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Secretary of State  
Office of Administrative Rules



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

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[Assigned as of 1-17-06]

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# Notices of Rulemaking Intent

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

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

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

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

*[OAR Docket #05-1511]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 47. Chronic Wasting Disease (CWD) in Cervidae

Part 3. Herd Certification Standards

35:15-47-6 [AMENDED]

Part 7. Interstate Movement Requirements

35:15-47-18 [AMENDED]

### **SUMMARY:**

The proposed rule makes permanent the emergency rule approved earlier this year. That rule updated time periods and requirements for cervidae herd certifications that are more in line with surrounding states' requirements.

### **AUTHORITY:**

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2 and 6-291; Article 6, Section 31, Constitution of the State of Oklahoma

### **COMMENT PERIOD:**

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 17, 2006 through February 16, 2006.

### **PUBLIC HEARING:**

A public hearing will be held at 2:30 p.m., February 16, 2006, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, teena.gunter@oda.state.ok.us.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available by contacting Teena Gunter, Oklahoma Department

of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405)522-4576, teena.gunter@oda.state.ok.us

### **CONTACT PERSON:**

Dr. Becky Brewer, (405) 522-6134, becky.brewer@oda.state.ok.us

*[OAR Docket #05-1511; filed 12-21-05]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 20. FORESTRY**

*[OAR Docket #05-1587]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 3. Rural Fire Protection Program Fund Act

Part 5. Matching Grant Program

35:20-3-22. [AMENDED]

### **SUMMARY:**

The proposed rule increases the maximum level of state or federal share for matching grant programs for rural fire protection.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (15), and (29); 2 O.S. §§ 16-10 et seq; and 19 O.S. §§ 901.55 et seq.

### **COMMENT PERIOD:**

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 17, 2006, through February 16, 2006.

### **PUBLIC HEARING:**

A public hearing will be held at 3:00 p.m., February 16, 2006 in the Plant Industry and Consumer Services conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P.O. Box 528804, Oklahoma

## Notices of Rulemaking Intent

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City, Oklahoma 73152-8804, 405-522-4576, or at teena.gunter@oda.state.ok.us

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1587; filed 12-23-05]*

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

*[OAR Docket #05-1512]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Part 3. Liquid, Dry, and Anhydrous Ammonia  
Subchapter 29. Fertilizer  
35:30-29-37. [AMENDED]

### **SUMMARY:**

The proposed rules provide requirements for paving loading areas at dry fertilizer storage facilities. These requirements include procedures to follow for loading areas at railroad tracks, as well requiring the paved to be kept clean.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 8-77.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 17, 2006 through February 16, 2006.

### **PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m., February 16, 2006 in the Plant Industry conference room on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, teena.gunter@oda.state.ok.us.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1512; filed 12-21-05]*

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

*[OAR Docket #05-1513]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Part 1. General Provisions  
Subchapter 3. Meat Inspection  
35:37-3-1. [AMENDED]  
Part 1. General Provisions  
Subchapter 5. Poultry Products Inspection  
35:37-5-1. [AMENDED]

### **SUMMARY:**

The proposed rule changes update the incorporation by reference of Code of Federal Regulations citations.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 17, 2006 through February 16, 2006.

### **PUBLIC HEARING:**

A public hearing will be held at 2:00 p.m., February 16, 2006 in the Plant Industry conference room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298, 405-522-4576, or at teena.gunter@oda.state.ok.us

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

**CONTACT PERSON:**

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

[OAR Docket #05-1513; filed 12-21-05]

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

[OAR Docket #05-1517]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Administrative Operations [AMENDED]

**SUMMARY:**

The proposed changes to Chapter 1 codify provisions previously adopted by Emergency Rules on July 26, 2005. The rules establish responsibilities for State Benefit Coordinators to disseminate materials from benefit vendors that have an authorized payroll deduction pursuant to Section 7.10 of Title 62 of the Oklahoma Statutes or Section 1701 of Title 74 of the Oklahoma Statutes.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on February 17, 2006 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., February 17, 2006 in the Jim Thorpe Conference room (Second Floor) at the Ronald J. Norick Downtown Library at 300 Park Avenue, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, February 17, 2006.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact

statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

**CONTACT PERSON:**

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

[OAR Docket #05-1517; filed 12-22-05]

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

[OAR Docket #05-1518]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Flexible Benefits Plan [AMENDED]

**SUMMARY:**

The proposed changes to Chapter 10 codify provisions previously adopted by Emergency Rules on July 26, 2005. The first is the implementation of a 2½ month grace period at the end of the regular Plan Year for incurring reimbursable expenses for Health Care Reimbursement Accounts. In addition, the contribution limit for Health Care Reimbursement Accounts has been raised from \$300.00 per month to \$350.00 per month. The second new provision would implement rules providing for the purchase of a TRICARE Supplement Insurance Plan for certain military retirees. The third new provision implements rules allowing for group health plans to disclose protected health information to the Council in accordance with the standards for privacy of the Health Insurance Portability & Accountability Act (HIPAA).

In addition to codifying previous Emergency Rules, the Council will consider adopting rules which institute an automatic premium conversion election for state employee pretax benefits.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on February 17, 2006 at the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., February 17, 2006 in the Jim Thorpe Conference room (Second Floor) at the Ronald J. Norick Downtown Library at 300 Park Avenue, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, February 17, 2006.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #05-1518; filed 12-22-05]*

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### **TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 20. AUTHORIZED PAYROLL DEDUCTION VENDOR MATERIALS**

*[OAR Docket #05-1519]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 20. Authorized Payroll Deduction Vendor Materials [NEW]

### SUMMARY:

Chapter 20 codifies previously adopted Emergency Rules. Senate Bill 586, signed into law in June 2005, required materials from vendors that have an authorized payroll deduction pursuant to Section 7.10 of Title 62 of the Oklahoma Statutes or Section 1701 of Title 74 of the Oklahoma Statutes to be placed in the annual benefit enrollment materials provided to state employees and their dependents. EBC is the agency responsible for developing benefit communication material for State employees. Therefore, the following rules have been permanently address provisions of the Bill. The rules define a vendor as a product vendor which has been approved for an authorized payroll deduction on or before the last calendar day of July prior to each Plan Year. Such a vendor has the opportunity to provide a one page, front and back, eight and one-half inch by eleven inch document which, at a minimum, identifies the vendor, describes the product being offered, includes the vendor's contact information, and includes the premium or cost of the product. Vendors bear the responsibility of designing and printing the material in a quantity determined by EBC. A vendor must deliver its material to the Employees Benefits Council on or before the second Friday in August prior to the beginning of the benefits enrollment period. The

Council will bear the expense of binding and distributing all timely and properly submitted vendor material.

### AUTHORITY:

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

### COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on February 17, 2006 at the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 17, 2006 in the Jim Thorpe Conference room (Second Floor) at the Ronald J. Norick Downtown Library at 300 Park Avenue, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, February 17, 2006.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #05-1519; filed 12-22-05]*

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### **TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT**

*[OAR Docket #05-1555]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 7. Off-Street Automobile and Vehicle Parking and Loading [AMENDED]

Subchapter 17. Off-Street Parking Facilities Landscape Code [NEW]

Appendix E. Tree Planting Standard [NEW]

**SUMMARY:**

The proposed rules update, revise and clarify information related to off-street parking and loading of automobiles and vehicles in the Capitol-Medical Center Improvement and Zoning District. Rules include provisions for the size and amount of off-street parking, general requirements, off-street parking lot design, shared parking facilities, remote or overflow parking lots, parking garages and parking decks, and citations for illegal parking. Proposed Subchapter 17 provides information and provisions to provide a minimum landscape requirement for the installation and maintenance of landscaped areas in connection with parking lots and other vehicle use areas. Rules provide for visual and climatic relief from broad expanses of pavement, direct and define logical areas for pedestrian and vehicle circulation, and preserve and enhance the urban streetscape.

**AUTHORITY:**

Capitol-Medical Center Improvement and Zoning Commission, 73 O.S., Section 83.4

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Thursday, February 23, 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.

**PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, February 24, 2006 at 8:15 a.m. Anyone who wishes to speak must sign in by 8:10 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 24, 2006, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

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

*[OAR Docket #05-1555; filed 12-22-05]*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

*[OAR Docket #05-1495]*

**RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 1. Administrative Organization and Operations [AMENDED]

**SUMMARY:**

The proposed revisions to Chapter 1 include changing "Executive Secretary" to "Executive Director" to stay in line with other rules placing the "Executive Director" in where the "Executive Secretary" language was before, and amending language that is no longer in the current statutes as a result of the passage of HB 1811.

**AUTHORITY:**

59 O.S. Supp. 2002, SEC. 161.2 et seq., 59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 17, 2006 through February 17, 2006 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Kelly

**PUBLIC HEARING:**

Public hearing is scheduled on February 28, 2006 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Beth Kelly (405) 524-6223

*[OAR Docket #05-1495; filed 12-16-05]*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 3. DISCIPLINARY PROCEDURES**

*[OAR Docket #05-1496]*

**RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 3. Disciplinary Procedures [AMENDED]

**SUMMARY:**

The proposed revisions to Chapter 3 include amending language in this rule to coincide with current statutes in Title 59 O.S. Section 161.12 regarding letters of concern, and sections of this law that relate to disciplinary and investigative procedures.

**AUTHORITY:**

59 O.S. Supp. 2002, SEC. 161.2 et seq., 59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 17, 2006 through February 17, 2006 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Kelly

**PUBLIC HEARING:**

Public hearing is scheduled on February 28, 2006 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**CONTACT PERSON:**

Beth Kelly (405) 524-6223

*[OAR Docket #05-1496; filed 12-16-05]*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS**

*[OAR Docket #05-1497]*

**RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 10. Licensure of Chiropractic Physicians [AMENDED]

**SUMMARY:**

The proposed revisions to chapter 10 include changes necessary to define new statutory changes approved by the legislature and Governor that became effective November 1, 2005 as a result of HB 1811.

**AUTHORITY:**

59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 17, 2006 through February 17, 2006 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Kelly

**PUBLIC HEARING:**

Public hearing is scheduled on February 28, 2006 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**CONTACT PERSON:**

Beth Kelly (405) 524-6223

*[OAR Docket #05-1497; filed 12-16-05]*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS**

[OAR Docket #05-1498]

**RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 15. Special Certificates and Miscellaneous Provisions [AMENDED]

**SUMMARY:**

The proposed revisions to chapter 15 include changes necessary to amend current rules that the Board sees necessary to strengthen language in these rules to ensure public safety, health, and welfare.

**AUTHORITY:**

59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 17, 2006 through February 17, 2006 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Kelly

**PUBLIC HEARING:**

Public hearing is scheduled on February 28, 2006, 10:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**CONTACT PERSON:**

Beth Kelly (405) 524-6223

[OAR Docket #05-1498; filed 12-16-05]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 10. CERTIFICATION OF INDUSTRIAL PARKS**

[OAR Docket #05-1482]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

150:10-1-11. [NEW]

**SUMMARY:**

The new rule is to provide a systematic method for recertifying industrial parks.

**AUTHORITY:**

The authority is given to the Oklahoma Department of Commerce pursuant to 62 O.S. Section 88.2(1)(b), and 74 O.S. Section 5017.

**COMMENT PERIOD:**

Written and oral comments will be accepted from January 17, 2006 through February 17, 2006 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Tuesday, February 21, 2006, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

*[OAR Docket #05-1482; filed 12-12-05]*

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

*[OAR Docket #05-1484]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Quality Jobs Program

150:65-1-2. [AMENDED]

150:65-1-3. [AMENDED]

150:65-1-6. [AMENDED]

Subchapter 6. Small Employer Quality Jobs Program

150:65-6-3. [AMENDED]

150:65-6-4. [AMENDED]

150:65-6-6. [AMENDED]

### SUMMARY:

This action is to clarify the existing Oklahoma Quality Jobs Program rules and to incorporate recent legislative changes in the Oklahoma Quality Jobs Program.

### AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Quality Jobs Program 68 O.S. §§ 3601 et seq.

### COMMENT PERIOD:

Written and oral comments will be accepted from January 17, 2006 through February 17, 2006 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

### PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, February 21, 2006, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

### CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

*[OAR Docket #05-1484; filed 12-12-05]*

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

*[OAR Docket #05-1483]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

150:115-1-1. [NEW]

150:115-1-2. [NEW]

150:115-1-3. [NEW]

150:115-1-4. [NEW]

### SUMMARY:

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

### AUTHORITY:

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

### COMMENT PERIOD:

Written and oral comments will be accepted from January 17, 2006 through February 17, 2006 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

### PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, February 21, 2006, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed

on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

*[OAR Docket #05-1483; filed 12-12-05]*

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 120. WORKFORCE INVESTMENT ACT**

*[OAR Docket #05-1500]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions [NEW]
  - 150:120-1-1. [NEW]
  - 150:120-1-2. [NEW]
  - 150:120-1-3. [NEW]
- Subchapter 3. Denial or Termination of Eligibility of a Training Provider [NEW]
  - 150:120-3-1. [NEW]
  - 150:120-3-2. [NEW]
  - 150:120-3-3. [NEW]
  - 150:120-3-4. [NEW]
  - 150:120-3-5. [NEW]
  - 150:120-3-6. [NEW]
- Subchapter 5. Denial of a Request for Designation as a Local Workforce Investment Area [NEW]
  - 150:120-5-1. [NEW]
  - 150:120-5-2. [NEW]

- 150:120-5-3. [NEW]
- 150:120-5-4. [NEW]
- 150:120-5-5. [NEW]
- Subchapter 7. Monitoring [NEW]
  - 150:120-7-1. [NEW]
  - 150:120-7-2. [NEW]
  - 150:120-7-3. [NEW]
  - 150:120-7-4. [NEW]
  - 150:120-7-5. [NEW]
  - 150:120-7-6. [NEW]
- Subchapter 9. Audits [NEW]
  - 150:120-9-1. [NEW]
  - 150:120-9-2. [NEW]
  - 150:120-9-3. [NEW]
  - 150:120-9-4. [NEW]
  - 150:120-9-5. [NEW]
  - 150:120-9-6. [NEW]
  - 150:120-9-7. [NEW]
  - 150:120-9-8. [NEW]
- Subchapter 11. Greivance Procedures [NEW]
  - Part 1. General Procedures [NEW]
    - 150:120-11-1. [NEW]
  - Part 3. Greivance Filed Directly with ODOC [NEW]
    - 150:120-11-10. [NEW]
    - 150:120-11-11. [NEW]
    - 150:120-11-12. [NEW]
    - 150:120-11-13. [NEW]
  - Part 5. Appeals to ODOC from Decisions of a Local Area [NEW]
    - 150:120-11-20. [NEW]
    - 150:120-11-21. [NEW]
    - 150:120-11-22. [NEW]
  - Part 7. Informal and Formal Resolutions of Greivances [NEW]
    - 150:120-11-30. [NEW]
    - 150:120-11-31. [NEW]
    - 150:120-11-32. [NEW]
    - 150:120-11-33. [NEW]
    - 150:120-11-34. [NEW]

**SUMMARY:**

The proposed rules provide a systematic method of administering the Workforce Investment Act funds received and administered by the Oklahoma Department of Commerce.

**AUTHORITY:**

The Strategic State Workforce Investment Plan submitted by the Governor to the United States Department of Labor and the legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq.

**COMMENT PERIOD:**

Written and oral comments will be accepted from January 17, 2006 through February 17, 2006 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Tuesday, February 21, 2006, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

*[OAR Docket #05-1500; filed 12-19-05]*

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### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #05-1487]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Additional Standards for Middle Level Schools

Part 9. Standard V: The School Staff

210:35-7-43. [AMENDED]

Subchapter 9. Additional Standards for Secondary Schools

Part 9. Standard V: The School Staff

210:35-9-43. [AMENDED]

### **SUMMARY:**

The rule change will allow middle level and secondary level schools with fewer than 225 students to meet the counselor

staffing standards in the Standards for Accreditation without the necessity of requesting a deregulation. These schools will be allowed to prorate the number of hours a school counselor is required, but maintain the same level of service as all other schools.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 18, 2006.

### **CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #05-1487; filed 12-14-05]*

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### **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 20. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW**

*[OAR Docket #05-1515]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

252:20-1-3. [AMENDED]

252:20-1-4. [AMENDED]

252:20-1-6. [AMENDED]

252:20-1-7. [AMENDED]

### **SUMMARY:**

The proposed amendments require submittals of Tier II forms to be submitted to the DEQ electronically via the DEQ website using our approved software, with a grace period given

to facilities with less than 5 full time employees and companies operating under SIC code 1311 with less than 20 locations. Additionally, DEQ will require latitude/longitude information be collected on Tier II forms. The procedure for submitting reporting forms has been amended to clarify that submitting a paper Tier II report to the appropriate Local Emergency Planning Committee and the local Fire Department is no longer necessary since the DEQ will make the information available to those entities. Fee rules have been restructured, separating the facilities into two groups - (1) non-oil and gas production facilities that will be charged a set fee per hazardous substance or extremely hazardous substance, with a cap of \$1,000 as a maximum fee; and (2) oil and natural gas production facilities that will be charged a set fee per location, again with a cap of \$1,000 as a maximum fee.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and 4-2-102.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from January 17, 2006 through February 17, 2006. Oral comments may be made at the meeting of the Environmental Quality Board on February 24, 2006.

**PUBLIC HEARINGS:**

Before the Environmental Quality Board at 9:30 a.m. on February 24, 2006, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, 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:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Monty Elder, Customer Services Division, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [monty.elder@deq.state.ok.us](mailto:monty.elder@deq.state.ok.us), phone 405-702-1000, or fax 405-702-1001.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the public hearing to be held before the Laboratory Certification Advisory

Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #05-1515; filed 12-21-05]

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

[OAR Docket #05-1514]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 4. New Source Performance Standards  
252:100-4-5. [AMENDED]

Subchapter 41. Control of Emission of Hazardous Air  
Pollutants and Toxic Air Contaminants

Part 3. Hazardous Air Pollutants  
252:100-41-15. [AMENDED]

**SUMMARY:**

Section 252:100-4-5 is being amended to incorporate by reference 40 CFR Part 60 New Source Performance Standards (NSPS).

Section 252:100-41-15 is being amended to incorporate by reference 40 CFR Part 61 and Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAP).

**AUTHORITY:**

Environmental Quality Board powers and duties, 27A O.S., §§ 2-2-101, 2-2-201; and Oklahoma Clean Air Act, §§ 2-5-101 *et seq.*

**COMMENT PERIOD:**

Written comments on the proposed rulemaking were accepted prior to and at the public hearing on October 19, 2005 after timely publication of the Notice of Rulemaking Intent on September 15, 2005.

**PUBLIC HEARINGS:**

A public hearing was held before the Air Quality Council on Wednesday, October 19, 2005.

In the Notice of Rulemaking Intent, published on September 15, 2005, the Environmental Quality Board meeting was scheduled for November 15, 2005. However, it was decided to take this rulemaking action to the Environmental Quality Board on February 24, 2006 at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities or any other members of the public affected by these rules provide the Department, 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

## Notices of Rulemaking Intent

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loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

### COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Air Quality Division of the Department and on the Department website ([www.deq.state.ok.us](http://www.deq.state.ok.us)), Air Quality Division, What's New, or copies may be obtained from the contact person by calling (405) 702-4100.

### RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

### CONTACT PERSON:

Please send written comments to Max Price (e-mail: [Max.Price@deq.state.ok.us](mailto:Max.Price@deq.state.ok.us)), Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-4100, fax (405)702-4101.

### PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4100.

### ADDITIONAL INFORMATION:

The sole purpose of this Notice of Rulemaking Intent is to change the date to submit this rulemaking action to the February 24, 2006 Environmental Quality Board instead of the one that was held on November 25, 2005.

*[OAR Docket #05-1514; filed 12-21-05]*

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### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #05-1594]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]  
(Reference APA WF # 05-24B)

### SUMMARY:

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### PUBLIC HEARING:

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1594; filed 12-23-05]*

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### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS

*[OAR Docket #05-1595]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 2. Grievance Procedures and Process  
[AMENDED]  
(Reference APA WF # 05-24C)

### SUMMARY:

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1595; filed 12-23-05]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 10. PURCHASING**

*[OAR Docket #05-1599]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Purchasing [AMENDED]  
(Reference APA WF # 05-34)

**SUMMARY:**

Purchasing rules are revised to allow the Authority Board to prior approve all contracts that increase the total original contract acquisition cost to an amount that equals or exceeds \$125,000 for a professional service contract, and \$500,000 for a supply or non-professional service contract. Rule revisions

are needed to reflect that any amendment to all contracts that would result in a ten percent or greater increase in the total acquisition cost originally approved by the Authority Board must be submitted to the Authority Board for prior approval. These revisions comply with The Department of Central Services rules found at OAC 580:15-6-11(c). Additional revisions provide clarification to agency rules.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1599; filed 12-23-05]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 25. SOONERCARE**

*[OAR Docket #05-1596]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## Notices of Rulemaking Intent

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### PROPOSED RULES:

Chapter 25. SoonerCare [AMENDED]  
(Reference APA WF # 05-24D)

### SUMMARY:

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### PUBLIC HEARING:

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development,  
405-522-7272.

[OAR Docket #05-1596; filed 12-23-05]

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

[OAR Docket #05-1542]

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 83. Residential Behavior Management Services in Foster Care Settings  
317:30-5-740. through 317:30-5-743. [AMENDED]  
317:30-5-743.1. [NEW]  
317:30-5-744. through 317:30-5-746. [AMENDED]  
(Reference APA WF # 05-35)

### SUMMARY:

Residential Behavior Management Services in Foster Care Settings rules are revised to provide clarity and specificity to the language regarding the Inspection of Care and recoupment process. Guidelines for an on site Inspection of Care for each Therapeutic Foster Care agency that provides care to eligible Medicaid recipients are established. Rules specify the members of the team and elements of the inspection. Revisions also require the signature of the person providing the service in the patient's record and change the period for the provider to appeal a prior authorization decision from 10 working days to 14 calendar days.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1542; filed 12-22-05]*

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

*[OAR Docket #05-1543]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 89. Radiological Mammographer

317:30-5-901. [AMENDED]

317:30-5-904. [AMENDED]

(Reference APA WF # 05-28)

**SUMMARY:**

Radiological Mammographer rules are revised to remove from rules limited specific codes used by providers when billing for screening and follow-up mammograms. Instead, providers are required to use correct CPT codes when filing for Medicaid reimbursement.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular

business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1543; filed 12-22-05]*

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

*[OAR Docket #05-1544]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-57. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2. [AMENDED]

Part 3. Hospitals

317:30-5-47. [AMENDED]

(Reference APA WF # 05-26)

**SUMMARY:**

Agency provider rules are revised to clarify coverage for transplantation services for recipients of Medicaid. The current limited list of agency approved organ and tissue transplantation services are replaced with language to reflect that coverage is based on medical necessity. This change eliminates the need for continuous rule revisions covering advancement in transplant technology.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority,

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4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1544; filed 12-22-05]*

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

*[OAR Docket #05-1545]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 41. Family Support Services

317:30-5-412. [AMENDED]

(Reference APA WF # 05-22)

### **SUMMARY:**

Developmental Disabilities Services Division Family Support Services rules are revised to increase the annual limits on expenditures for Individual and Group Family Training Services from \$5000 to \$5500 per service recipient. Since the implementation of Section 1175.6b of Title 22 of the Oklahoma Statutes, the Oklahoma Department of Human Services (OKDHS) has seen an increase in a challenging and dangerous population coming into the community program via the courts and the Oklahoma Department of Mental Health and Substance Abuse Services. These individuals have pending criminal charges but have been determined to be incompetent due to mental retardation. If the court finds that the individual is not dangerous, the court may suspend the criminal proceedings and refer the person to OKDHS for services. The Oklahoma Department of Human Services, who

pays the state share for these services, has requested this rule change as residential staff who care for these individuals need additional training in order to meet the needs of these clients. Revisions are needed to increase the annual expenditure limits for Individual and Group Family Training Services.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1545; filed 12-22-05]*

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

*[OAR Docket #05-1546]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-47. [AMENDED]  
(Reference APA WF # 05-21)

**SUMMARY:**

Agency hospital rules are being revised to reinstate language related to pre-admission procedures that was inadvertently deleted from rules. In October of this year, the agency adopted hospital reimbursement rules that used the Diagnosis Related Groups, or DRGs. When agency staff re-wrote those rules, language was inadvertently omitted that is now being reinstated. The language that is being added back into the rules includes reimbursement for pre-admission diagnostic testing performed within 72 hours of admission, organ transplants, Disproportionate Hospital adjustments and graduate medical education activities. Revisions are needed to reinstate language that was unintentionally removed from hospital rules by a previous emergency rule action.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 447.250; 42 CFR 447.298

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #05-1546; filed 12-22-05]

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

[OAR Docket #05-1547]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. General Provider Policies
  - Part 3. General Medical Program Information  
317:30-3-59. [AMENDED]
  - Subchapter 5. Individual Providers and Specialties
  - Part 1. Physicians  
317:30-5-2. [AMENDED]
  - Part 3. Hospitals  
317:30-5-41. [AMENDED]
  - Part 63. Ambulatory Surgical Centers  
317:30-5-566. [AMENDED]
- (Reference APA WF # 05-20)

**SUMMARY:**

Agency rules are revised in order to allow reimbursement for the removal of benign skin lesions for adults when medically necessary. Currently, rules exclude payment for cosmetic surgery including the removal of all benign skin lesions for adults. Rules are in need of revision to allow payment for the removal of benign skin lesions for adults when medically necessary.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

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### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1547; filed 12-22-05]*

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

*[OAR Docket #05-1548]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 30. Medical Providers-Fee for Service  
[AMENDED]

(Reference APA WF # 05-17A)

### SUMMARY:

Medical Providers-Fee for Service rules are revised to expand audiologist coverage to adults, redefine audiologist to be consistent with 42 CFR, Section 440.110, and to bring rules for audiologists in line with current practice.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.110

### COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to

Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### CONTACT PERSON:

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1548; filed 12-22-05]*

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

*[OAR Docket #05-1549]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 30. Medical Providers-Fee for Service  
[AMENDED]

(Reference APA WF # 05-41)

### SUMMARY:

Rules are revised to establish a categorical relationship for pregnancy related services for unborn children of uninsured, low-income women, regardless of their alien or citizenship status. Rules are established to cover eligible unborn children from conception to birth to optimize health outcomes at birth for the child who will be a U.S. citizen. Currently Medicaid is paying for the delivery of these children as emergency services. Rules establish pre-natal care for the mother's carrying these children.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1549; filed 12-22-05]*

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

*[OAR Docket #05-1550]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Medical Providers-Fee For Service [AMENDED]

(Reference APA WF # 05-30)

**SUMMARY:**

Rules are revised to include the following services: Mental Health Clubhouse requirements for the Severally Mentally Ill (SMI); Family Support and Training service for the Severally Emotionally Disabled (SED) within a System of Care program; and Community/Recovery Support service for the SMI. These services are provided through an Oklahoma Department of Mental Health and Substance Abuse (ODMHSAS) public or contracted program. Additional revisions include: extending Behavioral Health Aid services to Oklahoma Juvenile Affairs (OJA) and Oklahoma Department of Human Services (OKDHS) custody children residing in a Residential Behavioral Management Services (RBMS) facility; clarifying language throughout the amended sections for providers of Alcohol and other Drug Treatment Disorders and Outpatient Behavioral Health; and clarifying guidelines for maximum services billed per day/month.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1550; filed 12-22-05]*

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

*[OAR Docket #05-1551]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Medical Providers-Fee For Service [AMENDED]

(Reference APA WF # 05-23A, 05-25A, 05-29, 05-31, 05-32, 05-33, 05-36A, 05-37, 05-38, 05-39A, 05-40, 05-42 and 05-43A)

**SUMMARY:**

Programs of All-Inclusive Care for the Elderly (PACE) rules are revised to establish the requirements for the Cherokee Nation Pilot Program to provide home and community-based acute and long-term care services to eligible elderly clients who meet the medical requirements for nursing facility care

## Notices of Rulemaking Intent

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and can be served safely and appropriately in the community. Rules define eligibility for individuals entering the program and provider requirements.

Rules for the Early Intervention program are revised to add Certified Child Development Specialists as providers for Behavioral/development counseling. Child Development Specialists (CDSs) are regularly utilized in the Early Intervention program. They are Master prepared individuals and are certified for this profession in Oklahoma. The rules currently allow for the Development Screening/Testing that is performed by CDSs, but not for any follow-up counseling intervention that may be performed. In addition, rules are revised to reflect current terminology and language for Early Intervention Services.

Psychologist rules are revised to clarify language, add detailed language on allowable services to match them with actual services, establish guidelines for maximum services billed per day/month, and to match language on Documentation of Records with behavioral health policy.

Rules establish the description of services allowed for Indian Health Services/Tribal Clinics/Urban Tribal Clinics (I/T/U) along with eligible providers and participant requirements. Rules define services provided by I/T/Us, encounters, eligible providers, service definitions, and billing and reimbursement. These rules allow for payment of up to three different encounters per day per recipient as long as each encounter is for a different diagnosis. Rules also allow I/T/U facilities to dispense 90 day supplies to Medicaid Patients.

Obstetric care rules are revised to establish payment for 5-15 minute, five step counseling sessions as treatment for pregnant women who smoke. The five step interventions are used during routine pre-natal office visits for smoking cessation and include the following five steps: Ask, Advise, Assess, Assist, and Arrange. Smoking during pregnancy is associated with maternal, fetal, and infant morbidity and mortality. An office-based protocol that systematically identifies pregnant women who smoke and offers treatment has been proven to increase quit rates. The rules establish reimbursement to providers for the provision of the "5A's" counseling intervention program to pregnant Medicaid recipients. This payment would be allowed in addition to the applicable global fee billing and any other appropriate and allowed treatment, and/or testing for which they are reimbursed.

Dental rules are revised to clarify and update the dental services covered by Medicaid. Rule revisions are needed to provide clearer language and guidance to the providers on Medicaid compensability of dental services and to eliminate the discrepancies between the rules and current practices. These revisions bring Medicaid expectations into line with current practices and improve access to care for Medicaid eligible individuals.

Rules are revised to set out guidelines for electronic medical records and signatures. In accordance with the Uniform Electronic Transaction Act, electronic transactions can be conducted between parties which have agreed to conduct

transactions by electronic means. The revised rules establish guidelines to be followed when utilizing electronic methods.

Rules are revised to modify the current periodicity schedule to reflect recommendations after consultation with various providers and advocates of child health in accordance with a federal law suit and to update outdated language throughout agency rules.

Rules are issued to comply with State law that establishes the Oklahoma Prescription Drug Discount Program. This program, not part of the State Medicaid Program, provides a drug discount to eligible individuals enrolled in the program, which is negotiated by a designated pharmacy benefit manager so long as the enrollment fee is paid by the enrollee. There is no enrollment fee or premium for those persons making less than 150% of the federal poverty level. The program will provide savings to eligible Oklahoma residents who use the program.

Rules are revised to provide co-payments for Medicare HMO and PPO eligible individuals. Payment is made for services offered by the HMO and PPO that revert to traditional Medicare type benefits. For Medicare covered services that are not Medicaid covered services, the Medicaid deductible and coinsurance is paid at 100%.

Rules are revised to eliminate the requirement that the Medicare Explanation of Medicare Benefits (EOMB) be attached to the claim when submitted for reimbursement.

Rules are revised to allow flexibility for group homes to meet the treatment needs of a child when they are unable to attend group therapy due to psychologically not being able to attend a group or missing the group due to outside circumstances such as attending court, and being AWOL on that day. Flexibility is also needed in obtaining signatures of DHS workers and family members by fax regarding treatment plans but still require an original signature for the patient's chart within an appropriate time frame.

Agency rules are revised to correct scrivener errors; reorganize rules to reflect current practice, and align rules with other rules within the Administrative Code.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1551; filed 12-22-05]*

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

*[OAR Docket #05-1593]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Medical Providers-Fee for Service [AMENDED]

(Reference APA WF # 05-24A)

**SUMMARY:**

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1593; filed 12-23-05]*

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

*[OAR Docket #05-1600]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 67. Behavioral Health Case Management Services for Individuals under 21 Years of Age  
317:30-5-595. through 317:30-5-599. [AMENDED]

(Reference APA WF # 05-44)

**SUMMARY:**

Case Management Services for Under 21 rules are revised to use language consistent with the approved Medicaid state plan and require site specific provider numbers. Revisions add specific documentation of records requirements to match those of other behavioral health providers. Other revisions clarify procedures to providers and remove language that was previously relocated to the provider billing manual.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

## Notices of Rulemaking Intent

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Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1600; filed 12-23-05]*

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

*[OAR Docket #05-1601]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Medical Providers-Fee for Service  
[AMENDED]

(Reference APA WF # 05-45A)

### **SUMMARY:**

Agency provider rules are revised to remove inconsistencies in language regarding the Preadmission Screening and Resident Review (PASRR) program.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1601; filed 12-23-05]*

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

*[OAR Docket #05-1603]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Medical Providers-Fee for Service  
[AMENDED]

(Reference APA WF # 05-46A)

### **SUMMARY:**

Provider rules are revised to provide for treatment of obesity. Requirements for client eligibility for the initial and follow-up services and for providers to ensure quality will be established. Initial indications are that the proposed coverage would prolong life as well as the quality of life due to potential improvements with other health conditions such as diabetes and high blood pressure.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1603; filed 12-23-05]*

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

*[OAR Docket #05-1605]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
- 317:30-5-1. through 317:30-5-4. [AMENDED]
- 317:30-5-6. through 317:30-5-15. [AMENDED]
- 317:30-5-17. through 317:30-5-25. [AMENDED]
- (Reference APA WF # 05-47)

**SUMMARY:**

Physician specific rules are being revised to eliminate inconsistencies in provider rules regarding the payment for pre-operative and post-operative services.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1605; filed 12-23-05]*

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

*[OAR Docket #05-1606]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 6. Inpatient Psychiatric Hospitals
- 317:30-5-95. through 317:30-5-97. [AMENDED]
- (Reference APA WF # 05-48)

**SUMMARY:**

Rules for Inpatient Psychiatric Hospitals are revised to: (1) reorganize the rules to be more user friendly for providers and

## Notices of Rulemaking Intent

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recipients by adding definitions and grouping like facilities and services together; (2) remove the requirement for family members and guardians to be involved in a patient's treatment who is between the ages of 18 and 20 years old allowing the patient the right to make decisions regarding their treatment; (3) clarify that in instances where a parent or OKDHS worker cannot attend the Plan of Care meeting for a recipient, a faxed copy of the Plan of Care and signature is acceptable; and (4) clarifies that stamped and xeroxed signatures are not acceptable under any circumstances.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1606; filed 12-23-05]*

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

*[OAR Docket #05-1552]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 35. Medical Assistance for Adults and Children-Eligibility [AMENDED]

**(Reference APA WF # 05-17B)**

### **SUMMARY:**

Rules are revised to expand audiologist coverage to adults, redefine audiologist to be consistent with 42 CFR, Section 440.110, and to bring rules for audiologists in line with current practice.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.110

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1552; filed 12-22-05]*

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

*[OAR Docket #05-1553]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 35. Medical Assistance For Adults And Children-Eligibility [AMENDED]

(Reference APA WF # 05-23B, 05-25B, 05-36B, 05-39B, and 05-43B)

**SUMMARY:**

Programs of All-Inclusive Care for the Elderly (PACE) rules are revised to establish the requirements for the Cherokee Nation Pilot Program to provide home and community-based acute and long-term care services to eligible elderly clients who meet the medical requirements for nursing facility care and can be served safely and appropriately in the community. Rules define eligibility for individuals entering the program and provider requirements.

Rules establish the description of services allowed for Indian Health Services/Tribal Clinics/Urban Tribal Clinics (I/T/U) along with eligible providers and participant requirements. Rules define services provided by I/T/Us, encounters, eligible providers, service definitions, and billing and reimbursement. These rules allow for payment of up to three different encounters per day per recipient as long as each encounter is for a different diagnosis. Rules also allow I/T/U facilities to dispense 90 day supplies to Medicaid Patients.

Rules are revised to modify the current periodicity schedule to reflect recommendations after consultation with various providers and advocates of child health in accordance with a federal law suit and to update outdated language throughout agency rules.

Rules are revised to provide co-payments for Medicare HMO and PPO eligible individuals. Payment is made for services offered by the HMO and PPO that revert to traditional Medicare type benefits. For Medicare covered services that are not Medicaid covered services, the Medicaid deductible and coinsurance is paid at 100%.

Agency rules are revised to correct scrivener errors; reorganize rules to reflect current practice, and align rules with other rules within the Administrative Code.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1553; filed 12-22-05]*

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

*[OAR Docket #05-1597]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 35. Medical Assistance for Adults and Children-Eligibility [AMENDED]

(Reference APA WF # 05-24E)

**SUMMARY:**

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1597; filed 12-23-05]*

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

*[OAR Docket #05-1602]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 35. Medical Assistance for Adults and Children-Eligibility [AMENDED]

(Reference APA WF # 05-45B)

### **SUMMARY:**

Agency eligibility rules are revised to remove inconsistencies in language regarding the Preadmission Screening and Resident Review (PASRR) program.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1602; filed 12-23-05]*

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

*[OAR Docket #05-1604]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 35. Medical Assistance for Adults and Children-Eligibility [AMENDED]

(Reference APA WF # 05-46B)

### **SUMMARY:**

Provider rules are revised to provide for treatment of obesity. Requirements for client eligibility for the initial and

follow-up services and for providers to ensure quality will be established. Initial indications are that the proposed coverage would prolong life as well as the quality of life due to potential improvements with other health conditions such as diabetes and high blood pressure.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1604; filed 12-23-05]*

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

*[OAR Docket #05-1598]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 40. Developmental Disabilities Services  
[AMENDED]

(Reference APA WF # 05-24F)

**SUMMARY:**

Rules are revised to update agency practices and provide clarifications to appeal rules. These revisions include: (1) relocation of certain rules to more appropriate rule sections; (2) providing clarification to HIPAA appeal rules; (3) providing clarifying agency interpretations of rules; (4) eliminating unnecessary appeal language; and (5) adding provisions for audits performed by OHCA.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for February 22, 2006 at 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1598; filed 12-23-05]*

## Notices of Rulemaking Intent

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 45. OKLAHOMA EMPLOYER AND EMPLOYEE PARTNERSHIP FOR INSURANCE COVERAGE**

*[OAR Docket #05-1554]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

317:45-1-2. [NEW]

Subchapter 3. Carriers

317:45-3-1. [NEW]

Subchapter 7. Employer Eligibility [NEW]

317:45-7-1. through 317:45-7-2. [NEW]

317:45-7-5. [NEW]

Subchapter 9. Employee Eligibility [NEW]

317:45-9-1. [NEW]

**(Reference APA WF # 05-27)**

#### **SUMMARY:**

Oklahoma Employer and Employee Partnership for Insurance Coverage (O-EPIC) rules are revised to incorporate several changes which were requested by Oklahoma small business owners at the time of implementation of the program. In order to assure statewide availability of O-EPIC, regions are established based on population density and applications will be date and time stamped by region. If an employer is exempt from filing an OES-3 form with the Oklahoma Employment Security Commission, the employer may provide other supporting documentation to verify their number of employees. Revisions stipulate that the Qualified Health Plan offered by the employer must begin on the first day of the month and continue through the last day of the month and that the employer must notify the Third Part Administrator of new hires within 30 days of eligibility for the health plan. An employer may be determined to participate for a period up to 12 months and the eligibility period ends the last day of the 12<sup>th</sup> month or when coverage through a health plan requires renewal or an open enrollment period occurs. Revisions are needed to assure equal access to the O-EPIC program across the state and ease implementation.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; House Bill 2660 of the 2<sup>nd</sup> Session of the 49<sup>th</sup> Oklahoma Legislature

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

#### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, February 22, 2006, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 16, 2006.

#### **COPIES OF PROPOSED RULES:**

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

#### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

#### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #05-1554; filed 12-22-05]*

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

*[OAR Docket #05-1583]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULES:**

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

#### **SUMMARY:**

The Commission Executive Director has requested that the Commission consider amending this rule to eliminate language about the use of a written entry card since the Oklahoma racetracks use InCompass, a software application that includes entry data. This proposed amendment necessitated the withdrawal of an earlier proposed amendment submitted to the Governor and Legislature on September 23, 2005.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. to 4:30 p.m. on Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 27, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 1, 2006 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #05-1583; filed 12-23-05]*

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

*[OAR Docket #05-1584]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

325:25-1-17. Coupling of Entries [AMENDED]

**SUMMARY:**

The Commission Executive Director has requested that the Commission consider amending this rule to clarify the situation when a race is to be divided.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. to 4:30 p.m. on Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 27, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 1, 2006 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #05-1584; filed 12-23-05]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 45. MEDICATION AND EQUINE TESTING PROCEDURES**

*[OAR Docket #05-1585]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

325:45-1-20. Split Samples [AMENDED]

**SUMMARY:**

The Commission Executive Director has requested that the Commission consider amending this rule to clarify the procedures for testing of an equine split or referee blood and/or urine sample. First, both the Trainer and the Owner would be notified in writing of a positive lab report of a horse. Second, the payment for transportation, shipment and testing of the split sample would be required to be made at the time of the packaging. Third, the Owner or Trainer would be reimbursed these expenses if the split sample is not confirmed as positive. Fourth, if the Owner and/or Trainer does not make a written request within the required 48 hours or does not pay the

## Notices of Rulemaking Intent

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expenses, this will constitute a waiver of any and all rights to have the split sample tested.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, February 27, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 27, 2006.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 1, 2006 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #05-1585; filed 12-23-05]*

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

*[OAR Docket #05-1520]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Office of Client Advocacy

Part 1. Administration

340:2-3-2. [AMENDED]

Part 3. Investigations

340:2-3-32. through 340:2-3-33. [AMENDED]

340:2-3-35. through 340:2-3-38. [AMENDED]

Part 5. Grievances

340:2-3-45. through 340:2-3-46. [AMENDED]

340:2-3-50. through 340:2-3-53. [AMENDED]

Part 7. Grievance and Abuse Review Committee

340:2-3-64. [AMENDED]

Part 9. Ombudsman Programs

340:2-3-71. [AMENDED]

**(Reference APA WF # 05-26)**

**SUMMARY:**

Proposed Office of Client Advocacy (OCA) rule revisions: (1) clarify definitions; (2) clarify that OCA investigates abuse and neglect of minors by caretakers; (3) clarify that OCA investigates allegations regarding students attending certain institutions who may reside in the community; (4) clarify the criteria for a reportable incident; (5) provide for notifying OCA facility ombuds staff at state operated facilities; (6) explain when OCA uses the disposition no action required; (7) add a disposition that is currently in use; (8) provide for a designee for the advocate general; (9) clarify the "similar form" is a provider or agency form; (10) clarify the information included in an electronic exit notice in an investigation concerning a Hissom Class Member; (11) provide that an electronic exit notice is sent 30 days after assignment to an investigator; (12) require that summary statements be included in all investigative reports; (13) adopt definitions for investigative findings consistent with the Oklahoma Uniform Jury Instructions; (14) provide for when OCA defers a finding; (15) clarify dissemination of OCA reports after they are approved; (16) correct statute citations; (17) add the definition of business day or working day; (18) clarify the local grievance coordinator (LGC) process; (19) clarify there are no time limits for filing grievances for individuals served by Developmental Disabilities Services Division (DDSD); (20) clarify requirements of grievance programs for providers; (21) clarify who may serve as an LGC; (22) change time frames for the grievance process; (23) add reference to new electronic OCA Grievance training; (24) clarify the first level respondent in a grievance procedure; (25) specify the use of an OKDHS form; (26) clarify the grievance material to be enclosed in a Grievance and Abuse Review Committee (GARC) proceeding; and (27) remove inaccurate, outdated, or unnecessary information, ambiguities, and reference to obsolete forms.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Sections 10-101 through 10-111 of Title 43A of the Oklahoma Statutes; Section 175.20 of Title 10 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Joanne Verity Williams, Department of

Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-525-4850.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1520; filed 12-22-05]*

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

*[OAR Docket #05-1521]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 11. Finance
- Part 8. General Provisions
- 340:2-11-79. [AMENDED]
- 340:2-11-79.1. [NEW]
- 340:2-11-80. through 340:2-11-84. [REVOKED]
- 340:2-11-85. through 340:2-11-87. [AMENDED]
- 340:2-11-88. through 340:2-11-90. [REVOKED]
- 340:2-11-91. through 340:2-11-92. [AMENDED]
- 340:2-11-93. through 340:2-11-96. [REVOKED]
- 340:2-11-97. through 340:2-11-98. [AMENDED]
- 340:2-11-99. [REVOKED]
- 340:2-11-100. [AMENDED]
- Part 9. Travel Reimbursement
- 340:2-11-115. through 340:2-11-117. [AMENDED]
- 340:2-11-118. [REVOKED]
- 340:2-11-119. [AMENDED]
- 340:2-11-119.1. [NEW]
- 340:2-11-120. [REVOKED]
- 340:2-11-121. [AMENDED]
- 340:2-11-122. through 340:2-11-124. [REVOKED]

(Reference APA WF 05-06)

**SUMMARY:**

Proposed Finance Division rules revisions: (1) revoke rules that are no longer applicable; (2) clarify claims processing

requirements; (3) establish reference to and use of Office of State Finance, Office of State Comptroller Procedures Manual; (4) eliminate definitions no longer applicable; (5) add new definitions; (6) consolidate general travel reimbursement rules; (7) consolidate transportation related reimbursement specific rules; (8) consolidate lodging related reimbursement specific rules; (9) clarify per diem related reimbursement specific rules; and (10) make stylistic and semantic improvements.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 41.21, 89.2, and 203 of Title 62 of the Oklahoma Statutes; and Section 24 of Title 56 of the Oklahoma Statutes; Sections 85, 500, and 840 of Title 74 of the Oklahoma Statutes; Title 31 of the United States Code; Sections 2011 through 2025, 271, and 3015 of Title 7 of the United States Code; and Section 218 of Title 2 of the Social Security Act.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Jody Smith, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3782.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1521; filed 12-22-05]*

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

*[OAR Docket #05-1522]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 21. Departmental Services Unit
- Part 1. Open Records
- 340:2-21-12. through 340:2-21-13. [AMENDED]

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340:2-21-14. [REVOKED]  
340:2-21-15. through 340:2-21-16. [AMENDED]  
Part 3. Records Management [REVOKED]  
340:2-21-20. through 340:2-21-36. [REVOKED]  
(Reference APA WF 05-22)

**SUMMARY:**

Proposed Support Services Division rules revisions: (1) correct citation reference; (2) reflect the current names for the Oklahoma Department of Human Services (OKDHS) and Support Services Division (SSD); (3) add that foster care and child welfare record information is not subject to release; (4) revoke rules that pertain to OKDHS internal procedures; and (5) make stylistic and semantic improvements.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Open Records Act, Sections 24A.1 through 24A.26 of Title 51 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Mary Gail Foster, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-962-1717.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1522; filed 12-22-05]*

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**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 15. STATE SUPPLEMENTAL PAYMENT**

*[OAR Docket #05-1523]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

340:15-1-4. [AMENDED]  
(Reference APA WF 05-24)

**SUMMARY:**

Proposed State Supplemental Payment (SSP) rule revisions clarify that certain individuals who were approved for care and continuously living in a licensed Title XIX nursing care facility, intermediate care facility (ICF), or ICF for the mentally retarded (ICF/MR) since December 1973 are eligible for an SSP if the countable income is within standards.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Sections 161 et seq. of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1523; filed 12-22-05]*

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**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION**

*[OAR Docket #05-1510]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Scope and Applicability  
340:25-1-1. through 340:25-1-2.1. [AMENDED]  
340:25-1-5.1. [AMENDED]  
Subchapter 3. Commissioned Peace Officers  
340:25-3-1. through 340:25-3-1.1. [AMENDED]  
340:25-3-3. [AMENDED]  
Subchapter 5. Operational Policies  
Part 7. The Case Record - Computer File Records and Case Folders

- 340:25-5-55. [AMENDED]
  - Part 9. Disclosure of Information
  - 340:25-5-66. through 340:25-67.1. [AMENDED]
  - Part 11. CSED System Security
  - 340:25-5-75. [AMENDED]
  - Part 13. Retention and Destruction of Records
  - 340:25-5-95. [AMENDED]
  - Part 15. Case Initiation, Case Management, and Case Closure
  - 340:25-5-110. through 340:25-5-110.1. [AMENDED]
  - 340:25-5-114. [AMENDED]
  - 340:25-5-117. [AMENDED]
  - 340:25-5-123. through 340:25-5-124.2. [AMENDED]
  - 340:25-5-133. [AMENDED]
  - Part 17. Past Support
  - 340:25-5-140. through 340:25-5-140.1. [AMENDED]
  - Part 19. Locate Services
  - 340:25-5-155. [AMENDED]
  - Part 20. Medical Support
  - 340:25-5-168. [AMENDED]
  - 340:25-5-170. through 340:25-5-171. [AMENDED]
  - Part 21. Establishment
  - 340:25-5-176. [AMENDED]
  - 340:25-5-178. through 340:25-5-179.1. [AMENDED]
  - Part 22. Review and Modification
  - 340:25-5-198. through 340:25-5-198.2. [AMENDED]
  - Part 23. Enforcement
  - 340:25-5-200. through 340:25-5-200.2. [AMENDED]
  - 340:25-5-201.1. [AMENDED]
  - 340:25-5-203. [AMENDED]
  - 340:25-5-203.1. [NEW]
  - 340:25-5-211.1. through 340:25-5-214. [AMENDED]
  - Part 25. Federal Offset Programs
  - 340:25-5-215. through 340:25-5-215.1. [AMENDED]
  - 340:25-5-225. [AMENDED]
  - Part 27. State Tax Refund Offset Program
  - 340:25-5-235. [AMENDED]
  - 340:25-5-244. [AMENDED]
  - Part 31. Consumer Reporting Agencies - Credit Bureaus
  - 340:25-5-265. through 340:25-5-265.1. [AMENDED]
  - Part 33. Interstate and International Cases
  - 340:25-5-270. [AMENDED]
  - 340:25-5-285. [NEW]
  - Part 37. Recovery
  - 340:25-5-305. [AMENDED]
  - 340:25-5-312. [AMENDED]
  - 340:25-5-328. [AMENDED]
  - Part 38. IV-D and Non-IV-D Central Case Registry Information
  - 340:25-5-339. [NEW]
  - 340:25-5-340.1. [AMENDED]
  - Part 39. Accounting and Distribution
  - 340:25-5-345.1. [AMENDED]
  - 340:25-5-350.2. through 340:25-5-351. [AMENDED]
- (Reference APA WF 05-27)**

**SUMMARY:**

The proposed revisions to Subchapters 1, 3, and 5 of Chapter 25: (1) supersede emergency rules adopted December 6, 2005 that establish policy and procedure to provide for the attachment of lottery prize winnings from the Oklahoma Lottery Commission as a legal remedy to enforce court-ordered support obligations, including provisions for the Child Support Enforcement Division (CSED) to secure winnings for the collection of overpayments made by CSED, or to satisfy bad debt resulting from child support enforcement payments, and a claimant or overpayment recipient's right to contest such attachments upon timely written request; (2) codify into Chapter 25 of Title 340 of the Oklahoma Administrative Code the provisions of the Servicemembers Civil Relief Act, formerly the Soldier's and Sailor's Civil Relief Act, Sections 501 through 596 of Title 50A of the United States Code, and provisions of the 2001 Uniform Interstate Family Support Act amendments, Sections 601-101 through 601-901 of Title 43 of the Oklahoma Statutes; (3) replace reference to the Social Security Act with reference to the United States Code; (4) implement policy changes recommended during CSED's annual policy review process; and (5) make nonsubstantive changes to improve clarity of the rules. An effective date of July 1, 2006 is requested.

**AUTHORITY:**

Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 453, 454, 454A, and 454B of the Social Security Act, codified in Sections 653, 654, 654a and 654b of Title 42 of the United States Code (U.S.C.); Section 1738B of Title 28 U.S.C.; United States House Resolution 3130, Public Law 105-200; Sections 302.31, 302.32, 302.38, 303.6, 307.11, 307.13, and Part 310 of Title 45 of the Code of Federal Regulations; and Section 724.1 of Title 3A, Sections 7003-8.7 and 7003-8.8 of Title 10, Section 1171.3 of Title 12, Section 6058A of Title 36, Sections 112, 112A, 115, 118, 118.2, 118.4, 137, 139, 139.1, 413, and 601-604 of Title 43, Sections 1-153, 6-201, 6-201.1, 6-211 and 6-212 of Title 47, and Sections 237, 237A, 237.1, 238, 240.1, and 240.15 through 240.21A of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Elizabeth Wilson, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-2780.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on February 16, 2006.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

# Notices of Rulemaking Intent

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## **RULE IMPACT STATEMENT:**

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

## **CONTACT PERSON:**

For information regarding processing of proposed rulemaking contact Dena Thayer, OKDHS Policy Management Unit, 405-521-4326.

*[OAR Docket #05-1510; filed 12-21-05]*

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

*[OAR Docket #05-1524]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 3. Initial Application

340:40-3-1. [AMENDED]

Subchapter 5. Plan of Service

340:40-5-1. [AMENDED]

Subchapter 7. Eligibility

340:40-7-3. [AMENDED]

340:40-7-3.1. [NEW]

340-7-4. [AMENDED]

340:40-7-6. through 340:40-7-9. [AMENDED]

340:40-7-11. [AMENDED]

Subchapter 9. Procedures Relating to Case Changes

340:40-9-1. through 340:40-9-2. [AMENDED]

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-3. [AMENDED]

340:40-13-5. [AMENDED]

**(Reference APA WF 05-04 and 05-28)**

## **SUMMARY:**

Proposed Child Care Services rule revisions: (1) clarify who is responsible for taking child care applications, when a new application is required, and who can apply for child care benefits; (2) move language regarding the two eligibility levels to the Oklahoma Department of Human Services (OKDHS) Appendix C-4, Child Care Eligibility/Rates Schedule and to limit the number of clients who are still eligible for the higher income eligibility level; (3) remove a restriction regarding child care home providers; (4) remove a requirement regarding determination of capacity of a child care provider before approving care; (5) add information about when the provider can charge the client for hours used outside of approved plan of service hours; (6) clarify rules regarding an approved plan of service hours for two parent families; (7) include information about the Supplemental Security Income-Disabled Children's Program (SSI-DCP) program; (8) include information about Social Security numbers; (9) add definitions; (10) include information about how to determine a child's eligibility

when the child lives with his or her parent for only part of the month; (11) remove a short term illness as a need factor; (12) clarify activities that do not meet a need factor; (13) clarify the need factors of certain students; (14) clarify when child care should be approved for job search, a training or formal education program, preventive, and enrichment child care; (15) clarify how a request for a second training or formal education program is handled; (16) add information about when a child support referral is not needed; (17) add rules regarding how to handle child care benefits when the client cooperates following closure of child care benefits; (18) clarify how to handle other types of potential income; (19) allow 50% of gross income from non-farm self-employment to be excluded as a business expense for households that declare business expenses; (20) clarify when certain forms may be used for child care reviews; (21) include rules regarding preventive child care reviews; (22) clarify who is required to watch the contracting video; (23) require that the owner of a child care facility submit a copy of his or her Social Security card when requesting a child care contract; (24) clarify information regarding change of location for child care centers; (25) add information to contract violations when the provider charges the client for hours he or she is requiring the child attend above the plan hours; (26) change how provider contract violations are handled by human services center staff; (27) add language revisions to improve clarity; and (28) change the order and location of certain rules for clarification purposes.

## **AUTHORITY:**

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

## **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

## **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

## **COPIES OF PROPOSED RULES:**

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

## **RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1524; filed 12-22-05]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 50. FOOD STAMP PROGRAM**

*[OAR Docket #05-1525]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-30. [AMENDED]

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-1. [AMENDED]

340:50-9-5. [AMENDED]

Subchapter 11. Special Procedures

Part 3. ~~Simplified Application Processing (SAP) for Food Stamp Program (SFSP) for Temporary Assistance for Needy Families (TANF) and categorically needy Title XIX cases (ABCD) Companion State Supplemental Payment (SSP) recipient(s)~~

340:50-11-20. [AMENDED]

340:50-11-22. through 340:50-11-23. [AMENDED]

340:50-11-25. [AMENDED]

340:50-11-26. [REVOKED]

340:50-11-27. [AMENDED]

**(Reference APA WF # 05-03 and 05-23)**

**SUMMARY:**

Proposed Food Stamp Program rule revisions: (1) allow a 12-month certification period for certain food stamp households; (2) clarify application processing rules for the Simplified Food Stamp Program (SFSP); (3) clarify eligibility determination rules for households who qualify for SFSP; (4) change Simplified Application Processing (SAP) to SFSP; (5) revoke rules that are moved to other Sections; (6) explain actions to be taken regarding food stamp benefits when the Temporary Assistance for Needy Families TANF case closes; (7) specify that households are not required to report changes while receiving transitional food benefits; (8) simplify computation of business related expenses for non-farm related self-employed enterprises; (9) identify households whose food benefits are processed using the SFSP rules; and (10) remove redundant language.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Parts 271 through 283 of Chapter 7 of the Code of Federal Regulations; 2002 Farm Bill; Section 183(c) of Title 38 of the United States Code.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #05-1525; filed 12-22-05]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES**

*[OAR Docket #05-1526]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Eligibility for Benefits

340:65-3-1. through 340:65-3-2. [AMENDED]

Subchapter 5. Procedures Relating to Case Changes

Part 1. General Provisions

340:65-5-1. [AMENDED]

**(Reference APA WF 05-25)**

**SUMMARY:**

Proposed Public Assistance Procedures rule revisions: (1) require a verifiable Social Security number (SSN) for persons required to provide a SSN; and (2) clarify existing rules to facilitate the delivery of benefits and services to persons who are in need.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma, and Sections 161 et seq. of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services,

## Notices of Rulemaking Intent

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P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #05-1526; filed 12-22-05]*

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### **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES DIVISION**

*[OAR Docket #05-1527]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Administration

Part 3. Operations

340:100-3-36. [NEW]

Subchapter 5. Client Services

Part 3. Service Provisions

340:100-5-22.6. [NEW]

Subchapter 6. Group Home Regulations

Part 17. Residents' Funds

340:100-6-76. [AMENDED]

(Reference APA WF 05-21)

### **SUMMARY:**

Proposed Developmental Disabilities Services Division (DDSD) rules: (1) provide guidance for DDSD medical staff regarding illness or injury of a visitor or guest at the facility or office; (2) establish rules regarding the provision of alternative group home services; and (3) require compliance with other DDSD rules.

### **AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 1020 of Title 56 of the Oklahoma Statutes (O.S.); and Section 1409 of Title 10 O.S.; and Sections 1430.1 through 1430.41 of Title 10 O.S.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 17, 2006 through February 16, 2006 during regular business hours by contacting Leslie Parks, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4974.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 16, 2006 at 5:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #05-1527; filed 12-22-05]*

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### **TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #05-1529]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

365:1-1-2. Office of the Insurance Commissioner

Subchapter 5. Rulemaking Procedures

365:1-5-1. Initiation of rulemaking; ~~notice and public comment~~ [AMENDED]

365:1-5-2. Adoption of rules; filing and publication [REVOKED]

365:1-5-3. Effective date of rules [REVOKED]

365:1-5-4. Petitions for rulemaking [AMENDED]

### **SUMMARY:**

The proposed amendments to Rule 365:1-1-2 set out names and descriptions of divisions within the Insurance Department. The proposed amendments to Subchapter 5 revoke or amend rules that are redundant and unnecessary, because the rules repeat various provisions of the Oklahoma Administrative Procedures Act, 75 O.S. § 250, et seq. The Insurance Department is subject to and must comply with that Act. The amendments to Rule 365:1-5-4 more clearly set out the form and procedure for the petition by any interested

person for the promulgation, amendment, or repeal of a rule of the Insurance Department pursuant to 75 O.S. § 305.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. § 307.1, 75 O.S. § 305

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 3, 2006, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 9, 2006, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on March 3, 2006.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the State Insurance Department at the above address.

**CONTACT PERSON:**

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

*[OAR Docket #05-1529; filed 12-22-05]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 10. LIFE, ACCIDENT AND  
HEALTH**

*[OAR Docket #05-1530]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Minimum Standards; Contract Guidelines
- Part 17. Actuarial Opinion and Memorandum Regulation
- 365:10-5-170. Purpose [AMENDED]
- 365:10-5-171. Scope [AMENDED]
- 365:10-5-172. Definitions [AMENDED]
- 365:10-5-173. General requirements [AMENDED]
- 365:10-5-174. Required opinions [REVOKED]
- 365:10-5-175. Statement of actuarial opinion not including an asset adequacy analysis [REVOKED]
- 365:10-5-176. Statement of actuarial opinion based on an asset adequacy analysis [AMENDED]
- 365:10-5-177. Description of actuarial memorandum including an asset adequacy analysis [AMENDED]
- 365:10-5-178. Additional considerations for analysis [REVOKED]
- Subchapter 23. Discount Medical Plan Organizations [NEW]
- 365:10-23-1. Forms [NEW]
- 365:10-23-2. Inducements [NEW]
- Appendix S. Outline of Coverage Tables [REVOKED]
- Appendix S. Outline of Coverage Tables [NEW]
- Appendix Z. Form Tabulating Reserves and Related Actuarial Terms [REVOKED]
- Appendix Z. Asset Adequacy Test Amounts - Reserves and Liabilities [NEW]
- Appendix GG. Information Provided Pursuant To Section 365:10-5-176(F)(1)(C)(2) of the Actuarial Opinion and Memorandum Regulation [NEW]

**SUMMARY:**

The proposed amendments to the Actuarial Opinion and Memorandum Regulation bring the regulation in line with the National Association of Insurance Commissioner's latest model regulation and include new Appendix GG. Proposed new Rule 365:10-23-1 sets out requirements relating to forms used by discount medical plan organizations. Proposed new rule 365:10-23-2 sets out prohibited inducements by discount medical plan organizations. The proposed amendments to Appendix S of Chapter 10 are intended to bring the appendix into line with the current National Association of Insurance Commissioners' model regulation as approved by the federal government.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 1219.4(N), 3611.1 and 4061

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 3, 2006, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 9, 2006, in the Commissioner's Conference Room at the office

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of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on March 3, 2006.

### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the State Insurance Department at the above address.

### **CONTACT PERSON:**

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

*[OAR Docket #05-1530; filed 12-22-05]*

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## **TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY**

*[OAR Docket #05-1531]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

365:15-1-3. Property and casualty form filings  
[AMENDED]

Subchapter 7. Commercial Property And Casualty  
Competitive Loss Cost Rating Regulation

365:15-7-3. Property and casualty rate, loss cost and  
manual rule filings [AMENDED]

365:15-7-29. Workers' Compensation Insurance [NEW]

Appendix D. Notification of Policyholders of Application  
for Rate Change [REVOKED]

Appendix D. Format for Notification to Policyholders of  
Application for Rate Change [NEW]

### **SUMMARY:**

The proposed amendments to Rules 365:15-1-3 and 365:15-7-3 clarify the number of copies and material required

for property and casualty form and rate/rule filings. Also, the proposed amendments to Rules 365:15-1-3 and 365:15-7-14 correct typographical errors in the rules. Proposed new Rule 365:15-7-29 caps the maximum debits/credits for all schedule rating plans. The proposed amendments to Appendix D of Chapter 15 sets out that requests for hearing by policyholders should be directed to the Property and Casualty Division of the Insurance Department to help assure proper handling of the request.

### **AUTHORITY:**

Insurance Commissioner, 36 O.S. § 307.1 and 6821.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 3, 2006, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 9, 2006, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on March 3, 2006.

### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the State Insurance Department at the above address.

### **CONTACT PERSON:**

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

*[OAR Docket #05-1531; filed 12-22-05]*

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**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 25. LICENSURE OF AGENTS,  
ADJUSTERS, BAIL BONDSMEN,  
COMPANIES, PREPAID FUNERAL  
BENEFITS, AND VIATICAL AND LIFE  
SETTLEMENTS PROVIDERS AND  
BROKERS**

*[OAR Docket #05-1532]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Agents, Brokers, Adjusters and Limited Representatives
- 365:25-3-1. Insurance agents continuing education [AMENDED]
- Subchapter 5. Bail Bondsmen
- Part 5. General Provisions Pertaining to Bail Bondsmen
- 365:25-5-41. Special deposit [AMENDED]
- Subchapter 17. Senior Protection In Annuity Transactions Regulation [NEW]
- 365:25-17-1. Purpose [NEW]
- 365:25-17-2. Scope [NEW]
- 365:25-17-3. Authority [NEW]
- 365:25-17-4. Exemptions [NEW]
- 365:25-17-5. Definitions [NEW]
- 365:25-17-6. Misrepresentation, fraud and incomplete comparisons of annuities [NEW]
- 365:25-17-7. Duties of insurers and of insurance producers [NEW]
- 365:25-17-8. Mitigation of responsibility [NEW]
- 365:25-17-9. Recordkeeping [NEW]

**SUMMARY:**

The proposed amendments to subsection (d) of Rule 365:25-3-1 provide that producer continuing education courses provided by national professional associations are deemed approved if the association is an approved provider of continuing education. The amendments to the special deposit rule, Rule 365:25-5-41, set out the ratio for the special deposit required of insurers writing bail bonds in Oklahoma setting the ratio at a level that is commensurate with the level of protection the public needs. The Senior Protection In Annuity Transactions Regulation sets forth standards and procedures for recommendations to senior consumers that result in a transaction involving annuity products so that the insurance needs and financial objectives of senior consumers at the time of the transaction are appropriately addressed. The Senior Protection In Annuity Transactions Regulation is currently effective as emergency rules.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19, and 1201, et seq., and 59 O.S. § 1302(A).

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 3, 2006, at the offices of the Oklahoma

Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 9, 2006, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on March 3, 2006.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the State Insurance Department at the above address.

**CONTACT PERSON:**

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

*[OAR Docket #05-1532; filed 12-22-05]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 40. HEALTH MAINTENANCE  
ORGANIZATIONS (HMO)**

*[OAR Docket #05-1533]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules [AMENDED]
- Part 9. HMO Requirements and Prohibitions
- 365:40-5-44. Internal grievance system [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

The proposed amendments delete reference to arbitration agreements, because those agreements are invalid in HMO contracts pursuant to the 1993 decision of the Oklahoma Supreme Court, 1993 OK 40; 867 P.2d 1235 (Okla. 1993).

### AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 6923

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 3, 2006, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 9, 2006, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, Assistant General Counsel, at the above address, before the close of the public comment period on March 3, 2006.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2006, and may be obtained from the State Insurance Department at the above address.

### CONTACT PERSON:

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

*[OAR Docket #05-1533; filed 12-22-05]*

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

*[OAR Docket #05-1499]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers  
[AMENDED]

### SUMMARY:

Office of Juvenile Affairs (OJA) rules regarding Secure Juvenile Detention Centers are being amended to address changing standards from ACA and other standard setting agencies. Modification may also address qualification of Detention Center Directors.

### 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 17, 2006 through February 17, 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 21, 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 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 February 1, 2006 at the above address for the Office of Juvenile Affairs.

**CONTACT PERSON:**

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

*[OAR Docket #05-1499; filed 12-16-05]*

**TITLE 390. COUNCIL ON LAW  
ENFORCEMENT EDUCATION AND  
TRAINING  
CHAPTER 1. AGENCY AUTHORITY AND  
OBJECTIVES**

*[OAR Docket #05-1568]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 390:1-1-2.1. [NEW]
- 390:1-1-9. [NEW]
- 390:1-1-10. [NEW]
- 390:1-1-11. [NEW]

**SUMMARY:**

Proposed additions to this chapter would expand the agency's acceptance and use of electronically submitted signatures, photographs and records; inform the public of the address and hours of operation for the agency; and allow use of a nationally recognized credit card as a method of payment.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1568; filed 12-22-05]*

**TITLE 390. COUNCIL ON LAW  
ENFORCEMENT EDUCATION AND  
TRAINING  
CHAPTER 2. ADMINISTRATIVE  
PROCEDURES**

*[OAR Docket #05-1569]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 390:2-1-8. [AMENDED]

**SUMMARY:**

The proposed amendment would set forth the requirement that the elements in the decision rendered by the hearing examiner in an administrative hearing include the Conclusions of Law.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor,

## Notices of Rulemaking Intent

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reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1569; filed 12-22-05]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 10. PEACE OFFICER CERTIFICATION

*[OAR Docket #05-1570]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:10-1-2. [AMENDED]

390:10-1-5. [AMENDED]

### SUMMARY:

Proposed rule changes to this chapter would clarify the requirement that applicants who are denied an extension of time to complete basic academy training be required to attend in the first training opportunity made available by CLEET in order to comply with 70 O.S. Section 3311 (D)(3). The section concerning requirements for certification would clarify the training and testing requirements for peace officers who have been inactive for five (5) or more years.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must

sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1570; filed 12-22-05]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

*[OAR Docket #05-1571]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Basic Academy Programs

390:15-1-2. [AMENDED]

390:15-1-3. [AMENDED]

390:15-1-9. [AMENDED]

390:15-1-13. [AMENDED]

390:15-1-19. [AMENDED]

Subchapter 3. Collegiate Officer Program

390:15-3-3. [AMENDED]

390:15-3-6. [AMENDED]

390:15-3-7. [AMENDED]

Appendix A. Academy City Agreement Form Agreement  
[REVOKED]

### SUMMARY:

Subchapter one amendments would correct the reference to Cardiopulmonary Resuscitation or CPR as a separate area of instruction and testing from the First Aid functional area

in the basic academy curriculum and remove reference to the standards of the American Red Cross and American Heart Association. 390:15-1-9 proposed change would amend expectations and standards for instructors participating in CLEET basic academy and continuing education courses. Amendment 390:15-1-19 would remove the formatting restrictions for requests presented to the Council and reference to Appendix A as a sample format agreement. Appendix A would be revoked.

Subchapter three proposed amendments would address First Aid and Cardiopulmonary Resuscitation or CPR training and testing in the Collegiate Officer Program. Amendments would clarify testing requirements for the course offerings which contain a portion of the CLEET Basic Academy instructional goals and objectives.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1571; filed 12-22-05]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION**

*[OAR Docket #05-1572]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

390:25-1-8. [AMENDED]

**SUMMARY:**

This proposed change is needed to modify the documentation requirements for accredited courses by requiring instructors to maintain control of teaching materials instead of submitting actual course materials to CLEET.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1572; filed 12-22-05]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 30. CDS DETECTOR DOG CERTIFICATION

*[OAR Docket #05-1573]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:30-1-4. [AMENDED]

390:30-1-6. [AMENDED]

390:30-1-7. [AMENDED]

### SUMMARY:

Revisions are needed to reflect the address change for the agency and correct a statutory reference.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor,

reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1573; filed 12-22-05]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 31. BOMB DETECTOR DOG CERTIFICATION

*[OAR Docket #05-1574]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 31. Bomb Detector Dog Certification [NEW]

### SUMMARY:

70 O.S. Section 3311.L authorizes the Council to promulgate rules regarding the certification of canine teams in the state trained to detect explosives, explosive materials, explosive devices and materials which could be used to construct an explosive device. This new chapter is needed to establish the requirements and procedure for obtaining certification of canine teams for the purpose of detecting explosives.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00

a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1574; filed 12-22-05]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY**

*[OAR Docket #05-1575]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 390:35-1-4. [AMENDED]
- Subchapter 5. License Requirements
- 390:35-5-2. [AMENDED]
- 390:35-5-3. [AMENDED]
- 390:35-5-5. [AMENDED]
- Subchapter 7. Application Procedure
- 390:35-7-1. [AMENDED]
- 390:35-7-4. [AMENDED]
- Subchapter 11. Insurance and Bond Requirements
- 390:35-11-3. [AMENDED]
- Subchapter 13. Use of Firearms
- 390:35-13-2. [AMENDED]

**SUMMARY:**

Subchapters one, seven and 13 amendments are needed to inform the public of the address change for the agency.

Subchapter five amendments are required to reflect changes in the statute for annual continuing education training for security guards and exempting retired full-time peace officers from the psychological evaluation that is required for armed security guard applicants. Changes in this chapter would also address fingerprints submitted electronically through a system approved by CLEET, and accept submission of electronically captured photographs. Subchapter 11 changes are needed to explain the original bond form is issued with a Notification of Bond Coverage and Power of Attorney. An original or copy of both documents must be provided when the bond is newly issued as proof of bond. Renewal of bonds are not issued a Power of Attorney document, therefore only the Notification of Bond Coverage is required.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Proposed rules are exempt from review because the agency is established by Title 59 of the Oklahoma Statutes that license and regulate or discipline professions and occupations.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1575; filed 12-22-05]*

## Notices of Rulemaking Intent

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### **TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT**

*[OAR Docket #05-1576]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

390:40-1-4. [AMENDED]

Subchapter 7. Instructor Application Procedure

390:40-7-1. [AMENDED]

#### **SUMMARY:**

These amendments are needed to reflect the address change for the agency.

#### **AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

#### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

#### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

#### **CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1576; filed 12-22-05]*

### **TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 45. RETIRED PEACE OFFICER FIREARMS PERMIT**

*[OAR Docket #05-1577]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

390:45-1-3. [AMENDED]

390:45-1-4. [AMENDED]

390:45-1-5. [AMENDED]

390:45-1-6. [AMENDED]

#### **SUMMARY:**

The proposed amendments to this chapter are needed to reflect the address change for the agency and implement statutory language allowing a retired Reserve Officer to obtain a permit. Attorney General Opinion 2005 OK AG 45 found that CLEET should establish rules to define what constitutes the status of being "retired" for a Reserve peace officer and establish standards for reviewing statements to determine if each contains sufficient statements of facts establishing that a Reserve peace officer is retired. This clarification is needed because most Reserve Officers serve in a voluntary capacity without salary and do not participate in a formal retirement system.

#### **AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

#### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

#### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1577; filed 12-22-05]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 50. PENALTY ASSESSMENT FEES**

*[OAR Docket #05-1578]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

390:50-1-4. [AMENDED]

**SUMMARY:**

This amendment is needed to reflect the address change for the agency.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must

sign in at the door. The public hearing will be held at 10:00 a.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

**CONTACT PERSON:**

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1578; filed 12-22-05]*

**TITLE 429. OKLAHOMA LOTTERY COMMISSION  
CHAPTER 1. GENERAL ADMINISTRATION**

*[OAR Docket #05-1556]*

**RULEMAKING ACTION:**

Notice of PERMANENT rulemaking

**PROPOSED RULES:**

429:1-1-1. through 429:1-1-6. [NEW]

**SUMMARY:**

The proposed rules establish provisions and information related to the general operations of the Lottery Commission.

**AUTHORITY:**

Oklahoma Lottery Commission, 3A O.S., Section 710.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, February 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, February 17, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission 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 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

### CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7711.

*[OAR Docket #05-1556; filed 12-22-05]*

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### **TITLE 429. OKLAHOMA LOTTERY COMMISSION** **CHAPTER 10. RETAILER PROVISIONS**

*[OAR Docket #05-1557]*

### RULEMAKING ACTION:

Notice of PERMANENT rulemaking

### PROPOSED RULES:

429:10-1-1. through 429:10-1-12. [NEW]

### SUMMARY:

The proposed rules establish selection criteria for retailers, payment of commissions to retailers, and other requirements for retailers. The rules provide criteria for payments to retailers. The rules also establish selection criteria and certain requirements for retailers, establish a \$95.00 retailer application fee, renewable annually, and prohibit certain retailers from becoming approved by the Lottery Commission.

### AUTHORITY:

Oklahoma Lottery Commission, 3A O.S., Section 710.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, February 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

### PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, February 17, 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 Commission 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 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

### CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7711.

*[OAR Docket #05-1557; filed 12-22-05]*

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### **TITLE 429. OKLAHOMA LOTTERY COMMISSION** **CHAPTER 15. INSTANT GAMES**

*[OAR Docket #05-1558]*

### RULEMAKING ACTION:

Notice of PERMANENT rulemaking

### PROPOSED RULES:

429:15-1-1. through 429:10-1-14. [NEW]

Appendix A. [NEW]

Appendix B. [NEW]

### SUMMARY:

The proposed rules establish provisions for instant lottery games, determination of prize winners and for the introduction, promotion and operation of each game. The proposed rules also establish minimum prize amounts.

### AUTHORITY:

Oklahoma Lottery Commission, 3A O.S., Section 710.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, February 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

### PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, February 17, 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 Commission 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 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

Rollo Redburn, Administrative Rules Liaison, 522-7711.

*[OAR Docket #05-1558; filed 12-22-05]*

**TITLE 429. OKLAHOMA LOTTERY COMMISSION  
CHAPTER 20. ONLINE GAMES**

*[OAR Docket #05-1559]*

**RULEMAKING ACTION:**

Notice of PERMANENT rulemaking

**PROPOSED RULES:**

429:20-1-1. through 429:20-1-17. [NEW]

Appendix A. [NEW]

Appendix B. [NEW]

**SUMMARY:**

The proposed rules establish provisions for online lottery games, determination of prize winners and for the introduction, promotion and operation of each game. The proposed rules also establish minimum prize amounts.

**AUTHORITY:**

Oklahoma Lottery Commission, 3A O.S., Section 710.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, February 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, February 17, 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 Commission 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 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

Rollo Redburn, Administrative Rules Liaison, 522-7711

*[OAR Docket #05-1559; filed 12-22-05]*

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

*[OAR Docket #05-1534]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Administration [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance regulatory oversight of service provision and supervision, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 17, 2006 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at

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1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-3867.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 17, 2006 to at 9:00 a.m. in Conference Room A of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 17, 2006 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Linda Winton.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2006. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1534; filed 12-22-05]*

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

*[OAR Docket #05-1535]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 18. Standards and Criteria for Alcohol and Drug Treatment Programs [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance services for consumers of substance abuse treatment by organizations operated or certified by or under contract with ODMHSAS, delete redundant or superfluous language, and correct scrivener's errors.

### **AUTHORITY:**

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 3-306, 3-317, 3-403(1), 3-404, 3-406, 3-415 and 3-416.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 21, 2006 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-3867.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2006 at 9:00 a.m. in Conference Rooms A, B and C of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 20, 2006 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Linda Winton.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2006. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1535; filed 12-22-05]*

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

*[OAR Docket #05-1536]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 21. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Facilitators [AMENDED]

**SUMMARY:**

In compliance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory mandates, amendment or revocation of rules, clarify certification requirements, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

43A O.S. §§ 3-451 through 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. § 991c; Oklahoma Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 20, 2006 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer, at the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, or hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

A public hearing will be held on February 21, 2006, 1:00 p.m. in the Department's Main Conference Room at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rules are asked to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 21, 2006 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2006. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

**CONTACT PERSON:**

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

[OAR Docket #05-1536; filed 12-22-05]

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

[OAR Docket #05-1537]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 22. Certification of Alcohol and Drug Assessment and Evaluations Related to Driver's License Revocation [AMENDED]

**SUMMARY:**

In compliance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory mandates, amend or revoke rules, clarify certification requirements, delete redundant or superfluous language, and correct scrivener's errors.

**AUTHORITY:**

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 3-453, and 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. §§ 991a and 991c.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 21, 2006 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer, at the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, or hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, or by facsimile, at (405) 522-3867.

**PUBLIC HEARING:**

A public hearing will be held on February 21, 2006, 2:00 p.m. in the Department's Conference Rooms A, B and C at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rules are asked to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 20, 2006 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

**COPIES OF PROPOSED RULES:**

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

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### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2006. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1537; filed 12-22-05]*

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

*[OAR Docket #05-1538]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 15. Forensic Review Board [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 30 are part of the Department's review of Title 450. These proposed amendments implement statutory mandates recently legislated.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-202(17).

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 17, 2006 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-3867.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 17, 2006 at 10:00 a.m. in Conference Room A of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 17, 2006 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Linda Winton.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2006. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

### **CONTACT PERSON:**

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

*[OAR Docket #05-1538; filed 12-22-05]*

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### **TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION CHAPTER 10. LICENSE**

*[OAR Docket #05-1528]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Off Premise Sale and Display

465:10-7-4. [REVOKED]

465:10-7-5. [REVOKED]

### **SUMMARY:**

This proposal is strictly for clean up language. Amendments to Title 47, Section 564.1 "Licensing of Off-Premises Displays and Sales" effective July 1, 2005, made the above named rules irrelevant. The statute no longer provides for a "variance", which was the basis for Rule 465:10-7-4. Furthermore, the statute now provides an amended list of locations for acceptable sales events, which makes Rule 465:10-7-5 outdated.

### **AUTHORITY:**

Oklahoma Motor Vehicle Commission, 47 O.S. Sections 563 (F) and 564.1.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 4:30 p.m. on Thursday February 16, 2006 at the Oklahoma Motor Vehicle Commission, 4334 N.W. Expressway, Suite 183, Oklahoma City, OK 73116.

### **PUBLIC HEARING:**

A public hearing has not been scheduled, however, "persons may demand a hearing" pursuant to and in accordance with 75 O.S., Section 303 (B)(8). Please make your request in writing by February 16, 2006 to the Oklahoma Motor Vehicle Commission at the location listed above.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by Thursday February 16, 2006, to the Oklahoma Motor Vehicle Commission at the location listed above.

**COPIES OF PROPOSED RULES:**

Copy of the proposed rule may be obtained in person or by written request from the Oklahoma Motor Vehicle Commission located at the above named address at the cost of .25 cents per page. Each new motor vehicle dealer has been provided a copy in our quarterly newsletter via U.S. postal services.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared no later than January 30, 2006 and may be obtained from the Oklahoma Motor Vehicle Commission at the above address.

**CONTACT PERSON:**

Marilyn Maxwell, Deputy Director, 405-607-8227, ext 101

*[OAR Docket #05-1528; filed 12-22-05]*

**TITLE 510. STATE BOARD OF  
OSTEOPATHIC EXAMINERS  
CHAPTER 10. LICENSURE OF  
OSTEOPATHIC PHYSICIANS AND  
SURGEONS**

*[OAR Docket #05-1582]*

**RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Subchapter 7. Fee Schedule

510:10-7-1. Fees for Licensure [AMENDED]

**SUMMARY:**

The proposed fee schedule amendments are proposed to promote public health, safety, and welfare by providing the Oklahoma State Board of Osteopathic Examiners with appropriate resources in order to carry out its statutory duties.

**AUTHORITY:**

Oklahoma Osteopathic Medicine Act; 59 O.S. 2001, §624, et seq.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before March 16, 2006, at the following address: Gary Clark, Executive Director, Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., on March 16, 2006, at the office of the Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105. Anyone who wishes to speak must appear by the hour of 9:30 a.m.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amended rule may be obtained from the Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. 2001, §303(D), a Rule Impact Statement will be prepared and available on December 15, 2005, and may be obtained from the Oklahoma State Board of Osteopathic Examiners at the above address.

**CONTACT PERSON:**

Gary Clark, Executive Director, Oklahoma State Board of Osteopathic Examiners, (405) 528-8625.

*[OAR Docket #05-1582; filed 12-23-05]*

**TITLE 560. POLYGRAPH EXAMINERS  
BOARD  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #05-1579]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

560:1-1-2. [AMENDED]

560:1-1-4. [AMENDED]

560:1-1-7. [AMENDED]

**SUMMARY:**

Amended sections would add clarity to the definition of a polygraph examiner by inserting a statutory reference, update address information and correct a reference from a "competent" to "certified" court reporter.

**AUTHORITY:**

Polygraph Examiners Act; 59 O.S. Sections 1451 et seq., 70 O. S., Sections 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Proposed rules are exempt from review because the agency is established by Title 59 of the Oklahoma Statutes that license and regulate or discipline professions and occupations.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1579; filed 12-22-05]*

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### TITLE 560. POLYGRAPH EXAMINERS BOARD CHAPTER 10. LICENSURE AND REGULATION OF POLYGRAPH EXAMINERS

*[OAR Docket #05-1580]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

560:10-1-13.1. [NEW]

### SUMMARY:

During a recent complaint investigation, the lack of a formal procedure caused confusion and misunderstanding on the part of the complainant and licensee. The proposed rules would establish a formal procedure to investigate complaints against a licensee to address concerns raised during the past year.

### AUTHORITY:

Polygraph Examiners Act; 59 O.S. Sections 1451 et seq., 70 O.S., Sections 3311 et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 22, 2006, at CLEET, 3530 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 22, 2006, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Proposed rules are exempt from review because the agency is established by Title 59 of the Oklahoma Statutes that license and regulate or discipline professions and occupations.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 17, 2006, at the CLEET offices listed above.

### CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 425-2758

*[OAR Docket #05-1580; filed 12-22-05]*

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### TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 45. PLAN OF OPERATION FOR OKLAHOMA STATE AGENCY FOR SURPLUS PROPERTY

*[OAR Docket #05-1560]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

580:45-1-1. Purpose [REVOKED]

580:45-1-2. Definitions [REVOKED]

580:45-1-3. Authority [REVOKED]

580:45-1-4. Designation of state agency [REVOKED]

580:45-1-5. Inventory control and accounting systems [REVOKED]

580:45-1-6. Return of donated property [REVOKED]

580:45-1-7. Financing and service charges [REVOKED]

580:45-1-8. Terms and conditions on donated property [REVOKED]

580:45-1-9. Non-utilized donable property [REVOKED]

580:45-1-10. Fair and equitable distribution [REVOKED]

580:45-1-11. Eligibility [REVOKED]

580:45-1-12. Compliance and utilization [REVOKED]

580:45-1-13. Consultation with advisory groups-public and private [REVOKED]

580:45-1-14. Audits [REVOKED]

580:45-1-15. Cooperative agreements [REVOKED]

580:45-1-16. Liquidation [REVOKED]

580:45-1-17. Forms [REVOKED]

580:45-1-18. Records [REVOKED]

580:45-1-21. Purpose [NEW]

580:45-1-23. Definitions [NEW]

580:45-1-25. Citations [NEW]

580:45-1-27. Authority [NEW]

580:45-1-29. Designation of state agency [NEW]

580:45-1-31. Inventory control and accounting systems [NEW]

580:45-1-33. Return of donated property [NEW]

580:45-1-33. Return of donated property [NEW]

- 580:45-1-37. Property restrictions and use requirements. [NEW]
- 580:45-1-39. Disposition of undistributed property [NEW]
- 580:45-1-41. Fair and equitable distribution [NEW]
- 580:45-1-43. Eligibility [NEW]
- 580:45-1-45. Compliance and utilization [NEW]
- 580:45-1-47. Consultation with advisory groups-public and private [NEW]
- 580:45-1-49. Audits [NEW]
- 580:45-1-51. Cooperative agreements [NEW]
- 580:45-1-53. Liquidation [NEW]
- 580:45-1-55. Forms [NEW]
- 580:45-1-57. Records [NEW]
- Appendix A. Organization Chart for the State Agency for Surplus Property [REVOKED]
- Appendix A. Oklahoma Statutes; Title 80. United States - Sections 34.1 to 34.6 [NEW]
- Appendix B. Organization Chart for the State Agency for Surplus Property [NEW]
- Appendix C. Forms [NEW]

**SUMMARY:**

The proposed rules update and clarify previous rules in order to meet GSA requirements. Proposed rule revocations and new rules adhere to provisions of Title 40, United States Code - Public Buildings, Property and Works, Subtitle 1, Chapter 5, Federal Management Regulations 102-37 and 80 O. S., Sections 34.1 et seq., pertaining to transfer of excess and surplus federal property to eligible entities. Proposed rules establish procedures the Department shall follow to satisfy federal regulations that require a state plan of operation for the program, implement inventory control and accounting processes, ensure fair and equitable distribution of property, determine eligibility of an entity to participate in the program, determine service charges an entity shall pay to acquire property, set forth property use restrictions and requirements, establish procedures for the program to follow to ensure proper property utilization and satisfy other federal regulation requirements.

**AUTHORITY:**

Director of the Department of Central Services; 80 O.S., Section 34.2.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, March 17, 2006, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Blvd., Ste. 206, Oklahoma City, OK 73105. A person may submit e-mail comments to gerry\_smedley@dcs.state.ok.us

**PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services , 2401 N. Lincoln Boulevard, Room 102/104, Oklahoma City, OK, on Monday, March 20, 2006 at 9 a.m. Anyone who wishes to speak must sign in by 8:55 a.m. on that day.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained 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 or after February 1, 2006, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

**CONTACT PERSON:**

Gerry Smedley, Rules Liaison, Department of Central Services, (405) 522-8519.

*[OAR Docket #05-1560; filed 12-22-05]*

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

*[OAR Docket #05-1588]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 60. Motor Vehicles [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Motor Vehicles rules have been made to implement recent legislation. All legislative references are to the 50th Legislature, 1st Regular Session (2005).

New Sections 710:60-3-140; 710:60-3-141; 710:60-3-142 have been adopted and 710:60-3-70 has been modified to conform to the provisions of House Bill 1297, effective July 1, 2005, which provides for mandatory titling and initial registration of all-terrain vehicles and off-road motorcycles for which legal ownership is transferred on or after July 1, 2005.

**[47:562/47:1102/47:1105/47:1107.2/47:1113/47:1115.3/47:1132/47**

Existing Sections 710:60-3-210; 710:60-3-211; 710:60-3-212; 710:60-3-213 have been revoked consistent with the provisions of Senate Bill 141, 49th Legislature, 2d Regular Session (2004) which transferred from the Tax Commission certain motor vehicle enforcement duties and functions to the Corporation Commission.

Existing Section 710:60-3-150 has been amended to clarify policy in conformity with existing statutory authority and specifically with the provisions of Section 6 of Senate Bill 507 which authorizes the Tax Commission to design and issue special license plates to any person that applies to the Commission for the creation of a special license plate and meets the minimum standards and qualifications set forth in Section 6. **[47:1135.1-1135.6]**

## Notices of Rulemaking Intent

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Existing Section 710:60-5-53 has been amended to implement the provisions of Senate Bill 461 which provides that the notice requirements for insurance companies that pay a claim for a loss where the cost of repairing the vehicle for safe operation on the highway exceeds 60% of the vehicle's market value shall be expanded to include the estimate total damage percentage of the actual cash value. [47:1111(L)]

Existing Section 710:60-5-71 has been amended to implement the provision of Section 6 of House Bill 1547 which provides for a written notice of transfer that may be filed with the Tax Commission or a motor license agent. [47:1107.4]

Existing Section 710:60-5-116 has been amended to implement the provisions of Senate Bill 835 which addressed the acquisition process for vehicle certificates of title, commonly known as "Title 42s", to provide that special liens on personal property other than farm equipment, are subordinate to any perfected security interest unless certain specific conditions are met. [42:91]

Existing Section 710:60-7-3 has been amended to implement the provisions of Senate Bill 435 which enacted a vehicle excise tax exemption for certain disabled veterans. [68:2105]

Existing Sections 710:60-3-30; 710:60-3-32; 710:60-3-112; 710:60-5-91; 710:60-5-92; 710:60-5-96; 710:60-9-95 have been amended to clarify policy, simplify procedures, and streamline the required documentation in certain areas.

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

### **AUTHORITY:**

Oklahoma Tax Commission; 47 O.S. § 1149 and 68 O.S. § 203

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 16, 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., February 24, 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 20, 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 #05-1588; filed 12-23-05]*

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

*[OAR Docket #05-1589]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

### **PROPOSED RULES:**

Chapter 65. Sales and Use Tax [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales Tax rules have been made to implement recent legislation. All legislative references are to the 50th Legislature, 1st Regular Session (2005).

Section 710:65-3-4 and 710:65-21-7 have been amended to clarify policy that vendors who file timely but incomplete sales and, or use tax reports will not be entitled to the remuneration provided for in 68 O.S. §§ 1367.1 and 1410.1.

Section 710:65-3-8, dealing with changes in the tax period for sales tax reporting purposes has been amended to notify taxpayers seeking to file sales taxes for a period other than the required calendar period of the specific information to be included in the request and with their monthly sales tax reports. [68:1352(25)]

Section 710:65-7-15, dealing with vendor liability has been amended to reflect the exempt status of sales to tax exempt, nonprofit organizations providing services during the day to homeless persons; certain youth athletic teams for fund raising

purposes and for motion picture or television production companies for certain eligible productions. **[68:1361]**

New Section 710:65-7-17 has been added to Subchapter 7. Duties and Liabilities to reflect the exempt status of sales to qualifying 100% disabled veterans. **[68:1361]**

New Section 710:65-7-18 has been added to Subchapter 7. Duties and Liabilities to reflect the exemption status of sales to, by or on behalf of certain neighborhood watch organizations. **[68:1361]**

Section 710:65-9-8 dealing with special event permits and reporting has been amended to facilitate the application process. **[68:1364.2]**

Section 710:65-13-1, dealing with the sales tax exemption for certain advertising has been amended to reflect a new exemption for sales of advertising in sports and entertainment programs, and on billboards and for advertising via the internet, electronic display devices, public address or broadcast systems and satellite television enacted by Section 9 of HB 1547. **[68:1357(4)]**

A New Part 12, dealing with aircraft repair, has been added to Subchapter 13. A New Section 710:65-13-63 has been adopted to reflect the provisions of HB 1577, which expands the scope of the exemption at Section 1357(26) of Title 68 by removing both the aircraft weight limitation and qualifying criteria for an aircraft repair facility. **[68:1357(26)]**

New Section 710:65-13-123 has been adopted to reflect the provision of HB 1498, which created an exemption for sales of electricity for use in enhanced recovery methods on a spacing unit or lease. **[68:1357]**

Section 710:65-13-154, dealing with credit limitations has been amended to reflect the legislative change in SB 435.

New Section 710:65-13-156 has been adopted to reflect the provisions of SB 435(1), which created an exemption for sales of personal property to a qualified distributor for use in a new or expanded distribution facility. **[68:1359(7)]**

Section 710:65-13-176 has been adopted to reflect the provisions of HB 1570, which provides an exemption for sales of personal property to a public trust having a local governmental entity or 501(C)(3) organization as a beneficiary for the purpose of constructing improvements to or expanding a hospital or nursing home owned by the public trust or nonprofit in counties with a population of less than 100,000 persons. **[68:1356]**

Section 710:65-13-194 has been amended to reflect the provisions of Section 18 of HB 1547, which provided that a television commercial constitutes an eligible production for exemption purposes and that the sales tax exemption for a motion picture or television production will no longer be administered as a refund claim, making the exemption applicable at the time of purchase. **[68:1357(21)]**

A New Part 42, dealing with 100% Disabled Veterans, has been added to Subchapter 13. A New Section 710:65-13-275 has been added to Part 42 to reflect the provisions of House Bill 1547 which adds a new statutory exemption for sales of personal property and services, not to exceed \$25,000.00, to qualified 100% disabled veterans. **[68:1357]**

Section 710:65-13-339, dealing with the qualifications for "Collection and Distribution Organization" exemption, has been modified to reflect legislative changes enacted by HB 1562(1) **[68:1357(12)]**

Section 710:65-13-343 has been amended to reflect the provisions of Section 13 of SB 905, which expands the sales tax exemption for youth athletic teams to include sales "to" the teams. **[68:1356(44)]**

Finally, several New Sections have been added to Part 43 to reflect new statutory exemptions: Section 710:65-13-344, dealing with sales to a 501(C)(3) organization providing services to homeless persons during the day and located in a metro area with a population in excess of 500,000. [HB 1275] **[68:1356]**; Section 710:65-13-345, dealing with sales of personal property or services by a 501(C)(3) organization which are made during auctions for the principal purpose of providing funding for the preservation of wetlands and habitats for ducks or for the preservation and conservation of wild turkeys. [HB1625] **[68:1356]**; Section 710:65-13-346, dealing with sales of personal property or services to a 501(C)(3) organization that is a part of a network of community-based, autonomous member organizations that meet specific criteria. [SB801] **[68:1356]**; Section 710:65-13-347, dealing with sales of personal property or services to a 501(C)(3) organization which assists, trains, educates, and provides housing to physically and mentally handicapped persons provided that the organization receives at least 85% of their annual budget from state or federal funds [HB 1233] **[68:1356]**; Section 710:65-13-348, dealing with the first \$2,000 of each calendar year's sales to, by, or for the benefit of a qualified neighborhood watch organization [HB1547(8)] **[68:1356]**.

A New Part 45, dealing with Modular Dwelling Units, has been added to Subchapter 13. A New Section 710:65-13-450 has been added to Part 45 to reflect the provisions of Section 8 of Senate Bill 1121 [2004] which adds an exemption for the sale of modular dwelling units equal to 45% of the total sales price of the units. **[68:1357]**

Section 710:65-19-77, dealing with dues and fees has been amended to conform to the applicable statute. **[68:1354(11)]**.

Section 710:65-19-74, dealing with the treatment of discounts for the calculation of sales price for sales tax computation purposes, has been amended to define "term discounts" consistent with the Streamlined Sales Tax Agreement.

Section 710:65-19-142, dealing with the sales tax treatment of hospitals, has been amended to clarify and revise the referenced rule in accordance with current statutory language removing the obsolete references to legend drugs. **[68:1357]**

New Section 710:65-19-195 has been adopted to reflect the sales tax exemption for sales of lottery tickets when sold by a certified lottery retailer.

Section 710:65-19-328, dealing with transportation for hire has been amended for clarification purposes and to reflect a new exemption for sales of intrastate charter and tour bus transportation enacted by Section 14 of SB 905. **[68:1357]**

## Notices of Rulemaking Intent

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Section 710:65-19-330, dealing with telecommunication services has been modified to reflect legislative changes enacted by Section 12 of SB 905 excluding from the sales tax levy certain regulatory assessments and charges which are separately stated or readily identifiable from the service providers books and records. [68:1354]

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

### **AUTHORITY:**

68 O.S. §§ 203 and 1354.18; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 16, 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. Time, Date and Place of the hearing is as follows:

**February 17, 2006, 10.00 a.m.** in the office 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 it has been determined that the promulgation of these rules is not 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

### **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 20, 2006, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

Christy Caesar, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: ccaesar@oktax.state.ok.us

*[OAR Docket #05-1589; filed 12-23-05]*

## **TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #05-1561]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

725:1-1-1. Purpose [AMENDED]

Subchapter 3. Organizational Structure

725:1-3-1. Director as chief executive officer [AMENDED]

725:1-3-2. Divisions of the Department [AMENDED]

### **SUMMARY:**

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

### **AUTHORITY:**

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 9:10 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing

to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

**CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1561; filed 12-22-05]*

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

*[OAR Docket #05-1562]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Acceptance of Checks [AMENDED]
- Subchapter 9. Uniform Personnel Standards and Practices [AMENDED]
- Subchapter 17. Pets on Premises [AMENDED]
- Subchapter 19. Oklahoma Tourism and Recreation Product Development, Promotion, and Events Funding Criteria [AMENDED]
- Subchapter 27. Promotion of Facilities [AMENDED]
- Subchapter 29. Oklahoma Today Magazine [AMENDED]
- Subchapter 31. Refunds [AMENDED]
- Subchapter 33. Oklahoma Tourism Development Act Tax Credit Program [AMENDED]
- Subchapter 35. Revenue Bond and Note Issuance [AMENDED]
- Subchapter 37. Pay Incentive Plan [AMENDED]

**SUMMARY:**

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

**AUTHORITY:**

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 10:10 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

**CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1562; filed 12-22-05]*

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT  
CHAPTER 20. MARKETING SERVICES OPERATION**

*[OAR Docket #05-1563]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 9. Brochure Charges [AMENDED]
- Subchapter 11. Promotional Items Fees [AMENDED]
- Subchapter 13. Traveler Information Centers [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

### AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

### PUBLIC HEARING:

A public hearing will be held at 11:00 a.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 11:10 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

### CONTACT PERSON:

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1563; filed 12-22-05]*

## TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 20. MARKETING SERVICES OPERATION

*[OAR Docket #05-1564]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 7. Reimbursement of Matching Funds to Multicounty Organizations

725:20-7-1. Definition of multicounty organization; directors [AMENDED]

725:20-7-2. Definition of matching funds; limitations [AMENDED]

725:20-7-3. Tourism marketing plan; budget work program [AMENDED]

725:20-7-4. Allocation of matching funds among multicounty organizations [AMENDED]

725:20-7-5. Allowable expenditures [AMENDED]

725:20-7-6. Administrative expenditures [AMENDED]

725:20-7-7. Tourism promotion expenditures [AMENDED]

725:20-7-8. Discretionary expenditures [AMENDED]

725:20-7-9. Independent and certified audit [AMENDED]

### SUMMARY:

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the percentage of administrative expenses that will qualify for reimbursement; require a minimum amount of private funds raised before an organization is eligible for the program; place a cap on the amount of matching funds an organization may receive; and amend the rules regarding qualifying expenditures.

### AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 23, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

### PUBLIC HEARING:

Public hearings will be held at 10:00 am on Tuesday, February 21, 2006 at the Frisco Conference Center, 101 South 4<sup>th</sup> Street, Clinton, OK 73601 and at 10:00 a.m. on Thursday, February 23, 2006 at the Tiger Mountain Ranch, Route 2, Box 299, Henryetta, OK 74437. Anyone who wishes to speak must sign in at the door by 10:10 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 23, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

**CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1564; filed 12-22-05]*

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT  
CHAPTER 25. STATE LODGES  
OPERATIONS [REVOKED]**

*[OAR Docket #05-1565]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions [REVOKED]
- Subchapter 3. Use of Lodge Public Space for Private Groups [REVOKED]
- Subchapter 7. Reservations [REVOKED]
- Subchapter 9. Fees and Rates for Lodge Guest Rooms, Meeting Rooms, Banquet Rooms, and Commercial Use of Facilities [REVOKED]
- Subchapter 11. Prices, Fees and Other Charges for Commodities and Services Provided by Lodges [REVOKED]
- Subchapter 15. Resort Credit Policy [REVOKED]
- Subchapter 23. Pets on Premises [REVOKED]
- Subchapter 25. Swimming Pools [REVOKED]
- Subchapter 27. Confidentiality of Guest Records [REVOKED]

Subchapter 29. Smoking [REVOKED]

**SUMMARY:**

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

**AUTHORITY:**

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 1:10 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

**CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1565; filed 12-22-05]*

## Notices of Rulemaking Intent

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

*[OAR Docket #05-1566]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- Subchapter 2. General Provisions [AMENDED]
- Subchapter 4. Public Use and Recreation [AMENDED]
- Subchapter 6. Fees, Discounts and Waivers [AMENDED]
- Subchapter 8. Camping and Day Use [AMENDED]
- Subchapter 10. Trails [AMENDED]
- Subchapter 12. Reservations and Use of Cabins, Group Camps, Shelters, Reserved/Assigned Camping Facilities, Amphitheaters, Community Buildings and Meeting Rooms [AMENDED]
- Subchapter 16. Permits [AMENDED]
- Subchapter 18. Special Use Areas [AMENDED]
- Subchapter 20. Volunteers [AMENDED]
- Subchapter 22. Concession Leases [AMENDED]
- Subchapter 23. Mineral Leases and Operations [AMENDED]
- Subchapter 24. Golf [AMENDED]
- Subchapter 26. Vehicles and Traffic Safety [AMENDED]
- Subchapter 28. Park Security and Law Enforcement [AMENDED]
- Subchapter 29. Operations of State Lodges [NEW]

#### **SUMMARY:**

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

#### **AUTHORITY:**

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

#### **PUBLIC HEARING:**

A public hearing will be held at 2:00 p.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 2:10 p.m.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

#### **CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1566; filed 12-22-05]*

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### **TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 35. THE OKLAHOMA FILM OFFICE**

*[OAR Docket #05-1567]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- Subchapter 1. Oklahoma Film Enhancement Rebate Program
- 725:35-1-1. Purpose [AMENDED]
- 725:35-1-2. Definitions [AMENDED]
- 725:35-1-3. Program requirements and qualification [AMENDED]
- 725:35-1-4. Items not eligible for rebate [AMENDED]
- 725:35-1-5. Procedures for submission and review of rebate claims [AMENDED]

#### **SUMMARY:**

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to comply with Senate Bill 823 and other legislation passed during the 2005 Legislative Session; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

**AUTHORITY:**

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 22, 2006 at the following address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 3:00 p.m. on Wednesday, February 22, 2006 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 3:10 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sara Gibson at the above address during the period from January 17, 2006 to February 22, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 31, 2006 at the above address for the Tourism and Recreation Department's offices.

**CONTACT PERSON:**

Sara Gibson, (405) 230-8307

*[OAR Docket #05-1567; filed 12-22-05]*

**TITLE 730. DEPARTMENT OF TRANSPORTATION  
CHAPTER 40. RAILROADS**

*[OAR Docket #05-1581]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Railroad Modernization Program [NEW]
- 730:40-5-1. [NEW]
- 730:40-5-2. [NEW]

730:40-5-3. [NEW]

730:40-3-4. [NEW]

**SUMMARY:**

The proposed new Subchapter 730:40:5 provides for the administrative program mandated by law for the Department of Transportation to certify eligible expenses for railroad reconstruction or replacement by qualified taxpayers pursuing tax credits issued by the Oklahoma Tax Commission.

**AUTHORITY:**

Transportation Commission; 2005 O.S.L., §413.8; 68 O.S., §2357.104

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by February 16, 2006 before 4:00 p.m. at the Oklahoma Department of Transportation, Assistant Director - Administration, 200 N.E. 21<sup>st</sup> Street, Room 1A7, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., §303(B)(9), "persons may demand a hearing" by contacting Michael E. Mayberry, Assistant Director of Administration, at (405) 522-6000, no later than 4:00 p.m. on February 16, 2006.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained at the Oklahoma Department of Transportation, 200 N.E. 21<sup>st</sup> Street, Room 1A7, Oklahoma City, OK 73105. Electronic copies may be obtained by sending an email to: mbrewington@odot.org

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available February 1, 2006 at the same location listed above for obtaining copies.

**CONTACT PERSON:**

Michael E. Mayberry, Assistant Director - Administration, (405) 522-6000.

*[OAR Docket #05-1581; filed 12-22-05]*

**TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS  
CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TECHNICIANS**

*[OAR Docket #05-1501]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensure of Veterinarians [AMENDED]
- Subchapter 5. Rules of Professional Conduct [AMENDED]

## Notices of Rulemaking Intent

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Subchapter 7. Certification Of Veterinary Technicians  
[AMENDED]

Subchapter 10. Complementary and Alternative Therapies  
[AMENDED]

### **SUMMARY:**

The proposed revisions to chapter 10, includes addition of fees for animal massage, modification to the duties for a Registered Veterinary Technician and addition of rules for Animal Massage Therapy.

### **AUTHORITY:**

59 O.S. Supp.2005, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

### **COMMENT PERIOD:**

Written comments will be accepted January 18, 2006, through February 18, 2006 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

### **PUBLIC HEARING:**

Public Hearing is scheduled on March 3, 2006, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Cathy Kirkpatrick at the above address during the period from January 18, 2006 to February 18, 2006.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

### **RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

### **CONTACT PERSON:**

Cathy Kirkpatrick (405) 524-9006

*[OAR Docket #05-1501; filed 12-19-05]*

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## **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 25. RECORDKEEPING AND SUPERVISION REQUIREMENTS**

*[OAR Docket #05-1502]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

775:25-1-3 Dispensing and Labeling Requirements  
[AMENDED]

### **SUMMARY:**

The proposed revision is necessary to add language that a written statement in the order for veterinary prescription drugs confirms a valid veterinarian-client-patient relationship exists.

### **AUTHORITY:**

59 O.S. Supp.2005, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

### **COMMENT PERIOD:**

Written comments will be accepted January 18, 2006, through February 18, 2006 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

### **PUBLIC HEARING:**

Public Hearing is scheduled on March 3, 2006, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Cathy Kirkpatrick at the above address during the period from January 18, 2006 to February 18, 2006.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

### **RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

### **CONTACT PERSON:**

Cathy Kirkpatrick (405) 524-9006

*[OAR Docket #05-1502; filed 12-19-05]*

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**TITLE 775. BOARD OF VETERINARY  
MEDICAL EXAMINERS  
CHAPTER 26.  
WHOLESALE/DISTRIBUTOR OF  
VETERINARY PRESCRIPTION DRUGS**

[OAR Docket #05-1503]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 26. Wholesaler/Distributor of Veterinary Prescription Drugs [NEW]

**SUMMARY:**

The proposed addition of Chapter 26 provides the requirements for wholesaler/distributors to engage in distribution of veterinary prescription drugs in Oklahoma.

**AUTHORITY:**

59 O.S. Supp.2005, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 18, 2006, through February 18, 2006 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

**PUBLIC HEARING:**

Public Hearing is scheduled on March 3, 2006, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Cathy Kirkpatrick at the above address during the period from January 18, 2006 to February 18, 2006.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38<sup>th</sup> Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

**CONTACT PERSON:**

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #05-1503; filed 12-19-05]

**TITLE 780. OKLAHOMA DEPARTMENT OF  
CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 10. ADMINISTRATION AND  
SUPERVISION**

[OAR Docket #05-1507]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. State Technical Assistance, Supervision, and Services [AMENDED]

Subchapter 5. Finance [AMENDED]

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

**SUMMARY:**

The rule amendment clarifies guidance services delivery offered by technology center districts. Clarifies the threshold for A-133 Audits and Audits of Sub-recipients. Deletes the rule referencing local directors at the comprehensive high school level. Eliminates obsolete terminology involving Applied Technology/Academic Education (ATAE). Allows the Department to enter into agreements and contracts with Regents for Higher Education as well as other agencies as deemed appropriate and simplifies the language. Clarifies the inventory policy for all agency-purchased or reimbursed instructional equipment.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S.2001, §§ 14-103 and 14-104, and 70 O.S. Supp. 2005, § 14-108, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from January 17 through 9:30 a.m. February 16, 2006, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Thursday, February 16, 2006, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning January 17, 2006, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning January 17, 2006, at the Office of the State Board of Career and Technology Education,

## Notices of Rulemaking Intent

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Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Judy Draper, Administrative Assistant, 405-743-5437

*[OAR Docket #05-1507; filed 12-21-05]*

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**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 15. TECHNOLOGY CENTERS**

*[OAR Docket #05-1508]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Technology Centers Education  
[AMENDED]

**SUMMARY:**

The new rule is necessary to define the process required to form a cooperative alliance between technology centers and community colleges for high school and adult students to qualify for college credit through the technical programs offered. Amendments update terminology and clarify student enrollment and tuition for residents of technology center districts. Proposed amendment will make the current Board rules consistent with state election statutes (Title 26, Oklahoma Statutes) and update the citations to the statutes contained within the rules. Modifies the criteria for a technology center administrator's credential.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S.2001, §14-103 and 70 O.S. Supp. 2005, §14-108, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from January 17 through 9:30 a.m. February 16, 2006, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Thursday, February 16, 2006, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning January 17, 2006, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning January 17, 2006, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Judy Draper, Administrative Assistant, 405-743-5437

*[OAR Docket #05-1508; filed 12-21-05]*

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**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 20. PROGRAMS AND SERVICES**

*[OAR Docket #05-1509]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

**SUMMARY:**

Clarifies the attendance requirement for attaining academic credit through instruction offered at the technology center. Clarifies that junior high students may take CareerTech health careers classes. Clarifies the name of the occupational division that has changed their name from Health Occupations Education to Health Careers Education. Clarifies the length of courses for junior high students. Allows for capacity of students in programs to be set by availability of clinical sites. Clarifies that eighth grade students may be admitted to Marketing Education classes. Clarifies the technology needs within the Marketing Education program. Clarifies the maximum number of students that may be enrolled in a Marketing Education program. Corrects punctuation in list of related courses. Allows comprehensive high schools to implement TechConnect Plus as one-hour courses and eliminates the two-hour block restriction. Corrects spelling error in program design. Eliminates the requirement that Technology Education/TechConnect be defined as two consecutive periods, allowing for instruction in one or more periods to be defined as approved programs. Clarifies and further defines the circumstances under which a Technology Education/TechConnect program may be defined as full time, or a teacher may be defined as full time. Changes language to clarify and define that the career clusters listed are those to be included, and the clusters referenced are the nationally recognized Career Clusters. Removes the designation of Trade and Industrial Education Technology Center, section (I), as pertaining to Technology Centers only, and clarifies that the three-period programs apply to Technology Centers, while allowing programs in comprehensive high schools to consist of at least one period daily. Clarifies that counselors must hold the appropriate certifications and/or credentialing.

Clarifies the inventory policy for agency-purchased or reimbursed instructional equipment. Clarifies the legislated and attendance requirements from the comprehensive high schools apply to students attaining academic credit through instruction offered at the technology centers.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S.2001, §§ 14-103 and 14-104, and 70 O.S.Supp. 2005, § 14-108, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from January 17 through 9:30 a.m. February 16, 2006, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Thursday, February 16, 2006, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning January 17, 2006, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning January 17, 2006, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Judy Draper, Administrative Assistant, 405-743-5437

*[OAR Docket #05-1509; filed 12-21-05]*

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# Submissions for Review

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

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

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

*[OAR Docket #05-1539]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

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

### **SUBMITTED TO GOVERNOR:**

December 21, 2005

### **SUBMITTED TO HOUSE:**

December 21, 2005

### **SUBMITTED TO SENATE:**

December 21, 2005

*[OAR Docket #05-1539; filed 12-22-05]*

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

*[OAR Docket #05-1540]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

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

### **SUBMITTED TO GOVERNOR:**

December 21, 2005

### **SUBMITTED TO HOUSE:**

December 21, 2005

### **SUBMITTED TO SENATE:**

December 21, 2005

*[OAR Docket #05-1540; filed 12-22-05]*

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## **TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 10. OKLAHOMA RURAL MEDICAL EDUCATION LOAN AND SCHOLARSHIP FUND**

*[OAR Docket #05-1504]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

- 540:10-1-4. Eligibility; amount; method of payment; renewal [AMENDED]

### **SUBMITTED TO GOVERNOR:**

December 20, 2005

### **SUBMITTED TO HOUSE:**

December 20, 2005

### **SUBMITTED TO SENATE:**

December 20, 2005

*[OAR Docket #05-1504; filed 12-20-05]*

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## **TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 30. OKLAHOMA NURSING STUDENT ASSISTANCE PROGRAM**

*[OAR Docket #05-1506]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

- Subchapter 5. Categories of Scholarships
- 540:30-5-1. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

December 20, 2005

### **SUBMITTED TO HOUSE:**

December 20, 2005

### **SUBMITTED TO SENATE:**

December 20, 2005

*[OAR Docket #05-1506; filed 12-20-05]*

## Submissions for Review

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**TITLE 540. PHYSICIAN MANPOWER  
TRAINING COMMISSION  
CHAPTER 45. PHYSICIAN ASSISTANT  
SCHOLARSHIP PROGRAM**

*[OAR Docket #05-1505]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

540:45-1-1. [NEW]

540:45-1-2. [NEW]

540:45-1-3. [NEW]

540:45-1-4. [NEW]

540:45-1-5. [NEW]

540:45-1-6. [NEW]

540:45-1-7. [NEW]

540:45-1-8. [NEW]

**SUBMITTED TO GOVERNOR:**

December 20, 2005

**SUBMITTED TO HOUSE:**

December 20, 2005

**SUBMITTED TO SENATE:**

December 20, 2005

*[OAR Docket #05-1505; filed 12-20-05]*

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# Withdrawn Rules

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

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

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

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

*[OAR Docket #05-1586]*

**RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

**WITHDRAWN RULE:**

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

**DATES:**

**Adoption:**

September 15, 2005

**Submitted to Governor:**

September 23, 2005

**Submitted to House:**

September 23, 2005

**Submitted to Senate:**

September 23, 2005

**Gubernatorial Approval:**

November 3, 2005

**Withdrawn:**

December 15, 2005

*[OAR Docket #05-1586; filed 12-23-05]*

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# Emergency Adoptions

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

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

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

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

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

*[OAR Docket #05-1485]*

### **RULEMAKING ACTION:**

EMERGENCY adoption

### **RULES:**

Subchapter 1. [RESERVED]

Subchapter 3. Concentrated Animal Feeding Operations [NEW]

35:44-3-1. through 35:44-3-3. [NEW]

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), 2A-1 et seq., and 2A-21 et seq.; 27A O.S. § 1-3-101(D); and Article 6, Section 31, Constitution of the State of Oklahoma

### **DATES:**

#### **Adoption:**

October 25, 2005

#### **Approved by Governor:**

December 1, 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:**

#### **Incorporated standards:**

Title 40 CFR §§ 122.21 (a)-(b), (e) - (f), (i), and (p) (application for permit); §§ 122.23 (concentrated animal feeding operations); §§ 122.28 (General permits); §§ 122.42(e) (Conditions applicable to specified categories of permits).

Title 40 CFR Part 412 (Concentrated Animal Feeding Operations (CAFO) Point Source Category)

#### **Incorporating rules:**

35:44-3-2 and 35:44-3-3

#### **Availability:**

8:00 a.m. to 5:00 p.m., Monday through Friday, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma

### **FINDING OF EMERGENCY:**

These rules fulfill the requirements of House Bill 1467 of 2005 by promulgating rules for concentrated animal feeding operations that are required to obtain federal NPDES permits. Section 21 of the bill requires the Board to promulgate emergency rules to implement the provisions.

### **ANALYSIS:**

As a part of the Department's ongoing strategy to obtain the authorization to implement the federal Clean Water Act from the U.S. Environmental Protection Agency, these rules provide an incorporation by reference of the permitting requirements for concentrated animal feeding operations.

### **CONTACT PERSON:**

Teena Gunter, (405) 522-4576

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

### **SUBCHAPTER 1. [RESERVED]**

### **SUBCHAPTER 3. CONCENTRATED ANIMAL FEEDING OPERATIONS**

#### **35:44-3-1. Permit required**

Any animal feeding operation required by federal regulations to obtain a National Pollutant Discharge Elimination System permit for concentrated animal feeding operations shall be required to obtain an Agriculture Pollutant Discharge Elimination System permit.

#### **35:44-3-2. Incorporation by reference of federal regulations**

(a) The following provisions of Title 40 of the Code of Federal Regulations and the requirements contained therein pertaining to concentrated animal feeding operations are, unless otherwise specified, adopted and incorporated by reference in their entirety, except for those regulations noted in subsection (b):

(1) The following from Part 122 (NPDES Permit Regulations):

(A) 122.21 (a)-(b), (e)-(f), (i), and (p) (application for permit).

(B) 122.23 (concentrated animal feeding operations).

(C) 122.28 (General permits).

(D) 122.42(e) (Conditions applicable to specified categories of permits).

(2) Part 412 (Concentrated Animal Feeding Operations (CAFO) Point Source Category).

(b) Any regulations incorporated by reference above that were invalidated by *Waterkeeper Alliance, Inc., et al. v. US Environmental Protection Agency*, 399 F.3d 486 (2nd Cir. 2005), shall not be incorporated by reference and are not

# Emergency Adoptions

rules of the Oklahoma Department of Agriculture, Food, and Forestry.

(c) Narrative provisions of this subchapter control over any provision of regulations of the Environmental Protection Agency (EPA) adopted by reference and the rules are interpreted consistently with state compliance, with the requirements of 40 C.F.R. Part 123 (EPA Regulations on State NPDES Permit Program Requirements), and applicable provisions of the federal Clean Water Act and Oklahoma law.

## **35:44-3-3. Date of federal regulations incorporated**

When reference is made to 40 CFR it means, unless otherwise specified, the volume of 40 CFR as published on July 1, 2005.

*[OAR Docket #05-1485; filed 12-13-05]*

## **TITLE 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE**

*[OAR Docket #05-1590]*

### **RULEMAKING ACTION:**

EMERGENCY adoption

### **RULES:**

- Subchapter 3. Fees
- Part 1. General Provisions
- 165:5-3-1. Fees [AMENDED]
- Subchapter 7. Commencement of a Cause
- Part 7. Motor Carrier
- 165:5-7-65. Applications relating to intrastate motor carrier authority and Intrastate licenses [AMENDED]
- Subchapter 25. Motor Carrier Tax and Registration Protests [NEW]
- 165:5-25-1. Purpose and general overview of motor carrier taxpayer/registrant protest procedure [NEW]
- 165:5-25-2. Applications for hearing [NEW]
- 165:5-25-3. Representation and participation in administrative proceedings [NEW]
- 165:5-25-4. Burden of proof [NEW]
- 165:5-25-5. Effective date of the subchapter [NEW]

### **AUTHORITY:**

Oklahoma Corporation Commission, Article IX, Section 18, Oklahoma Constitution, 47 O.S. §230.24 et seq

### **DATES:**

#### **Adoption:**

November 2, 2005

#### **Approved by Governor:**

December 19, 2005

#### **Effective:**

Immediately upon approval of the Governor

#### **Expiration:**

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

### **SUPERSEDED EMERGENCY ACTIONS:**

N/A

### **INCORPORATIONS BY REFERENCE:**

None

### **FINDING OF EMERGENCY:**

The adoption of these rules is based upon a determination of compelling public interest and the passage of recent legislation Senate Bill 141 (2004) and Senate Bill 545 (2005) that transferred Interstate Registration Plan ("IRP") and International Fuel Tax Agreement ("IFTA") authority to the Corporation Commission (effective July 1, 2005), and legislation that removed the requirement for hearing motor carrier license applications relating to intrastate and private carriers. The Commission upon review of the existing rules determined that it could not effectuate hearings for tax or registration protests, therefore an emergency rulemaking is necessary to address the pending tax

protests. Upon adoption of the emergency rules, proposed herein, by the Commission, the rules will be submitted to the Governor and the Oklahoma Legislature for gubernatorial approval as emergency rules. The permanent rules will be promulgated and submitted during the 2006 legislative session.

### **ANALYSIS:**

The proposed rule change conforms Corporation Commission rules to the historic practice of the Tax Commission, by waiving IFTA and IRP protest filing fees. Senate bill 545 removed the requirement for public hearings for haul for hire and private motor carriers and the rules were amended to reflect the law. In order to effectively process IFTA and IRP protests it was necessary to promulgate procedural rules to facilitate these protests.

### **CONTACT PERSON:**

Jeffrey P. Southwick, (405) 522-4457

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

## **SUBCHAPTER 3. FEES**

### **PART 1. GENERAL PROVISIONS**

#### **165:5-3-1. Fees**

##### **(a) General.**

(1) **Exceptions to filing fees.** For each initial application in each category listed in (b) of this Section, a filing fee shall be paid by the person seeking to file or submit the document, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma.

(A) Filing fees shall not apply to any emergency application, subsequent pleading, or amended application except a Form 1000 required in OAC 165:10-3-1(b)(A) and (B) and OAC 165:10-3-1(c).

(B) No filing fee shall be required for any application filed pursuant to OAC 165:10-21, Applications for Tax Exemptions.

(C) No filing fee shall be required for any application filed pursuant to OAC 165:5-3-31, Use of vacuum.

(D) No filing fee applicable to the conservation docket shall be required for any Notice of Intent to Mediate filed with the Office of Administrative Proceedings pursuant to OAC 165:5-23-1 et seq. A per participant fee provided in OAC 165:5-3-1(b)(1)(G) shall be charged for any informal dispute resolution procedure that commences.

(E) No filing fee shall be paid by a party filing a protest to an adverse action of the Commission pursuant to the International Fuel Tax Agreement ("IFTA") or the International Registration Plan ("IRP").

(2) **Filing fees.** Any filing fee assessed by this Section shall be due and paid at the time of filing of the document. Neither the Court Clerk's Office nor any division of the Commission shall accept an application subject to a filing

fee until the required fee is paid. No filing fee shall be refundable.

(3) **Other fees.** Any other fee assessed by this Section shall be due and payable at the time the service is requested. No service shall be rendered before payment of the prescribed fee. No such filing fee shall be refundable.

(4) **Negotiable instruments.** Fees paid by negotiable instruments shall be made payable to the "Oklahoma Corporation Commission." Negotiable instruments include personal checks, cashier checks, certified checks, and money orders. Foreign checks must be payable through a United States bank in United States funds.

(5) All fees pertaining to the Petroleum Storage Tank Division are listed in OAC 165:5-3-2.

(b) **Schedule of filing fees.**

(1) **Oil and gas fees.**

- (A) Commercial disposal well application - \$1,000.00
- (B) Commercial earthen pit application - \$1,000.00
- (C) Commercial soil farming site application - \$1,000.00
- (D) Conservation docket and other pollution docket base applications - \$35.00
- (E) Permit to drill - \$100.00
- (F) Emergency walk-thru permit to drill - \$300.00
- (G) Notice of Intent to Mediate pursuant to Chapter 23 of this Chapter - \$5.00 per participant

(2) **Transportation fees.**

- (A) Transportation docket application - \$35.00
- (B) Other transportation fees:
  - (i) Intrastate license fees.
    - (I) Original license application filing fee - \$100.00
    - (II) License sub application filing fee - \$100.00
    - (III) Renewal license application filing fee - \$50.00
    - (IV) License reinstatement application filing fee - \$100.00
    - (V) License name change application filing fee - \$50.00
    - (VI) Earthen or wash pit construction or enlargement application fee - \$350.00
  - (ii) Intrastate certificate or permit fees.
    - (I) Original certificate or permit application filing fee - \$100.00
    - (II) Certificate or permit sub application filing fee - \$100.00
    - (III) Transfer of certificate or permit application filing fee - \$100.00
    - (IV) Certificate or permit temporary authority application filing fee - \$100.00
    - (V) Certificate or permit representative of estate application filing fee - \$100.00
    - (VI) Certificate or permit reinstatement application filing fee - \$100.00
    - (VII) Delinquent certificate or permit annual report fee - \$150.00

(VIII) Certificate or permit name change application filing fee - \$50.00

(IX) Voluntary suspension or abandonment of certificate or permit application filing fee - \$100.00

(X) Tariff modification (requiring hearing) - \$350.00

(iii) Intrastate and interstate fees.

(I) Identification device or per vehicle fee - \$7.00

(II) Deleterious Substance License Permit application filing fee - \$260.00

(iv) Interstate fees.

(I) Exempt application filing fee - \$25.00

(II) Exempt name change - \$10.00

(3) **Utility fee.** Public utility docket application - \$35.00

(4) **Consumer Services fee.** Consumer Services docket application - \$35.00

(5) **Enforcement fee.** Enforcement docket application - \$35.00

(c) **Certified copies.** A fee of \$1.00 is charged for each certified copy of an order or other document on file with the Commission, in addition to the fees specified in (d) of this Section.

(d) **Other fees.** The following fees shall be charged and collected at the time of request for same; none of which shall ever be refundable:

(1) Certificate of non-development (maximum of one quarter section) - \$10.00

(2) Mail-out copies of any file or order - flat fee to cover research, copying and postage not to exceed 30 pages.

(A) 1 to 15 pages - \$5.00

(B) 16 to 30 pages - \$10.00

(C) Documents exceeding 30 pages - \$0.25 per page plus postage

(3) Microfilmed images from coin-operated microfilm reader (coin box) - \$0.25

(4) Batch reproduction on continuing basis (per page) - \$0.25

(5) Copy of any document prepared in OCC offices (per page) - \$0.25

(6) Copy of any Chapter of Commission rules and regulations - \$10.00

(7) Copy of Oil and Gas Conservation rules - \$20.00

(e) **Computer data processing documents.** Reproduction of documents or informational searches involving computer data processing services will be in accordance with the rates established by the Oklahoma Office of State Finance, Information Services Division.

(f) **Document search fee.** Except where provided otherwise by law, where the request for document copying and/or mechanical reproduction is solely for commercial purpose or clearly would cause excessive disruption of the Commission's essential functions, then a fee of \$7.00 per hour (minimum of one hour) shall be charged to recover the direct cost of document search.

(g) **Fax.** A service charge of \$5.00 plus \$1.00 per page will be assessed for all outgoing faxes. All incoming faxes for

# Emergency Adoptions

persons not associated with the Commission shall be assessed a copy fee of \$0.25 per page including the cover page when not submitted for filing with the Court Clerk's Office.

## SUBCHAPTER 7. COMMENCEMENT OF A CAUSE

### PART 7. MOTOR CARRIER

#### 165:5-7-65. Applications relating to intrastate motor carrier authority and intrastate licenses

(a) Notice of an application relating to intrastate motor carrier of household goods authority shall be published prior to hearing once each week for two (2) consecutive weeks as follows:

(1) For original or sub certificate or permit as an intrastate motor carrier of household goods in a newspaper of general circulation published in the county seat or the largest city of the county of the applicant's principal place of business; or,

(2) For transfer of intrastate certificate or permit of household goods in a newspaper of general circulation published in the county seat or the largest city in the county in which is located the principal place of business of the transferor and transferee.

(b) Notice of an application for a rate or tariff change requiring a hearing shall be published prior to hearing once each week for two (2) consecutive weeks in a newspaper of general circulation published in Oklahoma and Tulsa Counties.

(c) Any non-resident of Oklahoma shall be deemed to have its place of business in Oklahoma County for the purpose of this Section.

(d) All other types of authority applications relating to intrastate motor carriers of household goods shall be published in the Commission's Transportation Docket. ~~No additional publication shall be required unless ordered by the Commission or by law.~~

~~(e) All applications for an intrastate motor carrier or private carrier license or renewal of an intrastate motor carrier or private carrier license shall be filed with the Court Clerk's Office and published in the Commission's Transportation Docket. No additional publication shall be required unless ordered by the Commission or by law.~~

~~(f) All applications for an original intrastate motor carrier license shall be set for hearing, unless exempted through provisions provided in 165:30. Applications exempted from hearing shall be processed in accordance with the provisions in subsection (g) of this section.~~

~~(g) Applications for an intrastate for-hire motor carrier license or original intrastate private motor carrier license, renewal of an intrastate private for-hire motor carrier license or renewal of an intrastate private motor carrier license shall be processed administratively unless a protest is filed with the court Court Clerk's office during the protest period (one week after publication on the Transportation Docket) or the staff of~~

the Transportation Division requests the application be set for hearing.

## SUBCHAPTER 25. MOTOR CARRIER TAX AND REGISTRATION PROTESTS

### 165:5-25-1. Purpose and general overview of motor carrier taxpayer/registrant protest procedure

(a) The purpose of this Subchapter is to give the International Fuel Tax ("IFTA") taxpayer ("taxpayer") or International Registration Plan ("IRP") registrant ("registrant"), or the taxpayer's/registrant's representative an opportunity to resolve "IFTA" or "IRP" disagreements with the Commission.

(b) Taxpayers/Registrants who wish to challenge a liability assessed or other adverse actions by the Transportation Division, or to seek a refund of taxes or fees, shall file a written protest with the Transportation Division within thirty (30) days from the date of notification of the adverse action. Notification is deemed to be the date of the notice of the adverse action. A protest by the taxpayer/registrant should include the reason(s) for the protest.

(c) The Transportation Division shall respond to the protest within thirty (30) days of receipt of the protest. The response shall advise the taxpayer/registrant the status of the review of the protest and advise of any additional documentation needed.

(d) The taxpayer/registrant may contest the Transportation Division's final decision within thirty (30) days from the date of the mailing of the notice. The taxpayer/registrant must file an application with the Commission's Court Clerk's office in accordance with OAC 165:5-25-2 to contest the final decision.

### 165:5-25-2. Applications for hearing

Taxpayer or registrant applications for hearing shall be filed with the Commission's Court Clerk's Office. Applications shall be in writing, signed by the taxpayer/registrant, or an authorized representative thereof, and shall set out therein:

(1) The name, mailing address, physical address, telephone number, e-mail address, and social security number or employer's identification number of the taxpayer/registrant;

(2) A statement of the amount of the deficiency as determined by the Transportation Division in the proposed assessment, the nature of the tax or fee and the amount thereof in controversy, or the denial of base state registration;

(3) A clear and concise statement of each item in dispute;

(4) The argument and any legal authority upon which each item in dispute is made; provided, that the taxpayer/registrant shall not be bound or restricted in such hearing, except on appeal, to the arguments and legal authorities contained and cited in said applications or presented in the initial hearing;

(5) A statement of the relief sought by the taxpayer/registrant;

- (6) A verification by the taxpayer/registrant or his duly authorized agent that the statements and facts contained therein are true; and
- (7) In a refund claim, a statement as to whether the basis for the claim request is due to a mistake of law or a mistake of fact with a brief explanation of the mistake.

**165:5-25-3. Representation and participation in administrative proceedings**

(a) Representation. In an administrative proceeding the taxpayer/registrant may represent himself/herself at any stage of the proceeding or may be represented by:

- (1) Corporation;
- (2) An attorney;
- (3) An accountant, but only in a tax protest matter; or.
- (4) A representative who has been pre-approved by the Commission to represent the taxpayer/registrant.

(b) Proper showing may be required. If a taxpayer/registrant wants to be represented by someone other than himself, an attorney, or an accountant, the Administrative Law Judge may require that such other person, before being recognized as a representative of the taxpayer/registrant, make a proper showing of necessary qualifications to enable the representative to render such services to the taxpayer. Upon such showing by the representative, the Administrative Law Judge may certify the representative.

**165:5-25-4. Burden of proof**

In all administrative proceedings, unless otherwise provided by law, the burden of proof shall be upon the taxpayer/registrant to show in what respect the action or proposed action of the Commission is incorrect. If, upon hearing, the taxpayer/registrant fails to make a prima facie case, the Administrative Law Judge may recommend that the Commission deny the application solely upon the grounds of failure to prove sufficient facts which would entitle the taxpayer/registrant to the requested relief.

**165:5-25-5. Effective date of the subchapter**

The provisions of this Subchapter shall govern all proceedings and cases commenced after this Subchapter becomes effective, and all subsequent proceedings in cases then pending, except to the extent that in the opinion of the Commission or the Administrative Law Judge, the application of this Subchapter in a pending case would not be feasible or would create an injustice.

*[OAR Docket #05-1590; filed 12-23-05]*

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 30. MOTOR CARRIERS**

*[OAR Docket #05-1591]*

**RULEMAKING ACTION:**  
EMERGENCY adoption

- RULES:**
- Subchapter 3. Intrastate Motor Carriers
    - Part 1. Applying for a License
      - 165:30-3-1. Obtaining a license [AMENDED]
      - 165:30-3-3. License renewals [AMENDED]
    - Part 13. Suspension or cancellation of license
      - 165:30-3-103. Reinstatement of certificate or permit, license or IRC [AMENDED]
  - Subchapter 7. Procedural Rules
    - 165:30-7-2. Notice [AMENDED]
    - 165:30-7-8. Review of Applicants for safety fitness [AMENDED]
  - Subchapter 9. Interstate Exempt Motor Carriers
    - Part 1. Applying for an IRC and IRC Requirements
      - 165:30-9-1. Obtaining an Interstate Registration Receipt (IRC) [AMENDED]
  - Subchapter 15. Intrastate Private Carriers
    - Part 3. Obtaining a Private Carrier License and License Requirements
      - 165:30-15-4. Obtaining a license [AMENDED]
      - 165:30-15-5. License renewals [AMENDED]
  - Subchapter 16. Interstate Private Carriers [NEW]
    - 165:30-16-1. Markings [NEW]
    - 165:30-16-2. Lease agreement [NEW]
    - 165:30-16-3. Shipping documentation [NEW]
    - 165:30-16-4. Compliance with laws and regulations [NEW]
    - 165:30-16-5. Minimum standards [NEW]
    - 165:30-16-6. Loading capacity [NEW]
    - 165:30-16-7. Contempt complaint [NEW]
    - 165:30-16-8. Pollution abatement [NEW]
    - 165:30-16-9. Deleterious substance transport permit [NEW]
  - Subchapter 21. International Fuel Tax Agreement [NEW]
    - 165:30-21-1. Incorporating the International Fuel Tax Agreement [NEW]

**AUTHORITY:**  
Oklahoma Corporation Commission  
Article IX, Section 18, Oklahoma Constitution  
47 O.S. §§ 162, 230.24

**DATES:**  
**Adoption:**  
November 2, 2005

**Approved by Governor:**  
December 19, 2005

**Effective:**  
Immediately upon approval of the Governor

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

**SUPERSEDED EMERGENCY ACTIONS:**  
N/A

**INCORPORATIONS BY REFERENCE:**  
**Incorporated standards:**  
Articles I through XXI of the International Fuel Tax Agreement  
International Fuel Tax Agreement Audit Manual  
International Fuel Tax Agreement Procedures Manual

**Incorporating rules:**  
165:30-21-1

**Availability:**  
The incorporated standards are available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. at the office of the Transportation Division, 2101 N. Lincoln Boulevard, Room 312, Oklahoma City, Oklahoma.

**FINDING OF EMERGENCY:**  
The adoption of these rules is based upon a determination of compelling public interest and the passage of recent legislation, Senate Bill 141 (2004) and Senate Bill 545 (2005) that transferred Interstate Registration Plan ("IRP") and International Fuel Tax ("IFTA") authority to the Corporation Commission and legislation that removed the requirement for hearing motor carrier license applications relating to intrastate and private carriers. The Commission, upon review of the existing rules, determined that it needed to remove the requirement for hearings for certain motor carrier applications, and that it had no provision adopting the IFTA plan into the Agency, thus the need for this emergency rulemaking. The elimination of the hearing requirements for certain motor carrier licenses applications will result in motor carriers receiving their licenses quicker.

**ANALYSIS:**  
Senate Bill 141 was passed in 2004 to transfer the IFTA and IRP program to the Corporation Commission effective July 1, 2005. The Tax

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Commission rules regarding IRP were transferred by the Secretary of State. The Corporation Commission adopted the IFTA rules and incorporated the same through this rulemaking. Senate Bill 545 was passed with an emergency clause and took effect upon the Governor's signature. Senate bill 545 removed the requirement for public hearings for haul for hire and private motor carriers and the rules were amended to reflect the law. Senate Bill 545 also granted the Corporation Commission the authority to promulgate rules regarding private carriers and the rules reflect this enactment.

**CONTACT PERSON:**

Jeffrey P. Southwick, (405) 522-4457.

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

## **SUBCHAPTER 3. INTRASTATE MOTOR CARRIERS**

### **PART 1. APPLYING FOR A LICENSE**

**165:30-3-1. Obtaining a license**

(a) No intrastate motor carrier shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of passengers or property for hire without first obtaining from the Commission a license as provided in this Section. A license issued under this Subchapter shall not include transportation as a motor carrier of household goods. Motor carriers of household goods must comply with Subchapter 13 of this Chapter.

(1) An applicant for a license shall file with the ~~Court Clerk of the~~ Commission a written application on the appropriate form prescribed by the Commission (TDF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) The application shall be assigned a personal identification number ("PIN"), which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to amend the license by the same applicant shall be filed in the same cause under the original PIN, and otherwise shall be governed by the provisions of this Chapter relating to an application for license. Each subsequent application shall also bear a sub-number in sequence.

(3) A license shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

(4) The filing of an application for a license does not of itself authorize any motor carrier operations by the applicant. Such operations are prohibited until after all requirements have been met, and a license has been issued. All requirements for compliance with this Chapter shall be met within thirty (30) days from date of ~~hearing recommending the license be issued.~~ receipt of a motor carrier license application by the Commission. Failure to comply ~~may will~~ result in dismissal of the application for

a license. Licenses issued shall be valid for a maximum of one year and may be renewed after application has been filed as provided by this Chapter.

(5) No license for intrastate operations shall be issued until ~~after public hearing, unless~~ the applicant has provided a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner; and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Chapter and all applicable state statutes; and has purchased an appropriate number of identification devices.

(6) The notarized application shall require the following:

(A) Name, single trade name (if any), mailing address, physical address, telephone number and domicile county of the applicant.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors listing the addresses of each.

(C) The type of operations the applicant is applying for.

(D) The name and address of the motor carrier's process agent in Oklahoma (if the motor carrier does not maintain its principal place of business or a terminal in Oklahoma).

(E) Declaration of its USDOT number, safety rating and a safety summary report which details its safety program and lists all safety violations identified within the prior twelve (12) months. Motor carriers without a USDOT number must attach a copy of its previously submitted application for a USDOT number. The applicant shall notify the Commission in writing of its USDOT number once issued, unless the USDOT number is issued by the Commission.

(F) A size and weight summary report which details its size and weight compliance program and lists all size and weight violations identified within the prior twelve (12) months.

(G) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.

(H) A description of all terminal and dock facilities.

(I) A declaration that the applicant is in full compliance with all other state laws, rules and regulations.

(J) Any other information the Commission deems pertinent.

(7) Every person operating under the Motor Carrier Act of 1995 and the rules of this Commission shall possess a copy of this Chapter governing the operations of motor carriers.

(8) A motor carrier desiring to modify its license operations shall file a sub application (TDF 1). Sub applications to include hazardous materials must comply with the provisions in this Section. Sub applications to modify

other types of operations shall be exempt from (5) and (6)(D)-(H) of this subsection.

(9) A copy of the current license under which a motor carrier operates shall be carried at all times in each power unit by the motor carrier.

(b) A motor carrier engaged in intercorporate hauling shall be subject to this Subchapter.

~~(c) Notice of all intrastate motor carrier motions and applications to conduct operations shall be printed on the Commission Docket as prescribed by law for circulation to the public.~~

~~(cd) If a public hearing date cannot be set within fourteen (14) days from date of application, Applicant applicant may be issued a provisional intrastate license not to exceed ninety (90) days from date application is filed, provided all other requirements for the intrastate license have been met. Applicant must provide a written request for the provisional intrastate license to the Director of the Transportation Division. If the provisional intrastate license is issued, a copy of the provisional intrastate license must be carried in each vehicle operated by the Applicant.~~

~~(e) All parties not of record interested in any intrastate motor carrier application shall, only for the purpose of receiving further notices concerning the application, file with the Commission Court Clerk a letter containing the name and address of the party and attorney, if any.~~

~~(fd) At the hearing, the applicant shall have the burden of establishing its ability to conduct operations in a safe and reasonable manner and in compliance with all applicable rules and laws of the State of Oklahoma and that it has furnished or will furnish proper proof of all insurance required by this Chapter and all applicable state statutes. The Commission may grant or deny the motor carrier license application or may impose conditions, stipulations and limitations on the license. If the Commission deems a hearing on the application to be necessary, the hearing shall be set within 30 days of receipt of a complete application.~~

~~(ge) No intrastate motor carrier license shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.~~

~~(hf) All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.~~

**165:30-3-3. License renewals**

(a) Any motor carrier desiring to continue intrastate motor carrier operations as granted in its license, shall, prior to the date of license expiration, apply for renewal by submitting the appropriate application form (TDF 2) and all supporting documentation. Each renewal application shall be properly signed, attested to and notarized as follows:

- (1) Application of sole proprietorship must be signed by owner.
- (2) Application of partnership must be signed by one of the partners.
- (3) Application of corporation must be signed by an officer.

(b) All intrastate motor carrier licenses issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one year, but may be renewed for up to three years. Carriers renewing licenses for more than one year must maintain all requirements of that license as prescribed in Part 3 of this Subchapter in order for the license to be valid.

(c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.

~~(d) Renewal applications may be set for hearing, and, if set for hearing, shall be published on the Commission's Transportation Docket. A renewal application may be set for hearing at the discretion of the Commission for good cause.~~

(e) An intrastate motor carrier desiring to renew its license should apply for renewal of its license a minimum of thirty (30) days prior to its expiration.

(f) A renewal application will not be accepted if the license has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.

(g) No intrastate motor carrier license shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) No intrastate motor carrier operations shall be performed under an expired motor carrier license.

**PART 13. SUSPENSION OR CANCELLATION OF LICENSE**

**165:30-3-103. Reinstatement of certificate or permit, license or IRC**

(a) A motor carrier whose certificate or permit, or a portion thereof, license or IRC or a private carrier whose license has been cancelled by law or by order of the Commission, may file with the ~~Court Clerk of the~~ Commission a written application for reinstatement on the appropriate form prescribed by the Commission (TDF 8), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(b) The application for reinstatement must be filed within three (3) months from the date the certificate or permit, license or IRC was cancelled by law or by Commission order and may be approved by the Director for Administrative reinstatement. Applications not approved for administrative reinstatement may be set for hearing.

(c) The application shall be filed under the PIN as assigned to the certificate or permit, license or IRC, with appropriate sub-number designation.

(d) If the authority was revoked due to lack of insurance on file and the carrier cannot furnish proper proof of continuous insurance, the Commission may reinstate the certificate or permit, license or IRC only after a hearing has been held and notice thereof has been given as prescribed by the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.

(e) No order granting reinstatement shall be issued until all requirements of the certificate or permit, license or IRC have

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been fulfilled and a reinstatement fee as prescribed by law or Commission rule has been tendered.

### SUBCHAPTER 7. PROCEDURAL RULES

#### 165:30-7-2. Notice

(a) Notice of an application relating to intrastate motor carrier authority of household goods shall be published prior to hearing once each week for two (2) consecutive weeks as follows:

(1) For original certificate as an intrastate common carrier or contract carrier of household goods: in a newspaper of general circulation published in the county seat or the largest city of the county of the applicant's principal place of business; or,

(2) For transfer of an intrastate certificate or permit of household goods: in a newspaper of general circulation published in the county seat or the largest city in the county in which is located the principal place of business of the transferor and transferee.

(b) Notice of an application for a rate or tariff change requiring a hearing shall be published prior to hearing once each week for two (2) consecutive weeks in a newspaper of general circulation published in Oklahoma and Tulsa counties.

(c) Any nonresident of Oklahoma shall be deemed to have its place of business in Oklahoma County for the purpose of this Section.

(d) All parties not of record interested in any intrastate household motor carrier application shall, only for the purpose of receiving further notices concerning the application, file with the Commission's Court Clerk a letter containing the name and address of the party and attorney, if any.

(e) Notice of all intrastate household motor carrier motions, applications and transfers shall be printed on the Commission Docket as prescribed by law for circulation to the public.

#### 165:30-7-8. Review of Applicants for safety fitness

(a) Applicants for an intrastate motor carrier license, intrastate private carrier license, hazardous waste registration or permit, renewal of a license or an intrastate motor carrier of household goods certificate shall be reviewed for compliance with rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto. Areas to be reviewed are based upon, but not limited to, the following:

- (1) The carrier's USDOT safety rating (if any).
- (2) The number of vehicle inspections performed.
- (3) The time frame in which the vehicle inspections were performed.
- (4) The out of service ratio for applicant's vehicles
- (5) The out of service ratio for applicant's drivers.
- (6) Review of applicant's driver qualification files.
- (7) Review of applicant's vehicle maintenance records.
- (8) Verification of applicant's drug/alcohol testing program.

(b) Compliance with the Federal Motor Carrier Safety Regulations and all other requirements shall result in a license application being approved administratively or being set on the Motor Carrier Recommendations Docket, if hearing is required. ~~or the Administrative Docket, if a hearing is not required. The carrier shall not be required to be present at the scheduled license hearing unless requested by the Administrative Law Judge.~~

(c) The Transportation Division shall notify the Administrative Law Judge of the results of a safety review performed on an applicant for an intrastate motor carrier of household goods certificate.

(d) Failure to comply with the Federal Motor Carrier Regulations may result in denial or delay of the relief sought.

(e) Holders of an intrastate motor carrier license and an intrastate motor carrier of household goods shall be reviewed on a periodic basis for compliance with the Federal Motor Carrier Safety Regulations. Results of safety reviews may be addressed in a hearing to renew an intrastate motor carrier license or an intrastate private carrier license or be addressed in a separate hearing before an Administrative Law Judge.

(f) Violations of the Federal Motor Carrier Safety Regulations are considered contempt of the Commission and subject to a fine in accordance with the rules and regulations of the Department of Public Safety in OAC 595:35.

### SUBCHAPTER 9. INTERSTATE EXEMPT MOTOR CARRIERS

#### PART 1. APPLYING FOR AN IRC AND IRC REQUIREMENTS

##### 165:30-9-1. Obtaining an Interstate Registration Certificate (IRC)

(a) No motor carrier shall conduct ICC exempt interstate motor carrier operations in Oklahoma without first obtaining an IRC from the Commission.

(b) An ICC regulated interstate motor carrier properly registered under Subchapter 11 of this Chapter, need not register as an ICC exempt interstate motor carrier under this Subchapter.

(c) An applicant for an IRC shall file with the ~~Court Clerk of the Commission~~ a written application on the appropriate form prescribed by the Commission (Form A-1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(d) The application shall be assigned a PIN which shall be the permanent identification number for all matters relating to authority granted therein.

(e) An application for an IRC shall contain the carrier's USDOT number, if issued, or a copy of the carrier's application for a USDOT number previously submitted.

(f) An IRC shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a partnership or some other legally recognized entity.

(g) Motor carriers engaged in intercorporate hauling must obtain an IRC from the Commission.

- (h) No IRC shall be issued until proper certificates of insurance have been filed with the Commission and identification devices have been obtained, when required. No operations shall commence until an IRC has been issued. IRCs are non-transferable.
- (i) No IRC shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
- (j) A copy of the current IRC under which an interstate carrier operates shall be carried at all times in each power unit operated by the motor carrier.
- (k) All IRCs previously issued under a docket number shall be reassigned under the Applicant's PIN.

**SUBCHAPTER 15. INTRASTATE PRIVATE CARRIERS**

**PART 3. OBTAINING A PRIVATE CARRIER LICENSE AND LICENSE REQUIREMENTS**

**165:30-15-4. Obtaining a license**

(a) No intrastate private carrier, utilizing equipment with a GVWR in excess of 26,000 pounds, shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of property without first obtaining from the Commission a license as provided in this Section. A private carrier license is not required for a bona fide farmer transporting commodities from farm to market or market to farm; registered and valid non-profit organizations or any private carrier operating equipment leased or rented from a company that leases or rents vehicles on a commercial scale, provided the lease or rental contract is for thirty-one (31) days or less and a copy of the contract is carried in the vehicle. A license issued under this Subchapter shall not include transportation as a for-hire motor carrier. For-hire motor carriers must comply with Subchapter 3 and/or Subchapter 13 of this Chapter.

- (1) An applicant for a private carrier license shall file with the ~~Court Clerk of the~~ Commission a written application on the appropriate form prescribed by the Commission (TDF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.
- (2) The application shall be assigned a personal identification number ("PIN"), which shall be the permanent identification number for all matters relating to the license granted therein. Any application thereafter filed to amend the license by the same applicant shall be filed in the same cause under the original PIN, and otherwise shall be governed by the provisions of this Subchapter relating to an application for license. Each subsequent application shall also bear a sub-number in sequence.
- (3) A license shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

- (4) The filing of an application for a license does not of itself authorize any private carrier operations by the applicant. Such operations are prohibited until after all requirements have been met, and a license has been issued. All requirements for compliance with this Subchapter shall be met within sixty (60) days from date of application recommending the license be issued. Failure to comply may result in dismissal of the application for a license. Licenses issued shall be valid for a maximum of one year and may be renewed after application has been filed as provided by this Chapter.
- (5) No license for private carrier intrastate operations shall be issued until ~~after public hearing, unless~~ applicant has a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Subchapter and all applicable state statutes.
- (6) The notarized application shall require the following:
  - (A) Name, a single trade name (if any), mailing address, physical address, telephone number and domicile county of the applicant.
  - (B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all officers, if any, and listing the addresses of each.
  - (C) The type of operations the applicant is applying for.
  - (D) The name and address of the motor carrier's process agent in Oklahoma (if the motor carrier does not maintain its principal place of business in Oklahoma).
  - (E) Declaration of its USDOT number, safety rating and a safety summary report which details its safety program and lists all safety violations identified within the prior twelve (12) months. Carriers without a USDOT number must attach a copy of its previously submitted application for a USDOT number. The applicant shall notify the Commission in writing of its USDOT number once issued, unless the USDOT number is issued by the Commission.
  - (F) A size and weight summary report which details its size and weight compliance program and lists all size and weight violations identified within the prior twelve (12) months.
  - (G) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.
  - (H) A description of all terminal, dock or motor pool facilities.
  - (I) A declaration that the Applicant is in full compliance with all other state laws, rules and regulations.
  - (J) Any other information the Commission deems necessary.

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- (7) Every person operating under the Motor Carrier Act of 1995 and the rules of this Commission shall possess a copy of this Chapter governing the operations of motor carriers and private carriers.
- (8) A private carrier desiring to modify its license shall file a sub application (TDF 1). Sub applications to include hazardous materials must comply with the provisions in this Section. Sub applications to modify other types of operations shall be exempt from (6)(D)-(G) of this subsection.
- (9) A copy of the current license under which a carrier operates shall be carried at all times in each power unit by the private carrier.
- ~~(b) Notice to all intrastate private carrier motions and applications to conduct operations shall be printed on the Commission Docket as prescribed by law for circulation to the public.~~
- ~~(c) If a public hearing date cannot be set within fourteen (14) days from the date of application, applicant~~ Applicant may be issued a provisional intrastate license not to exceed ninety (90) days from the date application is filed, provided all ~~other requirements, with the exception of the educational compliance requirements,~~ for the intrastate license have been met. Applicant must provide a written request for the provisional intrastate license. If the provisional intrastate license is issued, a copy of the provisional intrastate license must be carried in each vehicle operated by the Applicant.
- ~~(d) All parties not of record interested in any intrastate private carrier application shall, only for the purpose of receiving further notices concerning the application, file with the Commission Court Clerk a letter containing the name and address of the party and attorney, if any.~~
- ~~(ed)~~ No intrastate private carrier license shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
- ~~(fe)~~ An intrastate private carrier additionally conducting intrastate motor carrier operations under a valid motor carrier license, certificate or permit need not obtain a private carrier license.
- ~~(gf)~~ At the If a hearing is held, the applicant shall have the burden of establishing its ability to conduct operations in a safe and reasonable manner and in compliance with all applicable rules and laws of the State of Oklahoma and that it has furnished or will furnish proper proof of all insurance required by this Chapter and all applicable state statutes. The Commission may grant or deny the application or may impose conditions, stipulations and limitations on the license.
- ~~(hg)~~ All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

### 165:30-15-5. License renewals

- (a) Any private carrier desiring to continue intrastate private carrier operations as granted in its license, shall, prior to the date of license expiration, apply for renewal by submitting the appropriate application form (TDF 2) and all supporting documentation. Each renewal application shall be properly signed and attested to as follows:

- (1) Application of sole proprietorship must be signed by owner.
- (2) Application of partnership must be signed by one of the partners.
- (3) Application of corporation must be signed by officer.
- (b) All intrastate private carrier licenses issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one year, but may be renewed for up to three years. Carriers renewing licenses for more than one year must maintain all requirements of that license as prescribed in Part 3 of this Subchapter in order for the license to be valid.
- (c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.
- ~~(d) Renewal applications may be set for hearing, and, if set for hearing, shall be published on the Commission's Transportation Docket.~~ A renewal application may be set for hearing in the discretion of the Commission for good cause. All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.
- (e) An intrastate private carrier desiring to renew its license should apply for renewal of its license a minimum of thirty (30) days prior to its expiration.
- (f) A renewal application will not be accepted if the license has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.
- (g) No intrastate private carrier license shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
- (h) No intrastate private carrier operations shall be performed under an expired private carrier license.

## **SUBCHAPTER 16. INTERSTATE PRIVATE CARRIERS**

### **165:30-16-1. Markings**

All motor carriers engaged in interstate private commerce shall comply with all provisions of 49 C.F.R. 390.21 with regard to markings.

### **165:30-16-2. Lease agreement**

All motor carriers engaged in interstate private commerce shall comply with all provisions of 49 C.F.R. 376.11 with regard to lease agreements.

### **165:30-16-3. Shipping documentation**

All motor carriers engaged in interstate private commerce shall be required to carry at all times documents that establish legal possession of cargo.

**165:30-16-4. Compliance with laws and regulations**

(a) All motor carriers engaged in interstate private commerce shall conduct their operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of the Commission. All registrations heretofore or hereafter filed with the Commission are subject to applicable provisions of law and of the rules of this Subchapter as fully as if those laws and rules were set forth verbatim herein.

(b) No motor carrier engaged in interstate private commerce shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment for hire that does not comply with safety criteria established by the Statutes of Oklahoma or by the Department of Public Safety. No motor carrier shall permit any person to operate a motor vehicle for hire when such person is intoxicated or under the influence of alcohol or under the influence of amphetamines, stimulants or other drugs. Any vehicle which fails to meet safety criteria, or which is operated by a person under the influence of alcohol, amphetamines, stimulants or other drugs, shall be prevented from continued use of the public highways of the State of Oklahoma.

(c) Violation of the rules of this Subchapter may result in the motor carrier being prohibited from using the public highways of the State of Oklahoma or any other penalties deemed appropriate by the Commission pursuant to authority granted to the Commission.

**165:30-16-5. Minimum standards**

(a) Every vehicle used for interstate private commerce shall be in safe operating condition, and shall possess all safety equipment required by the Statutes of Oklahoma, the regulations of the USDOT and the rules of the Department of Public Safety.

(b) All vehicles will be utilized in a manner that conforms with the manufacturer's design standards and specifications.

(c) The Commission adopts the provisions of the rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto.

**165:30-16-6. Loading capacity**

All interstate private carriers shall comply with all provisions of OAC 165:30-3-71.

**165:30-16-7. Contempt complaint**

In addition to the procedures set forth in the Oklahoma Statutes and in the Commission Rules of Practice, OAC 165:5, regarding the procedure in proceedings as for contempt, the procedures set forth in 165:30-3-76 may be followed for violation for any requirement or provision of law or the rules of this Subchapter.

**165:30-16-8. Pollution abatement**

All motor carriers engaged in interstate private commerce shall comply with all provisions of 165:30-3-92.

**165:30-16-9. Deleterious Substance Transport Permit**

All interstate private carriers transporting any deleterious substance(s) shall comply with all provisions of OAC 165:30-3-13 and OAC 165:30-3-11.

**SUBCHAPTER 21. INTERNATIONAL FUEL TAX AGREEMENT**

**165:30-21-1. Incorporating the International Fuel Tax Agreement**

(a) Reference to the International Fuel Tax Agreement ("IFTA"). When reference is made to the International Fuel Tax Agreement or "IFTA", it shall mean, unless the context clearly indicates otherwise, the fuel tax reciprocity agreement among the various states of the United States and the provinces of Canada, including the Audit Manual, which provides for payment of fuel taxes by licensees based on fuel used by qualified vehicles in the various jurisdictions, to which Oklahoma is a signatory state, as published by International Fuel Tax Association, Inc., as amended.

(b) Incorporation. The following Articles are, unless otherwise specifically provided, incorporated by reference in their entirety:

- (1) Articles I through XXI of the International Fuel Tax Agreement ("IFTA");
- (2) The International Fuel Tax Agreement Audit Manual; and,
- (3) The International Fuel Tax Agreement Procedures Manual.

(c) Inclusion of IFTA citations and definitions. When a provision of the IFTA is incorporated by reference, all citations and definitions contained therein are also incorporated by reference.

(d) Inconsistencies or duplication. In the case of any inconsistency or duplication between the requirements of those provisions incorporated by reference in this Section, and the rules set out in this Subchapter, the provisions incorporated by reference shall prevail, except where the rules in this Subchapter are more particular. The provisions incorporated by reference are subject to any limitations provided by Oklahoma law.

*[OAR Docket #05-1591; filed 12-23-05]*

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

*[OAR Docket #05-1541]*

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
Subchapter 1. General Provisions  
590:10-1-20. Actuarial cost to withdraw from system [NEW]

**AUTHORITY:**  
Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. §§901, 909 and 910

# Emergency Adoptions

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**DATES:**

**Public hearing:**

November 17, 2005

**Adoption:**

November 17, 2005

**Approved by Governor:**

December 19, 2005

**Effective:**

Immediately upon Governor's approval

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The Agency finds that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule. Certain employers currently seeking to withdraw from the Oklahoma Public Employees Retirement System need a proper determination of the actuarial cost to withdraw.

**ANALYSIS:**

This amendment is intended to clarify the requirements for certain employers withdrawing from the Oklahoma Public Employees Retirement System ("OPERS") pursuant to 74 O.S. §910. Specifically, new rule 590:10-1-20 clarifies how the actuarial cost is to be determined when an entity seeks to withdraw from OPERS. The rule requires the actuarial cost to be calculated by the consulting actuary for OPERS. In addition, the new rule requires the employer requesting the withdrawal to be responsible for paying the costs for professional services associated with determining the actuarial cost.

**CONTACT PERSON:**

Joseph A. Fox (405) 858-6737

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,  
THE FOLLOWING EMERGENCY RULES ARE**

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

**590:10-1-20. Actuarial cost to withdraw from system**

Actuarial cost for the purpose of withdrawing from the System pursuant to Section 910 of Title 74 of the Oklahoma Statutes shall be determined in accordance with the generally accepted actuarial principles and procedures using methodologies and assumptions which are consistent with those utilized in the actuarial valuation report for the most recent Fiscal Year ending June 30. The actuarial cost to withdraw from the System shall be calculated by the consulting actuary for the System. The employer requesting the withdrawal shall be responsible for paying any fees, costs and expenses for professional services associated with determining the actuarial cost to withdraw from the System. The employer shall also be responsible for any reasonable costs and expenses of the System to retrieve documents for the determination of the actuarial cost to withdraw from the System.

*[OAR Docket #05-1541; filed 12-22-05]*

# 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

**1:2005-36.**

### EXECUTIVE ORDER 2005-36

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 Task Force on Prevention of Underage Drinking.

The purpose of the Task Force shall be to conduct a comprehensive study of the effect of underage drinking in Oklahoma. Alcohol is the number one drug of choice for youth in Oklahoma. Almost half of all youth report current alcohol use (higher than the national average of 44.9%). In addition, youth in Oklahoma start young: one in four (26.8%) have consumed alcohol before the age of 13, and an alarming four out of every five high school students admit to already having tried alcohol (78.6%).

Adolescents under the influence of alcohol are prone to act impulsively. Underage alcohol use causes youth to take risks that they ordinarily would not consider and can be linked to other risky behaviors, such as teen pregnancy, suicide, drunk driving, binge drinking, other drug use, delinquency, violence and school dropout.

The Task Force shall consist of not more than fifteen (15) members. All members shall be appointed and serve at the pleasure of the Governor, and may include persons who are or have been engaged in the fields related to substance abuse prevention, law enforcement, education, and public health. The Governor's Secretary of Health shall serve as an ex-officio member of the Task Force.

The Task Force shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Task Force members employed by a state agency shall be reimbursed travel expenses related to their service on the Task Force as authorized by state law by their respective state agency. Legislative members of the Task Force shall be reimbursed by their respective legislative bodies for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Task Force members shall be reimbursed travel expenses related to their service on the Task Force as authorized by state law by the Department of Mental Health and Substance Abuse Services.

Administrative support for the Task Force, including , but not limited to , personnel necessary to ensure the proper performance of the duties and responsibilities of the Task Force, shall be provided by the Department of Mental Health and Substance Abuse Services. The Governor shall appoint the chair and the vice chair.

The Task Force shall plan, organize and implement community town hall meetings across the state in conjunction with the national spring broadcast on preventing underage alcohol use. In addition, the Task Force shall conduct a needs assessment to determine the nature and extent of the underage drinking in Oklahoma; identify the current activities to reduce or prevent underage drinking in Oklahoma; examine overall enforcement efforts, including the range of penalties for different violations and the interaction of enforcement agencies; and identify challenges and barriers to reducing underage drinking.

The Task Force shall evaluate any proposed legislation aimed at reducing youth access to alcohol, and make recommendations to the Office of the Governor regarding such legislation. In addition, the Task Force shall identify strategies to reduce underage access to alcohol.

The Task Force shall complete a final report within one year of the date of this Order. The final report shall contain recommendations to reduce and prevent underage drinking, make recommendations for policy changes, and provide a comprehensive statewide strategic plan for underage drinking prevention.

This Executive Order shall be distributed to the 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 19th day of December, 2005.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

[OAR Docket #05-1516; filed 12-21-05]



**STATE BOND ADVISOR'S OFFICE  
NOTICE OF STATE CEILING AMOUNT FOR  
THE CALENDAR YEAR 2006**

In accordance with §695.25, Title 62 O.S., the maximum total volume (also referred to as "Volume Cap" or "State Ceiling Amount") of Private Activity Bonds that may be issued pursuant to federal law by the State of Oklahoma during calendar year 2006 is \$283,830,720. From the first business day of 2006 through September 1, 2006, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, \$34,059,686; (2) Exempt Facility Pool, \$7,095,768; (3) Beginning Agricultural Producer Pool, \$2,838,307; (4) Student Loan Pool, \$43,993,762; (5) Economic Development Pool, \$34,059,686; (6) Oklahoma Housing Finance Agency Pool, \$42,574,608; (7) State Issuer Pool,

\$11,353,229; (8) Metropolitan Area Housing, \$35,478,840; (9) Rural Area Housing, \$22,706,458; and (10) Local Issuer Single Family Pool, \$49,670,376. From September 2, 2006, to 9:00 a.m., December 20, 2006, any amount remaining to be allocated from these pools is combined and managed from the Consolidated Pool. On or after 9:00 a.m. on December 20, 2006, certain Private Activity Bond issuing authorities may apply to the State Bond Advisor to carry forward a portion of any remaining State Ceiling Amount.

*[OAR Docket #05-1592; filed 12-23-05]*

