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

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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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURES

[OAR Docket #06-1299]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Actual and Necessary Travel Reimbursements

150:1-19-3. Review of expenses; criteria for reimbursement
[AMENDED]

SUMMARY:

This action is to clarify the procedures used by the Oklahoma Department of Commerce as it relates to expenses for lodging.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and 74 O.S. § 500.18(B)(6) of the Travel Reimbursement Act.

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Monday November 20, 2006, at 9:00 AM Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

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

[OAR Docket #06-1299; filed 9-12-06]

TITLE 175. STATE BOARD OF COSMETOLOGY CHAPTER 10. LICENSURE OF COSMETOLOGISTS, SCHOOLS AND RELATED ESTABLISHMENTS

[OAR Docket #06-1305]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Cosmetology Schools
Part 3. Student Registration and Entrance Requirements
175:10-3-16. [AMENDED]

Part 5. Equipment and Curriculum Requirements
175:10-3-31. [AMENDED]

175:10-3-34. [AMENDED]

175:10-3-37. [AMENDED]

175:10-3-38. [AMENDED]

175:10-3-41. [AMENDED]

175:10-3-43. [AMENDED]

Part 7. General Operations and Licensing Requirements
175:10-3-55. [AMENDED]

175:10-3-56. [AMENDED]

175:10-3-60. [AMENDED]

Subchapter 5. Licensure of Cosmetology Establishments
175:10-5-2. [AMENDED]

Subchapter 7. Sanitation and Safety Standards For
Cosmetology Establishments, Salons and Schools
175:10-7-28. [NEW]

Subchapter 9. Licensure of Cosmetologists and Related
Occupations

Notices of Rulemaking Intent

Part 1. Apprenticeship

175:10-9-1. [AMENDED]

Part 3. State Board Examination

175:10-9-25. [AMENDED]

175:10-9-26. [AMENDED]

Subchapter 11. License Renewal, Fees and Penalties

175:10-11-2. [AMENDED]

Subchapter 13. Reciprocal and Crossover Licensing

175:10-13-1. [AMENDED]

SUMMARY:

The Board is proposing rules as deemed appropriate and necessary to further the purposes of the Cosmetology Act. House Bill 2527 was passed during the 2006 legislation session and became effective July 1, 2006. The proposed changes in rules implement House Bill 2527 which provides for a \$10.00 annual license fee increase. The amendments also provide for general clean-up and clarification of rules and current Board policy.

AUTHORITY:

59 O.S. § Section 199.3 (A); State Board of Cosmetology

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public rules hearing on Monday, November 27, 2006. Comments may be submitted to Betty Moore, Executive Director, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107. The comment period is from October 16, 2006 to November 27, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

House Bill 2527 that required a \$10.00 license renewal fee increase is already in effect. Therefore, salon owners and licensees have already been affected by the level of direct costs, indirect costs, or other costs so no further impact is anticipated due to compliance with the proposed rules. The Board is not aware of any other business entity affected by these proposed rules.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma. Copies may be obtained by written request mailed to the attention of Betty Moore, Executive Director, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review by October 13, 2006.

CONTACT PERSONS:

Betty Moore, Executive Director (405) 521-5441 and Jennifer McRee, Principal Assistant (405) 521-2441.

[OAR Docket #06-1305; filed 9-21-06]

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

[OAR Docket #06-1304]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Continuing Education

235:10-13-10. [AMENDED]

235:10-13-11. [AMENDED]

235:10-13-12. [AMENDED]

235:10-13-13. [AMENDED]

235:10-13-14. [AMENDED]

SUMMARY:

The proposed rules reduce the burden of complying with the continuing education requirements for individuals age 65 and older as well as individuals who are licensed but not currently engaged in funeral service. This ensures that the number of licensed, qualified individuals is not reduced.

AUTHORITY:

Oklahoma Funeral Board;

Title 59 O.S. Section 396.17;

Title 75 O.S. Section 302(A)(1);

Title 75 O.S. Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 4545 N. Lincoln Blvd, Suite 175, Oklahoma City, Oklahoma 73105, from October 16, 2006, to December 8, 2006.

PUBLIC HEARING:

The public hearing will be held on Thursday, December 14, 2006, at 10:00AM, at the Lincoln Plaza Office Building, 4545 N. Lincoln Blvd, Suite 269, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board requests that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Terry McEnany, at the above address, before the close of the comment period on December 8, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 4545 N. Lincoln Blvd, Suite 175, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after October 30, 2006, at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Terry McEnany, Executive Director, Oklahoma Funeral Board, 4545 N. Lincoln Blvd, Suite 175, Oklahoma City, Oklahoma 73105, (405)522-1790.

[OAR Docket #06-1304; filed 9-19-06]

**TITLE 429. OKLAHOMA LOTTERY COMMISSION
CHAPTER 1. GENERAL ADMINISTRATION**

[OAR Docket #06-1306]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

429:1-1-3. [AMENDED]

SUMMARY:

The proposed rule change adds a definition for seasonal retailer in order to keep the definitions in all Title 429 chapters consistent (rules relating to a seasonal retailer are in Chapter 10 of Title 429).

AUTHORITY

Oklahoma Lottery Commission, 3A O.S., Section 710.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, November 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, November 17, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on November 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after October 31, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7700.

[OAR Docket #06-1306; filed 9-22-06]

**TITLE 429. OKLAHOMA LOTTERY COMMISSION
CHAPTER 10. RETAILER PROVISIONS**

[OAR Docket #06-1307]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

429:10-1-2. [AMENDED]

429:10-1-3. [AMENDED]

429:10-1-4. [AMENDED]

429:10-1-6. [AMENDED]

429:10-1-7. [AMENDED]

429:10-1-8. [AMENDED]

429:10-1-10. [AMENDED]

SUMMARY:

The proposed rule amendments add a definition for seasonal retailer; add compensation to certain retailers for claims that are forwarded to the Lottery Commission for payment; modify retailer selection criteria relating to pawnbrokers, supervised lenders, deferred deposit lenders, payday lenders, or applicants whose primary business is categorized as a check casher to match the language in SB 1089 passed by the 2006 legislature; modify procedures to require retailers to use the online game sales confirmation screen whenever the total ticket cost exceeds \$25; clarify instructions related to payment of prizes; allow the Lottery to waive minimum sales requirements for seasonal retailers; make retailer invoices available earlier in the day; correct the accounting period for purposes of preparing retailer invoices; and allow for earlier settlement of packs when a retailer activates multiple packs of tickets from the same game.

AUTHORITY

Oklahoma Lottery Commission, 3A O.S., Section 710.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, November 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, November 17, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission with information,

Notices of Rulemaking Intent

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 November 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after October 31, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7700.

[OAR Docket #06-1307; filed 9-22-06]

TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 15. INSTANT GAMES

[OAR Docket #06-1308]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

429:15-1-2. [AMENDED]

429:15-1-11. [AMENDED]

SUMMARY:

The proposed rule amendments add a definition for seasonal retailer in order to keep the definitions in all Title 429 chapters consistent (rules relating to a seasonal retailer are in Chapter 10 of Title 429) and require the completion of a game report within forty-five (45) days of the expiration date of the game's prize claim period and the report shall be posted on the Lottery web site.

AUTHORITY

Oklahoma Lottery Commission, 3A O.S., Section 710.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, November 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Friday, November 17, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on November 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after October 31, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7700.

[OAR Docket #06-1308; filed 9-22-06]

TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 20. ONLINE GAMES

[OAR Docket #06-1309]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

429:20-1-2. [AMENDED]

429:20-1-12. [AMENDED]

SUMMARY:

The proposed rule amendments add a definition for seasonal retailer in order to keep the definitions in all Title 429 chapters consistent (rules relating to a seasonal retailer are in Chapter 10 of Title 429) and require the completion of a game report within forty-five (45) days of the expiration date of the game's prize claim period and the report shall be posted on the Lottery web site.

AUTHORITY

Oklahoma Lottery Commission, 3A O.S., Section 710.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, November 17, 2006 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov

PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on

Friday, November 17, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on November 17, 2006, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Lottery, 3817 N. Santa Fe, Oklahoma City, OK 73118.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after October 31, 2006 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7700.

[OAR Docket #06-1309; filed 9-22-06]

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 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 35. GENERAL CONDUCT**

[OAR Docket #06-1298]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

325:35-1-5. [AMENDED]

GUBERNATORIAL APPROVAL:

August 31, 2006

[OAR Docket #06-1298; filed 9-12-06]

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 92. OKLAHOMA PROFESSIONAL BOXING COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #06-1302]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions
92:10-1-4. [AMENDED]

AUTHORITY:

Oklahoma Professional Boxing Commission; 3A O.S. §§ 601, et seq. 75 O.S. §§ 303.1.

DATES:

Adoption:

March 1, 2006

Approved by Governor:

April 17, 2006

Submitted to Governor:

March 2, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

A Nevada federal court ruling on December 16, 2005 will allow boxers suspended in Nevada, and presumably other states, but whose licenses have expired by operation of law, to apply for a boxing license in Oklahoma. Without this emergency rule, the Oklahoma Commission may be compelled to license an applicant contrary to the intent of the Professional Boxing Safety Act of 1996, as amended, 15 USC Section 6301 et seq., and the safety of professional boxers who should not be licensed to box due to excessive knockouts or related medical situations. The Commission finds there is a compelling public interest compelling the adoption of this rule.

ANALYSIS:

This rule amendment allows the State of Oklahoma to review the reasons for the underlying suspension of an applicant for an Oklahoma license whose license in another state, although suspended, has expired by operation of law. This rule applies to all boxers, wrestlers, and kickboxers as defined at 3A O.S. Supp. 2005 Section 602(a)(5) whose licenses have been suspended for cause, but whose licenses have subsequently expired by operation of law.

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma Professional Boxing Commission, Room 1213, State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; Tel. (405) 271-5243.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING 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

92:10-1-4. Licenses process

(a) All participants must apply for and be issued a license before participating in an event. If the license of a boxer was suspended for medical reasons by a state or tribal boxing commission and the medical suspension was not terminated during the term of the license, the boxer may be licensed only if the Commission determines, in its discretion, that the underlying cause of the medical suspension no longer exists or does not otherwise serve as a bar to licensure. The Commission may require the applicant to submit to medical or other examinations, at the applicant's own expense, as a condition of licensure.

(b) Each applicant for a license shall request an official application from the Commission. The Commission will not process any application for a license that does not contain the proper fee and all information required from the applicant. All licenses expire on June 30 of each year following the date of issuance.

(c) Each participant shall consistently use the same name in events. Each participant shall provide the Commission with the participant's legal name and the name to be used in events, if any. A participant shall not wear any type of body piercing, hard contact lenses, dentures, or removable dental work during a bout. A participant with dental braces may compete if the participant wears a fitted mouthpiece covering the entire brace.

(d) The license fees shall be:

- (1) Professional Promoter - \$200.00
- (2) Participant Fee - \$20.00
- (3) Boxing/Kickboxing Referee - \$25.00
- (4) Boxing/Kickboxing Judge - \$25.00
- (5) Matchmaker - \$100.00
- (6) Second - \$10.00
- (7) Announcer - \$10.00
- (8) Timekeeper - \$20.00
- (9) Telecast Promoter - \$100.00
- (10) Trainer - \$10.00

Emergency Adoptions

- (11) Vendor- \$50.00
- (e) Applicants must provide a residence or business address at the time of application and inform the Commission in writing of any change of address.
- (f) Applicants shall provide the Commission with identification showing proof of age.
- (g) Any person whose license is lost or stolen may obtain a replacement from the Commission.
- (h) No license or permit issued under the Act or these rules shall be transferable.
- (i) Boxing and kickboxing participants shall provide the Commission with two (2) photos.

[OAR Docket #06-1302; filed 9-15-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #06-1300]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 11. Early Childhood Education Programs
210:15-11-3. [NEW]

AUTHORITY:

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

DATES:

Adoption:

July 27, 2006

Approved by Governor:

August 31, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed rule provides the criteria for the pilot Early Childhood Education Program addressed in new law, 70 O. S. § 10.105.4

ANALYSIS:

The proposed rules are to establish a pilot early childhood program to consist of private donations and state funds that will serve at-risk children in at least one urban and one rural area of this state to be selected by the State Board of Education.

CONTACT PERSON:

Connie Holland, 405-521-3308

**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 11. EARLY CHILDHOOD EDUCATION PROGRAMS

210:15-11-3. Criteria for pilot early childhood program pursuant to Title 70 O.S. § 10-105.4

- (a) Qualifying children are those children aged birth to three years, who are identified as at-risk as determined by Federal Poverty Guidelines.
- (b) Qualifying programs must meet childcare licensing requirements as provided by the Oklahoma Department of Human Services for Children aged birth to three years.
- (c) The adult child ratio shall meet minimum childcare licensing requirements as provided by the Oklahoma Department of Human Services for children aged birth to three years.
- (d) The provider will ensure the operational schedule is a minimum of eight hours a day for 50 weeks a year. Children will be served 48 weeks, with two additional weeks for staff training.
- (e) Staffing requirements are:
- (1) The lead teacher must hold early childhood certification and a bachelor's degree.
 - (2) The assistant teacher must hold a minimum of an associate's degree (60 college credits) in child development or a related field.
 - (3) The classroom aide must hold a minimum of a high school diploma and a Child Development Associate (CDA) degree (120 clock hours).
 - (4) Each staff member must undergo a Federal Bureau of Investigation (FBI) background check.
 - (5) The provider shall employ a family support worker whose caseload shall be approximately 50 families.
- (f) All staff must participate in initial training and annual training in infant and toddler development, curriculum, and parent education.
- (g) The curriculum shall be aligned with Oklahoma's Early Learning Guidelines for Infants and Toddlers.
- (h) All programs must undergo an annual program evaluation.

[OAR Docket #06-1300; filed 9-15-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #06-1301]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 19. Local Professional Development Programs
210:20-19-2. [AMENDED]
210:20-19-3. [AMENDED]
210:20-19-4. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 27, 2006

Approved by Governor:

August 31, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed amendments are to delete rules not reflected in new law and replace old language with new language reflected in law.

ANALYSIS:

Effective July 1, 2006, 70 O. S. § 6-194 adds special education and teacher training in the recognition and reporting of child abuse and neglect to program requirements, deletes obsolete language, deletes certain professional development delivery methods, removes requirement to submit plan to the State Board of Education and requires districts to report certain information to the State Department of Education.

CONTACT PERSON:

Connie Holland, 405-521-3308

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 19. LOCAL PROFESSIONAL DEVELOPMENT PROGRAMS

210:20-19-2. Professional development plan within the Comprehensive Local Education Plan program

(a) The local board of education shall be responsible for the organization and implementation of the local professional development program.

(b) The professional development plan program shall focus on supporting effective instruction, developing competencies in the core curriculum areas.

(c) Each adopted plan shall address:

(1) A component in outreach to parents, guardians or custodians of students is defined as a program to promote the participation of parents in the education of their children. The component in outreach to parents, guardians or custodians of students includes:

(A) Understanding the value of parental participation in the educational process.

(B) Developing awareness of the needs and characteristics of their parent population in order to plan effective outreach activities.

(C) Developing methods for communicating with parents, designing parental involvement activities, and determining the effectiveness of the outreach program.

(D) Identifying appropriate resources to support and/or supplement the outreach program.

(2) A component in racial and ethnic education is defined as a program to assist teachers to function effectively with all students in a culturally diverse society. The component in racial and ethnic education includes:

(A) Understanding their own and their students' environment and culture, including - but not limited to - needs, abilities, attitudes, and world views.

(B) Recognizing that different cultures exist as separate and distinct entities; acknowledging the contribution of all cultural and linguistic groups to society; and promoting a culturally sensitive curriculum representative of our diverse national population.

(C) Developing strategies for the integration of cultural and linguistic teaching tools and methods in the school environment.

~~(d) Local districts should review various resources when assessing needs; such as:~~

~~(1) existing programs and practices;~~

~~(2) district requirements;~~

~~(3) site school improvement plans; and~~

~~(4) needs of licensed and certified teachers and administrators.~~

210:20-19-3. Professional development program management

~~(a) The local professional development plan shall identify and provide for alternative activities and delivery systems which respond to the needs identified in the local professional development plan.~~

~~(b) The professional development plan shall include a set of guidelines for considering alternative activities. Such guidelines shall include, but may not be limited to, the following:~~

~~(1) Alternative activities shall show clear relationship to the identified needs.~~

~~(2) Alternative activities shall have direct application to increasing professional performance in a work assignment.~~

~~(ea) Professional development points shall not be given for a routine job-related assignment.~~

~~(db) The local professional development committee shall develop and recommend to the local board of education a professional development point system to account for all professional development activities.~~

~~(ec) All certified and licensed teachers and administrators shall accrue at least seventy-five (75) professional development points within a five (5) year period with at least some points completed each year. The five (5) year period for accruing points begins on an individual's date of employment in an accredited school in Oklahoma. If an individual changes school districts within the five (5) year period, the points accrued are transferred to the receiving district and the five (5) year period continues~~

~~(1) If an individual is employed full time for 120 days or more, the local professional development points requirement must be fulfilled.~~

~~(2) A person employed one-half time or less shall be required by the local district to meet at least half of the local district's annual point requirements, not less than two (2) points, and to count such year toward the accrual of seventy-five (75) professional development points over a five (5) year period.~~

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- (3) If employed less than 120 days, a minimum of two (2) professional development points are required to fulfill the regulation of "some points completed each year." This person shall begin or continue his or her professional development five-year cycle the following July 1. The local professional development committee will recommend, subject to the approval of the local board of education, the number of points required of such an employee.
- (4) Points shall conform to the conditions specified in subparagraphs (A) through (D) of this paragraph:
- (A) One point shall be equivalent to one clock hour of professional development activities.
- (B) One semester hour of approved college credit shall be equivalent to 15 professional development points.
- (C) Those professional development activities which cannot be appropriately specified by a particular time period shall be assigned a point value by the local professional development committee and recommended to the local board of education.
- (D) Each local professional development committee shall include within the local professional development ~~plan~~program a timeframe based on the fiscal year, July 1 - June 30, for completion of earned professional development points during a given school year.
- ~~(f) All certified and licensed teacher and administrator shall participate in continuing education and/or inservice training in outreach to parents, guardians or custodians of students and in racial and ethnic education periodically during the four years district Comprehensive Local Education Plan.~~
- ~~(gd)~~ The district shall maintain in the personnel file of each certified and licensed teacher and administrator those records deemed necessary to fully document their participation in the professional development program.
- ~~(he)~~ School districts shall annually inform certified and licensed teacher and administrator in writing of their point status on a date recommended by the local professional development committee.

210:20-19-4. Local professional development committee; appointment of members, composition, duties and responsibilities

- (a) The membership of the local professional development committee shall be headed by a chairperson to be elected by the full committee.
- ~~(b) These rules and regulations~~Local board of education policies shall not be inconsistent with the law or rules and regulations of the State Board of Education.
- ~~(e) The duties of the local professional development committee in designing the local education agency professional development plan include:~~
- ~~(1) Annually review the guidelines for the professional development plan established by the State Department of Education and make recommendations to the local board of education for the implementation of the plan.~~
- ~~(2) Annually submit a professional development budget proposal on or before May 10 each year.~~
- ~~(3) The annual budget proposal shall itemize proposed funding for:~~
- ~~(A) core curriculum areas and effective instruction.~~
- ~~(B) racial and ethnic education that reflects the racial, religious, ethnic, and cultural diversity of the United States of America.~~
- ~~(C) outreach to parents, guardians, or custodians of students.~~
- ~~(D) health and safety training such as CPR, first aid, and bloodborne pathogens.~~
- ~~(4) Annually submit a professional development expenditure report on or before September 15 each year.~~
- ~~(5) Once every four (4) years, plan and write the local professional development plan to be included in the district Comprehensive Local Education Plan.~~
- (c) Annually submit a report to the State Department of Education.
- ~~(6d)~~ When it becomes necessary to amend the professional development program, the local professional development committee shall develop and recommend such amendment(s) to the local board of education for approval.

[OAR Docket #06-1301; filed 9-15-06]

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

1:2006-17A.

AMENDED EXECUTIVE ORDER 2006-17 OF AUGUST 16, 2006

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., hereby declare that because there is a state of emergency existing in the State of Oklahoma due to extremely dry weather and lack of significant rainfall, it is necessary to assist and expedite all efforts of drought relief and wildfire suppression. In order to accommodate this need and to provide assistance to the citizens in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles used in the support efforts:

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission;
4. The requirements contained in the Motor Carrier Safety Regulations, CFR 49, Parts 390-399 under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

In addition, due to the wildfires and severe drought conditions occurring statewide it is necessary to expedite access

to hay and water for livestock. In order to accommodate this need and to provide assistance to our farmers and ranchers in this extraordinary situation, I hereby order the temporary suspension of the requirements for special permits for use of overweight/oversized vehicles under Title 47 as they apply to vehicles used to transport round baled hay and water for livestock.

This temporary order shall terminate at the end of thirty (30) days.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, 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, this 18th day of September, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-1303; filed 9-18-06]

