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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 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #06-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Chapter 1 sets forth the rules for the administrative operations of the Oklahoma Accountancy Board. The amendment to this chapter changes the hours of operation of the Board office from 8:30 a.m. to 5:00 p.m., Monday through Friday, to 8:00 a.m. to 5:00 p.m., Monday through Friday.

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5

COMMENT PERIOD:

Written and oral comments will be accepted through close of business March 17, 2006. Comments can be submitted directly through the OAB website at www.ok.gov/oab. Click on the link in the "In the Spotlight" section to submit your comments. Comments can also be submitted by contacting Edith Steele, Executive Director, or Kelly Brown, Deputy Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: okaccybd@oab.ok.gov or FAX: 405-521-3118.

PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:00 a.m. on March 17, 2006, Suite 20, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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 to Edith Steele at the above address during the period from February 15, 2006 through March 17, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Accountancy Board website at www.OK.gov/oab or from the Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available February 28, 2006 on the Oklahoma Accountancy Board website or from the Oklahoma Accountancy Board at the address and contact numbers listed above.

CONTACT PERSONS:

Edith Steele or Kelly Brown at 405-521-2397

[OAR Docket #06-89; filed 1-24-06]

TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

[OAR Docket #06-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Licensure and Regulations of Accountancy [AMENDED]

SUMMARY:

Chapter 15 sets forth the rules for administering the licensure for and regulation of the accounting profession.

Subchapter 1, General Provisions, substantive amendments provide definitions for active, inactive, and retired status of registrants and provide that retired registrants may perform volunteer services as long as they do not sign any documents related to those services.

Subchapter 18, Computer-Based Examinations, substantive amendments clarify that the National Center for Educational Statistics will replace the Directory of Post Secondary Schools in determining collegiate accreditation.

Subchapter 27, Fees, amendments change the portal convenience fee for use of on-line services from 3.5% of the total remittance to a flat fee of \$3.50 for each transition.

Subchapter 29, Continuing Professional Education, is revoked.

Subchapter 30, Continuing Professional Education, amendments delete the reference to the effective date of

Notices of Rulemaking Intent

the rules. Further amendments allow certificate and license holders sixty days to obtain documentation attesting to the completion of a CPE course from the course sponsor. A requirement is added that permit holders whose main area of employment is in industry must earn a minimum of eight hours per year in the areas of taxation, accounting or assurance. Also, a provision is added that specifies CPE requirements for registrants returning to active status.

Subchapter 32, Standards for Continuing Professional Education (CPE) Programs, amendments provide limits to the amount of CPE credit that can be claimed for instructing university or college courses.

Subchapter 33, Peer Review, amendments delete the reference to the effective date of the rules, provide that the Board may approve standards promulgated by qualifying sponsoring organizations other than the AICPA, and add the standard that individuals and firms who perform peer reviews for Oklahoma registrants must be registered and hold a valid permit to practice. The upper limit for compensation to Peer Review Committee members is set at one hundred fifty dollars. Also, an amendment decreases the period during which a Peer Review Committee member may not serve as a member of the AICPA's or any state's CPA society's Peer Review Committee from eighteen months to twelve months following that person's service on the OAB's Peer Review Committee.

Subchapter 39, Rules of Professional Conduct, amendments add the requirement that registrants observe, where applicable, governmental auditing standards and standards as set by the Public Company Auditing Oversight Board and that registrants hold the affairs of their employers in confidence.

Subchapter 43, Audits Performed in Accordance with Government Auditing Standards, is added. The new subchapter addresses such issues as registration, evaluation of registrations, notification, denial of registration, Board review of denied registrations, and renewal requirements.

Any other changes to the rules in Chapter 15 are nonsubstantive and made for purposes of clarification.

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5

COMMENT PERIOD:

Written and oral comments will be accepted through close of business March 17, 2006. Comments can be submitted directly through the OAB website at www.ok.gov/oab. Click on the link in the "In the Spotlight" section to submit your comments. Comments can also be submitted by contacting Edith Steele, Executive Director, or Kelly Brown, Deputy Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: okaccybd@oab.ok.gov or FAX: 405-521-3118.

PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:00 a.m. on March 17, 2006, Suite 20, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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 to Edith Steele at the above address during the period from February 15, 2006 through March 17, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Accountancy Board website at www.OK.gov/oab or from the Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available February 28, 2006 on the Oklahoma Accountancy Board website or from the Oklahoma Accountancy Board at the address and contact numbers listed above.

CONTACT PERSONS:

Edith Steele or Kelly Brown at 405-521-2397

[OAR Docket #06-90; filed 1-24-06]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #06-94]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Organization and Operation [AMENDED]

Subchapter 5. Declaratory Ruling Procedures [AMENDED]

Subchapter 7. Rulemaking Procedures [AMENDED]

Subchapter 9. Individual Procedures [AMENDED]

Subchapter 11. Licensing Procedures [AMENDED]

SUMMARY:

The purpose of the proposed rules is to amend the Department's organizational procedures related to divisions, hearings, rulemaking, licensing, and declaratory rulings. The hearing procedures are amended to allow for consistency with the Administrative Procedures Act and the Agricultural Pollutant Discharge Elimination System Act requirements. The revisions also provide for clean up to old and obsolete rules.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4, 2A-1 et seq., 10-9 et seq., and 10-9.16; 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 February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 17, 2006, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 Teena Gunter at the above address during the period from February 15, 2006 through March 17, 2006.

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.

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 #06-94; filed 1-26-06]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 3. FINE MATRICES**

[OAR Docket #06-95]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking
PROPOSED RULES:

- Subchapter 1. Fine Schedules
- Part 17. ~~Water~~ Quality Agricultural Environmental
Management Violations [NEW]
- 35:3-1-30. [NEW]
- 35:3-1-31. [NEW]
- 35:3-1-32. [NEW]

SUMMARY:

The purpose of the proposed rules is to create a fine matrix for the Agricultural Environmental Management Services Division to address the imposition of administrative penalties in relation to violations of the Oklahoma Agricultural Code and corresponding rules. The implementation of the fine matrices in the rules will provide guidance to the Department and to the public on potential fines for specific violations. Penalties for referenced violations will be more consistently applied, while still allowing the Department to make determinations on a case-by-case basis.

AUTHORITY:

State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 20-1 et seq., 10-9 et seq., and 10-9.16; 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 February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., March 17, 2006, in the Board 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.

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 #06-95; filed 1-26-06]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 13. FUEL ALCOHOL**

[OAR Docket #06-96]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking
PROPOSED RULES:

- Chapter 13. Fuel Alcohol [NEW]

Notices of Rulemaking Intent

SUMMARY:

The proposed rules implement the provisions of the Oklahoma Fuel Alcohol Act and provide procedures for permitting alcohol fuel plants in Oklahoma.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), and 11-20 et seq.

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 February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 8:30 a.m., March 17, 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.

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 #06-96; filed 1-26-06]

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

[OAR Docket #06-97]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

35:15-1-1. [AMENDED]

35:15-1-2. [NEW]

35:15-1-3. [NEW]

Subchapter 11. Importation of Livestock, Poultry, and Pets

Part 3. Official Health Certificates

35:15-11-5. [AMENDED]

Part 7. Livestock

35:15-11-15. [AMENDED]

35:15-11-17. [AMENDED]

Subchapter 17. Bovine and Bison Brucellosis

Part 1. Definitions

35:15-17-1. [AMENDED]

Subchapter 19. Poultry Regulations

35:15-19-7. [AMENDED]

Subchapter 40. Bovine Tuberculosis

Part 1. Definitions

35:15-40-1. [AMENDED]

Subchapter 42. Tuberculosis Eradication in Cervidae

Part 1. Definitions

35:15-42-1. [AMENDED]

Subchapter 47. Chronic Wasting Disease (CWD) in Cervidae

Part 1. General

35:15-47-2. [AMENDED]

SUMMARY:

The proposed rules amend the definition of official ear tag to include any form of livestock identification approved by USDA or the State Veterinarian, and can include RFID tags. In addition the rules provide clean up to several animal health regulations. The rules also clarify the Department's ability to indemnify livestock owners when an animal is ordered destroyed. Finally, the rules require cats and ferrets to obtain a rabies vaccination prior to entering Oklahoma, similar to the requirement for dogs.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-1 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, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 17, 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, e-mail address: becky.brewer@oda.state.ok.us

[OAR Docket #06-97; filed 1-26-06]

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

[OAR Docket #06-98]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 15. Equine Infectious Anemia (EIA) [AMENDED]

Subchapter 16. Contagious Equine Metritis [NEW]

SUMMARY:

The proposed rules amend the Equine Infectious Anemia rules to allow the use of electronic EIA forms and to clarify and clean up the Department's authority in protecting the Oklahoma horse population. In addition, the proposed rules provide for protection of equine animal health through the regulation of Contagious Equine Metritis by bringing the state requirements into line with the federal requirements.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2; 6-281 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, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 17, 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, e-mail address: becky.brewer@oda.state.ok.us

[OAR Docket #06-98; filed 1-26-06]

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

[OAR Docket #06-99]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 22. Swine Pseudorabies [AMENDED]

Subchapter 24. Swine Brucellosis [AMENDED]

SUMMARY:

The proposed rules amend the swine pseudorabies and brucellosis rules to reflect several terminology changes, incorporate federal regulations into the state programs, and protect swine health.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-281 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, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 17, 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

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #06-99; filed 1-26-06]

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

[OAR Docket #06-131]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 11. Standards for Application of Pesticide

35:30-17-24.1. [NEW]

35:30-17-24.2. [NEW]

35:30-17-24.3. [NEW]

35:30-17-24.4. [NEW]

35:30-17-24.5. [NEW]

SUMMARY:

The proposed rules make the emergency rule found at 35:30-17-24.1 permanent, as well as providing additional standards to assure cotton producers in specified locations will not suffer any undue economic hardship arising from potential damage occurring from the application of hormone herbicides to adjacent agricultural lands.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 2-18; 3-81 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 February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., March 17, 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:

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 Teena Gunter at the above address during the period from February 15, 2006 through March 17, 2006.

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.

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 #06-131; filed 1-26-06]

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

[OAR Docket #06-132]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 3. Certification, Conduct of Examinations, and Recertification

35:30-17-6. [AMENDED]

SUMMARY:

The proposed rule clarifies that timber treating and aerial are two separate categories for purposes of continuing education units (CEUs).

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 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 February 15, 2006 through March 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 11:30 a.m., March 17, 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:

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 Teena Gunter at the above address during the period from February 15, 2006 through March 17, 2006.

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.

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 #06-132; filed 1-26-06]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 1. ADMINISTRATION**

[OAR Docket #06-122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administration [NEW]

SUMMARY:

Pursuant to Title 74 O.S. § 18p-6, the Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. Title 74 O.S. § 18p-3 provides that any domestic violence or sexual assault programs providing services pursuant to a contract or subcontract with the Attorney General and receiving funds from the Attorney General or any contractor with the Attorney General shall be subject to the provisions of the administrative rules of the Attorney General. Currently, the Office of the Attorney General does not have permanent rules for administrative procedures. The following proposed rules set forth the administrative procedures and requirements which are necessary for contracting and certification as well as the set forth rules for individual proceedings and administration of the Victims Services Unit pursuant to 74 O.S. § 18p-1 et seq.

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 20, 2006, at the Office of the Attorney General, Victims Services Unit, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Monday, March

20, 2006, at 10:00 a.m., in the conference room of the Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2006, at the Office of the Attorney General at the above address, Attn: Susan Krug.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Susan Krug in the Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK, (405) 521-4274.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2006.

CONTACT PERSON:

Susan Damron Krug, Assistant Attorney General, 405-522-0042

[OAR Docket #06-122; filed 1-26-06]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 15. STANDARDS AND CRITERIA
FOR DOMESTIC VIOLENCE AND SEXUAL
ASSAULT PROGRAMS**

[OAR Docket #06-121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Standards and Criteria for Domestic Violence and Sexual Assault Programs [AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. and to meet the responsibilities related to oversight, management, evaluation, performance improvement, and auditing of domestic violence and sexual assault services in this state. The rules in this Chapter were transferred from the Oklahoma Department of Mental Health and Substance Abuse Services pursuant to Senate Bill 236 (2005) and became effective July 1, 2005. Although the rule numbers changed to reflect placement in

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OAC 75:15, references to rules contained in the previous OAC 45:19 as well as references to the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) contained in the body of the rules did not change. It is also necessary to amend language that is obsolete or inaccurate due to the transfer of the administration of the domestic violence programs from ODMHSAS to the Office of the Attorney General, and to correct any typographical errors. Various other recommendations were also made by the Domestic Violence and Sexual Assault Advisory Council, including the creation of a subchapter for batterers intervention program standards as well as expanded provisions for safe home services.

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 20, 2006, at the Office of the Attorney General, Victims Services Unit, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Monday, March 20, 2006, at 10:00 a.m., in the conference room of the Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2006, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2006.

CONTACT PERSON:

Susan Damron Krug, Assistant Attorney General, 405-522-0042

[OAR Docket #06-121; filed 1-26-06]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 10. CONSUMER LEASING

[OAR Docket #06-124]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Disclosures

160:10-5-1.2. [AMENDED]

SUMMARY:

The proposed rule provides a presumption of reasonableness for penalties and other charges for delinquency that are consistent with certain provisions of the Uniform Consumer Credit Code.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rule: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed rule 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 rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rule at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of the proposed rule may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or the proposed rule may be printed from the Department's web page at www.okdccc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rule.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-124; filed 1-26-06]

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 25. UNIFORM CONSUMER CREDIT CODE RULES**

[OAR Docket #06-125]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

160:25-1-4. [NEW]

SUMMARY:

The proposed rule provides regulations on allowable charges in revolving loan accounts.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (6), and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rule: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed rule 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 rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rule at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of the proposed rule may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or the proposed rule may be printed from the Department's web page at www.okdccc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rule.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-125; filed 1-26-06]

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 45. TRUTH IN LENDING RULES**

[OAR Docket #06-126]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Special Rules for Certain Home Mortgage Transactions
160:45-9-2. [AMENDED]

SUMMARY:

The proposed rule incorporates federal changes to maintain Oklahoma's exemption from federal regulation.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rule: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed rule 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 rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rule at the Department of Consumer Credit, 4545 N. Lincoln Blvd.,

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Suite 104, Oklahoma City, OK 73105. Copies of the proposed rule may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or the proposed rule may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rule.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-126; filed 1-26-06]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 55. MORTGAGE BROKERS

[OAR Docket #06-127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

160:55-1-2. [AMENDED]

Subchapter 3. Licensing

160:55-3-1.4. [AMENDED]

Subchapter 11. Home Mortgage Transactions [NEW]

160:55-11-1.1. through 160:55-11-1.3. [NEW]

SUMMARY:

The proposed general provisions rule adds a definition for RESPA. The proposed licensing rule is to supersede the emergency rule that provided regulations for the change in the continuing education requirement pursuant to House Bill 1452 from the 2005 First Regular Session of the 50th Legislature. The proposed new subchapter provides regulations for allowable fees for mortgage brokers.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §§2084 and 2085(A)(1) and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of the proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-127; filed 1-26-06]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 60. PRECIOUS METAL AND GEM DEALERS

[OAR Docket #06-128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

160:60-1-3. [AMENDED]

Subchapter 3. Licensing

160:60-3-1. [AMENDED]

160:60-3-2. [AMENDED]

160:60-3-5. [AMENDED]

160:60-3-6. [AMENDED]

Subchapter 7. Records

160:60-7-2. [AMENDED]

SUMMARY:

The proposed rules clarify the location requirement for dealers.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §§1524(C), 1527 and 1528(A)(3) and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of the proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-128; filed 1-26-06]

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 70. DEFERRED DEPOSIT LENDERS**

[OAR Docket #06-129]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 1. General Provisions

160:70-1-3. [AMENDED]

Subchapter 11. Collection Practices [NEW]

160:70-11-1. through 160:70-11-9. [NEW]

SUMMARY:

The proposed rules provide regulations requiring collection practices be conducted professionally, fairly and lawfully.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §3116(A)(5) and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 17, 2006 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., Friday, March 17, 2006, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

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 by the conclusion of the comment period and public hearing on March 17, 2006 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect the proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of the proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after March 2, 2006 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Deputy Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #06-129; filed 1-26-06]

Notices of Rulemaking Intent

TITLE 170. DEPARTMENT OF CORRECTIONS CHAPTER 30. TUITION ASSISTANCE PROGRAM

[OAR Docket #06-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

170:30-1-3. [AMENDED]

170:30-1-7. [AMENDED]

SUMMARY:

The proposed revisions to 170:30-1-3 amend the definition of "eligible academic institution" to include any accredited college, university, community college, or technical institution offering academic or vocational courses that provide credit hours to enrolled students for course completion. Language prohibiting private institutions from eligibility was removed. The proposed revisions to 170:30-1-7 remove language regarding maximum amounts payable for tuition.

AUTHORITY:

Oklahoma Department of Corrections; 57 O.S. § 510(A)(17)

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Administrator of the Human Resources Unit, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400, until March 17, 2006.

PUBLIC HEARING:

Public hearing will be conducted at the Oklahoma Correctional Industries conference room at 3402 Martin Luther King Avenue at 2:00 o'clock p.m. on the 24th of March, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2006. Copies may be obtained at the Human Resources Unit at the above address.

CONTACT PERSON:

Linda Parrish, Human Resources Manager, (405) 425-2885.

[OAR Docket #06-54; filed 1-18-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #06-130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 29. Standards of Performance and Conduct for Teachers

210:20-29-1. [AMENDED]

210:20-29-2. [AMENDED]

210:20-29-3. [AMENDED]

210:20-29-4. [AMENDED]

210:20-29-5. [AMENDED]

SUMMARY:

The proposed rule changes will amend and update standards of conduct and performance for teachers and will provide guidance on professional standards and conduct for all teachers.

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., March 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 9:30 a.m. on Thursday, March 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 9:35 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 February 16, 2006.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-130; filed 1-26-06]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 300. LABORATORY ACCREDITATION**

[OAR Docket #06-110]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Classifications
252:300-19-3. [AMENDED]

SUMMARY:

The proposed change to Subchapter 19 is responsive to the needs of the Water Quality Division of the DEQ. An additional method for accreditation was needed for general water quality laboratories to concur with Oklahoma Pollution Discharge Elimination System (OPDES) permits.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and Article IV., Laboratory Services and Certification, § 2-4-101 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from February 15, 2006 through March 17, 2006. Oral comments may be made at the Laboratory Certification Advisory Council meeting on March 28, 2006, and at the meeting of the Environmental Quality Board on June 20, 2006.

PUBLIC HEARINGS:

Before the Laboratory Certification Advisory Council at 1:30 p.m. on March 28, 2006, in the 10th floor conference room of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 on June 20, 2006, in Redbud Hall, SWOSU Conference Center, 1121 N. 7th, Weatherford, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by this proposed rule 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.

COPY OF PROPOSED RULE CHANGES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

David Caldwell, Customer Services Division, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at david.caldwell@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 #06-110; filed 1-26-06]

**TITLE 268. COUNCIL ON FIREFIGHTER TRAINING
CHAPTER 1. AGENCY RULES AND REGULATIONS**

[OAR Docket #06-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Agency Rules and Regulations [AMENDED]

SUMMARY:

Amendments to the Administrative Rules for the recently created Council on Firefighter Training will be proposed.

AUTHORITY:

74 O.S. § 325.1; Council on Firefighter Training

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 27, 2006, at the following address: Chris Bain, Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street Oklahoma City, OK 73111.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 28, 2006, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107 in the Activity Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street Oklahoma City, OK 73111.

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RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the Oklahoma State Firefighters Association Office at the above address beginning March 1, 2006.

CONTACT PERSON:

Chris Bain, Director of Operations, Oklahoma State Firefighters Association, Tel. (405) 424-1452.

[OAR Docket #06-91; filed 1-25-06]

TITLE 268. COUNCIL ON FIREFIGHTER TRAINING CHAPTER 3. APPLICATION PROCESS FOR TAX CREDITS

[OAR Docket #06-92]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 3. Application Process for Tax Credits [NEW]

SUMMARY:

Discussion of the application process for tax credits will be covered in this chapter.

AUTHORITY:

74 O.S. § 325.1; Council on Firefighter Training

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 27, 2006, at the following address: Chris Bain, Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street Oklahoma City, OK 73111.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 28, 2006, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107 in the Activity Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Firefighters Association Office, inside Oklahoma State Firefighters Museum, 2716 NE 50th Street Oklahoma City, OK 73111.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the Oklahoma State Firefighters Association Office at the above address beginning March 1, 2006.

CONTACT PERSON:

Chris Bain, Director of Operations, Oklahoma State Firefighters Association, Tel. (405) 424-1452.

[OAR Docket #06-92; filed 1-25-06]

TITLE 304. STATE USE COMMITTEE CHAPTER 10. OPERATIONAL PROCEDURES

[OAR Docket #06-139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Operational Procedures [AMENDED]

SUMMARY:

Proposed amendments clarify, revise and update rule information pertaining to the operational procedures of the State Use Committee.

AUTHORITY:

State Use Committee, 74 O.S., Section 3009.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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, Administration, 2401 N. Lincoln Boulevard, Suite 102/104, Oklahoma City, OK, on Monday, March 20, 2006 at 11:30 a.m.. Anyone who wishes to speak must sign in by 11:25 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 28, 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) 522-8519

[OAR Docket #06-139; filed 1-26-06]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 40. VETERINARIAN PRACTICES**

[OAR Docket #06-107]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 325:40-1-1. Purpose [AMENDED]
- 325:40-1-2. Definitions [AMENDED]
- 325:40-1-3. Veterinary practices - treatment restricted [AMENDED]
- 325:40-1-4. Veterinarians under supervision of official veterinarian [AMENDED]
- 325:40-1-5. Veterinarian reports [AMENDED]
- 325:40-1-6. Bandages [AMENDED]
- 325:40-1-7. Posterior digital neurectomy [AMENDED]
- 325:40-1-8. Postmortem examination [AMENDED]
- 325:40-1-9. Labeling of medication [AMENDED]
- 325:40-1-10. Sterile equipment required [AMENDED]

SUMMARY:

The Commission appointed an Ad Hoc Committee to review Chapter 45 of the OHRC *Rules of Racing* regarding the equine drug testing rules to reflect changes in the industry. The Ad Hoc Committee added Chapter 40 to the review.

AUTHORITY:

75 O.S., § 303; Title 3A O.S. § 204(A), § 262(F); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 20, 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, March 20, 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 March 15, 2006.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendments 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 15, 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 #06-107; filed 1-26-06]

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

[OAR Docket #06-108]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 325:45-1-1. Purpose [AMENDED]
- 325:45-1-2. Definitions [AMENDED]
- 325:45-1-3. Intent of medication rules [AMENDED]
- 325:45-1-4. Drugs or medication [AMENDED]
- 325:45-1-5. Power to have tested [AMENDED]
- 325:45-1-6. Authorized medication [AMENDED]
- 325:45-1-7. Authority to test sample [AMENDED]
- 325:45-1-8. Furosemide (Salix) use with detention barn [AMENDED]
- 325:45-1-9. Furosemide (Salix) use without detention barn [AMENDED]
- 325:45-1-10. Conditional Furosemide (Salix) use [AMENDED]
- 325:45-1-11. Trainer responsibility - Furosemide (Salix) [AMENDED]
- 325:45-1-12. Bleeder list [AMENDED]
- 325:45-1-13. Racing after bleeding [AMENDED]
- 325:45-1-14. Racing soundness examination [AMENDED]
- 325:45-1-15. Equine drug testing laboratory reports [AMENDED]
- 325:45-1-16. Pre-race testing [AMENDED]
- 325:45-1-17. Equipment for official testing [AMENDED]
- 325:45-1-18. Taking of samples [AMENDED]
- 325:45-1-19. Laboratories approved and designated by the Commission [AMENDED]
- 325:45-1-20. Split samples [AMENDED]
- 325:45-1-21. Facilitating the taking of urine samples [AMENDED]
- 325:45-1-22. Phenylbutazone use [AMENDED]
- 325:45-1-23. Trainer responsibility - Phenylbutazone [AMENDED]

Notices of Rulemaking Intent

325:45-1-24. Drug classification and penalties
[AMENDED]

325:45-1-25. Use, administration and regulation of
Furosemide (Salix) [AMENDED]

SUMMARY:

The Commission appointed an Ad Hoc Committee to review Chapter 45 of the OHRC *Rules of Racing* regarding the equine drug testing rules to reflect changes in the industry.

AUTHORITY:

75 O.S., § 303; Title 3A O.S. § 204(A), § 262(F); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 20, 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, March 20, 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 March 15, 2006.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendments 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 15, 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 #06-108; filed 1-26-06]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

[OAR Docket #06-109]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:70-1-22. Grounds for Appeal From Decision of the Stewards [AMENDED]

SUMMARY:

Since the Oklahoma State Supreme Court has held that the use of "preponderance of the evidence" is an inappropriate standard of proof, Commission Staff reviewed the OHRC *Rules of Racing* for the applicability of the term 'evidence.' Consequently, Commission Counsel recommends that an amendment be made to Rule 325:70-1-22.

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, March 20, 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, March 20, 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 March 15, 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 15, 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 #06-109; filed 1-26-06]

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

[OAR Docket #06-103]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Risk and Safety Management Program

Part 1. Risk Management Program

340:2-15-1. through 340:2-15-2. [AMENDED]

340:2-15-3. [REVOKED]

340:2-15-4. through 340:2-15-5. [AMENDED]

340:2-15-6. [REVOKED]

340:2-15-7. [NEW]

Part 3. Hazard Communication Program

340:2-15-25. [AMENDED]

340:2-15-26. [REVOKED]

340:2-15-27. [AMENDED]

340:2-15-27.1. [NEW]

340:2-15-28. [AMENDED]

340:2-15-29. through 340:2-15-33. [REVOKED]

Appendix L. Access Clause for Purchase Contract [REVOKED]

Appendix M. Material Safety Data Sheet Surrogate Statement [REVOKED]

(Reference APA WF# 06-02)

SUMMARY:

Proposed revisions to Risk Management Program rules: (1) reflect the current title of the Support Services Division (SSD); (2) clarify current functions of the Risk Management Program; (3) remove obsolete definitions; (4) add new definitions; (5) amend current definitions; (6) clarify incident reporting responsibilities; (7) make stylistic and semantic improvements; (8) codify rules regarding motor vehicle safety and liability; (9) clarify the hazard communication program requirements; (10) revoke rules that are no longer applicable; and (11) revoke obsolete appendices.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Section 1910.1200 of Title 29 of the Code of Federal Regulations; OAC 580:25-3; and Section 85.58 A of Title 74 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Peggy Moulden, Department of Human Services,

P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-2095

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 March 17, 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 #06-103; filed 1-26-06]

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

[OAR Docket #06-104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 35. Volunteer Services

340:2-35-4. [AMENDED]

(Reference APA WF# 06-06)

SUMMARY:

The proposed revisions to Volunteer Program rules: correct the title of the background check for volunteers to reflect Child Abuse and Neglect Information System (CANIS).

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Sections 683.25 et seq. of Title 63 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Karen Jacobs, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-2528.

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 March 17, 2006 at 5:00 p.m.

Notices of Rulemaking Intent

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 #06-104; filed 1-26-06]

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

[OAR Docket #06-105]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 4. Alcohol and Drug Testing ~~Policy Rules~~ Applicable to Agency Facilities Providing Direct Care to Children or Individuals with Developmental Disabilities All OKDHS Employees

340:2-1-40. through 340:2-1-44. [AMENDED]

(Reference APA WF# 06-03)

SUMMARY:

Human Resources Management Division (HRMD) proposed rule revisions establish rules for: (1) drug testing for all newly hired Oklahoma Department of Human Services (OKDHS) employees; (2) testing OKDHS employees suspected of using alcohol or illegal drugs while on duty; and (3) random testing for persons employed by OKDHS as direct care specialists.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Sections 551 et seq. of Title 40 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Kevin Sharp, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-6829.

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 March 17, 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 #06-105; filed 1-26-06]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 5. ADULT PROTECTIVE SERVICES

[OAR Docket #06-101]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Investigation of Adult Protective Services Referrals

340:5-5-3. [AMENDED]

(Reference APA WF 06-05)

SUMMARY:

Adult Protective Services (APS) proposed revisions change the completion time frame for an APS investigation from 30 calendar days to 60 calendar days to provide consistency between Oklahoma Department of Human Services programs while still providing for immediate needs of APS clients to be addressed timely.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Title 43A of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Barbara Kidder, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3660.

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 March 17, 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 #06-101; filed 1-26-06]

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

[OAR Docket #06-102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-31. [AMENDED]

Part 5. Determination Of Income ~~And Deductions~~

340:50-7-49. through 340:50-7-53. [REVOKED]

(Reference APA WF# 06-04)

SUMMARY:

Food Stamp Program proposed rule revisions: (1) clarify deductible expenses; (2) revoke obsolete rules; (3) move rules to a more logical location; (4) remove out dated language; and (5) clarify language that is vague or confusing.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 273.9 of Title 7 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Leola Anderson, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3445.

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 March 17, 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 #06-102; filed 1-26-06]

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

[OAR Docket #06-61]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

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

340:105-10-105.1. [AMENDED]

(Reference APA WF 06-01)

SUMMARY:

The proposed revisions to Subchapter 10 of Chapter 105 clarify and update language regarding non-Older Americans Act (OAA) contract income.

340:105-10-105.1 is amended regarding non-OAA contract income by deleting "service reimbursement" language and adding language specifying OAA and non-OAA regarding service cost.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and the Older Americans Act, as amended.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2006 through March 17, 2006 during regular business hours by contacting Beth Batman, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-0726.

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 March 17, 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

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 #06-61; filed 1-19-06]

TITLE 345. COMMITTEE FOR INCENTIVE AWARDS FOR STATE EMPLOYEES CHAPTER 10. PRODUCTIVITY ENHANCEMENT PROGRAM

[OAR Docket #06-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

345:10-1-2. [NEW]

Subchapter 3. Organization

345:10-3-1. [AMENDED]

Subchapter 5. Types of Awards

345:10-5-2. [AMENDED]

SUMMARY:

The purpose of these proposed rule amendments is to make current emergency rules permanent.

AUTHORITY:

Committee for Incentive Awards for State Employees; 74 O.S., § 4113.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to chanda.graham@opm.state.ok.us. The comment period will begin on February 15, 2006. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 17, 2006.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:00AM., Friday, March 17, 2006, OPM Test Room, Jim Thorpe Building, 2101 N. Lincoln, Basement, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2006. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Chief Policy Attorney, (405) 522-1736.

[OAR Docket #06-80; filed 1-23-06]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #06-111]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The Oklahoma State Board of Examiners for Nursing Home Administrators (OSBENHA) intends to adopt amendments and additions to Administrative Operations. The proposed amendments and additions are necessary to establish the Administrator University being designed to enhance the development of licensed administrators. The proposed changes will affect applicants for licensure as a Nursing Home Administrator as well as currently licensed Nursing Home Administrators. The proposed additions and amendments include the following: New language establishing the Administrator University; Requirement for new applicants; Provision for Administrator's University to be used for continuing education hours; Provision for the Administrator's University to be used as a remedy.

AUTHORITY:

OSBENHA, 63 O.S., Sections 330.51 et seq.

COMMENT PERIOD:

Persons desiring to present their views may provide written comments by March 21, 2006 to the Board office at the following address: OSBENHA, 3033 N. Walnut, Suite 100 E, Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views orally: Wednesday March 22, 2006 at 9:00 a.m., at the Water Resources Building, 3800 N. Classen Boulevard, Oklahoma City, OK

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on or after February 15, 2006 at the Board office.

CONTACT PERSON:

Mary Ann Karns, 405-285-1931

[OAR Docket #06-111; filed 1-26-06]

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
CHAPTER 10. RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS**

[OAR Docket #06-112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Rules and Regulations for Nursing Home Administrators [AMENDED]

SUMMARY:

The Oklahoma State Board of Examiners for Nursing Home Administrators (OSBENHA) intends to adopt amendments and additions to Rules and Regulations for Nursing Home Administrators. The proposed amendments and additions are necessary to clarify current language, and to revise policy and procedures. These changes will affect applicants for licensure as a Nursing Home Administrator as well as currently licensed Nursing Home Administrators. The proposed amendments and additions include the following: Change to qualifications of applicants; Change to training requirement; Change to preceptor certification; Change to reinstatement process; Addition to Fee Schedule.

AUTHORITY:

OSBENHA, 63 O.S., Sections 330.51 et seq.

COMMENT PERIOD:

Persons desiring to present their views may provide written comments by March 21, 2006 to the following address: OSBENHA, 3033 N. Walnut, Suite 100 E, Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views orally: Wednesday March 22, 2006 at 9:00 a.m. at the Water Resources Building, 3800 N. Classen Boulevard, Oklahoma City, OK

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on or after February 15, 2006 at the Board office.

CONTACT PERSON:

Mary Ann Karns, 405-285-1931

[OAR Docket #06-112; filed 1-26-06]

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

[OAR Docket #06-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - Part 1. General Provisions
 - 530:10-1-2. [AMENDED]
- Subchapter 3. Affirmative Action and Equal Employment Opportunity
 - Part 2. Discrimination Complaints Investigations
 - 530:10-3-22. [AMENDED]
 - Part 3. Affirmative Action
 - 530:10-3-33.6. [AMENDED]
 - 530:10-3-33.7. [AMENDED]
 - Part 5. Noncompliance, Investigations, Hearings, and Remedies
 - 530:10-3-54. [AMENDED]
- Subchapter 5. Position Allocation and Employee Classification System
 - Part 5. Audits of Positions
 - 530:10-5-52. [NEW]
- Subchapter 7. Salary and Payroll
 - Part 1. Salary and Rates of Pay
 - 530:10-7-1. [AMENDED]
 - 530:10-7-6. [AMENDED]
 - 530:10-7-7. [AMENDED]
 - 530:10-7-11. [AMENDED]
 - 530:10-7-12. [AMENDED]
 - 530:10-7-14. [AMENDED]
 - 530:10-7-17. [AMENDED]
 - 530:10-7-19. [NEW]
 - 530:10-7-24. [AMENDED]
- Subchapter 9. Recruitment and Selection
 - Part 9. Classified Appointments
 - 530:10-9-99. [AMENDED]
 - Part 13. Veterans Preference
 - 530:10-9-130. [AMENDED]
- Subchapter 11. Employee Actions

Notices of Rulemaking Intent

Part 1. General Provisions
530:10-11-1. [AMENDED]
Part 3. Probationary Employees
530:10-11-31. [AMENDED]
530:10-11-32. [AMENDED]
530:10-11-39. [AMENDED]
Part 7. Transfers and Voluntary Demotions
530:10-11-71. [AMENDED]
Subchapter 13. Reduction-in-Force
Part 1. General Provisions for Reduction-in-Force
530:10-13-1. [AMENDED]
530:10-13-2. [AMENDED]
530:10-13-3. [AMENDED]
Part 3. Reduction-in-Force Plan Requirements
530:10-13-32. [AMENDED]
530:10-13-35. [AMENDED]
Subchapter 15. Time and Leave
Part 1. General Provisions
530:10-15-1. [AMENDED]
Part 3. Annual and Sick Leave Policies
530:10-15-10. [AMENDED]
530:10-15-11. [AMENDED]
530:10-15-12. [AMENDED]
Part 5. Miscellaneous Types of Leave
530:10-15-45. [AMENDED]
530:10-15-49. [AMENDED]
Subchapter 17. Employee Performance Management
System and Career Enhancement Programs
Part 3. Performance Evaluation System
530:10-17-31. [AMENDED]
Part 7. Carl Albert Public Internship Program
530:10-17-74. [AMENDED]
530:10-17-75. [AMENDED]
530:10-17-77. [AMENDED]
530:10-17-80. [AMENDED]
Part 11. Certified Public Manager Program
530:10-17-110. [AMENDED]
530:10-17-111. [AMENDED]
Appendix A. Salary Schedule [REVOKED]
Appendix A. Pay Band Schedule [NEW]

SUMMARY:

The purpose of these proposed rule amendments is to make current emergency rules permanent.

AUTHORITY:

The Administrator of the Office of Personnel Management; Sections 840-1.6A, 840-2.21, 840-2.10, 840-2.17, 840-2.20, 840-2.22, 840-2.27C, 840-2.29, 840-3.5, 840-3.8, 840-4.6 and 840-4.17 of Title 74 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to chanda.graham@opm.state.ok.us. The comment period will

begin on February 15, 2006. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 17, 2006.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:00AM., Friday, March 17, 2006, OPM Test Room, Jim Thorpe Building, 2101 N. Lincoln, Basement, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2006. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Chief Policy Attorney, (405) 522-1736.

[OAR Docket #06-82; filed 1-23-06]

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

[OAR Docket #06-123]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Salary and Payroll

Part 1. Salary and Rates of Pay

530:10-7-19. [AMENDED]

530:10-7-21. [NEW]

Subchapter 17. Performance Management System and
Career Enhancement Programs

Part 11. Certified Public Manager Program

530:10-17-113. [AMENDED]

530:10-17-115. [AMENDED]

Part 13. Personnel Professionals Training and Certification

530:10-17-138. [AMENDED]

Appendix A. Salary Schedule [REVOKED]

Appendix A. Pay Band Schedule [NEW]

SUMMARY:

The purpose of the proposed amendment to 530:10-7-19 is to provide guidance to agencies electing to participate in the Employees Benefits Council's OK Health initiative as to

levels of participation and participating employee transfer to another agency; the purpose of the proposed amendment to 530:10-7-21 is to provide a relocation pay incentive that agencies may use to assist in recruiting for positions that are difficult to fill due to both the geographic location of the position and the competencies required for the position; the purpose of the proposed amendments to 530:10-17-113 is to modify the program requirement from 4 projects to 3 projects consistent with the new 3 level format; the purpose of the proposed amendments to 530:10-17-115 and 530:10-17-138 are to allow the Administrator the flexibility to set the fees for the training according to current costs; and, the new Pay Band Schedule is proposed to implement the 2.5% upward increase recommended in the FY 2006 Annual Compensation Report to bring state salaries closer to the competitive labor market. Currently, state salaries are an average of 8.2% below the competitive labor market.

AUTHORITY:

The Administrator of the Office of Personnel Management; Sections 840-1.6A, 840-2.21, 840-2.10, 840-2.17, 840-2.20, 840-2.22, 840-2.27C, 840-2.29, 840-3.5, 840-3.8, 840-4.6 and 840-4.17 of Title 74 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to chanda.graham@opm.state.ok.us. The comment period will begin on February 15, 2006. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 17, 2006.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:00AM., Friday, March 17, 2006, OPM Test Room, Jim Thorpe Building, 2101 N. Lincoln, Basement, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2006. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Chief Policy Attorney, (405) 522-1736.

[OAR Docket #06-123; filed 1-26-06]

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

[OAR Docket #06-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

530:15-1-1. [AMENDED]

530:15-1-2. [AMENDED]

530:15-1-9. [AMENDED]

Subchapter 3. Administrative Provisions

530:15-3-8. [AMENDED]

530:15-3-15. [NEW]

SUMMARY:

The purpose of these proposed rule amendments is to make current emergency rules permanent.

AUTHORITY:

The Administrator of the Office of Personnel Management; Section 7.10 of Title 62 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to chanda.graham@opm.state.ok.us. The comment period will begin on February 15, 2006. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 17, 2006.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:00AM., Friday, March 17, 2006, OPM Test Room, Jim Thorpe Building, 2101 N. Lincoln, Basement, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2006. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Chief Policy Attorney, (405) 522-1736.

[OAR Docket #06-81; filed 1-23-06]

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

[OAR Docket #06-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Policies and Procedures

530:20-1-2. [AMENDED]

530:20-1-3. [NEW]

530:20-1-4. [NEW]

530:20-1-14. [AMENDED]

530:20-1-16. [AMENDED]

Subchapter 3. OPM Administrative Policies and Procedures

530:20-3-7. [AMENDED]

SUMMARY:

The purpose of these proposed rule amendments is to make current emergency rules permanent.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to chanda.graham@opm.state.ok.us. The comment period will begin on February 15, 2006. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 17, 2006.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:00AM., Friday, March 17, 2006, OPM Test Room, Jim Thorpe Building, 2101 N. Lincoln, Basement, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2006. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Chief Policy Attorney, (405) 522-1736.

[OAR Docket #06-79; filed 1-23-06]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 10. FACILITIES MANAGEMENT

[OAR Docket #06-134]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Facilities Management [AMENDED]

SUMMARY:

The proposed rule amendments clarify, revise and update information pertaining to use, maintenance and operation of buildings owned, used, or occupied by or on behalf of the state including buildings owned by the Oklahoma Capitol Improvement Authority where such services are carried out by contract with the Authority, when such buildings are maintained by the Department of Central Services.

AUTHORITY:

Department of Central Services; 74 O.S., Section 63

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 20, 2006 at 10:30 a.m. Anyone who wishes to speak must sign in by 10:25 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for 25 cents copy charges 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 28, 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) 522-8519

[OAR Docket #06-134; filed 1-26-06]

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

[OAR Docket #06-135]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Central Purchasing [AMENDED]

SUMMARY:

The proposed rule amendments clarify, revise and update information and references pertaining to general provisions of the Purchasing Division of the Department of Central Services. The proposed rule amendments clarify, revise and update information and references that suppliers follow to provide acquisitions to state agencies. The proposed rule amendments clarify, revise and update information and references pertaining to methods state agencies utilize to acquire items and services from suppliers.

AUTHORITY:

Director of the Department of Central Services; 74 O.S., Section 85.5

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 20, 2006 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:55 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 March 20, 2006, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 28, 2006 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

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

[OAR Docket #06-135; filed 1-26-06]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 65. STATE SURPLUS PROPERTY**

[OAR Docket #06-136]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. State Surplus Property [AMENDED]

SUMMARY:

Proposed amendments provide information and clarification for the disposal of surplus property by the Grand River Dam Authority.

AUTHORITY:

Department of Central Services, 74 O.S., Section 62.3

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 20, 2006 at 1:30 p.m. Anyone who wishes to speak must sign in by 1:25 p.m. on that day.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 28, 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) 522-8519

[OAR Docket #06-136; filed 1-26-06]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 70. STATE INVENTORY

[OAR Docket #06-137]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

Proposed rules provide a new definition for clarification and information related to state inventory requirements.

AUTHORITY:

Department of Central Services; 74 O.S., Section 110.1.B.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 20, 2006 at 2:00 p.m. Anyone who wishes to speak must sign in by 1:55 p.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 28, 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) 522-8519.

[OAR Docket #06-137; filed 1-26-06]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 70. STATE INVENTORY

[OAR Docket #06-138]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Tangible Assets Reporting [AMENDED]

SUMMARY:

Proposed rules provide clarification and information related to state inventory reporting requirements.

AUTHORITY:

Department of Central Services; 74 O.S., Section 110.1.B.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 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 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 20, 2006 at 2:00 p.m. Anyone who wishes to speak must sign in by 1:55 p.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 28, 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) 522-8519.

[OAR Docket #06-138; filed 1-26-06]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 25. WRECKERS AND TOWING SERVICES**

[OAR Docket #06-120]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 3. Wrecker License
 - 595:25-3-1. General requirements [AMENDED]
 - 595:25-3-2. Applications [AMENDED]
- Subchapter 5. All Wrecker Operators
 - 595:25-5-1. Physical requirements for storage facility [AMENDED]
 - 595:25-5-3. Operation [AMENDED]
- Subchapter 7. Class AA Operators
 - 595:25-7-1. Equipment requirements for all Class AA vehicles [AMENDED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements
 - 595:25-9-2. Operator requirements [AMENDED]

SUMMARY:

Amendments to 595:25-3-1 and 595:25-5-3 would clarify similar requirements appearing in two different rules by combining them into one rule. Amendments to 595:25-3-2 would clarify application procedures. Amendments to 595:25-5-1 would clarify requirements of storage facilities. Amendments to 595:25-7-1 would clarify the use of roll-back wrecker vehicles. Amendments to 595:25-9-2 would clarify requirements of wrecker vehicle operators.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are to clarify procedures and improve the working environment of the wrecker and towing services as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 952

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30 p.m., Monday, March 21, 2006, in Classroom G at the

Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-120; filed 1-26-06]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #06-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. Purchasing
 - 610:1-11-2. Purchasing Authority for OneNet Statewide contracts [RENUMBERED TO 610:1-11-20]
 - 610:1-11-4. General contracting and purchasing provisions [AMENDED]
 - 610:1-11-5. Vendor registration [AMENDED]
 - 610:1-11-6. Vendor retention and removal from bidders list [AMENDED]
 - 610:1-11-7. Competitive bidding [AMENDED]
 - 610:1-11-9. Group purchasing acquisitions; alternatives to the formal bid process [REVOKED]
 - 610:1-11-13. Purchases between \$2,501 and \$25,000 [AMENDED]
 - 610:1-11-14. Purchases in excess of \$25,000 [AMENDED]
 - 610:1-11-16. Professional and Personal services contracts [AMENDED]
 - 610:1-11-17. Training [AMENDED]
 - 610:1-11-18. Membership and Subscriptions [NEW]

Notices of Rulemaking Intent

610:1-11-19. Utilities [NEW]

610:1-11-20. Purchasing Authority for OneNet Statewide contracts [RENUMBERED FROM 610:1-11-2]

610:1-11-21. Contract Renewals [NEW]

610:1-11-22. Negotiation Authority [NEW]

SUMMARY:

The proposed amendments to the rules include edits, clarification of terminology and the following:

(1) Expanding the types of professional services exempt from competitive bidding requirements to include professional services of investment managers, investment consultants and actuaries; and personal services of speakers and lecturers up to \$10,000.

(2) Adding certain utility services and certain contract renewals as acquisitions exempt from the competitive bidding requirements.

(3) Clarifying authority for the negotiation process.

(4) Changing the requirements for purchases between \$2,501 and \$25,000.

(5) Expanding the training exemption from competitive bid.

AUTHORITY:

State Regents for Higher Education, OKLA. CONST. Art XIII-A; 70 O.S., §3206, 74 O.S. §§85.3A, 85.9E.

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 17, 2006.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 17, 2006.

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 Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after March 2, 2006.

CONTACT PERSON:

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

[OAR Docket #06-76; filed 1-23-06]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION

CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #06-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Chancellor's Scholarship Program

610:25-3-3. General principles for operation of program [AMENDED]

SUMMARY:

The set amount of the award is being eliminated to allow for award amount changes.

AUTHORITY:

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

COMMENT PERIOD:

Interested persons may submit written and oral comments to Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 17, 2006.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Regina Switzer, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., by March 17, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on or after March 2, 2006.

CONTACT PERSON:

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

[OAR Docket #06-77; filed 1-23-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 10. AD VALOREM TAX**

[OAR Docket #06-113]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 10. Ad Valorem Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Ad Valorem rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 50th Legislature, 1st Regular Session (2005).

Proposed amendments to **Subchapter 4**, "*Annual Valuation Mandate*", have been made to implement the provisions of House Bill 1728 which modified the definition of fair cash value to mean actual fair cash value, to clarify policy and procedures regarding the various aspects of the annual valuation process and to add and update constitutional and statutory references.

Proposed amendments to **Subchapter 7**, "*Manufacturing Facilities*", have been made to implement statutory changes. [SB 905 and HB 1384] Sections in this Subchapter have been amended to reflect changes in certain qualification criteria, application filing procedures, and qualifying facilities, to delete obsolete language, to update statutory references and to conform rules to existing statutes. Language has been added to extend the period for filing of applications for exemption pursuant to Senate Bill 1254(2004).

Proposed amendments to **Subchapter 12**, "*Agricultural Land Conservation Adjustment*", have been made to implement statutory changes which address valuation methodology. [HB 1408] Sections in this Subchapter have also been amended to incorporate directives from an Attorney General Opinion regarding reimbursement procedures. Other amendments have been made to correct statutory citations and other references.

Proposed amendments to **Subchapter 14**, "*Full Fair Cash Value Exemption for One Hundred Percent Disabled Veterans*" have been made to clarify the application process including the documentation required to qualify for the exemption.

AUTHORITY:

68 O.S. §§ 203, 2817, 2902(H); Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006 to the Oklahoma Tax Commission, Tax Policy 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, 2:00 p.m., Tuesday, March 21, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, Oklahoma City, Oklahoma.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity 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 February 21, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #06-113; filed 1-26-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 35. ESTATES**

[OAR Docket #06-119]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 5. Determination of Oklahoma Taxable Estate
Part 9. Deductions Exclusions Exemptions
710:35-5-64. [REVOKED]

SUMMARY:

Section 710:35-5-64 dealing with the lineal heir exemption for assets of a qualifying family farm or business has been revoked because no such exemption is allowed for the estate of a decedent who dies on or after January 1, 2001.

Notices of Rulemaking Intent

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006, to the Oklahoma Tax Commission, Tax Policy 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.

REQUEST FOR COMMENTS:

The Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

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., Tuesday, March 21, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, Oklahoma City, Oklahoma.

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 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 no later than February 21, 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 #06-119; filed 1-26-06]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

[OAR Docket #06-117]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 9. Exemptions and Exclusions
Part 13. Deep Wells

710:45-9-60. [AMENDED]

710:45-9-62. [AMENDED]

710:45-9-62.1. [AMENDED]

710:45-9-64. [NEW]

Part 17. Economically At-Risk Oil Leases

710:45-9-80. [AMENDED]

710:45-9-81. [AMENDED]

710:45-9-82. [AMENDED]

710:45-9-83. [AMENDED]

710:45-9-84. [AMENDED]

SUMMARY:

Existing Sections 710:45-9-60; 710:45-9-62; 710:45-9-62.1 have been amended and New Section 710:45-9-64 has been adopted to conform to the provisions of House Bill 1588. 710:45-9-60 dealing with gross production tax refunds on certain deep wells was amended removing the limiting price cap on wells spudded between July 1, 2005 and July 1, 2008 when such wells are drilled to a depth of 15,000 feet or greater. 710:45-9-62 was amended regarding the priority to be given by the Oklahoma Corporation Commission when processing applications for qualification for the Deep Well exemption. 710:45-9-62.1 was amended to reflect the change in the refund procedure that operators of qualified wells must file their claim for refund on qualified deep wells within six (6) months after the first day of the fiscal year following the fiscal production period being claimed. 710:45-9-64 has been adopted to reflect the limitation on the total amount of refunds to be paid by the Tax Commission for the gross production tax exemption for certain Deep Wells.

Senate Bill 309 of the 50th Legislature, 1st Regular Session enacted statutory changes which require amendments to the existing rules to reflect statutory intent in the following areas:

Section 710:45-9-80 dealing with gross production tax exemption for economically at-risk oil leases has been amended to reflect the expanded exemption, which includes similarly situated gas leases. [68:1001.3a]

Section 710:45-9-81 modifies the definition of "lease" to provide that a lease may contain one or more wells which have identical interest and payout.

Section 710:45-9-82, which deals with the gross production tax exemption period for economically at-risk leases has been amended to reflect the limitation of this exemption to calendar years 2005, 2006, and 2007.

Section 710:45-9-83 dealing with the gross production tax exemption certification has been amended to delete the oil lease limitation.

Section 710:45-9-84 has been amended for clarification and to improve readability.

Several Sections in Subchapter 9, *Exemptions and Exclusions* have been amended consistent with changes in qualification procedures by the Oklahoma Corporation Commission regarding certain exemptions allowed in Section 1001 of Title 68.

Additionally, other amendments may be proposed to reconcile the rules with controlling statutes, to improve

readability, to correct scrivener's errors, and to update citation and internal cross-references.

AUTHORITY:

68 O.S. §§ 203 and 1001(M); Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 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, 2:00 p.m., Friday, March 24, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, 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 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 no later than February 21, 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 #06-117; filed 1-26-06]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #06-115]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Income Tax rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 50th Legislature, 1st Regular Session (2005).

New Section 710:50-15-97 has been adopted to conform to the provisions of HB 1014 providing an income tax credit in the amount of fifty percent (50%) of the qualified direct costs associated with the operation of a business enterprise for which the principal purpose is the rearing of specially trained canines.

New Section 710:50-15-98 has been adopted to conform to the provisions of House Bill 1398 which provides for an income tax credit for certain biodiesel facilities.

Section 710:50-15-49 *Deduction for Retirement Income* has been amended to implement the provisions of House Bill 1476 which exempts the greater of 50% or \$10,000 of military retirement income from Oklahoma income tax.

New Section 710:50-15-99 has been adopted to conform to the provisions of House Bill 1547 which provides for an income tax credit in the amount of fifty percent of the cost for the purchase or construction of dry fire hydrants for water storage with the primary purpose of fire protection within the State of Oklahoma.

Section 710:50-15-48 has been amended to implement the provisions of Section 12 of House Bill 1547 which modified the capital gain treatment for publicly traded partnerships, and extended the Oklahoma source capital gain exclusion to corporations.

Section 710:50-15-66 dealing with the Oklahoma College Saving Plan Deduction has been amended to conform to the provisions of Senate Bill 448 which capped the increased deduction per taxpayer at \$10,000-\$20,000 for those filing as married joint.

Section 710:50-15-92 has been adopted to conform to the provisions of House Bill 1605 which increased the amount of the Advanced Wind Turbine Manufacturing credit to \$25.00 per square foot produced in 2005 and extended the credit through calendar year 2007.

New Section 710:50-15-100 has been adopted to conform to the provisions of House Bill 1667 which provides for two income tax credits for certain qualified business enterprises incurring qualified capital expenditures, wage payments, or training costs.

Section 710:50-15-85 has been amended to conform to the provisions of House Bill 1680 which increases the cap of the

Notices of Rulemaking Intent

Oklahoma Producer-Owned Agricultural Processing Credit for all credit claimers to \$2 million and expands the definition of a qualifying entity to include Oklahoma based corporations and partnerships.

Section 710:50-15-90 dealing with the Oklahoma earned income tax credit has been amended to clarify policy on the proration of the credit.

Section 710:50-15-101 was adopted to conform to the provisions of House Bill 1716 which provides for an income tax credit of twenty-five percent of the profit from the investment in an existing Oklahoma film or music project with a production company that is reinvested to pay for production costs for a new Oklahoma film or music project.

Section 710:50-15-102 has been adopted to implement the provisions of House Bill 1848 which enacted the Health Savings Account Act, which allows health savings accounts to be opened covering individuals and their dependents to pay for qualified medical expenses and generally makes the principal contributed and interest earned exempt from income tax.

Existing Sections 710:50-15-49; 710:50-15-50; and 710:50-15-76; have been amended and New Section 710:50-15-103 has been adopted to conform to the provisions of Senate Bill 435. 710:50-15-49 *Deduction for Retirement Income* amendment concerns the increase in the exclusion for retirement benefits to \$10,000. 710:50-15-50 amendment concerns the increase in the standard deduction for 2006 to \$3,000 for taxpayers filing as married joint, head of household or surviving spouse (\$2,000 for all others) which is also scheduled to increase to \$4,000 for taxpayers filing as married joint, head of household or surviving spouse for tax year 2007. 710:50-15-76 adds the additional coal credit for coal mined after July 1, 2005. 710:50-15-103 implements Sections 7 and 8 of Senate Bill 435 which provided for a credit equal to 50% of an eligible taxpayer's [Class II or Class III Railroad] qualified rail reconstruction or replacement expenditures.

New Section 710:50-15-104 has been adopted to implement the provision of Senate Bill 610 which provides for an income tax credit for the construction of qualifying energy efficient residential property.

New Section 710:50-15-105 has been adopted to conform to the provisions of Senate Bill 628 which provides for an income tax credit for certain computer services, data processing or research and development activities.

New Section 710:50-15-106 has been adopted to implement the provisions of Senate Bill 429 [2003] which created a credit for certain ethanol production facilities and the provisions of House Bill 1556 which modified the credit by allowing the credit to be claimed against the bank in lieu tax and the tax on gross insurance premiums and also capped an annual amount of ethanol produced that is eligible for the credit.

New Section 710:50-15-107 has been adopted to implement the provisions of Sections 5 and 6 of Senate Bill 1X. Section 5 provides for an income tax credit of up to \$5,000 per employee based on 10% of eligible gross wages paid for a 90-day period. Section 6 provides an exemption from taxable income in the amount of \$1,000 for any eligible employer that utilizes the

Safety Pays OSHA Consultation Service provided by the Oklahoma Department of Labor.

Section 710:50-17-3 *What constitutes "Nexus"* has been amended consistent with Commission decision. [2005-05-10-22]

AUTHORITY:

68 O.S. §§ 203 and 2357.11(H)

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006, to the Oklahoma Tax Commission, Tax Policy 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., Tuesday, March 21, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Blvd, Oklahoma City, Oklahoma.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy 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 February 28, 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 #06-115; filed 1-26-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 55. MOTOR FUEL**

[OAR Docket #06-118]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 4. Motor Fuel Tax
Part 1. Licenses
710:55-4-103. [AMENDED]

SUMMARY:

The 2005 Legislature enacted a statutory change which requires modification of an existing rule. Specifically, Section 710:55-4-103 must be amended to implement the provisions of Section 9 of Senate Bill 905 of the 50th Legislature, 1st Regular Session, which amended the requirements set forth in 68 O.S. § 500.23 for motor fuel vendors who apply for "eligible purchaser" status by deleting the requirement for a mandatory bond.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006, to the Oklahoma Tax Commission, Tax Policy 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., Tuesday, March 21, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, 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 February 21, 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 #06-118; filed 1-26-06]

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

[OAR Docket #06-116]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax
Part 1. General Provisions
710:70-2-13. [NEW]

SUMMARY:

New Section 710:70-2-13 has been adopted to set a policy with respect to cigarette stamp requirements, applicable compact and non-compact tax rates and refund procedures relating to sales of packs of cigarettes to tribal retailers in order to improve compliance with and the enforcement of the provisions of Article 3 of Title 68 and to insure the state's ability to collect the appropriate amount of taxes due.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 and 322

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, March 24, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, 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.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Rule Impact Statements will be prepared and will be available for review from and after February 21, 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 #06-116; filed 1-26-06]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 85. VARIOUS TAX INCENTIVES

[OAR Docket #06-114]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 7. Oklahoma Film Enhancement Rebate Program
710:85-7-3. [AMENDED]

SUMMARY:

The Oklahoma Legislature has enacted recent statutory changes which require amendments to an existing rule in this area.

Specifically, Section 710:85-7-3 has been amended to implement the provisions of Section 15 of House Bill 1547 (2005) which provides that the amount of payments made pursuant to the Oklahoma Enhancement Rebate Program shall not exceed Five Million Dollars (\$5,000,000.00) in any single fiscal year.

Other proposed changes may be made to clarify policy, improve readability, and correct scrivener's errors.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 17, 2006 to the Oklahoma Tax Commission, Tax Policy 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., Tuesday, March 21, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, 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 nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy 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 February 21, 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 #06-114; filed 1-26-06]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS**

[OAR Docket #06-141]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Membership Provisions
715:10-1-7. [AMENDED]
- Subchapter 3. Service Eligibility
715:10-3-4. [AMENDED]
- Subchapter 9. Survivor Benefits
715:10-9-7. [AMENDED]

SUMMARY:

715:10-1-7 defines the service credit a member may receive by serving as an officer or employee of certain educational associations. 715:10-3-4 provides credit for a terminating member who has a partial year of work experience and/or accumulated unused sick leave. 715:10-9-7 clarifies beneficiary designation after a divorce to incorporate requirements of 15 O.S., § 178.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106; Board of Trustees

COMMENT PERIOD:

Written comments may be made from February 15, 2006, through March 17, 2006, filed and available for inspection in the Office of the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:00 a.m. until 4:30 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 10:00 a.m. until 11:00 a.m. on March 20, 2006, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 4:30 p.m. on March 17, 2006. Written notice may be mailed to: Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and will also be available on the TRS website (www.ok.gov/TRS/).

RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning February 15, 2006, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Jacqueline Scott Shannon, Communications Director/Rules Liaison (405) 521-4743.

[OAR Docket #06-141; filed 1-27-06]

**TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY**

[OAR Docket #06-93]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 80. Unclaimed Property [AMENDED]

SUMMARY:

These Permanent Rules amend the text of Chapter 80. Unclaimed Property. Add a section which addresses the reporting requirements procedure for safe deposit boxes or other safekeeping repositories.

AUTHORITY:

State Treasurer, "Uniform Unclaimed Property Act", 60 O.S. §§ 651 et seq.

COMMENT PERIOD:

Thursday, February 16, 2006 to Monday, March 20, 2006. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to submit written comments must do so no later than **March 20, 2006** at 4:30 p.m.

PUBLIC HEARING:

A public hearing will be held on **Monday, March 22, 2006** at 3:00 p.m. The hearing will be held at the State Treasurer's Unclaimed Property office conference room located at 4545 North Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as

Notices of Rulemaking Intent

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 Susan Bateman, at the address below, before the close of the comment period on **March 20, 2006**.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the contact person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time.

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday

between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning **Friday, February 24, 2006**.

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 521-3191.

[OAR Docket #06-93; filed 1-26-06]

Cancelled Hearings/Comment Periods

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

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

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #06-83]

RULEMAKING ACTION:

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

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 17. Full (Subject Matter) Competencies for Licensure and Certification

210:20-9-172. [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 23 Ok Reg 287

CANCELLED COMMENT PERIOD:

December 15, 2005 to February 22, 2006

CANCELLED PUBLIC HEARING:

9:00 a.m., February 23, 2006, Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599

ADDITIONAL INFORMATION:

For additional information, contact Connie Holland, (405) 521-3308.

[OAR Docket #06-83; filed 1-24-06]

Submissions for Review

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #06-84]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Agricultural Compost Facilities [NEW]
35:17-9-1. through 35:17-9-8. [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-84; filed 1-24-06]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

[OAR Docket #06-85]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. [RESERVED]
Subchapter 3. Concentrated Animal Feeding Operations [NEW]
35:44-3-1. through 35:44-3-3. [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-85; filed 1-24-06]

TITLE 165. CORPORATION COMMISSION CHAPTER 35. ELECTRIC RULES

[OAR Docket #06-106]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. General Provisions
165:35-1-2. Definitions [AMENDED]
Subchapter 34. Competitive Procurement [NEW]
165:35-34-1. Purpose of this Subchapter [NEW]
165:35-34-2. Confidential Information [NEW]
165:35-34-3. RFP Competitive Procurement Process [NEW]
Subchapter 35. Prudence Reviews [NEW]
165:35-35-1. Prudence Reviews [NEW]
Subchapter 37. Integrated Resource Planning [NEW]
165:35-37-1. Purpose of this Subchapter [NEW]
165:35-37-2. Confidential Information [NEW]
165:35-37-3. Public Meetings [NEW]
165:35-37-4. Integrated Resource Plan Reviews [NEW]
Subchapter 38. Recoverable Costs [NEW]
165:35-38-1. Purpose of Subchapter [NEW]
165:35-38-2. Application and Scope of Subchapter [NEW]
165:35-38-3. Transmission Upgrades [NEW]
165:35-38-4. Capital Expenditures to Meet Environmental Requirements [NEW]
165:35-38-5. Self-build or Purchase Options [NEW]

SUBMITTED TO GOVERNOR:

January 20, 2006

SUBMITTED TO HOUSE:

January 20, 2006

SUBMITTED TO SENATE:

January 20, 2006

[OAR Docket #06-106; filed 1-26-06]

TITLE 245. STATE BOARD OF REGISTRATION LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 2. ADMINISTRATIVE OPERATIONS

[OAR Docket #06-70]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

Submissions for Review

RULES:

245:2-1-1. [AMENDED]
245:2-1-4. [AMENDED]
245:2-1-5. [AMENDED]
245:2-1-6. [AMENDED]
245:2-1-7. [AMENDED]
245:2-1-9. [AMENDED]
245:2-1-10. [AMENDED]
245:2-1-11. [AMENDED]
245:2-1-18. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-70; filed 1-23-06]

**TITLE 245. STATE BOARD OF
REGISTRATION LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS
CHAPTER 15. REGISTRATION LICENSURE
AND PRACTICE OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

[OAR Docket #06-71]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
245:15-1-1. [AMENDED]
245:15-1-3. [AMENDED]
245:15-1-4. [AMENDED]
Subchapter 3. Application and Eligibility for ~~Registration~~
Licensing
245:15-3-2. [AMENDED]
245:15-3-3. [AMENDED]
245:15-3-4. [AMENDED]
245:15-3-5. [AMENDED]
245:15-3-6. [AMENDED]
245:15-3-7. [AMENDED]
245:15-3-8. [AMENDED]
245:15-3-9. [AMENDED]
245:15-3-10. [AMENDED]
Subchapter 5. Examinations
245:15-5-1. [AMENDED]
245:15-5-2. [AMENDED]
245:15-5-4. [AMENDED]
245:15-5-5. [AMENDED]
245:15-5-6. [REVOKED]
245:15-5-7. [AMENDED]
Subchapter 7. ~~Registration~~ Licensure
245:15-7-1. [AMENDED]

245:15-7-2. [AMENDED]
245:15-7-3. [AMENDED]
245:15-7-4. [AMENDED]
245:15-7-5. [AMENDED]
Subchapter 9. Rules of Professional Conduct
245:15-9-1. [AMENDED]
245:15-9-3. [AMENDED]
245:15-9-4. [AMENDED]
245:15-9-5. [AMENDED]
245:15-9-6. [AMENDED]
245:15-9-7. [AMENDED]
Subchapter 11. Continuing Education
245:15-11-1. [AMENDED]
245:15-11-2. [AMENDED]
245:15-11-3. [AMENDED]
245:15-11-5. [AMENDED]
245:15-11-6. [AMENDED]
245:15-11-7. [AMENDED]
245:15-11-8. [AMENDED]
245:15-11-9. [AMENDED]
245:15-11-10. [AMENDED]
245:15-11-11. [AMENDED]
245:15-11-12. [AMENDED]
245:15-11-13. [AMENDED]
Subchapter 13. Minimum Standards For Land Surveying
245:15-13-2. [AMENDED]
245:15-13-3. [AMENDED]
Subchapter 15. Ethical Marketing of Services
245:15-15-1. [AMENDED]
245:15-15-2. [AMENDED]
245:15-15-3. [AMENDED]
Subchapter 17. ~~Registrant's~~ Licensee's Seal
245:15-17-1. [AMENDED]
245:15-17-2. [AMENDED]
Subchapter 19. Organizational Practice
245:15-19-2. [AMENDED]
245:15-19-3. [AMENDED]
245:15-19-4. [AMENDED]
245:15-19-5. [AMENDED]
245:15-19-6. [AMENDED]
245:15-19-7. [AMENDED]
245:15-19-8. [AMENDED]
Subchapter 21. Corner Perpetuation and Filing Act
Requirements
245:15-21-1. [AMENDED]
245:15-21-3. [AMENDED]
245:15-21-6. [AMENDED]
Subchapter 23. Violations
245:15-23-1. [AMENDED]
245:15-23-2. [AMENDED]
245:15-23-3. [AMENDED]
245:15-23-4. [AMENDED]
245:15-23-5. [AMENDED]
245:15-23-6. [AMENDED]
245:15-23-7. [AMENDED]
245:15-23-8. [AMENDED]

245:15-23-9. [AMENDED]
 245:15-23-10. [AMENDED]
 245:15-23-11. [AMENDED]
 245:15-23-12. [AMENDED]
 245:15-23-13. [AMENDED]
 245:15-23-14. [AMENDED]
 245:15-23-15. [AMENDED]
 245:15-23-16. [AMENDED]
 245:15-23-17. [AMENDED]
 245:15-23-18. [AMENDED]
 245:15-23-21. [AMENDED]
 245:15-23-22. [AMENDED]
 245:15-23-23. [AMENDED]
 245:15-23-24. [AMENDED]
 245:15-23-25. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

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January 23, 2006

[OAR Docket #06-71; filed 1-23-06]

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

[OAR Docket #06-86]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:75-1-1. [REVOKED]

340:75-1-2. [AMENDED]

340:75-1-3. through 340:75-1-5. [REVOKED]

340:75-1-10. [REVOKED]

340:75-1-12.2. [AMENDED]

340:75-1-15. [REVOKED]

340:75-1-26. [AMENDED]

340:75-1-29. through 340:75-1-31. [NEW]

Part 9. Rules Regarding Human Immunodeficiency Virus (HIV)

340:75-1-110. through 340:75-1-112. [REVOKED]

340:75-1-113. through 340:75-1-120. [AMENDED]

Part 10. Oklahoma Children's Services (OCS)

340:75-1-150. and 340:75-1-151. [AMENDED]

340:75-1-151.2. [AMENDED]

340:75-1-152. [AMENDED]

340:75-1-152.3. through 340:75-1-152.9. [AMENDED]

340:75-1-154. through 340:75-1-155. [AMENDED]

Part 11. Comprehensive Home-Based Services (CHBS) [REVOKED]

340:75-1-175. through 340:75-1-176. [REVOKED]

340:75-1-179. [REVOKED]

Part 15. Training for Child Welfare Workers

340:75-1-231. [AMENDED]

Subchapter 3. Child Protective Services

340:75-3-1. through 340:75-3-2. [AMENDED]

340:75-3-6. through 340:75-3-7.1. [AMENDED]

340:75-3-8.1. through 340:75-3-8.3. [AMENDED]

340:75-3-9.1. [AMENDED]

340:75-3-10.2. through 340:75-3-10.3. [AMENDED]

340:75-3-13. [AMENDED]

Subchapter 4. Family-Centered and Community Services

Part 1. Voluntary Family-Centered Services

340:75-4-9. [AMENDED]

340:75-4-11. [REVOKED]

340:75-4-12.1. through 340:75-4-12.2. [AMENDED]

340:75-4-13. [AMENDED]

Subchapter 6. Permanency Planning

Part 7. Case Plans

340:75-6-40.5. [AMENDED]

Part 8. Role of the Child Welfare Worker

340:75-6-47. through 340:75-6-48. [AMENDED]

340:75-6-48.3. [NEW]

Part 11. Permanency Planning and Placement Services

340:75-6-85. [AMENDED]

340:75-6-90. [REVOKED]

Part 13. Independent Living

340:75-6-115.3. through 340:75-6-115.4. [AMENDED]

340:75-6-115.10. [AMENDED]

Subchapter 7. Foster Home Care

Part 2. Development of Resources

340:75-7-14. [AMENDED]

340:75-7-18. [AMENDED]

340:75-7-24. [AMENDED]

Part 5. Eligibility and Payments

340:75-7-52. [AMENDED]

Part 6. Foster Home Care Support Services

340:75-7-65. [AMENDED]

Subchapter 8. Therapeutic Foster Care and Developmental

Disabilities Services ~~Division Services~~

Part 1. Therapeutic Foster Care

340:75-8-1. [AMENDED]

Subchapter 13. Other Child Welfare Services and Medical

Services for Children in Out-of-Home Care

Part 1. Eligibility for Substitute Care Services and Claims for Payment

340:75-13-7. through 340:75-13-8. [AMENDED]

340:75-13-10. [AMENDED]

Part 2. Title IV-E Eligibility and Reimbursability

340:75-13-18. [AMENDED]

Part 3. Income and Resources of the Child

340:75-13-26. [AMENDED]

340:75-13-28. through 340:75-13-29. [AMENDED]

Part 7. Medical Services

340:75-13-64. through 340:75-13-65. [AMENDED]

340:75-13-79. [AMENDED]

Submissions for Review

340:75-13-81. [AMENDED]
Subchapter 15. Adoptions
Part 2. Legal Base and Scope of the Adoption Program
340:75-15-6. through 340:75-15-8. [AMENDED]
Part 6. Adoption Process
340:75-15-41. through 340:75-15-43. [AMENDED]
340:75-15-45. [AMENDED]
Part 10. Adoptive Family Assessment and Preparation
Process
340:75-15-85. [AMENDED]
340:75-15-87. [AMENDED]
Part 12. Post Placement Services
340:75-15-107. [AMENDED]
Part 14. Post Adoption Services
340:75-15-126. [AMENDED]
340:75-15-128.1. [AMENDED]
340:75-15-128.4. [AMENDED]
Subchapter 18. Continuous Quality Improvement
340:75-18-2. [AMENDED]
340:75-18-10. [AMENDED]
340:75-18-13. [AMENDED]
Subchapter 19. Working with Indian Children
340:75-19-26. [AMENDED]
340:75-19-26.1. [NEW]
340:75-19-27. [REVOKED]
340:75-19-28. through 340:75-19-30. [AMENDED]
340:75-19-32. through 340:75-19-33. [AMENDED]

(Reference APA WF 05-10)

SUBMITTED TO GOVERNOR:

January 24, 2006

SUBMITTED TO HOUSE:

January 24, 2006

SUBMITTED TO SENATE:

January 24, 2006

[OAR Docket #06-86; filed 1-24-06]

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

[OAR Docket #06-87]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Aging Services Division
340:105-1-4. [AMENDED]
Subchapter 7. Adult Day Services
340:105-7-2. [AMENDED]
340:105-7-7. through 340:105-7-8. [AMENDED]

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

Part 1. Introduction

340:105-10-3. [AMENDED]

Part 3. State Agency

340:105-10-11. through 340:105-10-12. [AMENDED]

340:105-10-15. [AMENDED]

340:105-10-19. [AMENDED]

340:105-10-21. [AMENDED]

340:105-10-24. through 340:105-10-25. [AMENDED]

Part 5. Area Agencies on Aging

340:105-10-41. [AMENDED]

Part 7. Program Standards for Services Funded Under Title
III

340:105-10-51. [AMENDED]

340:105-10-54. [AMENDED]

340:105-10-59. [AMENDED]

340:105-10-63. [AMENDED]

340:105-10-68. [AMENDED]

340:105-10-70. [AMENDED]

340:105-10-72. [AMENDED]

340:105-10-75. [AMENDED]

340:105-10-79. [AMENDED]

340:105-10-82. [AMENDED]

340:105-10-84. [AMENDED]

340:105-10-90.1. [AMENDED]

340:105-10-91. [AMENDED]

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

340:105-10-95. [AMENDED]

340:105-10-97. [AMENDED]

340:105-10-101. [AMENDED]

340:105-10-114. [AMENDED]

340:105-10-120. through 340:105-10-121. [AMENDED]

Subchapter 11. Statewide Long-Term Care Ombudsman
Program

Part 37. Statewide Long-Term Care Ombudsman Program

340:105-11-233. through 340:105-11-234. [AMENDED]

340:105-11-240. [AMENDED]

340:105-11-245. [AMENDED]

340:105-11-248. through 340:105-11-252. [AMENDED]

340:105-11-255. [AMENDED]

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

SUBMITTED TO GOVERNOR:

January 24, 2006

SUBMITTED TO HOUSE:

January 24, 2006

SUBMITTED TO SENATE:

January 24, 2006

[OAR Docket #06-87; filed 1-24-06]

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

[OAR Docket #06-88]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
 - Part 1. Licensing Services - Child Care
 - 340:110-1-4.1. [AMENDED]
 - 340:110-1-5. through 340:110-1-6. [AMENDED]
 - 340:110-1-8. through 340:110-1-8.1. [AMENDED]
 - 340:110-1-8.3. [AMENDED]
 - 340:110-1-9. through 340:110-1-9.3. [AMENDED]
 - 340:110-1-11. [AMENDED]
 - 340:110-1-17. [AMENDED]
 - Subchapter 3. Licensing Standards for Child Care Facilities
 - Part 1. Requirements for Child Care Centers
 - 340:110-3-29. [AMENDED]
 - Part 2. Requirements for Part-Day Children's Programs
 - 340:110-3-49.5. [AMENDED]
 - Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes
 - 340:110-3-87. [AMENDED]
 - Part 9. Requirements for Residential Child Care Facilities
 - 340:110-3-154.5. [AMENDED]
 - Part 14. Requirements for School-Age Programs
 - 340:110-3-239. [AMENDED]
 - Subchapter 5. Requirements for Child-Placing Agencies
 - Part 1. Requirements for Child-Placing Agencies
 - 340:110-5-1. through 340:110-5-4. [AMENDED]
 - 340:110-5-6. through 340:110-5-11. [AMENDED]
 - 340:110-5-11.1. [NEW]
 - 110-5-12. through 340:110-5-14. [AMENDED]
 - Part 3. Requirements for Adoption Agencies
 - 340:110-5-24. through 340:110-5-25. [AMENDED]
 - 340:110-5-27. [AMENDED]
 - 340:110-5-29. through 340:110-5-37.1. [AMENDED]
 - 340:110-5-38. [AMENDED]
 - Part 5. Requirements for Foster ~~Family~~ Homes Home Agencies
 - 340:110-5-55. through 340:110-5-61. [AMENDED]
 - 340:110-5-61.1. [NEW]
 - 340:110-5-62. through 340:110-5-63. [AMENDED]
 - Part 9. Requirements for Independent Living Programs
 - 340:110-5-115. [AMENDED]
 - 340:110-5-117. through 340:110-5-124. [AMENDED]

SUBMITTED TO GOVERNOR:

January 24, 2006

SUBMITTED TO HOUSE:

January 24, 2006

SUBMITTED TO SENATE:

January 24, 2006

[OAR Docket #06-88; filed 1-24-06]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 25. BOILER AND PRESSURE VESSEL RULES**

[OAR Docket #06-49]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 7. General Requirements
 - 380:25-7-18. [AMENDED]

SUBMITTED TO GOVERNOR:

January 12, 2006

SUBMITTED TO HOUSE:

January 12, 2006

SUBMITTED TO SENATE:

January 12, 2006

[OAR Docket #06-49; filed 1-12-06]

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

[OAR Docket #06-64]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 450:15-1-2. [AMENDED]
- Subchapter 3. Consumer Rights
 - Part 1. Mental Health and Drug or Alcohol Abuse Services
 - Consumer Bill of Rights
 - 450:15-3-2. [AMENDED]
 - 450:15-3-14. [AMENDED]
 - 450:15-3-16. [AMENDED]
 - Part 11. Resident Rights, Mental Health Residential Care Facilities
 - 450:15-3-81. [AMENDED]
 - 450:15-3-82. [AMENDED]
- Subchapter 7. Office of Consumer Advocacy
 - Part 1. Duties
 - 450:15-7-3. [AMENDED]
 - Part 2. Investigations
 - 450:15-7-11. [AMENDED]
 - 450:15-7-15. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

Submissions for Review

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-64; filed 1-23-06]

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

[OAR Docket #06-65]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

450:16-1-2. [AMENDED]

Subchapter 13. Quality of Life

450:16-13-18. [AMENDED]

450:16-13-46. [AMENDED]

Subchapter 21. Personnel, Staffing and Training

450:16-21-1. [AMENDED]

450:16-21-4. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-65; filed 1-23-06]

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

[OAR Docket #06-66]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

450:17-1-2. [AMENDED]

Subchapter 3. Required Services

Part 1. Required Services

450:17-3-1. [AMENDED]

Part 3. Screening Intake and Referral

450:17-3-21. [AMENDED]

Part 5. Emergency Services

450:17-3-41. [AMENDED]

450:17-3-43. [AMENDED]

Part 7. Outpatient Counseling Services

450:17-3-61. [AMENDED]

450:17-3-62. [AMENDED]

Part 9. Medication Clinic Services

450:17-3-81. [AMENDED]

450:17-3-84. [AMENDED]

Part 11. Case Management

450:17-3-101. [AMENDED]

450:17-3-101.1. [AMENDED]

450:17-3-103. [AMENDED]

Part 15. Adult Recovery and Rehabilitation Programs

450:17-3-141. [AMENDED]

450:17-3-144. [AMENDED]

Subchapter 5. Optional Services

Part 7. Day Treatment Services, Children and Adolescents

450:17-5-34. [AMENDED]

Part 9. Vocational Employment Services

450:17-5-45. [AMENDED]

Part 11. Community Living Programs

450:17-5-56. [AMENDED]

Part 15. Inpatient Services

450:17-5-95. [AMENDED]

450:17-5-96. [AMENDED]

450:17-5-98. [AMENDED]

Subchapter 7. Facility Clinical Records

450:17-7-3. [AMENDED]

450:17-7-5. [AMENDED]

450:17-7-5.1. [NEW]

450:17-7-8. [AMENDED]

450:17-7-10. [AMENDED]

Subchapter 13. Organizational Management

450:17-13-1. [AMENDED]

Subchapter 19. Human Resources

450:17-19-2. [AMENDED]

Subchapter 21. Staff Development and Training

450:17-21-2. [AMENDED]

450:17-21-3. [AMENDED]

Subchapter 25. Governing Authority

450:17-25-2. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-66; filed 1-23-06]

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

[OAR Docket #06-67]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-67; filed 1-23-06]

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

[OAR Docket #06-68]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:50-1-2. [AMENDED]
- Subchapter 3. Behavioral Health Case Manager Certification Application

- 450:50-3-1. [AMENDED]
- 450:50-3-2. [AMENDED]
- Subchapter 5. Behavioral Health Case Manager Certification Training
- 450:50-5-1. [AMENDED]
- 450:50-5-2. [AMENDED]
- 450:50-5-3. [AMENDED]
- 450:50-5-4. [AMENDED]
- Subchapter 7. Rules of Professional Conduct
- 450:50-7-4. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-68; filed 1-23-06]

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

[OAR Docket #06-69]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

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

SUBMITTED TO GOVERNOR:

January 23, 2006

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January 23, 2006

Submissions for Review

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-69; filed 1-23-06]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

[OAR Docket #06-73]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

590:10-1-4. Health insurance contribution [AMENDED]

590:10-1-20. Actuarial cost to withdraw from system
[NEW]

Subchapter 3. Credited Service

590:10-3-6. Full-time-equivalent employment
[AMENDED]

Subchapter 7. Retirement Benefits

590:10-7-16. Rollovers [AMENDED]

Subchapter 19. Medicare Gap Benefit Option

590:10-19-14. Payments to an alternate payee under a
QDRO [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-73; filed 1-23-06]

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

[OAR Docket #06-74]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions [NEW]

590:15-1-5. Final benefit and Death benefit [AMENDED]

590:15-1-6. Revoking survivor benefits [REVOKED]

Subchapter 3. Excess Contributions [NEW]

590:15-3-1. Purpose and intent [NEW]

590:15-3-2. Definitions [NEW]

590:15-3-3. Transfer of excess contributions [NEW]

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

590:15-3-5. Initial and residual transfers [NEW]

590:15-3-6. Deceased Eligible Members [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-74; filed 1-23-06]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 30. QUALIFIED DOMESTIC
RELATIONS ORDERS**

[OAR Docket #06-75]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

590:30-1-4. Contents of qualified domestic relations order
[AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2006

SUBMITTED TO HOUSE:

January 23, 2006

SUBMITTED TO SENATE:

January 23, 2006

[OAR Docket #06-75; filed 1-23-06]

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

[OAR Docket #06-46]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

600:10-1-5. Qualifying education prerequisites
[AMENDED]

600:10-1-7. Continuing education [AMENDED]

600:10-1-8. Course approval requirements [AMENDED]

600:10-1-16. Supervision of trainee appraisers
[AMENDED]

SUBMITTED TO GOVERNOR:

January 11, 2006

SUBMITTED TO HOUSE:

January 11, 2006

SUBMITTED TO SENATE:

January 11, 2006

[OAR Docket #06-46; filed 1-11-06]

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

[OAR Docket #06-47]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

600:15-1-6. Notice of disciplinary proceedings
[AMENDED]

SUBMITTED TO GOVERNOR:

January 11, 2006

SUBMITTED TO HOUSE:

January 11, 2006

SUBMITTED TO SENATE:

January 11, 2006

[OAR Docket #06-47; filed 1-11-06]

**TITLE 600. REAL ESTATE APPRAISER
BOARD
CHAPTER 20. COMMITTEES**

[OAR Docket #06-48]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

600:20-1-3. Appointment and Removal of Committee
Members [AMENDED]

SUBMITTED TO GOVERNOR:

January 11, 2006

SUBMITTED TO HOUSE:

January 11, 2006

SUBMITTED TO SENATE:

January 11, 2006

[OAR Docket #06-48; filed 1-11-06]

Gubernatorial Approvals

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

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

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WHOLESALEERS, BREWERS, NONRESIDENT SELLERS AND CLASS B WHOLESALERS

[OAR Docket #06-50]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 1. General Provisions
- 45:30-1-2. Definitions [AMENDED]
- Subchapter 5. Brewers, Nonresident Sellers and Class B Wholesalers
- 45:30-5-7. Class B Wholesaler's price registration [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #06-50; filed 1-12-06]

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

[OAR Docket #06-45]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 27. Teacher Shortage Employment Incentive Program
- 610:25-27-4. Coursework requirements for participant eligibility [AMENDED]
- 610:25-27-6. Participant eligibility for benefits of the TSEIP [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #06-45; filed 1-10-06]

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

[OAR Docket #06-78]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions
 - 695:10-1-2. [AMENDED]
 - 695:10-1-5. [AMENDED]
 - 695:10-1-6. [AMENDED]
 - 695:10-1-8. [AMENDED]
 - 695:10-1-9. [AMENDED]
 - 695:10-1-10. [AMENDED]
 - 695:10-1-11. [AMENDED]
- Subchapter 3. Principal Combined Fund Raising Organizations
 - Part 1. State Principal Combined Fund raising Organization (State PCFRO)
 - 695:10-3-2. [AMENDED]
 - 695:10-3-3. [AMENDED]
 - 695:10-3-4. [AMENDED]
 - Subchapter 5. Conduct of the Charitable Contribution Campaign
 - 695:10-5-3. [AMENDED]
 - 695:10-5-4. [AMENDED]
 - 695:10-5-6. [AMENDED]
 - Subchapter 7. Pledge Cards, Payroll Authorizations and Mailing Lists
 - 695:10-7-2. [AMENDED]
 - 695:10-7-3. [AMENDED]
 - Subchapter 9. Remittance, Allocation and Distribution of Funds
 - 695:10-9-2. [AMENDED]
 - Subchapter 11. State and Local PCFRO Proceeds and Costs
 - 695:10-11-2. [AMENDED]
 - Subchapter 13. Notices, Complaints, Appeals and Hearings
 - 695:10-13-3. [AMENDED]

GUBERNATORIAL APPROVAL:

December 22, 2005

[OAR Docket #06-78; filed 1-23-06]

Withdrawn Rules

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

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

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

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

[OAR Docket #06-100]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 3. Administration

Part 3. Operations

340:100-3-38. [AMENDED]

(Reference APA WF# 05-07)

DATES:

Adoption:

January 24, 2006

Submitted to Governor:

January 24, 2006

Submitted to House:

January 24, 2006

Submitted to Senate:

January 24, 2006

Withdrawn:

January 25, 2006

CONTACT PERSON:

Dena Thayer, Programs Manager at 521-4326

[OAR Docket #06-100; filed 1-26-06]

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

[OAR Docket #06-52]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 6. SoonerCare Health Benefits for Categorically Needy Pregnant Women and Families with Children

Part 7. Certification, Redetermination and Notification

317:35-6-60. through 317:35-6-61. [AMENDED]

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals

Part 9. Certification, Redetermination and Notification

317:35-9-75. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-22. [AMENDED]

(Reference APA WF # 05-18)

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 435.916; Section 1902 (e)(12) of the Social Security Act

DATES:

Adoption:

October 13, 2005

Approved by Governor:

November 30, 2005

Effective:

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

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

Superseded rule

Subchapter 6. SoonerCare Health Benefits for Categorically Needy Pregnant Women and Families with Children

Part 7. Certification, Redetermination and Notification

317:35-6-61. [AMENDED]

Gubernatorial approval:

September 1, 2005

Register publication:

23 Ok Reg 268

Docket number:

05-1316

(Reference APA WF # 05-08)

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency

approval of rule revisions that enhance the continuity of care for low income families with children.

ANALYSIS:

Eligibility rules are revised to increase the length of the Medicaid certification period for low income families with children from six to twelve months. If a redetermination of eligibility is not completed timely and entered into the OKDHS computer system during the early days of the last month of coverage, the Medicaid case is automatically closed. A patient in the midst of treatment may not be aware that eligibility has been terminated until immediate medical attention is needed. The process to recertify eligibility for health benefits generally takes up to 20 days. Also, by extending the certification to twelve months, the loss of coverage to children in families who experience financial fluctuations will be minimized. A longer eligibility period will also reduce the administrative work that focuses on checking and rechecking income levels of Medicaid families with state eligibility standards. Rule revisions are needed enhance the continuity of care for low income families with children. Other revisions are incorporated, related to removing the deprivation requirement for low income families with children, due to superseding emergency rules previously approved by the Governor on September 1, 2005 in APA WF # 05-08.

CONTACT PERSON:

Joanne Terlizzi at (405)522-7272

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

SUBCHAPTER 6. SOONERCARE HEALTH BENEFITS FOR CATEGORICALLY NEEDY PREGNANT WOMEN AND FAMILIES WITH CHILDREN

PART 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION

317:35-6-60. Certification for SoonerCare Health Benefits for pregnant women and families with children

An individual determined eligible for SoonerCare Health Benefits may be certified for a medical service provided on or after the first day of the month of application. The period of certification may not be for retroactive months. The certification period in family cases is assigned for the shortest period of

Emergency Adoptions

eligibility determined for any individual in the case. However, the individual who is categorically needy and categorically related to pregnancy-related services retains eligibility for the period covering prenatal, delivery and postpartum periods without regard to other certification periods in the case.

(1) **Certification as a TANF (cash assistance) recipient.** A categorically needy individual who is determined eligible for TANF is certified effective the first day of the month of TANF eligibility.

(2) **Certification of non-cash assistance individuals categorically needy and categorically related to AFDC.** The certification period for the individual categorically related to AFDC is ~~six~~ 12 months. The certification period can be less than ~~six~~ 12 months if the individual:

(A) is certified as eligible in a money payment case during the ~~six-month~~ 12-month period;

(B) is certified for long-term care during the ~~six-month~~ 12-month period;

(C) becomes ineligible for medical assistance after the initial month; or

(D) becomes ineligible as categorically needy.

(i) If an income change after certification causes the case to exceed the categorically needy maximums, the case is closed.

(ii) Individuals, however, who are determined pregnant and eligible as categorically needy continue to be eligible for pregnancy-related services through the prenatal delivery and postpartum period, regardless of income changes. A pregnant individual included in a TANF case which closes continues to be eligible for pregnancy related services through the postpartum period.

(3) **Certification of individuals categorically needy and categorically related to pregnancy-related services.** The certification period for the individual categorically related to pregnancy-related services will cover the prenatal, delivery and postpartum periods. The postpartum period is defined as the two months following the month the pregnancy ends. Eligibility as categorically needy is based on the income received in the first month of the certification period. No consideration is given to changes in income after certification.

(4) **Certification of newborn child deemed eligible.**

(A) A newborn child is deemed eligible on the date of birth for Medicaid benefits when the child is born to a woman who is eligible for pregnancy-related services as categorically needy. (For purposes of this subparagraph, a newborn child is defined as any child under the age of one year.) The newborn child is deemed eligible through the last day of the month the newborn child attains the age of one year. The newborn child's eligibility is not dependent on the mother's continued eligibility. The mother's coverage may expire at the end of the postpartum period; however, the newborn child is deemed eligible until age one. The newborn child's eligibility is based on the original eligibility determination of the mother for pregnancy-related services, and consideration is not

given to any income or resource changes that occur during the deemed eligibility period.

(B) The newborn child is deemed eligible for Medicaid only as long as he/she continues to live in Oklahoma with the mother. No other conditions of eligibility are applicable, including social security number enumeration and child support referral. However, it is recommended that social security number enumeration be completed as soon as possible after the newborn child's birth. It is also recommended that a child support referral be completed, if needed, as soon as possible and sent to DHS Child Support Enforcement Division (CSED). The referral enables Child Support Services to be initiated.

(C) During the original eligibility determination process for pregnancy-related services, the worker informs the mother that the newborn child will be deemed eligible on the date of birth. The mother is also advised of the importance of her reporting the newborn child's birth immediately so deeming can be done timely.

(D) When a categorically needy newborn child is deemed eligible for Medicaid, he/she is added for a certification period of 13 months. The certification period expires at the end of the month that the newborn child reaches age one. The certification period is shortened only in the event the child:

(i) leaves the mother's home;

(ii) loses Oklahoma residence;

(iii) has medical needs included in another assistance case; or

(iv) expires.

(E) A newborn child cannot be deemed eligible when the mother's only coverage was presumptive eligibility, and continued eligibility was not established.

317:35-6-61. Redetermination of eligibility for persons receiving SoonerCare Health Benefits.

(a) A periodic redetermination of eligibility for SoonerCare Health Benefits is required on all categorically needy cases categorically related to AFDC. The redetermination is made prior to the end of the initial certification period and each ~~six~~ 12 months thereafter.

~~(b) In every instance in which LOCEU originally determined incapacity, the MEDATS file specifies a date on which incapacity is to be redetermined or that further redetermination is not needed. Regardless of which of these is designated by LOCEU, any time that the worker's personal observations of the client's actions leads the worker to believe that marked improvement in the client's physical and/or mental condition has occurred, the worker prepares OKDHS form ABCDM 80 D, Medical Social Summary, and transmits it to LOCEU. This summary sets forth the reasons for the worker's opinion that the client's physical and/or mental condition has improved, such as the worker's personal observations of the client's actions in the home, the office, on the street, etc.; what the client says about his/her condition; whether the client is~~

receiving treatment; etc. The decision for LOCEU will be entered by MEDATS.

(e) When LOCEU's original incapacity decision sets a redetermination for a specified time and required a Medical Social Summary, the worker submits the OKDHS form ABCDM 80 D. The information is submitted timely to obtain a decision by the end of the month of the due date. The client is considered incapacitated until LOCEU renders a decision stating otherwise, even if the decision is delayed past the redetermination. If the client chooses not to cooperate in obtaining information to determine continued incapacity, both parents needs are removed from the health benefit.

SUBCHAPTER 9. ICF/MR, HCBW/MR, AND INDIVIDUALS AGE 65 OR OLDER IN MENTAL HEALTH HOSPITALS

PART 9. CERTIFICATION, REDETERMINATION AND NOTIFICATION

317:35-9-75. Certification for long-term medical care through ICF/MR, HCBW/MR services and to persons age 65 and older in a mental health hospital

(a) **Application date.** If the applicant is found eligible for Medicaid, certification may be made retroactive for any service provided on or after the first day of the third month prior to the month of application and for future months. ~~When categorically needy individuals are certified for State Supplemental Payment or TANF, the retroactive certification for Medicaid is handled with an M category case number. The first month of the certification period must be the first month that medical service was provided and the recipient was determined eligible. An applicant approved for long-term medical care under Medicaid as categorically needy is mailed a permanent Medical Identification Card.~~

~~(1) As soon as eligibility or ineligibility for long-term medical care is established the local office updates the computer form and the appropriate notice is computer generated to the client and vendor. Notice information is retained on the notice file for county use.~~

~~(2) An applicant approved for long-term medical care under Medicaid as categorically needy is mailed a permanent Medical Identification Card.~~

~~(3) When eligibility is established for care in an ICF/MR (public and private) or for a person 65 or older in a mental health hospital, the certification is not teleprocessed until the Management of Recipient's Funds form, ABCDM 96, has been received from the administrator of the facility providing the care.~~

(b) **Certification period for long-term medical care.** A certification period of 12 months is assigned for an individual categorically related to ABD who is approved for long-term care. When the individual determined eligible for long-term

medical care is categorically related to AFDC, a certification period of ~~six~~ 12 months is assigned. ~~Although "medical eligibility number of months" on the computer input record will show 99 months, redetermination of financial eligibility is completed according to the categorical relationship.~~

SUBCHAPTER 19. NURSING FACILITY SERVICES

317:35-19-22. Certification for NF

(a) **Application date.** The date of the application for NF care is most important in determining the date of eligibility. If the applicant is found eligible for Medicaid, certification may be made retroactive for any service provided on or after the first day of the third month prior to the month of application and for future months. An applicant approved for long-term medical care under Medicaid as categorically needy is mailed a Medical Identification Card.

~~(1) As soon as eligibility or ineligibility for long-term medical care is established the local office updates the computer form and the appropriate notice is computer generated to the client and vendor. Notice information is retained on the notice file for county use.~~

~~(2) An applicant approved for long-term medical care under Medicaid as categorically needy is mailed a Medical Identification Card.~~

~~(3) When eligibility is established for care in an NF, the certification is not teleprocessed until the Management of Recipient's Funds form has been received from the administrator of the facility providing the care.~~

(b) **Time limited approvals for nursing care.** A medical certification period of a specific length may be assigned for an individual who is categorically related to ABD or AFDC. This time limit is noted on the system. It is the responsibility of the nursing facility to notify the area nurse 30 days prior to the end of the certification period if an extension of approval is required by the client. Based on the information from the NF the area nurse, or nurse designee, determines whether or not an update of the UCAT is necessary for the extension. The area nurse, or nurse designee, coordinates with appropriate staff for any request for further UCAT assessments.

(c) **Certification period for long-term medical care.** A financial certification period of 12 months is assigned for an individual categorically related to ABD who is approved for long-term care. When the individual determined eligible for long-term medical care is categorically related to AFDC, a certification period of ~~six~~ 12 months is assigned. ~~Although "medical eligibility number of months" on the computer input record will show 99 months, redetermination of eligibility is completed according to the categorical relationship.~~

[OAR Docket #06-52; filed 1-13-06]

Emergency Adoptions

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

[OAR Docket #06-53]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Waiver Employment Services

317:40-7-2. [AMENDED]

317:40-7-12. [AMENDED]

(Reference APA WF # 05-10)

AUTHORITY:

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

DATES:

Adoption:

October 13, 2005

Approved by Governor:

November 30, 2005

Effective:

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

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to insure an adequate pool of qualified providers are available to furnish services to individuals who qualify for DDS waiver employment services.

ANALYSIS:

DDS rules are revised to implement a rate increase appropriated by the Legislature for waiver employment services for persons with mental retardation. Rates will be increased for services to persons in individual placements who receive job coach services or community-based services. Also, the definition of an individual placement is established in the rules. Rule revisions are needed in order to implement the mandated rate increases and to insure an adequate pool of qualified providers are available to furnish services to individuals who qualify for DDS waiver employment services.

CONTACT PERSON:

Joanne Terlizzi at (405)522-7272

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

SUBCHAPTER 7. WAIVER EMPLOYMENT SERVICES

317:40-7-2. Definitions

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

"**Commensurate Wage**" means wages paid to a worker with a disability based on the worker's productivity in proportion to the wages and productivity of workers without a disability performing essentially the same work in the same geographic area. Commensurate wages must be based on the prevailing wage paid to experienced workers without disabilities doing the same job.

"**Employment Assessment**" means the evaluation that identifies the unique preferences, strengths, and needs of the service recipient in relation to work. The assessment determines work skills and work behaviors, is supplemented by personal interviews and behavioral observations, and incorporates information that addresses the service recipient's desired medical, physical, psychological, social, cultural, and educational outcomes, as well as present and future employment options. The assessment, which is updated annually or more frequently as needed, includes support needs, environmental preferences, and possible accommodations.

"**Enhanced Rate**" means a differential rate established to provide an incentive to agencies to provide community employment services to service recipients with significant needs.

"**Group Placement**" means two to eight service recipients situated close together, who are provided continuous, long-term training and support in an integrated job site. Service recipients may be employed by the company or by the provider agency. The terms "work crew" and "enclave" also describe a group placement.

"**Individual placement in job coaching services**" means one service recipient receiving job coach services who:

- (A) works in an integrated job setting;
- (B) receives minimum wage or more;
- (C) does not receive services from a job coach who is simultaneously responsible for continuous job coaching for a group;
- (D) is employed by a community employer or the provider agency; and
- (E) has a job description that is specific to his or her work.

"**Individual placement in community-based services**" means the service recipient is provided supports that enable him or her to participate in approved community-based activities, as described in OAC 317:40-7-5, individually and not as part of a group placement.

"**Integrated Employment Site**" means an activity or job that provides regular interaction with people without disabilities, excluding service providers, to the same extent that a worker without disabilities in a comparable position interacts with others.

"**Job Coach**" means an individual who holds a DDS-approved training job coach certification and provides ongoing support services to eligible persons in supported employment placements. Services directly support the service recipient's work activity including marketing and job development, job and work site assessment, training and worker assessment, job matching procedures, development of co-worker natural and paid supports, and teaching job skills.

"**Job Sampling**" means a paid situational assessment whereby a service recipient performs a job at a prospective

employer's integrated job site, in order to determine the service recipient's interests and abilities. Situational assessments adhere to the Department of Labor (DOL) regulations regarding wages. The Team determines the appropriate type and number of situational assessments for each service recipient.

"On-Site Supports" means a situation in which the job coach is physically at the job site providing job training to a service recipient.

"Situational assessment" means a comprehensive community-based evaluation of the service recipient's functioning in relation to the supported job, including the job site, the community through which the service recipient must travel to and from the job, and the people at the job site such as the job coach, co-workers, and supervisor.

"Sub-Contract With Industry" means the provider agency enters into a sub-contract with an industry or business to pay industry employees to provide supports to service recipients. If the industry agrees, the provider agency may contract with an employee(s) of the industry directly to provide the services. The state continues to pay the provider agency and the agency provides all pertinent information that is required for persons served by the agency. The Team determines what, if any, training is required for the employees of the industry providing services.

"Supported Employment" means competitive work in an integrated work setting with ongoing support services for service recipients for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of disabilities.

"Unpaid Training" means unpaid experience in integrated employment sites in accordance with DOL regulations. Service recipients do a variety of tasks, which do not equal the full job description of a regular worker.

"Volunteer Job" means an unpaid activity in which a service recipient freely participates.

317:40-7-12. Enhanced rates

An Enhanced Rate is available for both Community-Based Group Services and Group Job Coaching Services.

(1) Eligibility for an enhanced rate is determined by Team assessment as detailed in OAC 340:100-5-56, OAC 340:100-5-57, and subsection (d) of OAC 340:100-5-26 of the service recipient's needs.

(2) To be eligible for the enhanced rate, the service recipient must ~~have~~:

- (A) have a protective intervention plan that:
 - (i) contains a restrictive or intrusive procedure as defined in OAC 340:100-1-2 implemented in the employment setting;
 - (ii) has been approved by the State Behavior Review Committee (SBRC) in accordance with OAC 340:100-3-14 or by the Developmental Disabilities Services Division (DDSD) staff in accordance with subsection (g) of OAC 340:100-5-57; and
 - (iii) has been reviewed by the Human Rights Committee (HRC) in accordance with OAC 340:100-3-6;

(B) have procedures included in the Individual Plan which address dangerous behavior that places the service recipient or others at risk of serious physical harm but are neither restrictive or intrusive procedures as defined in OAC 340:100-1-2. The Team submits documentation of this risk and the procedures to the positive support field specialist to assure that positive approaches are being used to manage dangerous behavior;

(C) have a visual impairment that requires assistance for mobility or safety; ~~or~~

(D) have two or more of the circumstances given in this subparagraph.

(i) The service recipient has medical support needs which are rated at Level 4, Level 5, or Level 6 on the Physical Status Review (PSR), explained in OAC 340:100-5-26.

(ii) The service recipient has nutritional needs supported by the PSR requiring tube feeding or other dependency for food intake which must occur in the employment setting.

(iii) The service recipient has mobility needs, supported by the PSR, such that he or she requires two or more people for lifts, transfers, and personal care. Use of a mechanical lift or other assistive technology has been evaluated for the current employment program and determined not feasible by the DDSD division director or designee; or

(E) reside in alternative group home as described in OAC 317:40-5-152.

(3) The enhanced rate can be claimed only if the person providing services fulfills all applicable training criteria specified in OAC 340:100-3-38.

~~(4) Persons residing in alternative group homes, as described in OAC 317:40-15-152 are eligible to receive the enhanced rate. Employment providers fulfill all applicable criteria given in OAC 317:40-5-152.1.~~

~~(5) There are no exceptions for the enhanced rate other than as allowed in this Section.~~

[OAR Docket #06-53; filed 1-13-06]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

[OAR Docket #06-63]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-8. [AMENDED]
(Reference APA WF 05-11)

AUTHORITY:
Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 230.50, 230.52, 230.55, 230.56, 230.60, and

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230.62 through 230.66 of Title 56 of the Oklahoma Statutes; and the Personal Responsibility and Work Opportunity Act of 1996.

DATES:

Adoption:

December 6, 2005.

Approved by Governor:

January 11, 2006

Effective:

March 1, 2006.

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:

Emergency approval is requested as the Oklahoma Department of Human Services (OKDHS) finds compelling public interest to preserve the welfare of families with children who are in need of funds to actively participate in the TANF Work Program as required by federal and state law. In the TANF Work Program, the work activity payment has not increased since October 1996 and the daily participation allowance has not increased since December 2002. With the increase in gas prices and the cost of living, the need for an increase in the work activity payment and daily participation allowance is necessary. Without these increases families with children will not be able to participate in the TANF Work program to enable TANF applicants and recipients to become self-supporting.

ANALYSIS:

OAC 340:10-2-8 proposed rule revisions provide for an increase in the work activity payment and the daily reimbursement rate of participation allowances for persons participating in the TANF Work Program.

CONTACT PERSON:

Dena Thayer at (405)5214326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF MARCH 1, 2006:

SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of his or her employability plan to become self-supporting. Payments are authorized for items or services directly related to employment as an outcome. When support services are available and part of the employability plan, the participant's failure to cooperate in obtaining the support services constitutes a failure to participate in the TANF Work program. Items and services covered by the participant's medical card are not paid for by the support service funds. The only support services available to an applicant are the participant allowance and work activity payment.

(b) **Flexible funds.** The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. Flexible funds are not available to an applicant. To be eligible for flexible funds,

the participant must ~~either be otherwise~~ be ready to participate in a required work activity for the minimum number of hours, have a guaranteed offer of employment, or be employed. Payments for the services through flexible funds are not an automatic entitlement to the participant. Flexible funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs. The county staff has final authority to determine authorizations. One-time payments of specific services are allowed after the service is rendered. Ongoing maintenance payments are not allowed.

(c) **Other support services.**

(1) **Work activity payments.** To be eligible for the work activity payment, the individual must be ready to participate in or be in a required work activity and in need of a small amount of cash to purchase items such as a tank of gas, or health, beauty, or personal items. The maximum amount approved cannot exceed ~~\$3040~~ per month.

(2) **Participant allowances.** Allowances, up to a maximum of ~~\$810~~ for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. Lunch hours and travel time are not included as actual hours of attendance. For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance. The participant makes appropriate daily entries on Form TW-13, Time and Progress Report, ~~which documents to document~~ actual hours in attendance. The daily allowance paid is:

(A) ~~\$57~~ each day when the work activity equals four hours or less; or

(B) ~~\$810~~ each day when the work activity equals more than four hours.

(3) **Oklahoma State Bureau of Investigations (OSBI) background checks.** OSBI background checks may be requested for a participant who is placed in job skills training that requires an OSBI background check as a prerequisite for employment. The job skills training can include vocational training, hands-on work experience, or public or private sector work experience. The participant is advised of the requirement and Form ADM-60, Request for Release of Information, is completed.

(4) **Child care.** Child care arrangements are made for each ~~child~~ child(ren) in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form TW-2, TANF Work/Personal Responsibility Agreement. When the individual begins active participation in TANF Work activities, child care services are documented.

(5) **Transportation contracts.** Transportation contracts are initiated to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. To initiate a transportation contract, contact the Family Support Services Division TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF Work participant or a ~~child~~

child(ren) receiving a TANF benefit, who has an application for disability pending with the Social Security Administration (SSA) or who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits.

(A) A referral is made to the OKDHS contracted law firm to assist the recipient(s) with the application, reconsideration, Administrative Law Judge hearing, and review by the SSA Appeals Council.

(B) The evaluation of merit determines if the appropriate SSA test for disability would be met if evidence was available to prove all conditions claimed by the TANF recipient. If the evaluation of merit determines there is:

- (i) sufficient evidence, the law firm represents the TANF recipient. Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council. In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without ~~advanced~~ advance payment, the contracted law firm assists with the pending application for disability through an unfavorable decision by the SSA Appeals Council; or
- (ii) insufficient evidence to prove conditions claimed by the TANF recipient, no further services are provided by DAP. Representation by the law firm ceases at any time the law firm determines there is insufficient evidence to support the TANF recipient's claim for disability benefits.

[OAR Docket #06-63; filed 1-20-06]

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

[OAR Docket #06-62]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 5. Operational Policies
- Part 23. Enforcement
- 340:25-5-200. [AMENDED]
- 340:25-5-203.1. [NEW]
- Part 37. Recovery
- 340:25-5-312. [AMENDED]
- (Reference APA WF 05-08)

AUTHORITY:

Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 303.6 of Title 45 of the Code of Federal Regulations; Sections 115 and 137 of Title 43 of the Oklahoma Statutes (43 O.S. § 115 and 137); 56 O.S. § 237 and 240.1; and 3A O.S. § 724.1.

DATES:

Adoption:

December 6, 2005

Approved by Governor:

January 11, 2006

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:

Emergency rulemaking approval is requested as OKDHS finds there is compelling public interest to bring rules into compliance with the Oklahoma Education Lottery Commission rules, Section 724.1 of Title 3A of the Oklahoma Statutes, approved by the Governor and effective October 12, 2005, providing that lottery prizes are subject to applicable federal tax and state income tax withholdings and delinquent state debt.

ANALYSIS:

The revisions to Subchapter 5 of Chapter 25 implement Child Support Enforcement Division (CSED) procedures to: (1) attach lottery prize winnings when the winner of such lottery prize has an open case and owes a child support arrearage, child support judgment and interest thereon, past-due alimony, or judgment for child care costs or medical expenses; and (2) allow CSED, acting on behalf of the State of Oklahoma, to recover an overpayment made to a custodial person or recover bad debt made by a noncustodial parent. The revisions bring rules into compliance with Section 724.1 of Title 3A of the Oklahoma Statutes.

340:25-5-200 is amended to add the attachment of lottery prize winnings from the Oklahoma Lottery Commission as a legal remedy to enforce court-ordered support obligations.

340: 25-5-203.1 is issued to include new procedures for the collection of lottery prize winnings as an enforcement tool in the collection of court-ordered child support, medical expenses, child care costs, and alimony obligations and the collection of overpayments established by Oklahoma Department of Human Services (OKDHS) per OAC 340:25-5-305 and 340:25-5-312. This new rule defines the parameters of the collection of lottery prize winnings and the conditions the claimant has to contest such a claim.

340:25-5-312 is amended to outline the procedure for: (1) CSED to secure lottery prize winnings for the collection of overpayments made by OKDHS or bad debt accrued in the payment of child support enforcement; and (2) the overpayment recipient to contest the claim.

CONTACT PERSON:

Dena Thayer, OKDHS Office of Planning, Policy, and Research, 405-521-4326.

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

SUBCHAPTER 5. OPERATIONAL POLICIES

PART 23. ENFORCEMENT

340:25-5-200. Scope and applicability

(a) The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) follows Title IV, Part D, of the Social Security Act, Section 303.6 of Title 45 of the Code of Federal Regulations, and Section 240.1 of Title 56 of the Oklahoma Statutes in initiating enforcement proceedings.

- (1) Orders for current and past child and spousal support, health care coverage, fixed amounts of medical support, judgments, and delinquencies may be enforced through expedited and judicial processes, or through other collection efforts.

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- (2) Past-due child support is a judgment by operation of law and may be enforced in the same manner as any other money judgment. [43 O.S. § 137]
- (3) Post judgment remedies do not require an adjudicated judgment by a district or administrative court.
- (4) Each missed support payment is a judgment; thus, a judgment increases with each missed payment. This total judgment becomes a lien on the real and personal property of the obligor.
- (b) CSED determines appropriate enforcement actions and may use any legal remedy to enforce support obligations. Remedies CSED may use, as appropriate, include but are not limited to:
- (1) annual notice to obligors as provided in Section 237A of Title 56 of the Oklahoma Statutes and OAC 340:25-5-213;
 - (2) income assignment, garnishment, and levy as provided in Chapter 21 of Title 12, Section 240.23 of Title 56 of the Oklahoma Statutes, and Section ~~466 666 of the Social Security Act Title 42 of the United States Code~~;
 - (3) hearing on assets as provided in Section 842 of Title 12 of the Oklahoma Statutes;
 - (4) intercept of federal tax refunds as provided in Section ~~464 664 of the Social Security Act Title 42 of the United States Code~~, Sections 285.3 of Title 31 and 303.72 of Title 45 of the Code of Federal Regulations, and Part 25 of this Subchapter, and intercept of state tax refunds as provided in Section 303.102 of the Code of Federal Regulations, Sections 205.2 and 205.3 of Title 68 of the Oklahoma Statutes, and Part 27 of this Subchapter, ~~and OAC 710:50-11-1 through 710:50-11-4~~;
 - (5) administrative offsets as provided in Section 3716 of Title 31 of the United States Code, Section 285.1 of Title 31 of the Code of Federal Regulations, and Executive Order 13019;
 - (6) denial, revocation, or suspension of United States Passports as provided in Section 240.1 of Title 56 of the Oklahoma Statutes and Sections ~~452 and 454 of the Social Security Act~~ 652 and 654 of Title 42 of the United States Code;
 - (7) revocation, suspension, non-renewal, and non-issuance of various licenses, including but not limited to, revocations of certificates of motor vehicle titles, as provided in Sections 139 and 139.1 of Title 43, Sections 1-153, 6-201, 6-201.1, and 6-211 of Title 47, and Sections 237.1 and 240.15 through 240.21A of Title 56 of the Oklahoma Statutes;
 - (8) imposing liens and executing and levying on personal and real property, including but not limited to, workers' compensation, personal injury, wrongful death, and probate actions, as provided in Section 135 of Title 43, Section 240.23 of Title 56, and Titles 12 and 58 of the Oklahoma Statutes;
 - (9) registration of foreign support orders under the Uniform Interstate Family Support Act as provided in Sections 601-100 through 601-901 of Title 43 of the Oklahoma Statutes;
 - (10) credit bureau referrals as provided in Section ~~466 666 of the Social Security Act Title 42 of the United States Code~~, Section 1681b of Title 15 of the United States Code, Section 240.7 of Title 56 of the Oklahoma Statutes, and Part 31 of this Subchapter;
 - (11) financial institution data match as provided in Sections ~~466(a)(17) and 469A 666 and 669 of the Social Security Act Title 42 of the United States Code~~, Sections 240.22 through 240.22G of Title 56 of the Oklahoma Statutes, and OAC 340:25-5-212;
 - (12) seek work orders as provided in Section 240.10 of Title 56 of the Oklahoma Statutes;
 - (13) contempt as provided in Sections 566 and 567 of Title 21, Section 137 of Title 43, and Section 234 of Title 56 of the Oklahoma Statutes;
 - (14) action to void the transfer or obtain favorable settlement in cases in which a debtor transferred income or property to avoid payment to a child support creditor under the Uniform Fraudulent Transfer Act, Sections 112 through 123 of Title 24 of the Oklahoma Statutes and Section ~~466 666 of the Social Security Act Title 42 of the United States Code~~;
 - (15) registration of foreign judgments under the Uniform Enforcement of Foreign Judgments Act, Sections 719 through 726 of Title 12 of the Oklahoma Statutes;
 - (16) criminal actions brought under Section 852 of Title 21 of the Oklahoma Statutes;
 - (17) civil actions brought under Section ~~460 660 of the Social Security Act Title 42 of the United States Code~~;
 - (18) transfer of child support obligation to another custodian under Section 237 of Title 56 of the Oklahoma Statutes;
 - (19) referral to the United States Attorney for federal prosecution under Section 228 of Title 18 of the United States Code; ~~and~~
 - (20) full collection services by the Secretary of the Treasury under Section 6305 of the Internal Revenue Code of 1954; ~~and~~
 - (21) attachment of lottery prize winnings from the Oklahoma Lottery Commission under Section 724.1 of Title 3A of the Oklahoma Statutes.
- 340:25-5-203.1. Collection from lottery prize winnings**
- (a) The Oklahoma Department of Human Services Child Support Enforcement Division (CSED) files claims with the Oklahoma Lottery Commission against lottery prize winnings under Section 724.1 of Title 3A of the Oklahoma Statutes to collect:
- (1) child support arrearages, child support judgments and interest thereon, past-due alimony, and judgments for child care costs and medical expenses; and
 - (2) overpayments established by CSED under OAC 340:25-5-305 and 340:25-5-312.
- (b) The minimum amount of a claim filed by CSED is \$50.
- (c) Within five days after filing a claim with the Oklahoma Lottery Commission, CSED sends a notice by regular mail to the noncustodial parent. The notice includes:

- (1) that a claim has been filed with the Oklahoma Lottery Commission;
 - (2) the basis for the claim;
 - (3) that the noncustodial parent has the right to contest the claim by requesting in writing an administrative review within ten days of the date on the notice from CSED; and
 - (4) that the administrative review is granted only on the grounds of:
 - (A) a mistake of identity; or
 - (B) the amount of arrearage or judgment is incorrect.
- (d) After the administrative review, CSED issues a notice of administrative review decision and information about requesting an administrative hearing. The noncustodial parent may request in writing a hearing within 20 days after the date of the administrative review decision.
- (e) Upon receipt of a timely request for an administrative hearing, CSED schedules the matter for an administrative hearing before the Office of Administrative Hearings: Child Support (OAH). OAH conducts a hearing and enters an order determining the contested issues.
- (f) If the noncustodial parent settles the arrearage or judgment with CSED before expiration of the 30-day administrative review period as specified in OAC 340:25-5-200.1, CSED notifies the Oklahoma Lottery Commission in writing or by electronic media that the claim has been released.

PART 37. RECOVERY

340:25-5-312. Overpayment rules and procedures

- (a) **General.** A custodial person, noncustodial parent, or other entity to whom the Child Support Enforcement Division (CSED) has made an overpayment, owes the amount of the overpayment to CSED, acting on behalf of the State of Oklahoma.
- (b) **Fraud.** If an overpayment may have resulted in whole or in part from false or misleading statements, concealed information, willful misrepresentation, or if fraud is otherwise suspected, CSED may refer the information to the Oklahoma Department of Human Services (OKDHS) Office of Inspector General (OIG) for appropriate action. Action may include, but is not limited to, investigation and criminal prosecution.
- (c) **Bad debt.** To satisfy a bad debt resulting from a:
 - (1) tax intercept paid to a custodial person which is subsequently withdrawn, CSED takes the full amount of any monthly payment to the custodial person until the bad debt is paid in full; or
 - (2) noncustodial parent's dishonored check, CSED takes the full amount of the noncustodial parent's subsequent payment(s) until the bad debt is paid in full.
- (d) **Erroneous payments and retained support.** CSED recovers 50 percent of monthly current support payments to the recipient and recovers the total amount of any arrearage payments made at any time, in order to satisfy erroneous payments and retained support overpayments until the overpayment is recovered in full. CSED does not reduce the recovery amount at the recipient's request.

- (e) **Notice.** CSED sends a notice of overpayment and recovery to the recipient of the overpayment. The notice includes:
 - (1) a statement that the recipient received money to which the recipient was not entitled and owes money to CSED;
 - (2) the amount of the overpayment;
 - (3) the method of withholding from monthly payments until the overpayment is recovered in full;
 - (4) a statement that CSED may collect the overpayment through any means permitted by law; and
 - (5) instructions for requesting in writing an administrative review under OAC 340:25-5-200.1 within 30 days after the date on the notice of overpayment and recovery letter, if the recipient disagrees with the amount of the overpayment.
- (f) **Other overpayment recovery methods.** CSED also recovers overpayments through:
 - (1) voluntary payments;
 - (2) state tax refund offsets under Section 205.2 of Title 68 of the Oklahoma Statutes; and
 - (3) lottery prize claims under Section 724.1 of Title 3A of the Oklahoma Statutes.

(fg) **TANF customers.** In active Temporary Assistance for Needy Families (TANF) cases, ~~if~~when a TANF recipient retains child support receipts, CSED may make a noncooperation referral to the TANF social services specialist. CSED recovers overpayments from TANF customers through voluntary payments ~~or~~state tax refund offsets, and lottery prize claims.

(gh) **Administrative review.** If an administrative review is requested under OAC 340:25-5-200.1, the purpose of the review is to provide the recipient an opportunity to offer new or additional information regarding the amount of the overpayment. Upon receipt of a timely request for an administrative review, the CSED office conducts the review within 30 days.

[OAR Docket #06-62; filed 1-19-06]

**TITLE 345. COMMITTEE FOR INCENTIVE AWARDS FOR STATE EMPLOYEES
CHAPTER 10. PRODUCTIVITY ENHANCEMENT PROGRAM**

[OAR Docket #06-59]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 1. General Provisions
345:10-1-2. [NEW]
Subchapter 3. Organization
345:10-3-1. [AMENDED]
Subchapter 5. Types of Awards
345:10-5-2. [AMENDED]

AUTHORITY:
Committee for Incentive Awards for State Employees; 74 O.S., § 4113.

DATES:
Adoption:
August 22, 2005

Approved by Governor:
October 6, 2005

Emergency Adoptions

Effective:

November 1, 2005

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled House Bill 1650 (enacted during the 2005 Legislative Session) provided a significant amendment to the Incentive Awards for State Employees Act. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments will take effect during the recess of the 2005 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled House Bill 1650, as well as other changes that will provide consistency between the current statutes and rules.

ANALYSIS:

The proposed rules serve to make the statutory framework consistent with the rules.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2005:

SUBCHAPTER 1. GENERAL PROVISIONS

345:10-1-2. Definitions

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

"Committee" or "program Committee" or "statewide PEP Committee" or "PEP Committee" means the Incentive Awards for State Employees Committee described in Section 345:10-3-1.

"Coordinator" or "program coordinator" or "statewide PEP coordinator" or "PEP Coordinator" means the Productivity Enhancement Program coordinator described in Section 345:10-3-2.

"PEP" means the Productivity Enhancement Program.

"Title 74" means Title 74 of the Oklahoma Statutes.

SUBCHAPTER 3. ORGANIZATION

345:10-3-1. Incentive Awards for State Employees Committee

(a) **Structure of the Committee.** The Productivity Enhancement Program will be managed by a seven-member committee. The members of the Committee will be appointed to represent state employees, management, and business. The Committee will be comprised of:

- (1) *The Director of ~~Public Affairs [Department of Central Services]~~ Central Services or designee who shall be the chairperson;*
- (2) *The Director of State Finance or designee;*
- (3) *The Administrator of the Office of Personnel Management or designee;*
- (4) *The chief administrative officer of a state executive agency, department, commission, or office who shall be appointed by the Governor;*
- (5) *A state employee who does not occupy a supervisory position, to be appointed by the Governor;*
- (6) *A person who is not a state officer or employee, to be appointed by the President Pro Tempore of the Senate; and*
- (7) *A person who is not a state officer or employee, to be appointed by the Speaker of the House of Representatives. [74:4112]*

(b) **Term of Members.** *Each member who is appointed by the Governor shall serve on the Committee at the pleasure of the Governor. Those members not appointed by the Governor shall serve on the Committee at the pleasure of their respective appointing authority. [74:4112]* Apart from the Committee, the chairman will appoint or identify a Productivity Enhancement Program coordinator to handle administrative details, to act as an advisor to the Committee, and to act as secretary to the Committee at all meetings. The program coordinator shall have no vote.

(bc) **Role of the Committee.** It shall be the responsibility of the Committee to:

- (1) Promulgate rules and regulations and adopt policies and procedures to implement the Productivity Enhancement Program pursuant to the provisions of the Incentive Awards for State Employees Act. [74:4113]
- (2) Review all nominations and evaluations brought before it by the program coordinator.
- (3) Assure that each nomination is thoroughly and fairly investigated and reported upon by:
 - (A) Calling upon any state employee or officer for information on the evaluation or implementation of any nomination;
 - (B) Requesting any further information and investigation it deems appropriate.
- (4) Encourage employees to make nominations, and explain the program to agencies and groups upon request.
- (5) Periodically review and update the program rules as necessary, and waive procedural rules in individual cases in the interest of fairness and equity.
- (6) Authorize awards and the amounts of awards. [74:4117]
- (7) Prepare and submit to the Governor, Speaker of the House of Representatives and the President Pro Tempore of the Senate, a comprehensive annual status report on the activities, decisions, awards and recommendations of the Committee with respect to the Productivity Enhancement Program.

(ed) **Operations of the Committee.**

- (1) The Committee chair may cancel regularly scheduled Committee meetings if there is no business before the

Committee. When meetings are canceled, the required public notices will be filed with the Secretary of State and publicly posted.

(2) The Committee may consider "revenue generation" in evaluating cash nominations.

SUBCHAPTER 5. TYPES OF AWARDS

345:10-5-2. Individual incentive compensation

(a) **Definition.** An individual incentive compensation award will consist of a ~~one lump sum~~ payment equal to at least twenty-five percent (25%) of the amount determined by the Committee to be the total unit dollar savings to the state for the level of services rendered, but shall not exceed ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000). The individual incentive compensation shall be paid in one lump sum if the twelve-month period mirrors the fiscal year; [otherwise, it shall be paid in two separate payments]. The calculation for two payments shall be based on the number of months in the first fiscal year of implementation for the first payment. The second payment shall come at the end of the first twelve (12) months of implementation, which falls in the second fiscal year. [74:4117]

(b) **Eligibility of employees to participate.** All employees except state agency heads eligible to participate in the individual incentive awards program (see Section 345:10-5-1) shall be eligible to participate in the individual incentive compensation program. Eligibility of state agency supervisors and managers for cash awards will be reviewed on a case-by-case basis according to Section 345:10-7-1(2).

(c) **Eligibility of employees to receive individual incentive compensation.** This type of award may be made to eligible employees, nominated for such compensation who, at a minimum, must have made an exceptional contribution similar to, but greater than, that required for an individual incentive award. Individual incentive compensation awards will be made only for proposals that result in real cost savings or revenue generation to an agency.

(d) **Funding.** Individual incentive compensation awards shall be paid from the accrued savings in the operating budget of the nominating agency, department, commission, or office ~~for the eligible fiscal year.~~ [74:4117] Incentive pay awards shall be exempt from retirement contributions and shall not be included for the purpose of computing a retirement allowance pursuant to any public retirement system of the state. [74:4119]

[OAR Docket #06-59; filed 1-19-06]

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

[OAR Docket #06-55]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 3. Affirmative Action and Equal Employment Opportunity
Part 2. Discrimination Complaints Investigations
530:10-3-22. [AMENDED]
Subchapter 5. Position Allocation and Employee Classification System
Part 5. Audits of Positions
530:10-5-52. [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rates of Pay
530:10-7-24. [AMENDED]
Subchapter 13. Reduction-in-Force
Part 3. Reduction-in-Force Plan Requirements
530:10-13-35. [AMENDED]
Subchapter 15. Time and Leave
Part 3. Annual and Sick Leave Policies
530:10-15-11. [AMENDED]

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

DATES:

Adoption:
August 19, 2005

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SUPERSEDED EMERGENCY ACTION:
None

INCORPORATIONS BY REFERENCE:
None

FINDING OF EMERGENCY:
Enrolled Senate Bill 315 and Enrolled House Bill 1500 (enacted during the 2005 Legislative Session) made various amendments to the Oklahoma Personnel Act. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments have taken effect during the recess of the 2005 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled Senate Bill 315 and Enrolled House Bill 1500 to make the Merit Rules consistent with the statutory amendments provided by these laws.

ANALYSIS:
The rule amendments provide: additional course offerings to satisfy require CEUs for discrimination complaints investigators; OPM review responsibility in the event of agency demotions as a result of positions audits or reclassifications pursuant to amendments in HB 1500; clarification that skill based pay differentials not cause employee's base pay to exceed pay band maximums; additional reporting requirements for reduction-in-force implementation plans pursuant to amendments in HB 1500; discretion for an appointing authority to allow accrued annual leave above maximum leave accumulation limits to be utilized within 12 months of accrual pursuant to amendments to SB 315; and, clarification that employees shall not be paid for accrued annual leave to accept a position within the same agency unless there has been a break in service of more than 30 days.

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

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE**

Emergency Adoptions

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

SUBCHAPTER 3. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

PART 2. DISCRIMINATION COMPLAINTS INVESTIGATIONS

530:10-3-22. Training requirements for discrimination complaints investigators

(a) Unless otherwise provided by state or federal law, all persons who are designated to investigate complaints of employment discrimination in executive branch agencies shall complete:

- (1) four days of initial discrimination complaints investigator training either conducted by the Office of Personnel Management or approved by the Administrator; and
- (2) a minimum of one investigation under the guidance of a senior EEO investigator, designated by the Administrator. The senior EEO investigator shall advise and support the investigator in developing competency in investigating complaints of discrimination; and a minimum of six hours of classroom instruction or 0.6 Continuing Education Units (CEUs) in training related to the subjects listed in subsection (b) of this section or section (a)(1) of OAC 530:10-3-78 each calendar year and other annual training that may be announced by the Administrator. Persons who complete annual training shall submit proof of completion that is acceptable to the Administrator no later than December 31st of each year.

(b) Discrimination complaints investigator training shall provide participants with a current knowledge of:

- (1) Oklahoma and federal equal employment opportunity laws and rules;
- (2) theories of discrimination and burdens of proof;
- (3) planning and conducting complete and impartial investigations;
- (4) techniques for interviewing witnesses;
- (5) collecting relevant evidence;
- (6) documenting the record of investigation; and
- (7) preparing the written report of investigation.

(c) A person who has completed the initial training requirements established in (a)(1) of this Section and who is conducting an investigation under the guidance of a senior EEO investigator required in (a)(2) of this Section shall be considered as conditionally meeting the training requirements of the Administrator and shall be considered to be in compliance of this Part for that investigation.

(d) The Administrator will certify that a person has completed the training requirements for investigating complaints of discrimination after the Administrator:

- (1) determines the person has completed the initial training requirements established in (a)(1) of this Section, and

(2) receives recommendation from the senior EEO investigator under whose guidance one or more investigations have been conducted as required in (a)(2) of this Section that the person seeking certification has demonstrated competency in conducting investigations; or the Administrator waives the recommendation requirement.

(e) The Administrator shall send notice of certification to the person certified and to the certified person's Appointing Authority if the person is a state employee.

(f) Discrimination complaints investigators who do not complete the annual training described in (a)(3), or who fail to report such training by January 15th of the following year, will be placed on an "inactive" list and shall not conduct discrimination complaints investigations until the training requirement for the previous year has been met and reported.

SUBCHAPTER 5. POSITION ALLOCATION AND EMPLOYEE CLASSIFICATION SYSTEM

PART 5. AUDITS OF POSITIONS

530:10-5-52. Demotion resulting from position audit or reclassification

If an employee in the classified service is demoted as a result of a position audit or reclassification, the agency shall provide notice, to include all position description documentation, of such demotion to the Office of Personnel Management. The Office of Personnel Management shall review the findings of the agency prior to such demotion occurring, to ensure compliance with the law. The Office of Personnel Management shall complete the review and respond within ten (10) business days of receipt of notice. The provisions of this subsection shall not apply to demotions that are a result of a position audit or reclassification performed by the Office of Personnel Management. [74:842-6.5(B)]

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATES OF PAY

530:10-7-24. Skill-based pay adjustments

(a) An Appointing Authority may develop skill-based pay programs upon the approval of the Administrator. Such programs shall be related to the acquisition or possession of additional skills and abilities which can be applied to the work to be performed and which will increase the value of the employee to the agency. The skills or abilities must be verifiable through certification, licensure, diploma, or some other method and must be beyond the qualifications required to perform the primary or essential functions and responsibilities of the employee's position. Requests to establish skill-based pay programs shall include a complete description of the training or education required, how it will benefit the agency, the

proposed salary adjustment, and any other information that will assist in evaluating the request.

(b) Skill-based pay adjustments may be provided as a differential over and above an employee's base pay or as lump-sum payment. Lump sum skill-based pay adjustments may be awarded upon initial certification and any subsequent recertification as may be required by the certifying organization and identified in the agency's skill-based pay plan. Lump sum payments shall be limited to **10%** of an employee's annual salary, and differentials shall be limited to **10%** of an employee's monthly salary for employees paid on a monthly basis, and **10%** of an employee's biweekly salary for employees paid on a biweekly basis. Employees whose base pay is at or exceeds the maximum of the pay band shall not be eligible for a differential, but may receive a lump-sum payment. At no time shall a differential pursuant to this section cause an employee's base pay to exceed the pay band maximum. Except as provided in Subsection (c), skill-based pay adjustments shall be paid only as long as the employee occupies a position to which the skill is applicable in accordance with the agency's salary administration plan. An employee may receive multiple skill-based pay differentials so long as the combined total of all skill-based pay differentials does not exceed **15%**.

(c) Skill-based pay differentials paid to an employee shall become permanent after **24** continuous months and shall be included as a part of the employee's base pay, except as provided in 530:10-7-10. [74:840-2.17]

SUBCHAPTER 13. REDUCTION-IN-FORCE

PART 3. REDUCTION-IN-FORCE PLAN REQUIREMENTS

530:10-13-35. Reduction-in-force implementation plan

As provided in Section 840-2.27C of Title 74 of the **Oklahoma Statutes** and OAC 530:10-13-3, Appointing Authorities of executive branch agencies shall post the reduction-in-force implementation plan in all offices of the agency within **5** business days after posting the reduction-in-force notice. A copy of the implementation plan shall be provided to the Office of Personnel Management, ~~and~~ the Oklahoma Merit Protection Commission, ~~the Director of State Finance and any state employee association representing state employees at such time and as defined at OAC 530:15-1-2.~~ no later than the time it is posted in the agency. The reduction-in-force implementation plan is not subject to the approval of the Administrator or the Commission. In addition to the information required by 530:10-13-3(b), the reduction-in-force implementation plan shall include:

- (1) a statement of the conditions necessitating the reduction-in-force;
- (2) the estimated time schedule for the reduction-in-force;
- (3) a description of the displacement process, and limits;

(4) listings of affected positions and employees, to include the following information (or if such lists are not posted, the location of the office where they are available for review):

(A) all occupied and vacant positions to be abolished, showing in each case: geographical and administrative location, job family, level, and pay band for the position; the name, job family, level, and pay band, of the incumbent; and, for permanent employees, retention points and other lateral or lower level job families in which the employee previously held permanent status, listed in the reverse order in which they were held;

(B) all positions and employees which are subject to displacement, showing the same information;

(C) other occupied and vacant positions and employees in affected job families, showing the same information. The agency may include all other positions in the agency in affected job families or may limit posting to ten percent of positions occupied by employees with the least number of retention points based on longevity dates in affected job families, and

(D) all retained funded vacant positions anywhere in the agency;

(5) the schedule and procedure to be followed if an eligible employee chooses to accept a displacement offer for transfer or voluntary demotion in lieu of separation;

(6) the agency policy on issues related to partial payment of moving expenses for transferred employees in accordance with Section 500.51 of Title 74 of the **Oklahoma Statutes**;

(7) such other information as the Appointing Authority deems appropriate; and

(8) the method established by the Appointing Authority to break ties in retention points.

SUBCHAPTER 15. TIME AND LEAVE

PART 3. ANNUAL AND SICK LEAVE POLICIES

530:10-15-11. Annual leave

(a) Annual leave is intended to be used for vacations, personal business, and other time off work not covered by other paid leave or holiday provisions. An employee may charge family and medical leave, taken in accordance with 530:10-15-45, against annual leave accumulations.

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

Emergency Adoptions

- (1) Annual leave shall be applied for by the employee and shall be used only when approved by the Appointing Authority.
- (2) Part-time employees shall accrue annual leave in an amount proportionate to that which would be accrued under full-time employment [74:840-2.20].
- (3) Annual leave earned during a pay period shall be prorated based upon the number of hours (excluding overtime hours) an employee is on the payroll [74:840-2.20].
- (4) An Appointing Authority may require an employee to take annual leave whenever in the administrative judgment of the Appointing Authority such action would be in the best interests of the agency; except that the employee shall not be required to reduce accrued annual leave below **5** days. An Appointing Authority shall not apply this rule in lieu of 530:10-11-120. Leaves of absence for internal investigatory purposes shall be administered according to 530:10-11-120.
- (5) Unused accrued annual leave shall be accumulated for no more than the maximum leave accumulation limits specified in 530:10-15-10, except as provided in this paragraph. ~~At the discretion of the Appointing Authority, employees~~ Employees may accumulate more than the maximum annual leave accumulation limits shown in the schedule, provided that such excess is used during the same calendar year in which it accrues or within twelve months of the date on which it accrues, at the discretion of the Appointing Authority. Employees shall not be paid for excess leave above the accumulation limit; such excess accumulations shall be used for leave purposes in the agency where it was accrued or, if an employee was transferred to an agency by statute or executive order, in the agency to which the employee was transferred regardless of where the leave was accrued, only while the employee is continuously employed.
- (6) Annual leave shall not be taken in advance.
- (7) An employee who transfers to another agency may have accrued annual leave transferred at the option of the Appointing Authority to which transferred, or such Appointing Authority may require that all or a portion of the annual leave be paid by the agency from which the employee is transferred before the transfer. The amount of annual leave paid by the agency from which the employee is transferred and the amount of annual leave transferred with the employee shall not exceed the accumulation limits established in Section 840-2.20 of Title 74 of the **Oklahoma Statutes.**
- (8) Any employee who is separated from the state service shall be paid or shall have payment made to the employee's estate for any annual leave accumulated up to and including the accumulation limit except as otherwise provided in the Merit Rules. ~~Employees who resign from a classified position to accept an unclassified position within the same agency, and employees who resign an unclassified position to accept a classified position within the same agency, are ineligible for payment of accrued annual leave. At no time shall any employee resigning from one position to accept another position within the~~

same agency be paid for accrued annual leave unless there has been a break in service of more than thirty days.

(9) Annual leave shall be charged against an employee's annual leave balance based on the amount of time an employee is absent from work during the employee's assigned work schedule. Holidays falling within a period of annual leave shall not be charged to annual leave.

(10) Any probationary or permanent employee who leaves the employ of an agency shall receive payment for the accrued number of hours of annual leave in accordance with the hourly rate. Payment may only be withheld pending settlement of a legal debt to the agency. If a person is reemployed by the State within a period of **30** calendar days from the date of separation, any portion of the accumulated annual leave which has not yet been paid may be reinstated.

[OAR Docket #06-55; filed 1-19-06]

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

[OAR Docket #06-56]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Salary and Payroll
Part 1. Salary and Rates of Pay
530:10-7-19. [NEW]

AUTHORITY:

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

DATES:

Adoption:

August 19, 2005

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

This rule was proposed to effectuate The Employees Benefits Council's wellness-mentoring program (OK Health). This program will be available to all active state employees of participating agencies effective January 1, 2006. The wellness program is designed to lower health care utilization by mentoring employees to better health. Reducing health care claim costs will help in lowering health care insurance premiums in the long term. EBC started the mentoring program as a pilot in June 2003 with the Department of Human Services. Employees completing one year in the pilot program have lowered health care claim costs by thirty percent. This program is scheduled to begin outside of the legislative period. As such, an emergency enactment is necessary.

ANALYSIS:

The proposed rule provides a mechanism for agencies, at their discretion, to provide incentive pay to employees who elect to participate in OK Health.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2006:

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATES OF PAY

530:10-7-19. **OK Health Incentive Pay**

(a) Agencies may elect to participate in OK Health, the Employees Benefits Council's wellness mentoring program, a program designed to lower employee health care utilization by improving overall health. [74:1383]. Appointing Authorities may pay incentives to employees who participate in OK Health. The pay incentive shall consist of three separate lump sum payments payable to an employee upon completion of specified steps in the program and shall be available for only the first twelve months of an employee's participation in the program.

(b) A participating Appointing Authority may select one of the three following incentive packages:

(1) Bronze Plan: \$100.00 total financial incentive payable as follows:

- (A) \$25.00 for completing enrollment process;
(B) \$25.00 for completion of twelve-week process; and,
(C) \$50.00 for completion of year-end follow up evaluation.

(2) Silver Plan: \$300.00 total financial incentive payable as follows:

- (A) \$75.00 for completing enrollment process;
(B) \$100.00 for completion of twelve-week process; and,
(C) \$125.00 for completion of year-end follow up evaluation.

(3) Gold Plan: \$500.00 total financial incentive payable as follows:

- (A) \$100.00 for completing enrollment process;
(B) \$175.00 for completion of twelve-week process; and,
(C) \$225.00 for completion of year-end follow up evaluation.

(c) The Employees Benefits Council shall certify to the Appointing Authority employee completion of the enrollment process, the twelve-week process, or the year-end follow up evaluation on a form prescribed by the Council.

[OAR Docket #06-56; filed 1-19-06]

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

[OAR Docket #06-57]

RULEMAKING ACTION: EMERGENCY adoption

RULES: Subchapter 17. Employee Performance Management System and Career Enhancement Programs
Part 3. Performance Evaluation System
530:10-17-31. [AMENDED]

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

DATES:

Adoption: August 19, 2005

Approved by Governor: October 6, 2005

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SUPERSEDED EMERGENCY ACTION: None

INCORPORATIONS BY REFERENCE: None

FINDING OF EMERGENCY: Enrolled House Bill 1755 (enacted during the 2005 Legislative Session) made various amendments to the Oklahoma Personnel Act with regard to the employee performance management system. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments will take effect during the recess of the 2005 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled House Bill 1755 to make the Merit Rules consistent with the statutory amendments provided by these laws.

ANALYSIS: The proposal provides: a change from the use of the term service rating to performance evaluation; required additions to the evaluation form; mid-term interviews; a maximum 12-month evaluation period with additional evaluations as a supervisor might deem necessary; and, annual random audits of state agencies by the Office of Personnel Management to determine compliance with the statute.

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2005:

SUBCHAPTER 17. EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM AND CAREER ENHANCEMENT PROGRAMS

PART 3. PERFORMANCE EVALUATION SYSTEM

Emergency Adoptions

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

(a) *The Office of Personnel Management shall make available one standard performance management system that shall be used by all agencies for completing employee ~~service rating~~ performance evaluations. The purpose of this employee performance management system is to evaluate the performance of each classified, unclassified and exempt employee in the executive branch of state government except those in the exempt unclassified service as specified in paragraphs 1 and 2 of subsection A of Section 840-5.5 and those employees employed by the institutions under the administrative authority of The Oklahoma State System of Higher Education [74:840-4.17(A)].*

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

(1) *An objective evaluation ~~of the employee~~, by the immediate supervisor, of the performance of the employee within the assigned duties of the job. The evaluation shall contain the agency number, date of review, and employee identification number;*

(2) *The identification ~~of the strengths and deficiencies~~ of by the immediate supervisor of accountabilities and behaviors upon which the employee will be evaluated;*

(3) *~~Corrective actions, if necessary, to correct deficiencies~~ A mid-term interview with the immediate supervisor for the purpose of discussing the progress of the employee in meeting the accountabilities and behaviors upon which the employee will be evaluated;*

(4) *Identification of performance strengths and performance areas for development;*

(5) *~~At~~ A final interview with the employee by the immediate supervisor who shall provide the employee with a copy of the ~~service ratings~~ performance evaluation; and*

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

(c) *~~Each employee shall be rated at least thirty (30) days prior to the end of the probationary period. Thereafter each employee shall be rated no less than once each year~~ Each classified employee in probationary status shall be rated at least thirty days prior to the end of the probationary period. All unclassified and permanent classified employees not otherwise exempt from this requirement shall have an evaluation period of no more than twelve months. Supervisors may perform as many additional evaluations as they deem necessary in order to effectively manage the performance of a subordinate.*

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

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

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

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

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

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

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

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

(i) *The Administrator of the Office of Personnel Management shall conduct an annual random audit of state agencies to determine whether they are in compliance with this section (840-4.17). Any agency deemed to be out of compliance shall submit a written plan to the administrator detailing the efforts the agency will make to come into compliance at the earliest possible date [74:840-4.17].*

[OAR Docket #06-57; filed 1-19-06]

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

[OAR Docket #06-58]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

530:15-1-1. [AMENDED]

530:15-1-2. [AMENDED]

530:15-1-9. [AMENDED]

Subchapter 3. Administrative Provisions

530:15-3-8. [AMENDED]

AUTHORITY:

The Administrator of the Office of Personnel Management; Section 7.10 of Title 62 of the Oklahoma Statutes.

DATES:

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Immediately upon Governor's approval

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SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Enrolled House Bill 1245 (enacted during the 2005 Legislative Session) made various amendments to the state employee payroll deduction statute. The statutory changes have caused the current rules to be inconsistent with state law. These statutory amendments have taken effect during the recess of the 2005 Legislative Session. As such, it is not possible to make permanent rule amendments at this time. The Administrator of the Office of Personnel Management finds these compelling extraordinary circumstances make it necessary to promulgate emergency rules to implement the provisions of Enrolled House Bill 1245 and to make the Voluntary Payroll Deduction Rules consistent with the statutory amendments provided by these laws.

ANALYSIS:

The rule amendments provides, consistent with the statutory amendments, that state employees be allowed to make voluntary payroll deductions to banks and savings associations with offices in Oklahoma, in addition to credit unions.

CONTACT PERSON:

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

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

SUBCHAPTER 1. GENERAL PROVISIONS

530:15-1-1. Purpose

The rules in this Chapter provide procedures for implementation of voluntary payroll deductions for employee association dues, employee association foundation contributions, payments to credit unions, banks, or savings associations, payments to supplemental insurance and retirement plans, payments to a college savings account, and subscriptions to Oklahoma Today magazine, as authorized for state employees by Section 7.10 of Title 62 of the Oklahoma Statutes. Other types of voluntary payroll deductions (such as those for salary adjustment agreements under subsection B(3) of Section 7.10, U.S. Savings Bonds or charitable gifts) are not addressed by the rules in this Chapter.

530:15-1-2. Definitions

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

"Administrator" means the chief administrative officer of the Office of Personnel Management, an officer of the State of Oklahoma appointed by the Governor pursuant to Section

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

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

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

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

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

"Dues-paying" means, with respect to a member of an employee association, the member is either currently paying dues or has provided a valid authorization to have such dues withheld from pay and remitted to the association. [62:7.10(B)(4)]

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

"Member" means:

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

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

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

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

- (A) an entity offering a supplemental retirement plan with a minimum participation of **500** state employees;
- (B) a private insurance organization with a minimum participation of **500** state employees for supplemental life, accident, or health insurance;

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(C) a private insurance organization with a minimum participation of **500** state employees for legal services;

(D) the Oklahoma Tourism and Recreation Department as publisher of Oklahoma Today magazine.

"Provided for by the State" means:

(A) for insurance purposes, the basic health, life, dental, or disability plan or any other such insurance a state agency is authorized to provide for its employees as evidenced by financial participation in those policies or a group policy(s) the agency has negotiated as a basic employment benefit; and

(B) for retirement purposes, any state retirement system, deferred compensation program (commonly referred to as deferred annuities), or other retirement plan(s) a state agency is authorized to provide for its employees as evidenced by financial participation in those plans.

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

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

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

"Supplemental" means:

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

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

530:15-1-9. Forms

The following form has been adopted by the Administrator for use in administering Section 7.10: Form VPD-1 "Request for Approval or Renewal of Payroll Deduction Status." This form is to be used by employee associations, credit unions, banks, savings associations and insurance/retirement plan organizations to request initial approval or continuation of payroll deduction status.

SUBCHAPTER 3. ADMINISTRATIVE PROVISIONS

530:15-3-8. Credit unions, banks and savings associations

~~(a)~~ A credit union, bank or savings association having an office in this state may request payroll deduction status. The request must be made by filing a completed Form VPD-1 and providing the Administrator with information to show at least

~~one half (1/2) of its members are either employees of the State or a political subdivision of the State, or are members by reason of their relation to such employees. one branch office location in the state of Oklahoma. [62:7.10(A)(1)]~~

~~(b) The Administrator may conclude that based upon a credit union's charter, purpose, membership criteria and location that at least one half (1/2) of its members are or will be either employees of the State or a political subdivision of the State, or are members by reason of their relation to such employees.~~

~~(c) The Administrator may require a credit union that has previously been granted payroll deduction status to file a completed VPD-1 and to certify or demonstrate that at least one half (1/2) of its members are either employees of the State or a political subdivision of the State, or are members by reason of their relation to such employees.~~

[OAR Docket #06-58; filed 1-19-06]

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

[OAR Docket #06-60]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Conduct of the Charitable Campaign
695:10-5-6. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

September 8, 2005

Approved by Governor:

September 13, 2005

Effective:

Immediately upon Governor's approval.

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Hurricane Katrina has left hundreds of thousands of American citizens in utter devastation. These survivors of Hurricane Katrina are in desperate need of assistance. State employees have always been responsive to meeting the needs of people through the State Charitable Campaign. However, the rules governing this campaign may impose restrictions that would hinder the ability of state employees to raise funds and gather items of basic necessity for those impacted by Hurricane Katrina or other national disasters. In order to insure that state employees may collect and contribute money and other basic necessities to charitable organizations servicing individuals in need of disaster relief, this rule should be placed in effect immediately.

ANALYSIS:

This amendment to the State Charitable Campaign rules is necessary so that state employees may collect and contribute money and basic necessities to charities servicing individuals in need of disaster relief that would otherwise be prohibited by rule from soliciting donations from state employees outside of the State Charitable Campaign.

CONTACT PERSON:

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

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

SUBCHAPTER 5. CONDUCT OF THE CHARITABLE CAMPAIGN

695:10-5-6. Workplace solicitation

- (a) Workplace solicitation shall be approved by the Appointing Authority. Appointing Authorities are encouraged to permit time and provide space during the working day sufficient for all employees to be given information which will allow employees to make informed decisions about giving.
- (b) Individual voluntary agencies or federations shall not, on their own, solicit state employees at their workplace. No more than one on-the-job solicitation shall be made in any calendar year at any location in connection with the Act or the rules in this Chapter. Workplace solicitation of employees in connection with this Act and these Rules shall occur only during the campaign period, only in accordance with the procedures outlined in the rules in this Chapter and only under the direction of the LARCs.
- (c) Appointing Authorities may authorize workplace solicitation by individual charitable agencies outside the scope of the State Charitable Campaign for the purpose of assisting relief efforts undertaken on behalf of a Presidentially Declared National Disaster. Solicitations pursuant to this section shall not be considered "on-the-job solicitation".

[OAR Docket #06-60; filed 1-19-06]

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

[OAR Docket #06-72]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 2. Cigarette Stamp Tax
- Part 1. General Provisions
- 710:70-2-12. Limitation on sale of number of packs of cigarettes at a reduced tax rate [NEW]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 and 322

DATES:

Adoption:

January 3, 2006 (Commission Order No. 2006-01-03-03)

Approved by Governor:

January 13, 2006

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:

A compelling public interest was determined to exist in order to set a policy with respect to the regulation of the sale of reduced tax rate cigarettes to improve compliance with and the enforcement of the provisions of Article 3 of Title 68 and to insure the state's ability to collect the appropriate amount of taxes due.

ANALYSIS:

These rules prescribe the framework to be utilized by cigarette wholesalers in this State when selling cigarettes at a reduced tax rate. Specifically, the rules set forth for cigarette wholesalers, the formula to determine the number of packs of reduced tax rate cigarettes that can be properly sold, the procedures to obtain an increased allowance in excess of the limitation and the potential consequences if cigarettes are sold in excess of the stated limitation and/or allowance.

CONTACT PERSON:

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

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

SUBCHAPTER 2. CIGARETTE STAMP TAX

PART 1. GENERAL PROVISIONS

710:70-2-12. Limitation on sale of number of packs of cigarettes at a reduced tax rate

- (a) Sales of cigarettes by a wholesaler licensed by the Oklahoma Tax Commission (hereafter, "Wholesaler") to a tribal retailer shall be limited as set forth herein to the number of packs of cigarettes sold at a "reduced tax rate".
- (b) For purposes of this Rule,
 - (1) "Pack" means a sealed, original package, containing twenty or twenty-five cigarettes, to which the required tax stamp is affixed; and
 - (2) "Reduced tax rate" means the tax rate provided by Section 349 of Title 68 and the fees in lieu of tax provided by compacts entered into between the Governor and a Native American tribe or nation at one of the following rates:
 - (A) \$0.0575 for pack of twenty cigarettes or \$0.071875 for pack of twenty-five cigarettes;
 - (B) \$0.6075 for pack of twenty cigarettes or \$0.759375 for pack of twenty-five cigarettes;
 - (C) \$0.3075 for pack of twenty cigarettes or \$0.384375 for pack of twenty-five cigarettes; or
 - (D) \$0.2575 for pack of twenty cigarettes or \$0.321875 for pack of twenty-five cigarettes.
 - (3) "Tribal retailer" means a store or place of business which is owned and operated by a federally recognized Indian tribe or nation or which is duly licensed by such tribe or nation pursuant to tribal laws or ordinances to conduct

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business located on Indian country within the territorial jurisdiction of that tribe or nation.

(c) No Wholesaler may sell packs of cigarettes at a reduced tax rate to any tribal retailer, unless the name of the tribal retailer appearing on the order and/or invoice to be issued on the transaction also appears on the list of tribal retailers compiled and furnished by the Oklahoma Tax Commission (hereafter, "OTC") to licensed wholesalers. For purposes of compliance with this Rule, wholesalers are entitled to rely on the accuracy of the list of tribal retailers compiled and furnished by the OTC.

(d) No Wholesaler may sell to any tribal retailer, in any one calendar month, packs of cigarettes at a reduced tax rate in a quantity which exceeds one-twelfth (1/12th) of a sum equal to the total amount of packs of cigarettes sold by the Wholesaler to that tribal retailer in calendar 2004, plus 10%; provided, however, that upon request to the OTC, a proposed sale in excess of the allowance may be permitted upon a showing of good cause, which must include documented proof that the tribal retailer attempting the purchase has not and will not resell cigarettes to another tribal retailer.

(e) The OTC shall furnish each Wholesaler, from reports filed by that wholesaler with the OTC for calendar 2004, a computation of the amount of packs of cigarettes which may be sold at a reduced tax rate to each tribal retailer to which Wholesaler sold cigarettes in calendar 2004, unless an increased allowance is requested and granted under the procedures specified by paragraph (d) hereof.

(f) In the event that a Wholesaler desires to sell to a tribal retailer that it did not sell to in calendar 2004, the Wholesaler shall request from the OTC a computation of the amount of packs of cigarettes purchased by the tribal retailer in calendar 2004. The request shall be accompanied by the written consent of the tribal retailer to disclose the statistical information furnished by Wholesalers concerning the tribal retailer (the original of which shall be retained in Wholesaler's records, and a copy of which shall be faxed to the OTC at 405-521-2146). The OTC will furnish the Wholesaler with a computation of the amount of packs of cigarettes that may be sold to such tribal retailer at a reduced tax rate, unless an increased allowance is requested and granted under the procedures specified by paragraph (d) hereof.

(g) In the event that a Wholesaler desires to sell to a tribal retailer that was not in business in calendar 2004, before selling any packs of cigarettes to such tribal retailer, the Wholesaler shall contact the OTC, which will provide a statement of the number of packs of cigarettes which may be sold at a reduced rate, based upon the average, per Wholesaler, per tribal retailer in calendar 2004, plus 10%; in the event the tribal retailer claims such amount to be insufficient, an increased allowance may be requested under the procedures specified by paragraph (d) hereof.

(h) Wholesalers shall telephonically report and confirm in writing to the OTC, on the same day as received, any request of a tribal retailer for purchase of packs of cigarettes at a reduced tax rate, in a quantity which exceeds one-twelfth (1/12th) of a sum equal to the total amount of cigarettes sold to that tribal retailer by the Wholesaler in calendar 2004, plus 10%.

(i) Wholesalers are subject to revocation of their cigarette and/or tobacco products licenses, sales tax permits and any other licenses or permits issued to such wholesalers by the OTC, upon the determination that such wholesalers have violated any of the provisions of this Section, and/or any other State Tax Law and/or Commission Rule applicable to such wholesalers. Such licensure revocation is in addition to, and not to the exclusion of any other remedies of the OTC, including, by way of example and not limitation, liability for the cigarette stamp tax or compact payment in lieu thereof upon sales of cigarettes to tribal retailers at rates which are in violation of this Section.

(j) If any Wholesaler files a Cigarette Stamp Tax Report, which evidences a sale of packs of cigarettes to a tribal retailer not included on the list of tribal retailers provided the Wholesaler by the OTC, such sale shall be presumed not to constitute a sale to a tribal retailer, as defined herein, and Wholesaler shall be responsible and liable for payment of tax at the non-tribal statutory rate for all packs of cigarettes reported sold. In addition, Wholesaler is subject to imposition of an administrative penalty not exceeding 500% of the unpaid tax or payment in lieu of tax as to each pack sold. [68 O.S. § 350(A), § 324, and § 346(C)(1); 68 O.S. § 316(D)].

(k) No tribal retailer may sell cigarettes at a reduced tax rate to any other retailer or to any person for subsequent resale. Any Wholesaler that knowingly sells packs of cigarettes at a reduced rate, with actual or constructive knowledge that the tribal retailer to which such packs of cigarettes are sold intends to sell those products to another retailer, shall be deemed to have intentionally violated the tax laws of this state [68 O.S. § 350(A), § 324 and § 346(C)(1)], which shall be grounds for permanent revocation of their Oklahoma wholesale cigarette license [68 O.S. § 212(a), § 304(G), and § 324 and OAC 710:701-2-4(b)].

[OAR Docket #06-72; filed 1-23-06]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #06-140]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Membership Provisions
715:10-1-7. [AMENDED]

AUTHORITY:

Board of Trustees; 70 O.S. Section 17-101, et seq., especially Section 17-106

DATES:

Adoption:
July 27, 2005

Approved by Governor:

September 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:

n/a

FINDING OF EMERGENCY:

The rules will provide a more efficient administration of the System. A compelling public interest requires these emergency rules.

ANALYSIS:

715:10-1-7 allows a TRS member to receive service credit for the time he or she serves as an officer in an education association. The primary proposed amendment changes from eight years to 12 years the maximum service eligible for TRS service credit, as prescribed by statute. Other changes are:

Paragraph (1): Corrects capitalization of "state"

Paragraphs (2), (3) and (5): Adds section symbol (§) before statute section number

Paragraph (3): Changes "his" to "the member's" to conform to language in rest of rule

Paragraph (6): Changes "section" to "paragrah" to conform to Secretary of State's Administrative Rules on Rulemaking

CONTACT PERSON:

Jacqueline Scott Shannon, Rules Liaison/Communications Director, 2500 N. Lincoln Blvd., 5th Floor, Oklahoma City, Oklahoma, 73105, (405) 521-4743.

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. MEMBERSHIP PROVISIONS

715:10-1-7. Membership in education associations

Any member absent from employment in the public schools of Oklahoma because of election or appointment as a local, state or national education association officer shall be allowed to retain membership in TRS by making the contribution required of such member by Title 70 Okla. Stat. Section 17-116.2 and any other applicable statute. For purposes of this section the following shall apply:

- (1) An education association is defined as an organization of educators established for the sole purpose of promoting the advancement of educational goals in Oklahoma or at the national level. A local or state association must be duly organized under the laws of the ~~State~~ state of Oklahoma with a charter or articles of incorporation filed with the appropriate state agency and must comply with all applicable laws of the ~~State~~ state of Oklahoma. A national

association must be duly registered or chartered for the purpose of furthering educational goals at the national level.

(2) An "officer in an association" is a current member of TRS who is elected or appointed to an employment position within the association commensurate with a position in the public schools of Oklahoma defined as "classified" personnel by 70 O.S. § 17-101. The officer must receive compensation for services rendered commensurate with compensation received for similar services in the public schools of Oklahoma.

(3) A member must notify TRS in writing on the form provided by TRS, ~~his~~ the member's intent to elect to continue membership in TRS within thirty (30) days of becoming employed by an eligible association. In making this election, the member shall agree to make payment in accordance with 70 O.S. § 17-116.2 for the period of employment that qualifies for continued membership and to comply with all statutes and rules of TRS in maintaining membership.

(4) The maximum years of creditable service a member may receive for one such absence shall not exceed ~~eight (8)~~ twelve (12) continuous years. A member may again qualify for creditable service in an educational association provided that the member returns to employment in the public schools of Oklahoma for a minimum of the same number of years received as credit in the former education association.

(5) On the recommendation of the ~~executive secretary~~ Executive Secretary, the Board of Trustees may deny eligibility to any local state or national association, when it is judged not to conform with the intent of 70 O.S. § 17-116.2 or when it is determined that the association was not established for the sole purpose of promoting the advancement of education.

(6) Effective July 1, 1994, a member may elect to continue membership as provided in ~~Section~~ paragraph (3) above only if the member has ten (10) years of contributory Oklahoma service prior to July 1, 1994.

[OAR Docket #06-140; filed 1-27-06]

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

1:2006-2.

EXECUTIVE ORDER 2006-2

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by law, so that the status quo shall be maintained, and pursuant to the provisions of Subsection D of Section 840-2.14 of Title 74 of the Oklahoma Statutes, hereby order a state agency hiring freeze.

For purposes of this hiring freeze, each statewide elected official shall perform the duties of a Cabinet Secretary in approving or disapproving exemptions to this hiring freeze. These duties shall be accomplished in the same manner as other official actions by the elected officials.

Subject to written approval by the Governor, the Secretary of Human Resources and Administration may delegate specific agencies to a Deputy Secretary for purposes of complying with this Order.

This hiring freeze shall be implemented by all agencies in accordance with the following guidelines:

1. It is my direction that no audits of classified positions or reallocation of unclassified positions shall be initiated or conducted at the request of any agency unless specifically approved by the appropriate Cabinet Secretary.
2. All audits resulting from a classification grievance shall be exempt from the provisions of this Executive Order.
3. Except as specifically provided and authorized by this order, all affected state agencies are prohibited from hiring, reinstating, or promoting employees and from accepting a transferred employee from another agency.
4. Exceptions to this hiring freeze may be granted pursuant to special conditions as declared by the Chief Administrative Officer of any agency and approved by the appropriate Cabinet Secretary for that agency.

a. A Chief Administrative Officer shall submit a written request to the appropriate Cabinet Secretary stating the special conditions requiring the submission of the request.

b. Such requests may be on forms provided by the Office of Personnel Management. If an agency has an internal form regularly used by that agency which provides all the necessary information, that form may be used in lieu of the Office of Personnel Management forms if approved by the Administrator of the Office of Personnel Management.

c. The Cabinet Secretary shall indicate approval in writing of the submitted request for the granting of an exception to this hiring freeze.

d. All approved requests and approved Cabinet Secretary findings shall be maintained as an official record by the Office of Personnel Management in accordance with Records Management Act. Any agency which does not submit personnel action requests for approval to the Office of Personnel Management shall be responsible for maintaining this documentation.

e. In the event of a vacancy in a Cabinet Secretary position, the Secretary of State shall act as the approving authority for the hiring freeze exception requests.

5. The Administrator of the Office of Personnel Management and the Director of the Office of State Finance are hereby directed to develop and implement procedures necessary to carry out the provisions of this Executive Order.

6. The Director of the Office of State Finance is authorized to require Cabinet Secretaries to provide her with periodic accountings of their approvals and disapprovals of written requests for exemptions to this hiring freeze. These reports shall be provided to the Governor.

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7. The Oklahoma Military Department shall not be required to comply with this order for hiring personnel and contracts for which the department receives total federal government reimbursement.

Copies of this Executive Order shall be distributed to the Secretary for Human Resources and Administration for immediate implementation.

The provisions of this Executive Order shall be effective from January 1, 2006, and shall terminate December 31, 2006.

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 20th day of January, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-143; filed 1-23-06]

1:2006-3.

EXECUTIVE ORDER 2006-3

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Monday, January 30, 2006, to honor Senator Robert Mark Kerr, who died on Wednesday, January 25, 2006.

Senator Robert M. Kerr was born in Friendship, Oklahoma on May 20, 1932. Kerr attended Altus Junior College and graduated from Oklahoma State University (OSU). He received numerous awards including the OSU Distinguished Service Award, Oklahoma Veterans' Legislator of the Year and Oklahoma Cattlemen's Legislator of the Year. The Robert M. Kerr Auditorium at OSU was named in his honor. Senator Kerr was elected to the Oklahoma State Senate in 1987 and served until his death. He was an accomplished, thoughtful public servant who put policy ahead of politics, always doing what he believed was in the best interest of Oklahoma. He was a gentleman of the Senate. Robert Kerr will be missed, but his accomplishments will not be forgotten.

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

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 26th day of January, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #06-144; filed 1-30-06]

1:2006-4.

EXECUTIVE ORDER 2006-4

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in the Office of the Governor by the Constitution and Statutes of the State of Oklahoma, in order to take advantage of the federal government providing the State with the opportunity to receive funds for programs which provide early intervention services to infants and toddlers with disabilities and their families through the Individuals With Disabilities Education Act do hereby order:

The Oklahoma State Department of Education shall be the lead agency for the State of Oklahoma for administration of Part C of the federal Individuals With Disabilities Education Act.

There is hereby created within the Oklahoma Commission on Children and Youth the Interagency Coordinating Council for Early Childhood Intervention (Council) composed of at least fifteen members, but not more than twenty-five members appointed by the Governor.

The Council shall be composed of:

A. State officials that shall include incumbents or designees of the following named offices, or their successors in office or function:

1. State Superintendent of Public Instruction
2. Commissioner of the State Department of Health
3. Director of the Department of Human Services
4. Commissioner of the Department of Mental Health and Substance Abuse Services
5. Chief Executive Officer of the Oklahoma Health Care Authority
6. Insurance Commissioner

B. The following members shall be appointed at the discretion and pleasure of the Governor:

1. at least one (1) parent of infants or toddlers with disabilities or children with disabilities aged three (3) through six (6), inclusive;
2. at least three (3) public or private providers of early intervention services;
3. at least one representative from the State legislature; and
4. at least one person involved in personnel preparation.
5. at least one representative from a Head Start agency or program in the State.

C. Other members may be appointed, at the discretion and pleasure of the Governor, representing each of the appropriate agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families.

Members listed in Sections B and C above shall be appointed by and serve at the pleasure of the Governor for a three-year term beginning January 1, 2006. Of the initial members appointed, one-third shall be appointed for an initial term of one (1) year, one-third shall be appointed for an initial term of two (2) years, and one-third shall be appointed for an initial term of three (3) years. Members may be reappointed and shall continue to serve until a new appointment is made.

The Interagency Coordinating Council for Early Childhood Intervention shall be administered by the Oklahoma Commission on Children and Youth and shall advise and assist the State Department of Education in planning, coordinating and overseeing services pursuant to this Executive Order and shall perform such other functions as required of it pursuant to Public Law 99-457, as amended by Individuals with Disabilities Education Improvement Act of 2004 - Public Law 108-446.

The Department of Education, Department of Health, Department of Human Services, Department of Mental Health, and the Commission on Children and Youth shall continue to provide all services within their respective constitutional and statutory responsibilities to children eligible for services pursuant to Part C of the federal Individuals With Disabilities Education Act.

A. These departments and agencies shall keep the Department of Education and the Interagency Coordinating Council for Early Childhood Intervention timely and fully informed on programs serving eligible children and their families.

B. State and local interagency agreements shall delineate responsibility for local and regional procedural safeguards, provision of service, and related issues.

The Council shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council as authorized by state law by their respective state agency. Legislative members of the Council shall be reimbursed by their respective houses for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall also be reimbursed travel expenses related to their service on the Council by the Oklahoma Commission on Children and Youth as authorized by state law. No member of the Council shall profit, directly or indirectly, from any transaction with the Council.

This executive order shall be forwarded to the Oklahoma Commission on Children and Youth who shall cause the provisions of this order to be implemented by all appropriate agencies of state government. This Executive Order shall immediately supersede Executive Order 1996-03.

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 27th day of January, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-153; filed 1-31-06]

1:2006-5.

EXECUTIVE ORDER 2006-5

I, Brad Henry, Governor of the State of Oklahoma, in honor of Coretta Scott King, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on the day of Coretta Scott King's interment.

Coretta Scott King was one of the great voices in the non-violent movement for human rights and equality. Like her husband, Dr. Martin Luther King, Jr., Coretta Scott King was an inspiration to millions and millions of people around the world. She was a true American hero, a figure of remarkable courage and integrity. Oklahomans mourn her passing.

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

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 1st day of February, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #06-154; filed 2-1-06]
