. [NEW] (E)	125	75:1-1-8. [NEW] (E)	331
38:1-1-11. [NEW] (E)	125	75:1-1-9. [NEW] (E)	331
38:1-1-12. [NEW] (E)	126	75:1-1-10. [NEW] (E)	331
38:1-1-13. [NEW] (E)	126	75:1-3-1. [NEW] (E)	332
38:1-1-14. [NEW] (E)	126	75:1-3-2. [NEW] (E)	332
38:1-1-15. [NEW] (E)	126	75:1-3-3. [NEW] (E)	332
38:1-1-16. [NEW] (E)	126	75:1-3-14. [NEW] (E)	332
38:1-3-1. [NEW] (E)	126	75:1-3-15. [NEW] (E)	332
38:1-3-2. [NEW] (E)	127	75:1-3-16. [NEW] (E)	332
38:1-3-3. [NEW] (E)	127	75:1-3-17. [NEW] (E)	332
38:1-3-4. [NEW] (E)	127	75:1-3-18. [NEW] (E)	332
38:1-3-5. [NEW] (E)	127	75:1-3-19. [NEW] (E)	332
38:1-3-6. [NEW] (E)	127	75:1-3-20. [NEW] (E)	333
38:10-1-1. [NEW] (E)	128	75:1-5-1. [NEW] (E)	333
38:10-1-2. [NEW] (E)	128	75:1-5-2. [NEW] (E)	333
38:10-1-3. [NEW] (E)	129	75:1-5-3. [NEW] (E)	333
38:10-1-4. [NEW] (E)	129	75:1-5-4. [NEW] (E)	333
38:10-1-5. [NEW] (E)	129	75:1-5-4. [NEW] (E)	334
38:10-1-6. [NEW] (E)	129	75:1-5-5. [NEW] (E)	334
38:10-1-7. [NEW] (E)	129	75:1-5-5. [NEW] (E)	334
38:10-1-8. [NEW] (E)	129	75:1-5-5.1. [NEW] (E)	334
38:10-1-9. [NEW] (E)	130	75:1-5-5.2. [NEW] (E)	334
38:10-3-1. [NEW] (E)	130	75:1-5-5.3. [NEW] (E)	334
38:10-3-2. [NEW] (E)	130	75:1-5-6. [NEW] (E)	334
38:10-3-3. [NEW] (E)	130	75:1-5-7. [NEW] (E)	334
38:10-3-4. [NEW] (E)	131	75:1-5-8. [NEW] (E)	335
38:10-3-5. [NEW] (E)	131	75:1-5-9. [NEW] (E)	335
38:10-3-6. [NEW] (E)	132	75:1-5-10. [NEW] (E)	335
38:10-5-1. [NEW] (E)	132	75:1-5-11. [NEW] (E)	336
38:10-5-2. [NEW] (E)	132	75:1-5-12. [NEW] (E)	336
38:10-5-3. [NEW] (E)	132	75:1-7-1. [NEW] (E)	336
38:10-7-1. [NEW] (E)	132	75:1-7-2. [NEW] (E)	336
38:10-7-2. [NEW] (E)	132	75:1-7-3. [NEW] (E)	336
38:10-7-3. [NEW] (E)	133	75:1-7-4. [NEW] (E)	336
38:10-7-4. [NEW] (E)	134	75:1-7-5. [NEW] (E)	336
38:10-7-5. [NEW] (E)	134	75:1-7-6. [NEW] (E)	337
38:10-7-6. [NEW] (E)	134	75:1-7-7. [NEW] (E)	338
38:10-7-7. [NEW] (E)	134	75:1-7-8. [NEW] (E)	339
38:10-7-8. [NEW] (E)	135	75:1-7-9. [NEW] (E)	339
38:10-7-9. [NEW] (E)	135	75:1-7-10. [NEW] (E)	339
38:10-9-1. [NEW] (E)	135	75:1-7-11. [NEW] (E)	339
38:10-9-2. [NEW] (E)	135	75:15-1-1. [AMENDED] (E)	340
38:10-9-3. [NEW] (E)	135	75:15-1-2. [AMENDED] (E)	340
38:10-9-4. [NEW] (E)	135	75:15-1-4. [AMENDED] (E)	342
38:10-11-1. [NEW] (E)	136	75:15-1-6. [AMENDED] (E)	342
38:10-11-2. [NEW] (E)	136	75:15-3-1. [AMENDED] (E)	343
38:10-11-3. [NEW] (E)	137	75:15-3-2. [AMENDED] (E)	344
38:10-13-1. [NEW] (E)	137	75:15-3-7. [AMENDED] (E)	344
38:10-13-2. [NEW] (E)	137	75:15-3-8. [AMENDED] (E)	345

75:15-3-9.	[AMENDED] (E)	345	150:115-1-4.	[NEW] (E)	107
75:15-3-10.	[AMENDED] (E)	346	165:25-2-2.	[AMENDED] (E)	138
75:15-5-2.	[AMENDED] (E)	346	165:25-3-6.	[AMENDED] (E)	139
75:15-5-3.	[AMENDED] (E)	346	165:25-8-1.	[AMENDED] (E)	140
75:15-5-3.1.	[AMENDED] (E)	347	165:25-8-2.	[NEW] (E)	140
75:15-5-4.	[AMENDED] (E)	348	165:25-8-3.	[NEW] (E)	141
75:15-5-5.	[AMENDED] (E)	348	165:25-8-4.	[NEW] (E)	141
75:15-5-6.	[AMENDED] (E)	349	165:25-8-5.	[REVOKED] (E)	141
75:15-5-10.	[AMENDED] (E)	349	165:25-8-7.	[REVOKED] (E)	142
75:15-7-1.	[AMENDED] (E)	349	165:25-8-8.	[REVOKED] (E)	142
75:15-7-2.	[AMENDED] (E)	350	165:25-8-14.	[AMENDED] (E)	143
75:15-7-3.	[AMENDED] (E)	350	165:25-8-15.	[AMENDED] (E)	143
75:15-7-4.	[AMENDED] (E)	350	165:25-8-29.	[AMENDED] (E)	143
75:15-7-5.	[AMENDED] (E)	350	165:25-8-35.	[AMENDED] (E)	143
75:15-7-6.	[AMENDED] (E)	350	165:25-8-36.	[AMENDED] (E)	144
75:15-7-7.	[AMENDED] (E)	350	165:26-1-31.	[AMENDED] (E)	145
75:15-9-1.	[AMENDED] (E)	351	165:26-2-1.2.	[NEW] (E)	146
75:15-9-2.	[AMENDED] (E)	351	165:26-2-5.	[AMENDED] (E)	146
75:15-9-7.	[AMENDED] (E)	351	165:26-2-32.	[AMENDED] (E)	146
75:15-9-8.	[AMENDED] (E)	351	165:26-2-54.	[AMENDED] (E)	146
75:15-9-9.	[AMENDED] (E)	351	165:26-2-55.	[AMENDED] (E)	147
75:15-9-10.	[AMENDED] (E)	352	165:26-2-56.	[AMENDED] (E)	147
75:15-11-1.	[AMENDED] (E)	352	165:26-2-131.	[AMENDED] (E)	148
75:15-11-2.	[AMENDED] (E)	352	165:26-2-134.	[AMENDED] (E)	148
75:15-11-3.	[AMENDED] (E)	352	165:26-2-171.	[AMENDED] (E)	149
75:15-13-1.	[AMENDED] (E)	352	165:26-3-21.	[AMENDED] (E)	149
75:15-13-2.	[AMENDED] (E)	352	165:26-8-2.	[AMENDED] (E)	150
75:15-13-3.	[AMENDED] (E)	353	165:26-8-2.1.	[NEW] (E)	150
75:15-13-4.	[AMENDED] (E)	353	165:26-8-40.	[REVOKED] (E)	150
75:15-13-5.	[AMENDED] (E)	353	165:26-8-40.1.	[NEW] (E)	151
75:15-13-8.	[AMENDED] (E)	353	165:26-8-40.2.	[NEW] (E)	151
75:15-13-9.	[AMENDED] (E)	353	165:26-8-41.	[REVOKED] (E)	151
75:15-13-10.	[AMENDED] (E)	353	165:26-8-61.	[AMENDED] (E)	152
75:15-13-20.	[AMENDED] (E)	353	165:26-8-62.	[AMENDED] (E)	152
75:15-13-20.1.	[AMENDED] (E)	354	165:26-8-80.	[AMENDED] (E)	152
75:15-13-20.2.	[AMENDED] (E)	354	165:26-8-86.	[AMENDED] (E)	153
75:15-13-24.	[AMENDED] (E)	354	165:26-8-88.	[AMENDED] (E)	153
75:15-13-26.	[AMENDED] (E)	354	210:15-3-22.	[AMENDED] (E)	61
75:15-13-27.	[AMENDED] (E)	355	210:15-3-23.	[AMENDED] (E)	65
75:15-13-28.	[AMENDED] (E)	355	210:15-8-1.	[NEW] (E)	70
75:15-13-29.	[AMENDED] (E)	355	210:15-8-2.	[NEW] (E)	70
75:15-13-30.	[AMENDED] (E)	355	210:15-27-1.	[AMENDED] (E)	70
75:15-15-1.	[AMENDED] (E)	355	210:15-31-1.	[NEW] (E)	153
75:15-15-2.	[AMENDED] (E)	355	210:15-31-2.	[NEW] (E)	153
75:15-15-3.	[AMENDED] (E)	355	210:20-9-172.	[AMENDED] (E)	358
75:15-15-4.	[AMENDED] (E)	356	210:20-9-188.	[RESERVED] (E)	72
75:15-17-1.	[AMENDED] (E)	356	210:20-17-3.	[AMENDED] (E)	72
75:15-17-2.	[AMENDED] (E)	356	210:20-19-2.	[AMENDED] (E)	154
75:15-17-3.	[AMENDED] (E)	356	210:20-19-3.	[AMENDED] (E)	155
75:15-17-4.	[AMENDED] (E)	357	210:20-19-4.	[AMENDED] (E)	155
87:1-3-14.	[AMENDED] (E)	12	210:20-26-1.	[NEW] (E)	73
87:10-17-3.	[AMENDED] (E)	13	210:20-26-2.	[NEW] (E)	73
87:10-19-1.	[AMENDED] (E)	14	210:20-26-3.	[NEW] (E)	73
87:10-25-2.	[AMENDED] (E)	14	210:35-3-186.	[AMENDED] (E)	47
87:10-25-9.	[AMENDED] (E)	15	210:35-9-31.	[AMENDED] (E)	74
87:10-25-10.	[AMENDED] (E)	15	230:10-3-8.	[AMENDED] (E)	76
87:10-27-2.	[AMENDED] (E)	15	230:10-3-28.1.	[AMENDED] (E)	76
87:10-27-4.	[AMENDED] (E)	15	230:10-3-33.	[AMENDED] (E)	77
87:10-27-9.	[AMENDED] (E)	15	230:10-3-34.	[AMENDED] (E)	77
87:10-27-10.	[AMENDED] (E)	16	230:10-3-35.	[AMENDED] (E)	77
87:10-35-1.	[NEW] (E)	16	230:15-11-5.	[AMENDED] (E)	78
87:20-1-1.	[NEW] (E)	16	230:30-7-13.	[AMENDED] (E)	78
87:20-1-2.	[NEW] (E)	17	230:30-11-6.1.	[AMENDED] (E)	79
87:20-1-3.	[NEW] (E)	17	230:35-3-3.	[AMENDED] (E)	80
150:115-1-1.	[NEW] (E)	106	230:35-3-30.	[AMENDED] (E)	81
150:115-1-2.	[NEW] (E)	106	230:35-3-91.	[AMENDED] (E)	82
150:115-1-3.	[NEW] (E)	107	230:35-3-130.	[AMENDED] (E)	83

Rules Affected Index – *continued*

230:35-3-131.	[AMENDED] (E)	84	317:35-5-7.	[AMENDED] (E)	271
230:35-5-175.	[AMENDED] (E)	84	317:35-5-26.	[AMENDED] (E)	278
230:35-5-176.	[AMENDED] (E)	85	317:35-6-61.	[AMENDED] (E)	275
230:35-5-177.	[AMENDED] (E)	85	317:35-7-16.	[AMENDED] (E)	276
230:35-9-7.	[AMENDED] (E)	86	317:35-7-17.	[REVOKED] (E)	277
230:40-3-1.1.	[AMENDED] (E)	87	317:35-17-3.	[AMENDED] (E)	169
230:40-5-5.	[AMENDED] (E)	87	317:45-1-1.	[NEW] (E)	279
230:40-7-4.	[NEW] (E)	88	317:45-1-2.	[NEW] (E)	279
252:100-41-1.1.	[NEW] (E)	18	317:45-1-3.	[NEW] (E)	280
252:100-41-13.	[NEW] (E)	18	317:45-3-1.	[NEW] (E)	280
252:100-41-14.	[NEW] (E)	18	317:45-3-2.	[NEW] (E)	280
252:100-42-1.	[NEW] (E)	18	317:45-5-1.	[NEW] (E)	280
252:100-42-1.1.	[NEW] (E)	18	317:45-5-2.	[NEW] (E)	280
252:100-42-2.	[NEW] (E)	18	317:45-7-1.	[NEW] (E)	281
252:100-42-3.	[NEW] (E)	19	317:45-7-2.	[NEW] (E)	281
252:100-42-4.	[NEW] (E)	19	317:45-7-3.	[NEW] (E)	281
252:100-42-20.	[NEW] (E)	19	317:45-7-4.	[NEW] (E)	281
252:100-42-30.	[NEW] (E)	19	317:45-7-5.	[NEW] (E)	281
252:100-42-31.	[NEW] (E)	20	317:45-7-6.	[NEW] (E)	281
252:100-42-32.	[NEW] (E)	20	317:45-7-7.	[NEW] (E)	281
252:100, App. O.	[NEW] (E)	21	317:45-7-8.	[NEW] (E)	281
270:10-1-5.	[AMENDED] (E)	22	317:45-9-1.	[NEW] (E)	282
310:675-7-9.1.	[AMENDED] (E)	156	317:45-9-2.	[NEW] (E)	282
310:675-9-1.1.	[AMENDED] (E)	157	317:45-9-3.	[NEW] (E)	282
310:675-9-5.1.	[AMENDED] (E)	158	317:45-9-4.	[NEW] (E)	282
310:675-13-5.	[AMENDED] (E)	159	317:45-9-5.	[NEW] (E)	282
317:30-3-5.	[AMENDED] (E)	239	317:45-9-6.	[NEW] (E)	282
317:30-3-59.	[AMENDED] (E)	241	317:45-9-7.	[NEW] (E)	283
317:30-3-74.	[REVOKED] (E)	263	317:45-9-8.	[NEW] (E)	283
317:30-5-2.	[AMENDED] (E)	241	340:40-5-1.	[AMENDED] (E)	35
317:30-5-9.	[AMENDED] (E)	246	340:105-7-2.	[AMENDED] (E)	394
317:30-5-14.	[AMENDED] (E)	28	340:105-10-114.	[AMENDED] (E)	396
317:30-5-41.	[AMENDED] (E)	248	429:1-1-1.	[NEW] (E)	171
317:30-5-42.	[AMENDED] (E)	29	429:1-1-2.	[NEW] (E)	171
317:30-5-47.	[AMENDED] (E)	251	429:1-1-3.	[NEW] (E)	171
317:30-5-47.2.	[NEW] (E)	259	429:1-1-4.	[NEW] (E)	173
317:30-5-47.3.	[NEW] (E)	260	429:1-1-5.	[NEW] (E)	173
317:30-5-47.4.	[NEW] (E)	260	429:10-1-1.	[NEW] (E)	174
317:30-5-47.5.	[NEW] (E)	261	429:10-1-2.	[NEW] (E)	174
317:30-5-48.	[REVOKED] (E)	262	429:10-1-3.	[NEW] (E)	177
317:30-5-110.	[NEW] (E)	262	429:10-1-3.	[NEW] (E)	179
317:30-5-111.	[NEW] (E)	262	429:10-1-4.	[NEW] (E)	177
317:30-5-112.	[NEW] (E)	262	429:10-1-4.	[NEW] (E)	180
317:30-5-113.	[NEW] (E)	262	429:10-1-5.	[NEW] (E)	177
317:30-5-114.	[NEW] (E)	263	429:10-1-6.	[NEW] (E)	178
317:30-5-122.	[AMENDED] (E)	264	429:10-1-7.	[NEW] (E)	178
317:30-5-133.	[AMENDED] (E)	31	429:10-1-8.	[NEW] (E)	178
317:30-5-225.	[AMENDED] (E)	265	429:10-1-9.	[NEW] (E)	178
317:30-5-335.	[AMENDED] (E)	266	429:10-1-10.	[NEW] (E)	178
317:30-5-336.	[AMENDED] (E)	266	429:10-1-11.	[NEW] (E)	179
317:30-5-342.	[REVOKED] (E)	268	429:10-1-12.	[NEW] (E)	179
317:30-5-343.	[AMENDED] (E)	268	429:15-1-1.	[NEW] (E)	180
317:30-5-375.	[AMENDED] (E)	265	429:15-1-2.	[NEW] (E)	180
317:30-5-530.	[NEW] (E)	30	429:15-1-3.	[NEW] (E)	183
317:30-5-531.	[NEW] (E)	30	429:15-1-4.	[NEW] (E)	183
317:30-5-532.	[NEW] (E)	30	429:15-1-5.	[NEW] (E)	183
317:30-5-555.	[NEW] (E)	33	429:15-1-6.	[NEW] (E)	183
317:30-5-556.	[NEW] (E)	33	429:15-1-7.	[NEW] (E)	184
317:30-5-557.	[NEW] (E)	33	429:15-1-8.	[NEW] (E)	184
317:30-5-558.	[NEW] (E)	33	429:15-1-9.	[NEW] (E)	184
317:30-5-559.	[NEW] (E)	34	429:15-1-10.	[NEW] (E)	184
317:30-5-560.	[NEW] (E)	34	429:15-1-11.	[NEW] (E)	184
317:30-5-560.1.	[NEW] (E)	34	429:15-1-12.	[NEW] (E)	184
317:30-5-560.2.	[NEW] (E)	35	429:15-1-13.	[NEW] (E)	184
317:30-5-763.	[AMENDED] (E)	160	429:15-1-14.	[NEW] (E)	185
317:35-1-2.	[AMENDED] (E)	269	429:15, App. A.	[NEW] (E)	186
317:35-5-2.	[AMENDED] (E)	276	429:15, App. B.	[NEW] (E)	187

429:20-1-1. [NEW] (E)	188	429:20, App. B. [NEW] (E)	194
429:20-1-2. [NEW] (E)	188	580:15-2-2. [AMENDED] (E)	88
429:20-1-3. [NEW] (E)	190	580:15-6-21. [NEW] (E)	91
429:20-1-4. [NEW] (E)	190	580:15-6-22. [NEW] (E)	91
429:20-1-5. [NEW] (E)	190	580:15-6-23. [NEW] (E)	91
429:20-1-6. [NEW] (E)	191	580:15-6-24. [NEW] (E)	91
429:20-1-7. [NEW] (E)	191	590:15-3-1. [NEW] (E)	108
429:20-1-8. [NEW] (E)	191	590:15-3-2. [NEW] (E)	108
429:20-1-9. [NEW] (E)	191	590:15-3-3. [NEW] (E)	108
429:20-1-10. [NEW] (E)	191	590:15-3-4. [NEW] (E)	109
429:20-1-11. [NEW] (E)	191	590:15-3-5. [NEW] (E)	109
429:20-1-12. [NEW] (E)	191	590:15-3-6. [NEW] (E)	109
429:20-1-13. [NEW] (E)	191	725:20-7-10. [NEW] (E)	38
429:20-1-14. [NEW] (E)	192	730:40-5-1. [NEW] (E)	429
429:20-1-15. [NEW] (E)	192	730:40-5-2. [NEW] (E)	429
429:20-1-16. [NEW] (E)	192	730:40-5-3. [NEW] (E)	430
429:20-1-17. [NEW] (E)	192	730:40-5-4. [NEW] (E)	430
429:20, App. A. [NEW] (E)	193		

Agency/Title Index

[Assigned as of 1-3-06]

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

Agency	Title	Agency	Title
INSURANCE Department	365	Oklahoma PUBLIC Employees Retirement System	590
COMPSOURCE Oklahoma (<i>Formerly:</i> State INSURANCE Fund	370	Department of PUBLIC Safety	595
Oklahoma State Bureau of INVESTIGATION	375	REAL Estate Appraiser Board	600
Council on JUDICIAL Complaints	376	Oklahoma REAL Estate Commission	605
Office of JUVENILE Affairs	377	Board of Regents of REDLANDS Community College	607
Department of LABOR	380	State REGENTS for Higher Education	610
Department of the Commissioners of the LAND Office	385	State Department of REHABILITATION Services	612
Council on LAW Enforcement Education and Training	390	Board of Regents of ROGERS State College	615
Oklahoma LAW Enforcement Retirement System	395	Board of Regents of ROSE State College	620
Board on LEGISLATIVE Compensation	400	Oklahoma SAVINGS and Loan Board (<i>abolished</i> <i>7-1-93</i>)	625
Oklahoma Department of LIBRARIES	405	SCENIC Rivers Commission	630
LIEUTENANT Governor	410	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LINKED Deposit Review Board	415	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Board	420	The Oklahoma School of SCIENCE and Mathematics	645
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LITERACY Initiatives Commission	425	SECRETARY of State	655
LONG-RANGE Capital Planning Commission	428	Department of SECURITIES	660
LOTTERY Commission, Oklahoma	429	Board of Regents of SEMINOLE State College	665
Board of Trustees for the MCCURTAIN County Higher Education Program	430	SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Agency Review Committee	695
MERIT Protection Commission	455	STATE Use Committee (<i>Formerly:</i> Committee on Purchases of Products and Services of the Severely HANDICAPPED) – See Title 304	
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma STUDENT Loan Authority	700
Department of MINES	460	TASK Force 2000	705
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TAX Commission	710
Board of Regents of MURRAY State College	470	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College	480	State TEXTBOOK Committee	720
Oklahoma Board of NURSING	485	Oklahoma TOURISM and Recreation Department	725
Oklahoma State Board of Examiners for NURSING Home Administrators	490	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA City Community College	495	Oklahoma TRANSPORTATION Authority	731
Board of Regents of OKLAHOMA Colleges	500	State TREASURER	735
Board of Examiners in OPTOMETRY	505	Board of Regents of TULSA Community College	740
State Board of OSTEOPATHIC Examiners	510	Oklahoma TURNPIKE Authority (<i>name changed - see Title</i> <i>731</i>)	745
PARDON and Parole Board	515	Board of Trustees for the UNIVERSITY Center at Tulsa	750
Oklahoma PEANUT Commission	520	UNIVERSITY Hospitals Authority	752
Oklahoma State PENSION Commission	525	UNIVERSITY Hospitals Trust	753
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of the UNIVERSITY of Oklahoma	755
Office of PERSONNEL Management	530	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
Oklahoma State Board of PHARMACY	535	Oklahoma USED Motor Vehicle and Parts Commission	765
PHYSICIAN Manpower Training Commission	540	Oklahoma Department of VETERANS Affairs	770
Board of PODIATRIC Medical Examiners	545	Board of VETERINARY Medical Examiners	775
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of CAREER and Technology Education (<i>Formerly:</i> Oklahoma Department of VOCATIONAL and Technical Education)	780
State Department of POLLUTION Control (<i>abolished</i> <i>1-1-93</i>)	555	Oklahoma WATER Resources Board	785
POLYGRAPH Examiners Board	560	Board of Regents of WESTERN Oklahoma State College	790
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WHEAT Commission	795
State Board for PROPERTY and Casualty Rates	570	Department of WILDLIFE Conservation	800
State Board of Examiners of PSYCHOLOGISTS	575	WILL Rogers and J.M. Davis Memorials Commission	805
Department of CENTRAL Services (<i>Formerly:</i> Office of PUBLIC Affairs)	580		
PUBLIC Employees Relations Board	585		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #05-1449]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]
Subchapter 7. General Administration of the County
Election Board [AMENDED]

SUMMARY:

Amendments are proposed to include new statutory language (from Title 26, Section 2-118 as amended by HB1044) concerning the salary of the County Election Board Secretary; to correct certain statutory citations, quotations, and paraphrases; and to clarify the authority of the County Election Board Secretary to employ special purpose precinct workers, such as provisional voting officers. Other amendments are proposed to include the statutory increase in compensation for Precinct Election Officials (Title 26, Section 2-129 as amended by HB1044); to include references new forms; to remove references to obsolete forms; and to include a new subset of voter registration data available from the State Election Board. At least one Section is amended to correct language concerning mileage reimbursement for Precinct Officials. The statute was amended several years ago, but the change was never made in this Section.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1449; filed 12-7-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #05-1450]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]
Subchapter 3. Voter Outreach [AMENDED]
Subchapter 5. Application for Voter Registration
[AMENDED]
Subchapter 9. Responsibilities of the State Election Board
and the County Election Board for Voter Registration
[AMENDED]
Subchapter 11. Voter Registration List Maintenance
[AMENDED]

SUMMARY:

One Section in Subchapter 1 is amended to change a reference to the Federal Election Commission to the new United States Election Assistance Commission. In Subchapter 3, one Section is amended to include the information that the both Oklahoma Voter Registration Application form and the Federal Voter Registration Application form are available on the Internet. In Subchapter 5, amendments include references to specific data elements on the voter registration application form that are required by both state and federal law for a valid application (Title 26, Section 4-112 as amended in 2004 by SB1346 which implemented the federal Help America Vote Act requirements). References in several Sections to certain dates are changed to conform to changes enacted in 2004 to the statewide election schedule in even-numbered

Notices of Rulemaking Intent

years. In Subchapter 9, several Sections are amended to conform references to required data elements of a valid voter registration application to current state and federal law. Several Sections are amended to include references to the provisional ballot verification process as it may relate to the processing of voter registration applications received at polling places on election day. One Section is amended to remove references to OEMS software and a form that were anticipated at the time the Section was originally adopted but that in fact were never developed. In Subchapter 11, references to notices of felony conviction from the federal court system are added to a Section concerning cancellation of voter registrations.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1450; filed 12-7-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #05-1451]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 7. Absentee Voting Boards [AMENDED]

Subchapter 9. Processing Applications [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

SUMMARY:

In Subchapter 1, the definitions section is amended to include a definition of the term "federal election." In Subchapter 7, several Sections are amended to remove references to obsolete forms; to include references to new forms; and to include references to the provisional voting process. A new Section is added to authorize the members of the in-person Absentee Voting Board to cast in-person absentee ballots by allowing the County Election Board Secretary to witness their signatures. The statute (Title 26, Section 14-115.4 was amended several years ago to permit the Secretary to witness the signature of a member of the in-person absentee voting board, but due to an oversight, this authorization was never included in the rules.) Several incorrect references to other Sections in Title 230 are corrected, and an incorrect statement in one Section is removed. In Subchapter 9, language concerning the determination of a voter's assignment to a municipality is added and a reference to a specific form is corrected. In Subchapter 11, a Section is amended to clarify the deadline for receiving absentee ballots by fax; to correct a reference to a part of another form; and to correctly refer to another Section in Title 230.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1451; filed 12-7-05]

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

[OAR Docket #05-1452]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. County Election Board Responsibilities [AMENDED]
- Subchapter 5. Instructions for Precinct Election Officials [AMENDED]
- Subchapter 9. HAVA Requirements [AMENDED]

SUMMARY:

In Subchapter 1, a definitions sections is added to include a definition of the term "federal election." In Subchapter 3, several sections are amended to remove references to obsolete forms and to add references to new forms and materials and to add or to correct references to other Sections in Title 230. At least one Section is amended to reference an increase of compensation for Precinct Officials (Title 26, Section 2-129 as amended by HB1044). Sections are amended to clarify the authority of the County Election Board Secretary to employ special purpose precinct workers. Several Sections concerning the provisional voting process are amended to clarify tasks and responsibilities. Several Sections are amended to correct references to the specific time or the specific order that certain tasks must be performed. A Section is amended to clarify the period following an election when ballots must be secured by the Sheriff. In Subchapter 5, several Sections are amended for the same reasons as Sections in Subchapter 3. In addition, references to "vocational-technical school districts" are changed to the currently correct "technology center school district." A Section that permits uniformed services or overseas voters to vote in person at their precinct polling places when they return home too late to register to vote is amended to refer to the provisional voting procedure and to refer correctly to the oath on the Oklahoma Provisional Ballot Affidavit envelope. The provisional voting procedure itself is amended to correct minor problems. The reasons for which a voter may need to cast a provisional ballot are expanded to include voters who dispute the school district or municipality to which they have been assigned. Some sections have been amended to change the specific time for certain events. In Subchapter 9, a Section concerning the reasons for voting by provisional ballot is amended to include additional reasons. Another Section is amended to change the time certain actions may be taken.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1452; filed 12-7-05]

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

[OAR Docket #05-1453]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Special Elections [AMENDED]
- Subchapter 5. Municipal Elections [AMENDED]
- Subchapter 7. School Elections [AMENDED]

SUMMARY:

In Subchapter 1, the purpose section is amended to change a reference to a "vocational-technical school district" to the currently correct term "technology center school district." In Subchapter 3, a Section concerning times for special elections is amended to include new statutory language from Title 26, Section 3-101. In Subchapter 5, Sections are amended to include new statutory language concerning the scheduling of home rule charter municipal elections (Title 26, Section 13-101.1) and to update language concerning the provision of

Notices of Rulemaking Intent

municipal maps to the County Election Board office. A new Section is added to create for election purposes an effective date for municipal boundary changes. Sections are amended to add references to other Sections in Title 230 and to clarify tasks relating to the certification of multi-county municipal elections. In Subchapter 7, a new Section is added to provide information about a new statutory requirement for school districts to post certain legal notices at the County Election Board office (Title 26, Section 13A-109 as amended by HB1627). A section concerning mill levy ballots is amended to include information on levies that have been made permanent as provided by law. Another Section is amended to include statutory language concerning candidates filing for Board of Education (Title 26, Section 13A-105) which due to an oversight has not previously been added to the rules. Several Sections are amended to clarify tasks related to the certification of multi-county school district elections.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1453; filed 12-7-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 45. CONTESTS OF ELECTION

[OAR Docket #05-1454]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Recounts [AMENDED]

SUMMARY:

A Section in Subchapter 3 is amended to clarify the elections for which the County Sheriff is required to provide security for voted ballots. Several Sections are amended to include references to provisional ballots.

AUTHORITY:

Title 26 O.S. Supp. 2005, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 3, 2006. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, February 3, 2006, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 18, 2006.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

n/a

[OAR Docket #05-1454; filed 12-7-05]

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

[OAR Docket #05-1448]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Benefits
Part 9. Disqualification
240:10-3-44. Domestic violence or abuse [REVOKED]

SUMMARY:

In the 2003 Legislative Session, 40 O.S. §2-405 was amended to allow unemployment benefits to claimants that were separated from employment as part of a plan to escape domestic violence or abuse, provided that the claimant obtained a victim's protection order before separating from employment. After that provision was made effective, it was determined that the requirement of a victims protection order was detrimental to the purpose for which the amendment was passed. In the 2005 Legislative Session, §2-405 was again amended to remove the provision requiring the victim's protection order. Rule 240:10-3-44 was adopted in 2004 in response to the 2003 legislation. This rule will now be revoked in response to the 2005 legislative amendment.

AUTHORITY:

40 O.S. §§2-405, 4-302; and the Oklahoma Employment Security Commission.

COMMENT PERIOD:

Written and oral comments will be accepted through February 2, 2006, 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.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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.

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@oesc.state.ok.us.

[OAR Docket #05-1448; filed 12-1-05]

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

[OAR Docket #05-1460]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 240:21-1-1. Purpose [AMENDED]
 - 240:21-1-2. Definitions [AMENDED]
 - 240:21-1-3. Addresses for appeals [AMENDED]
- Subchapter 3. Denial or Termination of Eligibility of a Training Provider
 - 240:21-3-1. Reporting - termination [AMENDED]
 - 240:21-3-2. Notice to the training provider [AMENDED]
- Subchapter 5. Denial of Request for Designation as a Local Workforce Investment Area
 - 240:21-5-2. Appeal Time [AMENDED]
 - 240:21-5-3. Hearing [AMENDED]
- Subchapter 7. Monitoring
 - 240:21-7-2. Monitoring report [AMENDED]
 - 240:21-7-3. Monitoring resolution [AMENDED]
 - 240:21-7-5. Appeal [AMENDED]
- Subchapter 9. Audits
 - 240:21-9-1. Audit requirements [AMENDED]
 - 240:21-9-2. Delinquent audit [AMENDED]
- Subchapter 11. Grievance Procedure
 - Part 1. General Provisions
 - 240:21-11-1. Grievances [AMENDED]
 - Part 3. Grievances Filed Directly with the OESC
 - 240:21-11-10. Filing [AMENDED]
 - 240:21-11-12. Contents of a grievance [AMENDED]
 - 240:21-11-13. Referral of a grievance filed with OESC [AMENDED]
 - Part 5. Appeals to the OESC from Grievance Decisions of a Local Area
 - 240:21-11-21. Appeals with the OESC [AMENDED]
 - 240:21-11-22. Time limit for filing an appeal with OESC [AMENDED]
 - Part 7. Informal and Formal Resolutions of Grievances
 - 240:21-11-30. Informal resolution [AMENDED]
 - 240:21-11-31. Hearing [AMENDED]

SUMMARY:

The amendments to these rules reflect OESC's designation as the administrative entity for WIA Title I and Wagner-Peyser program implementation and oversight, the duties of the new Director of Workforce Quality, the renaming of OESC's Employment Training Division as the Workforce Integrated

Notices of Rulemaking Intent

Programs Division, and changing the timing of the informal resolution conference in the monitoring resolution process.

AUTHORITY:

40 O.S.§4-302; 29 USC §§2891 - 2945; 20 CFR Part 660-671 and 652; 29 CFR Parts 95 and 97; OMB Circulars A-87, A-122, and A-133; Workforce Investment Act of 1998; Strategic Two-Year State of the Workforce Investment Plan; and the Oklahoma Employment Security Commission.

COMMENT PERIOD:

Written and oral comments will be accepted through February 3, 2006, 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.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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.

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@oesc.state.ok.us.

[OAR Docket #05-1460; filed 12-8-05]

**TITLE 260. OFFICE OF STATE FINANCE
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #05-1492]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

260:1-1-1. through 260:1-1-5. [NEW]

SUMMARY:

These rules provide information and establish procedures related to the Office of State Finance, which include the principal location, office hours, chief administrative officer, availability of public records, organization of the agency and appeal process pursuant to the APA. To date, this information has not been formally promulgated and adopted as required by the APA.. The rules are being submitted as the information in this chapter supplements proposed Chapter 15, which references the principal office of the agency.

AUTHORITY:

Office of State Finance, 75 O.S., Section 302

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, February 3, 2006, at the following address: Tony Hutchison, Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105; telephone (405) 521-2141.

PUBLIC HEARING:

A public hearing will be held at the Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, February 3, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on January 16, 2006, at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Office of State Finance, Information Services Division, 2300 N. Lincoln Boulevard, Suite 122, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 18, 2006 at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1492; filed 12-14-05]

**TITLE 260. OFFICE OF STATE FINANCE
CHAPTER 15. ACCESSIBILITY OF
INFORMATION TECHNOLOGY**

[OAR Docket #05-1493]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

260:15-1-1. through 260:15-1-9. [NEW]

SUMMARY:

These rules provide information and establish procedures to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of House Bill 2197 and Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998. The rules provide definitions and establish the creation of Information Technology Accessibility Standards by which state agencies must procure, develop, maintain or use implement information technology products. The rules require state agencies to designate Accessibility Compliance Representatives to oversee the requirements of the law and rules and make reports to the Office of State Finance. The rules provide information and procedures for filing and processing public complaints related to accessibility.

AUTHORITY:

Office of State Finance, 62 O.S., Section 41.5t.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, February 3, 2006, at the following address: Tony Hutchison, Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, February 3, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on January 16, 2006, at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Office of State Finance, Information Services Division, 2300 N. Lincoln Boulevard, Suite 122, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 18, 2006 at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1493; filed 12-14-05]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 525. DIRECT SERVICES TO
INDIVIDUALS**

[OAR Docket #05-1480]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Child Guidance
- 310:525-3-2. [AMENDED]
- 310:525-3-3. [AMENDED]
- 310:525-3-4. [AMENDED]
- 310:525-3-5. [AMENDED]

SUMMARY:

This proposal amends the existing rule by changing the age range of children to be served through the Child Guidance program from under 18 years of age to under 13 years of age and providing the ability for fees to be consistent with the established Medicaid rates.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. §§ 1-106.1, 1-206, 1-206.1, 1-230 and 1-231

COMMENT PERIOD:

January 3, 2006 through February 2, 2006. Interested persons may informally discuss the proposed rules with Debra Andersen, MA, Chief of Child Guidance; or before February 2, 2006 may submit written comments to Debra Andersen, MA, Chief of Child Guidance Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 2, 2006, may send electronic mail to debrada@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: Part of the regular meeting of the State Board of Health, February 2, 2006 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 2, 2006, to Debra Andersen, MA, Chief of Child Guidance Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Debra Andersen, MA, Chief of Child Guidance, Room 703, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 3, 2006 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Debra Andersen, Chief of Child Guidance, Oklahoma State Department of Health, (405) 271-4477

[OAR Docket #05-1480; filed 12-9-05]

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

[OAR Docket #05-1481]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Childhood Immunizations

310:535-1-2. [AMENDED]

310:535-1-3. [AMENDED]

SUMMARY:

This rule change is needed to change the specified minimum age for the first dose of hepatitis A vaccine from 2 years to 1 year for vaccines that are approved for this indication. This change will bring the rule into agreement with the Advisory Committee on Immunization Practices Vaccines for Children Program Resolution No. 10/05-1 adopted and effective on October 27, 2005. Currently the rule specifies that the first dose of hepatitis A vaccine may not be given until the child is 2 years of age, following previously published ACIP recommendations.

AUTHORITY:

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

COMMENT PERIOD:

January 3, 2006 through February 2, 2006. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before February 2, 2006, submit written comment to Susan Mendus, Immunization Programs Manager, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 2, 2006, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 2, 2006 to Susan Mendus, Immunization Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to susanm@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 3, 2006 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #05-1481; filed 12-9-05]

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

[OAR Docket #05-1455]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to change the fee structure of the program, to comply with anticipated U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to the requirements of the Code and Treasury Regulations.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 15, 2006. Written comments will be accepted until 4:00 p.m. on February 15, 2006. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

PUBLIC HEARING:

A public hearing will be held: February 9, 2006 at 9:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 15, 2006, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 3, 2006 at the offices of OHFA.

CONTACT PERSON:

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

[OAR Docket #05-1455; filed 12-7-05]

**TITLE 360. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #05-1442]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State and Education Employees Group Insurance Program. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306. State and Education Employees Group Insurance Board

COMMENT PERIOD:

Written comments may be made from this date until February 6, 2006. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 6, 2006, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Attorney, Assistant Administrator
State and Education Employees Group Insurance Board
3545 NW 58th Street, Suite 1000
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the State and Education Employees Group Insurance Board.

Notices of Rulemaking Intent

CONTACT PERSON:

Gary Goff, Attorney, Assistant Administrator, (405)
717-8744

[OAR Docket #05-1442; filed 12-1-05]

CONTACT PERSON:

Gary Goff, Attorney, Assistant Administrator, (405)
717-8744

[OAR Docket #05-1443; filed 12-1-05]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 10. STATE AND EDUCATION
EMPLOYEES HEALTH, LIFE, AND DENTAL
PLANS**

[OAR Docket #05-1443]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. State and Education Employees Health, Life,
and Dental Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State and Education Employees Group Insurance Program. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306. State and Education Employees Group Insurance Board

COMMENT PERIOD:

Written comments may be made from this date until February 6, 2006. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 6, 2006, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Attorney, Assistant Administrator
State and Education Employees Group Insurance Board
3545 NW 58th Street, Suite 1000
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the State and Education Employees Group Insurance Board.

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 15. THE DISABILITY PROGRAM**

[OAR Docket #05-1444]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. The Disability Program [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State and Education Employees Group Insurance Program. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306; 74 O.S. Section 1332 State and Education Employees Group Insurance Board

COMMENT PERIOD:

Written comments may be made from this date until February 6, 2006. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 6, 2006, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Attorney, Assistant Administrator
State and Education Employees Group Insurance Board
3545 NW 58th Street, Suite 1000
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the State and Education Employees Group Insurance Board.

CONTACT PERSON:

Gary Goff, Attorney, Assistant Administrator, (405) 717-8744

[OAR Docket #05-1444; filed 12-1-05]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 1. FUNCTION AND STRUCTURE
OF THE OFFICE OF JUVENILE AFFAIRS**

[OAR Docket #05-1462]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:1-1-5. Board of Juvenile Affairs [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rule 377:1-1-5 is being revised due to legislative changes for OJA Board appointments and Title 10 board responsibilities.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1462; filed 12-8-05]

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

[OAR Docket #05-1463]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Office of Public Integrity

Part 7. Requirements for Community Intervention Centers (CIC)

377:3-13-86. Organization, administration, and finance [AMENDED]

377:3-13-88. Personnel [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rule 377:3-13-86 is being revised to correct a rule citation. The rule 377:3-13-88 is being revised to remove the combination of education and experience from the CIC Program Director requirements.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1463; filed 12-8-05]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #05-1464]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Court
377:25-5-3. Certification Hearings [REVOKED]

SUMMARY:

Office of Juvenile Affairs (OJA) rule is being revoked to remove duplicate Title 10 language.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1464; filed 12-8-05]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #05-1465]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Custody
Part 1. General Provisions
377:25-7-1. Definitions [REVOKED]
377:25-7-3. Placement of OJA custody juveniles [AMENDED]
377:25-7-4. Short term, up to 30 day intensive highly structured placement [REVOKED]
Part 5. Rules of Supervised Community Placement [AMENDED]
377:25-7-27. Rules for Supervised Community Placement (SCP) [AMENDED]
377:25-7-28. Noncompliance with Supervised Community Placement rules [AMENDED]
377:25-7-29. District review hearing [AMENDED]

SUMMARY:

Office of Juvenile Affairs (OJA) rules are being revised to move definitions from 377:25-7-1 to the current related section of rules. Revisions to 377:25-7-3 include removing facilities that are no longer available for placement and to provide the current rule citation for Administrative Transfer Hearings and Parole Revocation Hearings. The information in 377:25-7-4 will be moved to 377:25-7-29. OJA rule 377:25-7-28 is being revised to include judicial proceedings as a possible placement source for sanction programs. The rule 377:25-7-29 is being revised to remove procedural information and to add language from 377:25-7-4.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1465; filed 12-8-05]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 30. RESIDENTIAL SERVICES**

[OAR Docket #05-1466]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:30-1-1. Legal base, scope and purpose [AMENDED]
- Subchapter 3. OJA-operated Group Homes [AMENDED]
- 377:30-3-1. Administration [REVOKED]

SUMMARY:

Office of Juvenile Affairs (OJA) rules are being revised to remove references to "zone".

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1466; filed 12-8-05]

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

[OAR Docket #05-1467]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. Juvenile Rules/Discipline
- 377:35-11-2. Waiver of Intensive Treatment Program Transfer Hearing [REVOKED]
- 377:35-11-3. Intensive Treatment Program Transfer Hearing [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

Office of Juvenile Affairs (OJA) rules are being revised to establish a new process for admission to the Intensive Treatment Program.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 3, 2006 through February 3, 2006 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to robmor@oja.state.ok.us. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 6, 2006 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on and after January 18, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

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

[OAR Docket #05-1467; filed 12-8-05]

TITLE 460. DEPARTMENT OF MINES CHAPTER 1. OKLAHOMA MINING COMMISSION

[OAR Docket #05-1468]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Oklahoma Mining Commission [AMENDED]

SUMMARY:

The Department is proposing amendments to 460:1-7, Oklahoma Miner Training Institute, as requested by the Oklahoma Mining Commission, concerning the certification and re-certification of Blasting Certificates. These amendments basically establish requirements for re-certification training of or for Oklahoma State Supervisors by outside contractors or private instructors. Some of these include the submittal for approval of the trainer resumes, their training plans, proof of their MSHA training certification, and the time-line or period of the trainers' approval to teach.

AUTHORITY:

45 O.S. Section 1.5; Oklahoma Mining Commission.

COMMENT PERIOD:

From January 4, 2006, until February 3, 2006, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

A public hearing will be held on February 7, 2006, at 6:20 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500, McAlester, OK, 74501, and another public hearing will be held on February 9, 2006, at the Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Ok 73105, beginning at 1:30 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed change are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, implied costs, or other costs expected to be occurred by the business entity due to compliance with this proposed change. This information may be submitted, in writing, from January 4, 2006, through February 3, 2006, to the contact person listed below.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person at the Department's Wagoner Field Office.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cathy Frank, Legal Officer, 29858 E. 690 RD, Wagoner, OK 74467-9154,
(918) 485-3999.

[OAR Docket #05-1468; filed 12-8-05]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 10. NON-COAL RULES AND
REGULATIONS**

[OAR Docket #05-1469]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Non-Coal Rules and Regulations
[AMENDED]

SUMMARY:

This amendment is being proposed so that Chapter 10, will be consistent with the 2005 Legislative changes enacted to statutory law, 45 O.S., Section 729. The Legislature added a provision that states that the Department determines that an entity or individual has mined without a mining permit a fine of up to Ten Thousand Dollars (\$10,000.00), shall be assessed for that act. The Legislature change also allows the Department to pursue the needed legal proceedings without involving or requesting the Attorney General's Office to file or act on the Department's behalf and adds that all monies collected pursuant to this section shall be deposited in the Department's Revolving Fund.

AUTHORITY:

45 O.S. Sections 1.5, and 732; Oklahoma Mining Commission.

COMMENT PERIOD:

From January 4, 2006, until February 3, 2006, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

A public hearing will be held on February 7, 2006, at 6:30 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500, McAlester, Ok 74501, and another public hearing will be held at the Department of Mines, 4040 North Lincoln, Suite 107, Oklahoma City, OK 73105, on February 9, 2006, beginning at 2:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with these proposed rules. Business may submit this information in writing, from January 4, 2006, through February 3, 2006, to the contact person listed below.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person at the Department's Wagoner Field Office.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cathy Frank, Legal Officer, 29858 E. 690 RD, Wagoner, OK 74467-9154,
(918) 485-3999.

[OAR Docket #05-1469; filed 12-8-05]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 20. THE PERMANENT
REGULATIONS GOVERNING THE COAL
RECLAMATION ACT OF 1979**

[OAR Docket #05-1470]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. The Permanent Regulations Governing The Coal Reclamation Act Of 1979 [AMENDED]

SUMMARY:

The Department promulgated some amendments in 2004, that were never approved by the Department's federal oversight agency, The Office of Surface Mining (OSM). These 2004 amendments have now been federally reviewed and the Department is now having to propose amendments to some of those 2004 state enacted amendments. Most of these amendments are from that review and located in numerous places throughout Chapter 20, although there are a few new changes being proposed, such as two now incorrect numerical references in 460:20-7-5(h)(3)(C)(ii) where one needs to be renumbered and one stricken. Another error, created during the initial Code conversion was found in 460:20-15-5(a)(e) where the word "Subchapter" needs to be changed to the word "part"

Some language proposed in Subchapter 13, Underground Mining Permit Applications: Minimum Requirements For Reclamation found at 460:20-31-13(a)(3) wording providing for planned subsidence survey exemption is either being amended or stricken. Some language is being reworded in 460:20-45-47(c)(4) because OSM believed the section was hard to understand. A grammar error found in (E) is also being corrected.

Under 460:20-43-14 (a), a new (14), was added in 2004 requiring embankment slopes not be allowed closer than 100 feet to any public road unless certain regulatory procedures are followed and approved. There is also a reference to this requirement or change added to 460:43-52(d)(3). OSM is requiring, the Department to add the language "measured horizontally", after the 100 feet wording.

In 460:20-43-46 (b)(3)(B), new language is being added, therefore the current (B), (c), (D), and (E) are being renumbered. The new language is that minimum stocking and planting arrangements for areas to be developed for recreation, shelter belts, or forest products shall be specified pursuant to the local and regional conditions and after consultation and approval by the responsible state agencies. There are also

Notices of Rulemaking Intent

numbering errors that are proposed to be corrected. These same changes are also proposed to the underground mining counterpart section found in 460:20-45-46.

A new (b) is being proposed to 460:20-43-44, Revegetation: timing, requiring that pursuant to the approved permit and reclamation plan, vegetation shall be established not more than 36 months after the disturbed areas have been retopsoiled. The current language will be renumbered as an (a).

To 460:20-57-6, the Department is proposing to rescind some of the previous modifications made in 2004.

AUTHORITY:

45 O.S. Section 1.5; 45 O.S. Section 789; Oklahoma Mining Commission

COMMENT PERIOD:

From January 4, 2006, through February 3, 2006, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

Public hearings will be held on February 7, 2006, at 6:40 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500, McAlester, OK and at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK on February 9, 2006, to begin at 2:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules, which should mainly be coal mining companies, are requested to provide information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with these proposed rules. Any such cost estimates may be submitted, in writing, to the contact person listed below from January 4, 2006, through February 3, 2006.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department Of Mines Wagoner Field Office, 29858 E. 690 RD, Wagoner, OK 74467-9154, (918) 485-3999.

[OAR Docket #05-1470; filed 12-8-05]

TITLE 460. DEPARTMENT OF MINES CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING REGULATIONS

[OAR Docket #05-1471]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Oklahoma Explosives And Blasting Regulations [AMENDED]

SUMMARY:

This amendment is the proposed addition of state agencies to 460:25-6(c)(1), wherein state agencies, along with already exempted state municipalities and counties, will also be exempted from obtaining a blasting permit when using blasting agents, explosives, or conducting, supervising, or controlling a blasting operation in Oklahoma while still complying with the remaining standards of the Chapter.

AUTHORITY:

63 O.S. Section 123.1 et seq., 45 O.S. Section 1.5, Oklahoma Mining Commission

COMMENT PERIOD:

From January 4, 2006, through February 3, 2006, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

Public hearings will be held on February 7, 2006, at 6:00 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500 McAlester, OK 74501, and on February 9, 2006, at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105, beginning at 1:40 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due compliance with the proposed rules. Business entities may submit this information in writing from January 4, 2006, through February 3, 2006, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines Wagoner Field Office, 29858 E. 690 RD, Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #05-1471; filed 12-8-05]

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

[OAR Docket #05-1489]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 2. General Provisions
580:15-2-2. [AMENDED]
- Subchapter 6. State Agency Provisions
580:15-6-21. [NEW]
- 580:15-6-22. [NEW]
- 580:15-6-23. [NEW]
- 580:15-6-24. [NEW]

SUMMARY:

House Bill 2197, effective July 1, 2004, was passed to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Section 508 of the Workforce Investment Act of 1998. Statutes mandate that the Information Services Division of the Office of State Finance work in conjunction with the Department of Central services to achieve this purpose. These proposed rules add definitions, revise and add requirements related to procurement of information technology to ensure agencies comply with the statutory mandates. New rules also reference proposed rules adopted by the Office of State Finance to implement the requirements of the new law.

AUTHORITY:

Director of the Department of Central Services; 62 O.S., Section 41.5t.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, February 3, 2006, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218; Telephone: (405) 522-8519.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, February 3, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on February 3, 2006, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 18, 2006 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, (405) 522-8519

[OAR Docket #05-1489; filed 12-14-05]

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

[OAR Docket #05-1478]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
- Part 2. Application for Initial Driver License
- 595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]
- 595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [NEW]
- 595:10-1-6. Application for a ~~Class—D~~ driver license for persons eighteen (18) years of age or older; ~~Class—D~~ driving privileges; restrictions and conditions [AMENDED]
- Part 3. Driver License Renewal
- 595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]
- 595:10-1-12. Oklahoma licensee temporarily residing out of the state [AMENDED]
- Part 5. Driver License Replacement
- 595:10-1-18. Procedure for obtaining a replacement driver license [AMENDED]
- 595:10-1-19. Oklahoma licensee temporarily residing out of the state [NEW]
- Part 7. Identification Cards
- 595:10-1-25. Procedure for obtaining an identification card [AMENDED]
- 595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]
- 595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]
- 595:10-1-28. Oklahoma identification card holder temporarily residing out of the state [NEW]
- Part 9. Change of Name on a Driver License or Identification Card
- 595:10-1-35. Procedure to make a change of name on a driver license or an identification card [AMENDED]
- Part 13. Motor License Agents

Notices of Rulemaking Intent

- 595:10-1-50. Identification required [AMENDED]
595:10-1-51. Operational procedures [AMENDED]
595:10-1-52. Photographic procedures [AMENDED]
595:10-1-56. Renewals Renewal of driver license or identification cards [AMENDED]
595:10-1-57. Replacement of driver license or identification card [AMENDED]
595:10-1-58. Restrictions and endorsements on driver licenses [AMENDED]
595:10-1-64. Identification cards card application and renewal [AMENDED]
Part 15. Revocation and Reinstatement of Driver License
595:10-1-76. Ignition interlock requirement for reinstatement [NEW]
Part 19. Driver License and Identification Card Content
595:10-1-91. Information displayed on driver licenses [AMENDED]
595:10-1-93. Information displayed on identification cards [AMENDED]
Subchapter 3. Examination
595:10-3-4. Application for examination [AMENDED]
Subchapter 5. Medical Aspects
595:10-5-12. Alcohol and/or other intoxicating substance abuse [AMENDED]

SUMMARY:

Amendments would clarify, update, and establish procedures relating to driver licenses in general, graduated driver licenses, ignition interlock devices, and motor license agent activities.

The proposed actions are new rules or amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules are the passage and approval of EHB 1308 (2001) [related to digital driver licenses], EHB 1653 (2001) [related to graduated driver license], and EHB 1304 (2001) [related to ignition interlock devices].

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

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10a.m., Friday, February 3, 2006, in Classroom G of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #05-1478; filed 12-9-05]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION

CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #05-1456]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Oklahoma Tuition Aid Grant Program
610:25-7-6. Eligibility; amount of grant; application procedures and deadlines; disbursement of funds [AMENDED]

SUMMARY:

The proposed amendments to the rules include:

Limiting undergraduate student eligibility to be consistent with federal Pell grant eligibility, which generally ends when the student has earned their first bachelor's degree.

Aligning the satisfactory academic progress requirements for OTAG recipients with federal Title IV student financial aid requirements.

Eliminating pro-rated awards for students who are enrolled in career technology programs that are less than nine months or 900 clock hours in duration.

Providing a separate application form for undocumented immigrant students who are not eligible for Title IV federal student aid and are therefore unable to complete the FAFSA application process.

AUTHORITY:

State Regents for Higher Education; 70 O.S. §626.1; 70 O.S. §3206(i)

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 2, 2006.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 2, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 18, 2006.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #05-1456; filed 12-7-05]

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

[OAR Docket #05-1457]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 23. Oklahoma Higher Learning Access Program (OHLAP)
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-7. Payment of awards; policies and limitations [AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

For OHLAP students graduating high school in 2010 and thereafter the number of required lab science courses would increase from two to three. The number of "additional" required courses would be reduced from two to one. The total courses (units) required for would remain at seventeen.

Any Advanced Placement (AP) course would be allowed to count as an "additional" course required for the OHLAP core curriculum. The change would allow a few additional

AP courses in subject areas not currently authorized to be counted-psychology, art history, music theory, and studio art.

Students graduating from non-accredited high schools must also score at least a 22 on the ACT. The proposed policy change would limit the scores to be considered to only those tests taken on national testing dates.

The statutes creating OHLAP authorize the State Regents to make exceptions to the five-year limit on scholarship benefits for "hardship circumstances". The proposed policy amendments clarify certain circumstances that qualify as "hardship."

AUTHORITY:

70 O.S. §2601 et seq.; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 2, 2006.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 2, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 18, 2006.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #05-1457; filed 12-7-05]

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

[OAR Docket #05-1458]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Academic Scholars Program

Notices of Rulemaking Intent

610:25-1-4. Eligibility Requirements and Term of Scholarship Award [AMENDED]

SUMMARY:

The primary proposed rule amendments would slightly expand the pool of eligible students for the Institutional Nominee category by adding students who are ranked #2 in their graduating class, regardless of their percentage ranking. In addition, the proposed amendments would clarify that students graduating from high schools that do not calculate class rank and home-educated students will be considered for eligibility as an Institutional Nominee only on the basis of their ACT or SAT test scores. The amendments would also delete obsolete language related to students being nominated as an Institutional Nominee a second time. Rule changes since 1999 require all Academic Scholars to accept the scholarship for the fall semester immediately following high school graduation.

AUTHORITY:

70 O.S. §2401 et seq; 70 O.S. §3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 2, 2006.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 2, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on or after January 18, 2006.

CONTACT PERSON:

Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #05-1458; filed 12-7-05]

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

[OAR Docket #05-1445]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Relationships with Department Established by Law

612:1-7-2. Relationship with appointed state officials [AMENDED]

SUMMARY:

The proposed change to Chapter 1 corrects the name of the Department of Central Services.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2006 through February 8, 2006, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Public hearings will be held as follows:

Monday, February 6, 2006,

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

Department of Rehabilitation Services

2nd Floor Conference Room,

3535 N.W. 58th

Oklahoma City, Oklahoma

Tuesday, February 7, 2006,

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

Great Plains Technical Center

4500 S.W. Lee Blvd., Bldg 600, Room 655

Lawton, Oklahoma

Wednesday, February 8, 2006,

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

Tulsa Speech and Hearing Association

8740 E. 11th, Conference Room

Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2006, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #05-1445; filed 12-1-05]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 3. MANAGEMENT SERVICES DIVISION**

[OAR Docket #05-1446]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Policy Development and Program Standards
612:3-5-12. Policy Development [AMENDED]

SUMMARY:

The change to Chapter 3 involves removing review of memoranda by Policy Development staff.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 03, 2006 through February 8, 2006, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Monday, February 6, 2006,
1:00 P.M. - 3:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 7, 2006,
1:00 P.M. - 3:00 P.M.,
Great Plains Technical Center
4500 S.W. Lee Blvd, Bldg 600, Room 655
Lawton, Oklahoma
Wednesday, February 8, 2006,
1:00 P.M. - 3:00 P.M.,
Tulsa Speech and Hearing Association
8740 East 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2006, at

the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #05-1446; filed 12-1-05]

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

[OAR Docket #05-1447]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
612:10-1-2. Definitions [AMENDED]
612:10-1-5. Confidentiality [AMENDED]
Subchapter 3. Client Participation in Cost of Services
612:10-3-4. Services exempt from client participation in service costs [AMENDED]
612:10-3-5. Basic living requirements [AMENDED]
Subchapter 7. Vocational Rehabilitation and Visual Services
Part 1. Scope of Vocational Rehabilitation and Visual Services
612:10-7-1. Overview of Vocational Rehabilitation and Visual Services [AMENDED]
612:10-7-4. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
612:10-7-5. Factors affecting eligibility [AMENDED]
612:10-7-8. Order of selection [AMENDED]
Part 9. Actions Requiring Review and Approval
612:10-7-87. Actions requiring supervisor's approval [AMENDED]
612:10-7-88. Actions requiring field coordinator's approval [AMENDED]
Part 11. Physical and Mental Restoration Services
612:10-7-104. Drugs and supplies [AMENDED]
612:10-7-117. Psychiatric and psychological treatment [AMENDED]
Part 13. Supportive Services
612:10-7-131. Transportation [AMENDED]
Part 15. Training
612:10-7-157. Out-of-state training [AMENDED]
612:10-7-162. Supplies and training tools for business, vocational and trade schools [AMENDED]
Part 17. Supported Employment Services
612:10-7-179. Overview of Supported Employment Services [AMENDED]
612:10-7-180. Eligibility for the Supported Employment Program [AMENDED]
612:10-7-185. Provision of supported employment services [AMENDED]

Notices of Rulemaking Intent

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

612:10-7-199. Reader/recording services [AMENDED]

Part 21. Purchase of Equipment, Occupational Licenses and Certificates

612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]

612:10-7-221. Housing modification [NEW]

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

Part 1. Scope of Services

612:10-11-4. Residency [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 changed nomenclature from Priority Groups 1, 2 and 3 to Most Severe, Severe and Non-Severe respectively. It clarifies: 1) a subpoena does not automatically result in the disclosure of client information; 2) mileage reimbursement is to pay for all costs associated with driving a vehicle; 3) we will not buy operable firearms for clients, and 4) reflects that there are no residency requirements. The proposed changes also added in to policy that recipients of Dependent Child Survivor Benefits are exempt from client participation in costs of services and re-inserted policy regarding housing modifications.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 3, 2006 through February 8, 2006 during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Monday, February 6, 2006,

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

Department of Rehabilitation Services

2nd Floor Conference Room,

3535 N.W. 58th

Oklahoma City, Oklahoma

Tuesday, February 7, 2006,

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

Great Plains Technical Center

4500 S.W. Lee Blvd., Bldg 600, Room 655

Lawton, Oklahoma

Wednesday, February 8, 2006,

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

Tulsa Speech and Hearing Association

8740 E. 11th, Conference Room

Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting,

recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 03, 2006, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #05-1447; filed 12-1-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-1473]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 5. Practice and Procedure

Part 8. Settlement of Tax Liability

710:1-5-86. [AMENDED]

SUMMARY:

710:1-5-86 has been amended to implement the provisions of Senate Bill 811 which raised the amount of a settlement agreement, abatement agreement or waiver of interest or penalty which requires approval of a judge of the District Court of Oklahoma County to \$10,000.00. **[68:219/68:219.1/68:220]**

In addition, other rule changes may be included to clarify policy, to improve readability, to correct scrivener's errors, to update statutory citation, and to insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of

the proposed rules, 10:00 a.m. Friday, February 3, 2006, at the offices of the Oklahoma Tax Commission, 3700 Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 6, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy J. Caesar, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1473; filed 12-9-05]

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

[OAR Docket #05-1472]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 5. Mixed Beverages
710:20-5-6. [AMENDED]

SUMMARY:

The 2004-2005 Legislative Session enacted a statutory change which requires amendment to the existing rule in the following area:

Section **710:20-5-6** has been amended to conform with the provisions of Senate Bill 886, enacted into law by the 50th

Legislature 1st Regular Session, effective June 6, 2005, which modified Section 576 of Title 37 of the Oklahoma Statutes, changing the due date for timely filing of monthly tax reports and paying gross receipts tax from the fifteenth day of the month to the twentieth day of the month. [37:576]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, February 3, 2006, at the offices of the Oklahoma Tax Commission, 3700 North Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 6, 2006 from the same source listed above for obtaining copies of proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133;
FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1472; filed 12-9-05]

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

[OAR Docket #05-1474]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions
710:22-1-17. [AMENDED]

SUMMARY:

The 2004-2005 Legislative Session enacted a statutory change which requires amendment to an existing rule in the following area:

Section **710:22-1-17** has been amended to conform with the provisions of House Bill 1502 which provides that boats and outboard motors owned by the Oklahoma Department of Public Safety are to be registered free of charge. [63:4005]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 63 O.S. § 4004

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, February 10, 2006, at the offices of the Oklahoma Tax Commission, 3700 North Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as

fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 6, 2006 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133;
FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1474; filed 12-9-05]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 25. COIN OPERATED VENDING DEVICES

[OAR Docket #05-1476]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 25. Coin Operated Vending Devices
710:25-1-7. [AMENDED]

SUMMARY:

The 2004-2005 Legislative Session enacted a statutory change which requires amendment to the existing rule in the following area:

Section 710:25-1-7 has been amended to implement Section 16 of Senate Bill 905, enacted into law by the 50th Legislature 1st Regular Session, effective July 15, 2005, modifying Section 1503 of Title 68 of the Oklahoma Statutes, providing for periods based on calendar months and not "thirty-day periods" for special decals that are issued for a period of time less than one year.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203 and 1504; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North

Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, February 3, 2006 at the offices of the Oklahoma Tax Commission, 3700 North Classen Boulevard, Suite 260 Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 6, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1476; filed 12-9-05]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 40. FRANCHISE TAX**

[OAR Docket #05-1475]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

710:40-1-17. [NEW]

SUMMARY:

The 2004-2005 Legislative Session enacted a statutory change which requires amendment to the existing rule:

Section 710:40-1-17 has been amended to clarify the filing requirements of corporations that owe \$10.00 in franchise tax pursuant to the changes to 68 O.S. § 1205 made by House Bill 1738 which will become effective July 1, 2006.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203 and 1210; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, February 3, 2006, at the offices of the Oklahoma Tax Commission, 3700 North Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 6, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1475; filed 12-9-05]

Notices of Rulemaking Intent

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

[OAR Docket #05-1477]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 5. Waste Tire Recycling

710:95-5-2. [AMENDED]

710:95-5-13. [AMENDED]

710:95-5-14. [AMENDED]

710:95-5-20. [AMENDED]

710:95-5-21. [AMENDED]

710:95-5-22. [NEW]

Subchapter 13. Out-of-State Attorney Registration
[REVOKED]

710:95-13-1. [REVOKED]

SUMMARY:

The 2004-2005 Legislative Session enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas.

Existing Sections 710:95-5-2; 710:95-5-13; 710:95-5-14; 710:95-5-20 and 710:95-5-21 have been amended and New Section 710:95-5-22 has been adopted to conform to the provisions of House Bill 1606. 710:95-5-2 was modified to reflect the definition of the term "Tire Derived Fuel Facility" and the amended definition of "Waste Tire Facility" and "Waste Tire Processing". 710:95-5-13 has been amended to reflect modified procedures for Waste Tire and Tire Derived Fuel facilities to receive compensation for certain waste tire activities. 710:95-5-14 has been amended to reflect the modified procedures for businesses that utilize waste tires to request compensation. 710:95-5-20 has been amended to reflect the modified procedures for entities to request compensation for waste tires used in certain environmental projects. 710:95-5-21 has been amended to reflect the modified procedures for local governmental units to request compensation for tires that are baled and used in approved engineering projects. New Section 710:95-5-22 has been adopted to reflect the apportionment of and compensation from the Waste Tire Indemnity Fund. **[27A:2-11-401.1 and 27A:2-11-401.4]**

Subchapter 13 and Section 710:95-13-1 dealing with out-of-state attorney registration has been revoked consistent with Senate Bill 293 which repealed the Registration of Out-of-State Attorneys Act, 5 O.S. Supp. 2004 Sections 1.1 through 1.9, effective April 6, 2005.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 27A O.S. § 2-11-401.6, 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 2, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, February 10, 2006, at the offices of the Oklahoma Tax Commission, 3700 Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Rule Impact Statements will be prepared and will be available for review from and after January 6, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #05-1477; filed 12-9-05]

Cancelled Hearings/Comment Periods

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

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

TITLE 260. OFFICE OF STATE FINANCE CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-1490]

RULEMAKING ACTION:

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

PROPOSED RULES:

260:1-1-1. through 260:1-1-5. [NEW]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 23 Ok Reg 298.

CANCELLED COMMENT PERIOD:

December 15, 2005 to January 16, 2006

CANCELLED PUBLIC HEARING:

10:00 a.m., January 16, 2006, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced simultaneously with this cancellation notice for January 3, 2006 to February 3, 2006 and scheduled public hearing for 10:00 a.m., February 3, 2006, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1490; filed 12-14-05]

TITLE 260. OFFICE OF STATE FINANCE CHAPTER 15. ACCESSIBILITY OF INFORMATION TECHNOLOGY

[OAR Docket #05-1491]

RULEMAKING ACTION:

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

PROPOSED RULES:

260:15-1-1. through 260:15-1-9. [NEW]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 23 Ok Reg 299.

CANCELLED COMMENT PERIOD:

December 15, 2005 to January 16, 2006

CANCELLED PUBLIC HEARING:

10:00 a.m., January 16, 2006, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced simultaneously with this cancellation notice for January 3, 2006 to February 3, 2006 and scheduled public hearing for 10:00 a.m., February 3, 2006, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1491; filed 12-14-05]

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

[OAR Docket #05-1488]

RULEMAKING ACTION:

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

PROPOSED RULES:

Subchapter 2. General Provisions

580:15-2-2. [AMENDED]

Subchapter 6. State Agency Provisions

580:15-6-21. [NEW]

580:15-6-22. [NEW]

580:15-6-23. [NEW]

580:15-6-24. [NEW]

CANCELLED COMMENT PERIOD:

December 15, 2006 to January 16, 2006

CANCELLED PUBLIC HEARING:

10:00 a.m., January 16, 2006, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced simultaneously with this cancellation notice for January 3, 2006 to February 3, 2006 and scheduled public hearing for 10:00 a.m., February 3, 2006, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK.

Cancelled Hearings/Comment Periods

CONTACT PERSON:

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

[OAR Docket #05-1488; filed 12-14-05]

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 527. STATE BOARD OF EXAMINERS
OF PERFUSIONISTS
CHAPTER 10.
PRACTICE/LICENSURE/EXAMINATION**

[OAR Docket #05-1479]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

527:10-1-2. Practice of perfusion/general licensure provisions [AMENDED]

SUBMITTED TO GOVERNOR:

December 8, 2005

SUBMITTED TO HOUSE:

December 8, 2005

SUBMITTED TO SENATE:

December 8, 2005

[OAR Docket #05-1479; filed 12-9-05]

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

[OAR Docket #05-1461]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 27. Teacher Shortage Employment Incentive Program

610:25-27-4. Coursework requirements for participant eligibility [AMENDED]

610:25-27-6. Participant eligibility for benefits of the TSEIP [AMENDED]

SUBMITTED TO GOVERNOR:

December 6, 2005

SUBMITTED TO HOUSE:

December 6, 2005

SUBMITTED TO SENATE:

December 6, 2005

[OAR Docket #05-1461; filed 12-8-05]

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 730. DEPARTMENT OF TRANSPORTATION CHAPTER 40. RAILROADS

[OAR Docket #05-1439]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Railroad Modernization Program [NEW]

730:40-5-1. [NEW]

730:40-5-2. [NEW]

730:40-5-3. [NEW]

730:40-5-4. [NEW]

AUTHORITY:

Transportation Commission; S.B. 435; 2005 O.S.L. 413 § 8; 68 O.S. 2357.104

DATES:

Adoption:

October 3, 2005

Approved by Governor:

November 16, 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 Department of Transportation believes that a compelling public interest necessitates the promulgation of this emergency rule. The statutory requirement is found in 68 O.S. 2357.104 which directs the Department of Transportation to implement rules to permit verification of qualified railroad modernization expenses for the eligibility of tax credits by the Oklahoma Tax Commission. The betterment of the rail infrastructure is needed to carry the industry standard (larger) cars thereby increasing the efficiency of freight movement through the state. The Railroad Modernization Act of 2005 is for the benefit of the people of this state and for the increase of their commerce and prosperity.

ANALYSIS:

The purpose of the proposed emergency rule is to fulfill the requirements of Senate Bill 435, effective July 1, 2005, which mandates the Department of Transportation to develop a certification process to validate expenses used for railroad reconstruction or replacement use for qualified taxpayer's filing for tax credit. The proposed emergency rule was made available by ODOT for review and comment to Mr. Mike Kaufman of the Oklahoma Tax Commission on September 27, 2005. The tax credits will be offered beginning January 1, 2006, therefore, rules must be in place by that date to comply with the legislative mandate.

The Oklahoma Railroad Association (ORA) was instrumental in the language and passage of the law that created the Railroad Modernization Act of 2005. The Director of the ORA, Mr. John Kyle, was consulted throughout the development of these rules.

CONTACT PERSON:

Mike Mayberry (405) 522-6000

PURSUANT TO THE ACTION 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 5. RAILROAD MODERNIZATION PROGRAM

730:40-5-1. Purpose and authority

(a) **Purpose.** The purpose of the Railroad Modernization Act is to permit verification of eligible taxpayer's qualified railroad reconstruction or replacement expenditures for the purpose of claiming credit for the tax imposed by 68 O.S. Section 2355.

(b) **Authority.** Pursuant to the provisions contained in 68 O.S. Section 2357.103, known and cited as the Railroad Modernization Act, the Department of Transportation is required to provide verification of eligibility of a taxpayer's expenditures for the purpose of claiming the credit. The Act directs that the approval of qualified railroad reconstruction or replacement expenditures be made prior to commencement of a project and to provide a certificate of verification upon completion of a project for such expenditures.

730:40-5-2. Definitions

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

"Class II and Class III railroad" means a railroad that is classified by the United States Surface Transportation Board as a Class II or Class III railroad;

"Eligible taxpayer" means any Class II or Class III railroad; and

"Qualified railroad reconstruction or replacement expenditures" mean expenditures for:

(A) reconstruction or replacement of railroad infrastructure including track roadbed, bridges industrial leads and track-related structures owned or leased by

Emergency Adoptions

a Class II or Class III railroads as of January 1, 2006 or
(B) new construction of industrial leads, switches, spurs and sidings and extensions of existing sidings by Class II or Class III railroad.

730:40-5-3. Requirements and criteria

The Department shall develop a certification of verification that shall satisfy all requirements of the Tax Commission pertaining to the eligibility of the person claiming the credit.

(1) Cross tie project applications shall be for a ratio equivalent to a minimum of 500 ties per track mile. Qualified expenditures for a cross tie project shall include but not be limited to items such as engineering costs, materials, labor, equipment and freight.

(2) Bridge project applications shall identify improvements that qualify the bridge for a minimum 286,000 pound rating. Applications shall also include a Professional Engineers report which has been stamped to validate the structural integrity of the improvement to be made. Bridge projects can be constructed or rehabilitated in up to three project phases with each phase considered a qualified expenditure for the calendar year in which the phase was completed. Each bridge phase project must be completed in a manner consistent with the Professional Engineers Report. The total bridge project must be completed within five (5) years of the original Department application approval date. The Department has the right

to extend the five year requirement for one additional year provided that a written request is made with proof of good cause. Qualified expenditures for a bridge project shall include but not be limited to items such as engineering costs, bridge materials, labor, equipment and freight.

(3) Replacement of a bridge structure with a culvert will require plans certified by a Professional Engineer. The plans are to be filed with the application identifying the specifications that must be met to accommodate a 286,000 pound rating and that proper hydraulic specifications have been maintained.

(4) Rail replacement projects for a main line track shall have a minimum rail weight of 110 pounds per yard. A rail replacement project for a siding or industrial lead shall have a minimum rail weight of 90 pounds per yard. All replacement rail must be classified as New Rail, Number 1 Rail or Number 2 Rail.

730:40-5-4. Railroad modernization program applications

Detailed information concerning application for this program may be obtained from the Rail Division of the Oklahoma Department of Transportation. Completed application packages shall be submitted to the Rail Division.

[OAR Docket #05-1439; filed 11-29-05]

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

1:2005-33.

EXECUTIVE ORDER 2005-33

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Pearl Harbor Remembrance Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Wednesday, December 7, 2005, to honor the many Oklahoma and United States citizens who perished on December 7, 1941, as a result of the infamous attack by the Japanese on Pearl Harbor, Hawaii.

On that day, 2,403 service people were killed, including 429 aboard the USS Oklahoma. Eight of the 429 aboard the USS Oklahoma were Oklahoma citizens. The loss of those people was a heavy burden for all Americans to bear. The flying of these flags at half staff is a symbol from Oklahomans that demonstrates our remembrance of those killed and sympathy for their families.

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 6th day of December, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

[OAR Docket #05-1459; filed 12-7-05]

1:2005-34.

EXECUTIVE ORDER 2005-34

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

The purpose shall be to advise the state as it develops a Comprehensive Mental Health Plan. The Board shall be a

catalyst to enable a process of meaningful and significant transformation to occur within the state to enhance services, minimize fragmentation and support a preventive and public health approach to mental health and substance abuse services in Oklahoma. This shall include a needs assessment, a thorough inventory of resources related to mental health and substance abuse services, and a comprehensive review of the proposed Comprehensive Mental Health Plan submitted to the Center for Mental Health Services in the Substance Abuse and Mental Health Services Administration.

The Board shall make recommendations addressing the financial commitments, monitoring and compliance plans, and the most appropriate and cost efficient services that can be achieved.

The Governor's Transformation Advisory Board shall consist of no more than twenty-eight (28) members as follows:

A. State officials of the following named offices, or their successors in office or function:

1. Commissioner of the Department of Mental Health and Substance Abuse Services
2. Commissioner of the State Department of Health
3. Director of the Department of Human Services
4. State Superintendent of Public Instruction
5. Chief Executive Officer of the Oklahoma Health Care Authority
6. Director of the Office of Juvenile Affairs
7. Director of the Commission on Children and Youth
8. Director of the Oklahoma Housing Finance Agency
9. Director of the State Department of Corrections
10. Director of the Department of Rehabilitation Services

B. The following members shall be appointed by and serve at the pleasure of the Governor for a two-year term. However, of the following members appointed, half shall be appointed for an initial term of one (1) year.

1. a member of the Oklahoma State Senate
2. a member of the Oklahoma House of Representatives

Executive Orders

3. at least eight members representing consumer, youth and family mental health advocacy organizations
4. a member representing the law enforcement community
5. a member representing Indian Health Services
6. a member representing Indian nations in Oklahoma
7. the Chair of the Mental Health Planning Council
8. remaining members may be appointed from the general public

The Board shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Board members employed by a state agency shall be reimbursed travel expenses related to their service on the Board as authorized by state law by their respective state agency. Remaining Board members shall also be reimbursed travel expenses related to their service on the Board as authorized by state law by the Oklahoma Department of Mental Health and Substance Abuse Services. Administrative Support for the Board, including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Board, shall be provided by the Oklahoma Department of Mental Health and Substance Abuse Services. The Board shall elect a chair and vice chair from its membership. The Board shall report to the Governor regarding its progress and status on May 31, 2006 and every six (6) months thereafter.

This Executive Order shall be distributed to the Oklahoma Department of Mental Health and Substance Abuse Services which shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 12th day of December, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-1486; filed 12-13-05]

1:2005-35.

EXECUTIVE ORDER 2005-35

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Wednesday, December 14, 2005, to honor Dr. Robert P. Todd, who died on Sunday, December 11, 2005.

Dr. Robert P. Todd was born in Oklahoma City in 1940. He received his bachelor's and master's degree in engineering from the University of Oklahoma and later received his doctorate in higher education administration from Oklahoma State University. In 1972, Todd began a remarkable thirty-three year tenure at Oklahoma City Community College. He retired in September 2005 after serving the last ten years as President of Oklahoma City Community College. The community was truly blessed by his service to higher education.

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 13th day of December, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #05-1494; filed 12-14-05]
