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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 55. BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS OF OKLAHOMA CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS, AND LANDSCAPE ARCHITECTS AND REGISTRANTS

[OAR Docket #06-1549]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Administrative Provisions [AMENDED]
- Subchapter 5. Application and Eligibility for Licensing or Registration [AMENDED]
- Subchapter 7. Examination [AMENDED]
- Subchapter 9. Licensing and Registration [AMENDED]
- Subchapter 11. Rules of Professional Conduct [AMENDED]
- Subchapter 13. Organizational Practice [AMENDED]
- Subchapter 15. Violations [AMENDED]
- Subchapter 17. Continuing Education Requirements [AMENDED]

SUMMARY:

The revisions to the Rules are being made to implement changes to the Oklahoma State Architectural and Interior Designers Act codified at 59 O.S. § 46.1 et. seq., as passed by the legislative session in SB 1991 and HB 2379.

AUTHORITY:

Oklahoma State Architectural and Interior Designers Act, 59 O.S. § 46.7

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so on or before February 1, 2007 at the address below.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section (303) (B) (9), "persons may demand a hearing" by contacting the Board office at (405) 949-2383 or writing the Board office at Post Office Box 53430, Oklahoma City, Oklahoma 73152.

COPIES OF PROPOSED RULES:

Interested parties may obtain copies of the proposed rules by going to the Web site of the Board of Governors of Licensed Architects, Landscape Architects and Interior Designers of Oklahoma located at, or by calling the Board office at (405)

949-2383 or writing the Board office at Post Office Box 53430, Oklahoma City, Oklahoma 73152.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and may be obtained through the Web site of the Board of Governors of Licensed Architects, Landscape Architects and Interior Designers of Oklahoma located at, or by calling the Board office at (405) 949-2383 or writing the Board office at Post Office Box 53430, Oklahoma City, Oklahoma 73152.

CONTACT PERSON:

Jean Williams, Executive Director

[OAR Docket #06-1549; filed 12-8-06]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #06-1529]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Description of Organization
- 158:1-1-2. Definitions [AMENDED]

SUMMARY:

This rule change is necessary to convert the contracting partner from the Department of Health to the Construction Industries Board pursuant to SB1211 which created the Construction Industries Board as a stand-alone agency.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.1 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2007 through February 2, 2007, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 14, 2007 at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5 Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 2, 2007.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 17, 2007 and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #06-1529; filed 11-28-06]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 20. ELEVATOR INJURY REPORTING REGULATIONS [REVOKED]

[OAR Docket #06-1530]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]

158:20-1-1. Purpose [REVOKED]

158:20-1-2. Definitions [REVOKED]

158:20-1-3. Injury reporting requirement [REVOKED]

Subchapter 3. Procedures of the Construction Industries Board [REVOKED]

158:20-3-1. Procedures of the construction industries board [REVOKED]

SUMMARY:

The purpose of these rules is to revoke the Administrative Rules of the Construction Industries Board, Chapter 20. Elevator Injury Reporting Regulations, which were placed under the authority of the Oklahoma Department of Labor, effective November 1, 2006.

AUTHORITY:

The Department of Labor assumed responsibility for the Elevator Injury Reporting Act under S.B. 756 under 59 O.S. § 3020 SECTION 1. REPEALER, Sections 1, 2 and 3, Chapter

191, O.S.L. 2002 (59 O.S. Supp. 2005, Sections 3009, 3010 and 3011), are hereby repealed. SECTION 1. This act shall become effective November 1, 2006.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2007 and February 2, 2007 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73117.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 14, 2007 at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73117, before the close of the comment period on February 2, 2007.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 17, 2007, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #06-1530; filed 11-28-06]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

[OAR Docket #06-1531]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Types, Bond Requirements, and

Display of License Number and Firm Name

158:30-5-1. License types [AMENDED]

158:30-5-3. Display of license number and firm name [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1. Examination procedures [AMENDED]

SUMMARY:

158:30-5-1 (b). The purpose of this rule change is to adopt this emergency rule, approved during the second session of the Fiftieth Legislature, into permanent rules. 158:30-5-3 (b),(c) The purpose of this rule is to assist the citizens of Oklahoma seeking the services of legitimately licensed contractors to identify said contractors through advertising or bids or contracts. 158:30-9-1. This rule will provide an alternate means to qualify applicants for licensure examination by modifying the experience requirements. This rule makes permanent the emergency rule adopted during the second session of the Fiftieth Legislature.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1001 through 1023.1 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2007 through February 2, 2007 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. February 14, 2007, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 2, 2007.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior January 17, 2007, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #06-1531; filed 11-28-06]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

[OAR Docket #06-1532]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensing Requirements, Display of License and Firm Name, and Bond Requirements

158:40-5-4. Display of license number and firm name [AMENDED]

Subchapter 7. License Classifications

158:40-7-6. Refinery electrical license [NEW]

SUMMARY:

158:40-5-4 This rule change excludes some promotional advertising media described from the requirement to provide the contractor license number. Media described is determined to not be a primary source of licensure verification for the citizens of Oklahoma. 158:40-7-6 This rule establishes the Refinery Electrical Journeyman License for all qualified individuals working exclusively in petroleum refineries. This rule makes permanent the emergency rule adopted during the second session of the Fiftieth Legislature.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1680 through §1697 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2007 and February 2, 2007, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 14, 2007, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be

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incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 2, 2007.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 17, 2007, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #06-1532; filed 11-28-06]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #06-1533]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-4. Display of license number and firm name [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1. Qualifications for mechanical licensure [AMENDED]

158:50-9-5. Apprentice registration [AMENDED]

SUMMARY:

158:50-5-4 The purpose of this rule is to assist the citizens of Oklahoma seeking the services of legitimately licensed contractors to identify said contractors through advertising or bids or contracts. 158:50-9-1 This rule will provide an alternate means to qualify applicants for licensure examination by modifying the experience requirements. This rule makes permanent the emergency rule adopted during the second session of the Fiftieth Legislature. 158:50-9-5 This rule requires Mechanical Apprentices to be directly supervised by licensed Mechanical Contractors or Journeymen during performance of their work duties for the safety of the public.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1850.1 through § 1860 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between January 3, 2007 and February 2, 2007, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 14, 2007, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on February 2, 2007.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 17, 2007, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #06-1533; filed 11-28-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH

CHAPTER 233. BODY PIERCING RULES AND TATTOOING

[OAR Docket #06-1556]

RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:233-1-1. [AMENDED]

310:233-1-2. [AMENDED]

Subchapter 3. Body Piercing Artist and Tattoo Artist Requirements and Professional Standards

- 310:233-3-1. [AMENDED]
- 310:233-3-2. [AMENDED]
- 310:233-3-3. [AMENDED]
- 310:233-3-4. [AMENDED]
- 310:233-3-5. [AMENDED]
- 310:233-3-6. [AMENDED]
- 310:233-3-7. [AMENDED]
- Subchapter 5. Sanitation and Sterilization Procedures
- 310:233-5-1. [AMENDED]
- 310:233-5-2. [AMENDED]
- Subchapter 7. Requirements for Premises
- 310:233-7-1. [AMENDED]
- 310:233-7-2. [NEW]
- Subchapter 9. ~~Permit~~License Requirements
- 310:233-9-1. [AMENDED]
- 310:233-9-2. [AMENDED]
- 310:233-9-3. [AMENDED]
- 310:233-9-4. [NEW]
- 310:233-9-5. [NEW]
- 310:233-9-6. [NEW]
- 310:233-9-7. [NEW]
- 310:233-9-8. [NEW]
- Subchapter 11. Enforcement
- 310:233-11-1. [AMENDED]
- 310:233-11-2. [AMENDED]
- 310:233-11-3. [AMENDED]
- 310:233-11-4. [NEW]

SUMMARY:

The purpose of the proposed rulemaking action is to establish permanent detailed requirements for tattooing in Oklahoma. This permanent action will replace an emergency rule that is effective November 1, 2006 through July 14, 2007. Each subchapter is amended to include references to tattooing. The proposed action updates requirements relating to body piercing and establishes uniform health and safety standards for body piercing and tattooing. This proposal modifies definitions, amends permit and license requirements for artists and the establishments, sets requirements for surety bonds, and adds language relating to apprentice programs and sponsors. The proposed amended language will include investigation and hearing procedures. The proposed amendments implement Enrolled Senate Bill No. 806 of the 2nd Regular Session of the 50th Oklahoma Legislature, effective November 1, 2006. This proposal will establish the means to provide regulatory oversight for tattooing in Oklahoma.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104 et seq.; Title 21 O.S. Sections 842.1, 842.2, and 842.3

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 1, 2007, may submit written comments to Tressa Madden, Director, Consumer Protection Division, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to

tressam@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, February 1, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK.

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 before February 1, 2007, to Tressa Madden, Director, Consumer Protection Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to tressam@health.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Consumer Health Services at the above address or by electronic mail request to tressam@health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tressa Madden, Director, Consumer Protection Division, Protective Health Services, (405) 271-5243

[OAR Docket #06-1556; filed 12-8-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 234. MEDICAL
MICROPIGMENTATION**

[OAR Docket #06-1557]

RULEMAKING ACTION:

Notice of Proposed EMERGENCY and PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:234-1-2. [AMENDED]
- Subchapter 3. Medical Micropigmentation Certification
- 310:234-3-2. [AMENDED]
- 310:234-3-3. [AMENDED]
- 310:234-3-3.1. [AMENDED]
- 310:234-3-4. [AMENDED]
- 310:234-3-5. [AMENDED]
- Subchapter 7. Requirements for Premises
- 310:234-7-1. [AMENDED]

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310:234-7-2. [AMENDED]
Subchapter 11. Enforcement
310:234-11-4. [NEW]

SUMMARY:

The purpose of the proposed rulemaking action is to update requirements for Medical Micropigmentation in Oklahoma. The subchapter's are amended to update references to mechanical codes and the medical micropigmentation person shall have to provide an update to the Department of their attending physician. This proposal modifies definitions, amends requirements for medical micropigmentation instructor education and the proposed amended language will include joint investigation with the appropriate licensing board. Also, the proposed amendments will include implement Enrolled Senate Bill No. 806 of the 2nd Regular Session of the 50th Oklahoma Legislature, effective November 1, 2006 that will decrease the certification fees.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104 et seq.; Title 63 O.S. Sections 1-104 and 1-1450 et seq.

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 1, 2007, may submit written comments to Tressa Madden, Director, Consumer Protection Division, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to tressam@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, February 1, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK.

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 before February 1, 2007, to Tressa Madden, Director, Consumer Protection Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to tressam@health.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Consumer Health Services at the above address or by electronic mail request to tressam@health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tressa Madden, Director, Consumer Protection Division,
Protective Health Services, (405) 271-5243

[OAR Docket #06-1557; filed 12-8-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 661. HOSPICE

[OAR Docket #06-1558]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Licenses

310:661-2-6. [AMENDED]

Subchapter 6. Hospice Inpatient Service Requirements

310:661-6-4. [AMENDED]

SUMMARY:

Changes to the Hospice Licensing Act at 63 O.S. Section 1-860.15 removed hospice providers from the general fee caps imposed on the Department of Health by paragraph 2 of subsection A of Section 1-106.1 These proposed changes modify the fee structure to bring parity to the cost of a license for both new and established hospice providers by setting the fee for all providers at the same level. First-year and Permanent license holder's fees will remain unchanged at a total fee of \$2000.00 per year; license fees for renewal of each permanent license will increase from \$500.00 to \$2000.00 per year. The changes to Subchapter 6 are necessary to correct references to *Chapter 256 Food Service Establishments* that was revoked and reenacted as Chapter 257.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-860.1 et seq.

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with staff; or before February 1, 2007, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before February 1, 2007 may send electronic mail to tomw@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 1, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 1, 2007 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007 may send electronic mail to tomw@health.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Medical Facilities Division, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to medicalfacilities@health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2007, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #06-1558; filed 12-8-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 662. HOME CARE AGENCIES**

[OAR Docket #06-1559]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:662-1-2. [AMENDED]

SUMMARY:

The amendments amplify the current rules to clarify that branch offices of home health agencies must operate under the same name as the parent agency.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-1960 et seq.

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with staff; or before February 1, 2007, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before February 1, 2007 may send electronic mail to tomw@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 1, 2007 which begins at 1:00 p.m. in Room 307 of

the Oklahoma State Department of Health Building, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 1, 2007 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007 may send electronic mail to tomw@health.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Medical Facilities Division, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to medicalfacilities@health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2007, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #06-1559; filed 12-8-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 664. HOME CARE
ADMINISTRATOR CERTIFICATION**

[OAR Docket #06-1560]

RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Preparedness Program
310:664-5-2. [AMENDED]

SUMMARY:

The purpose of the proposed amendment is to permanently revoke the provision requiring training programs to be nationally, regionally or state accredited. The accreditation requirement was revoked on an emergency basis, effective July 26, 2006 through July 14, 2007. The accreditation requirement is unnecessary because other sections in Subchapter 5 establish substantive standards for State Health Department approval of administrator preparedness programs. The State Health Department knows of no national or regional accreditation specific to the preparation of home care administrators, and no Oklahoma post-secondary or higher education institution currently makes this training available. This amendment

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will permanently remove an unreasonable barrier to the development of preparedness programs.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Sections 1-104 and 1-1960 et seq.

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 1, 2007 may submit written comments to Boyd Murphy, Director, Managed Care Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to boydm@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, February 1, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK.

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 level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 1, 2007, to Boyd Murphy, Director, Managed Care Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to boydm@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from Managed Care Systems, Health Resources Development Service, Protective Health Services, Room 1010, State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and will be available January 2, 2007 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Boyd E. Murphy, Director, Managed Care Systems, Health Resources Development Service, Protective Health Services, (405) 271-9444 Ext 57268, Room 1010, State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299, boydm@health.ok.gov

[OAR Docket #06-1560; filed 12-8-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 675. NURSING AND SPECIALIZED FACILITIES

[OAR Docket #06-1561]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licenses
310:675-3-1.1. [AMENDED]
310:675-3-4.1. [AMENDED]
310:675-3-5.1. [AMENDED]
310:675-3-8. [AMENDED]

SUMMARY:

The proposed amendments permanently delete requirements for nursing facilities to submit the Federal Tax Waiver, ODH Form 953-H. The tax waiver requirement was revoked on an emergency basis effective July 26, 2006 through July 14, 2007. This action is necessary because the Internal Revenue Service will no longer accept the ODH Form 953-H. The Internal Revenue Service in April 2006 advised the State Department of Health that all requests for verification of federal taxes must be submitted on the IRS Form 4506-T. The Internal Revenue Service can no longer provide the Department of Health with a "yes/no" answer as to whether an entity is in compliance with federal tax requirements.

This rule change is needed to avoid the unnecessary cost for facilities and the Health Department to prepare and process the unusable ODH Form 953-H. If this rule amendment is approved, then the ODH Form 953-H will not be required of approximately 430 nursing and specialized nursing facilities that are due to file for license renewals in July 2007 and after.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Sections 1-104 and 1-1901 et seq.

COMMENT PERIOD:

January 2, 2007 through February 1, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 1, 2007, may submit written comments to Darlene Simmons, Director, Health Facility Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 1, 2007, may send electronic mail to darlene@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, February 1, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

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 before February 1, 2007 to Darlene Simmons at the above address or to darlene@health.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Department of Health, Health Resources Development Service, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by electronic mail request to darlene@health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON

Darlene Simmons, Director, Health Facility Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone (405) 271-9444 ext. 57265; facsimile: 405-271-7360; email: darlene@health.ok.gov

[OAR Docket #06-1561; filed 12-8-06]

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

[OAR Docket #06-1543]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36. Affordable Housing Tax Credit Program
[AMENDED]

SUMMARY:

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

of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 16, 2007. Written comments will be accepted until 4:00 p.m. on February 16, 2007. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, OK 73126-0720, Attn: John Marshall.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 16, 2007, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendments.

PUBLIC HEARING:

A public hearing will be held: February 9, 2007 at 10:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 2, 2007 at the offices of OHFA.

CONTACT PERSON:

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

[OAR Docket #06-1543; filed 12-7-06]

Notices of Rulemaking Intent

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 60. OKLAHOMA HOUSING TRUST FUND RULES

[OAR Docket #06-1544]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Oklahoma Housing Trust Fund Rules
[AMENDED]

SUMMARY:

Senate Bill 786 provided for and created the Oklahoma Housing Trust Fund (OHTF). House Bill 3065 capitalized the OHTF with \$1 million in State appropriated funds. Through Senate Bill 786 OHFA was designated as the administrator of the OHTF for purposes of placing project funding with eligible recipients such as, for-profit and nonprofit developers and builders, units of local government, and political subdivisions.

The proposed changes to the Rules will provide clarity and additional guidance about the program and outline the forms of assistance, application selection, application packets, and conditions of financial assistance. The intent is to be more definitive and to structure the Rules to provide consistency with our other programs, which will ensure that diligence and stewardship is improved. The application selection process will have more guidance which will improve the overall consistency of the program and fee changes are contemplated with regards to the application fees.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments until 4:00 p.m. on February 16, 2007. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, OK 73126-0720, Attn: John Marshall.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 16, 2007, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, equipment, construction, labor, or professional) expected to be incurred due to compliance with the proposed amendment.

PUBLIC HEARING:

A public hearing will be held: February 9, 2007 at 9:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

COPIES OF PROPOSED RULES:

Copies of the Rules may be obtained by contacting John Marshall at the Oklahoma Housing Finance Agency, 100

Northwest 63rd, Post Office Box 26720, Oklahoma City, OK 73126-0720, (405) 419-8263. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 2, 2007 at the offices of OHFA.

CONTACT PERSON:

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

[OAR Docket #06-1544; filed 12-7-06]

TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION CHAPTER 15. OKLAHOMA REWARD SYSTEM

[OAR Docket #06-1539]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

375:15-1-2. [AMENDED]

375:15-1-3. [AMENDED]

375:15-1-4. [AMENDED]

SUMMARY:

The proposed amended sections amend the procedure by which crimes may be nominated for rewards through the OSBI. It also amends the procedure by which the panel designated by rule designates cases for rewards, determines the amounts of the reward, designates eligible recipients, and pays such rewards. The amendments also change the titles of various members of the reward panel to accurately reflect present titles within the OSBI. Finally, the proposed rule removes references to rewards for missing person cases as no such authority was provided in the statute authorizing the reward system.

AUTHORITY:

Oklahoma State Bureau of Investigation; 74 O.S., §150.18(B)

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 5, 2007 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, February 6, 2007 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 9:30 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the office of the Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Oklahoma State Bureau on Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after January 10, 2007, and may be obtained from the OSBI at the above address.

CONTACT PERSON:

Jimmy Bunn Jr., Legal Counsel, 6600 N. Harvey, Oklahoma City, OK., 73116, (405) 879-2605

[OAR Docket #06-1539; filed 12-4-06]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS**

[OAR Docket #06-1534]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 435:20-1-1.1. Definitions [AMENDED]
- Subchapter 3. Licensure of Physical Therapists and Assistants
 - 435:20-3-1.1. Training outside the U.S. [AMENDED]
- Subchapter 7. Supervision of Physical Therapist Assistants
 - 435:20-7-1. Supervision of Physical Therapist Assistants [AMENDED]

SUMMARY:

Definitions are being added that relate to the supervision of physical therapist assistants. Section 20-3-1.1 is being amended to correct the passing scores for the TOEFL. The passing scores as established by the Federation of State Boards of Physical Therapy were incorrectly reported to us. The listening comprehension and reading comprehension scores need to be switched. The section on supervision is being amended to tighten the supervision requirements for a physical therapist supervising a physical therapist assistant.

AUTHORITY:

TITLE 59 O.S., Section 887.5, State Board of Medical Licensure and Supervision.

COMMENT PERIOD:

The comment period will run from January 2, 2007 to February 2, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on February 8, 2007, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue,

Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than February 2, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after January 2, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #06-1534; filed 11-29-06]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 55. LICENSED ORTHOTISTS AND PROSTHETISTS AND REGISTERED TECHNICIANS AND ASSISTANTS**

[OAR Docket #06-1535]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Annual Renewal/Continuing Education
 - 435:55-5-2. Requirements for renewal of license or registration [AMENDED]

SUMMARY:

To establish reinstatement requirements for licensees who were initially licensed through the grandfather clause or through the alternative qualifications requirements.

Amendments also state that dual license holders will only be required to pay one renewal fee.

AUTHORITY:

TITLE 59 O.S., Section 30049, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from January 2, 2007 to February 2, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on February 9, 2007, 11:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than February 2, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after January 2, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #06-1535; filed 11-29-06]

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

[OAR Docket #06-1545]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Salary and Payroll

Part 1. Salary and Rates of Pay

530:10-7-24. [AMENDED]

Subchapter 15. Time and Leave

Part 5. Miscellaneous Types of Leave

530:10-15-43. [AMENDED]

SUMMARY:

The proposed amendment to 530:10-7-24 is to reflect the statutory change enacted by Senate Bill 1831 of the 2006 legislative session. The bill requires that skill-based adjustments implemented on or after 11/01/06 are to be paid to an employee as long as the employee remains in the position utilizing the skills. The adjustment is not be included as part of the employee's base salary. The proposed amendment to 530:10-15-43 is to reflect the statutory change enacted by Senate Bill 1686 of the 2006 legislative session which clarifies that all state employers have the discretion of offering state employees that must work on a holiday the option of rescheduling the holiday or being paid two times the employee's regular hourly rate. However, state employees with fire suppression duties must receive holiday pay at two times the employee's regular hourly rate without the option to reschedule the holiday.

AUTHORITY:

The Administrator of the Office of Personnel Management: 74 O.S., §§ 840-1.6A, 840-2.17, 840-2.19, and 840-2.20.

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, ATTENTION: Shirley A. Russell, Oklahoma Office of Personnel Management, 2101 North Lincoln

Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to shirley.russell@opm.ok.gov. The comment period will begin on January 2, 2007. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Thursday, February 2, 2007.

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 2:00 p.m., Friday, February 2, 2007, at the State Office of Personnel Management, 2101 N. Lincoln, Basement Test Room, B-46, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained beginning Tuesday, January 2, 2007, 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) 521-2177.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning Tuesday, January 2, 2007. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Shirley A. Russell, Director of Legislative Affairs, (405) 521-6293.

[OAR Docket #06-1545; filed 12-8-06]

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

[OAR Docket #06-1536]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Relationships with Department Established by Law

612:1-7-3. Relationships with state boards: ex officio representation from the Department [AMENDED]

SUMMARY:

The proposed change to Chapter 1 corrects the name from State Rehabilitation Council to Oklahoma Rehabilitation Council.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2007 through February 7, 2007, during regular business hours

by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Public hearings will be held as follows:
Monday, February 5, 2007,
1:00 P.M. - 3:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 6, 2007,
1:00 P.M. - 3:00 P.M.,
Great Plains Technical Center
4500 S.W. Lee Blvd., Bldg 300, Room 301A
Lawton, Oklahoma
Wednesday, February 7, 2007,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2007, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #06-1536; filed 12-4-06]

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

[OAR Docket #06-1537]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
612:10-1-2. Definitions [AMENDED]
612:10-1-6. Due process [AMENDED]
Subchapter 3. Client Participation in Cost of Services
612:10-3-4. Services exempt from client participation in service costs [AMENDED]
612:10-3-5. Basic living requirements [AMENDED]

Subchapter 7. Vocational Rehabilitation and Visual Services

Part 1. Scope of Vocational Rehabilitation and Visual Services

- 612:10-7-2. ~~Counselor's~~Field office responsibilities [AMENDED]
- 612:10-7-4. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
- 612:10-7-6. Assessment for determining eligibility [AMENDED]
- 612:10-7-8. Order of selection [AMENDED]
- Part 3. Case Processing Requirements
- 612:10-7-20. Case recording [AMENDED]
- 612:10-7-35. Processing of referrals and the information and referral system [AMENDED]
- Part 5. Case Status and Classification System
- 612:10-7-45. Case statuses and case flow [AMENDED]
- 612:10-7-47. ~~Status 02~~ applicantApplication status [AMENDED]
- 612:10-7-48. Status 06 - ~~trial~~Trial work experience and extended evaluation [AMENDED]
- 612:10-7-49. ~~Status 08~~ closed ~~not accepted~~ ~~(from statuses 02, or 06)~~Closed - not accepted for services [AMENDED]
- 612:10-7-50. ~~Status 10~~Eligibility - accepted for services and IPE under development [AMENDED]
- 612:10-7-51. ~~Status 12~~ IPE completed but services not initiatedIndividualized Plan for Employment [AMENDED]
- 612:10-7-52. ~~Status 14~~ counseling, guidance and placementProvision of services [AMENDED]
- 612:10-7-53. Status 16 - physical and mental restoration [REVOKED]
- 612:10-7-54. Status 18 - training [REVOKED]
- 612:10-7-55. ~~Status 20~~ ready for employmentJob ready [AMENDED]
- 612:10-7-56. ~~Status 22~~ in employmentEmployment [AMENDED]
- 612:10-7-57. Status 24 - services interrupted [REVOKED]
- 612:10-7-58. ~~Status 26~~ closed Closed rehabilitated [AMENDED]
- 612:10-7-59. ~~Status 28~~ closed Closed not rehabilitated, after IPE initiation ~~(from statuses 14 - 24)~~ [AMENDED]
- 612:10-7-60. ~~Status 30~~ closed Closed not rehabilitated, before IPE initiation ~~(from statuses 10 or 12)~~ [AMENDED]
- 612:10-7-61. Ineligibility Reviews ~~(Statuses 08, 28, 30)~~ [AMENDED]
- 612:10-7-62. ~~Status 32~~ post employmentPost-employment services [AMENDED]
- 612:10-7-63. ~~Status 33~~ post employmentPost-employment services completed [AMENDED]

Part 9. Actions Requiring Review and Approval

Notices of Rulemaking Intent

612:10-7-87. Actions requiring supervisor's approval [AMENDED]
612:10-7-88. Actions requiring field coordinator's approval [AMENDED]
Part 15. Training
612:10-7-161. Public vocational schools [AMENDED]
612:10-7-166. Tutorial training [AMENDED]
Part 17. Supported Employment Services
612:10-7-182. Competitive work for supported employment clients [AMENDED]
Part 23. Self-employment Programs and Other Services
612:10-7-230. Self-employment programs [AMENDED]
612:10-7-230.1. Definitions [AMENDED]
612:10-7-230.2. Self-employment Guidelines [AMENDED]
612:10-7-230.3. Self-Employment/Business Plans [AMENDED]
Subchapter 9. Rehabilitation Teaching Services
Part 1. General Provisions
612:10-9-2. Client rights [AMENDED]
612:10-9-3. Rehabilitation of the Blind Specialist's role [AMENDED]
Part 3. Case Processing and Recording
612:10-9-15. Case status [AMENDED]
612:10-9-17. ~~Status 02—application signed~~ Application Status [AMENDED]
612:10-9-18. ~~Status 08—closure from application~~ Closure from Application [AMENDED]
612:10-9-19. ~~Status 10—case accepted~~ Eligibility Status [AMENDED]
612:10-9-20. ~~Status 22—services initiated~~ Service Status [AMENDED]
612:10-9-21. ~~Status 26—successful closure~~ Successful Closure [AMENDED]
612:10-9-22. ~~Status 28—unsuccessful closure~~ Unsuccessful Closure after IPE Initiation [AMENDED]
612:10-9-23. Status 24 - services interrupted [REVOKED]
612:10-9-24. Closed from Eligibility Status [NEW]
612:10-9-25. Post-Employment Services Status [NEW]
612:10-9-26. Post-Employment Closure Status [NEW]
Subchapter 11. Independent Living Rehabilitation Services
Part 1. Scope of Services
612:10-11-1. Purpose [AMENDED]
612:10-11-2. Basic eligibility requirements [AMENDED]
612:10-11-6. Client participation in cost of ~~OL~~ OB Services [AMENDED]
612:10-11-7. Administrative review [AMENDED]
Part 3. Case Processing
612:10-11-17. ~~Case statuses and case flow processing~~ [AMENDED]
612:10-11-19. ~~Status 02—application~~ Application Status [AMENDED]
612:10-11-20. ~~Status 08—closure from application~~ Closure from Application Status [AMENDED]
612:10-11-21. ~~Status 10—case accepted~~ Eligibility Status [AMENDED]

612:10-11-22. ~~Status 22—services initiated~~ Service Status [AMENDED]
612:10-11-24. ~~Status 26—successful closure~~ Successful Closure Status [AMENDED]
612:10-11-25. ~~Status 28—unsuccessful closure~~ Unsuccessful Closure Status [AMENDED]
612:10-11-26. Previously closed cases [AMENDED]
612:10-11-27. Inter-program transfers [AMENDED]
612:10-11-28. ~~Status 32—post-OL services~~ Post OB Service Status [AMENDED]
612:10-11-29. ~~Status 33—post-OL services completed~~ Post OB Closure Status [AMENDED]
Part 5. Provision of Services
612:10-11-39. Physical restoration services [AMENDED]
612:10-11-41. Transportation [AMENDED]
612:10-11-42. Interpreter services [AMENDED]
612:10-11-44. Orientation and mobility services (O&M) [AMENDED]
612:10-11-49. Referral services [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 involve updating language and adding some new definitions. It changes "State Rehabilitation Council" to "Oklahoma Rehabilitation Council" and adds Field Coordinator approval for Cochlear Implants. It removes direct client payments for Vo-Techs, lists necessary skills for tutoring our clients, and adds agency ability to help retain businesses for our self-employed clients. The majority of the changes involve converting our computer system from Oklahoma Rehabilitation Management Information System (ORMIS) to Accessible Web-based Activity and Reporting Environment (AWARE). The new system will not accept status numbers so the numbers are being dropped.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2007 through February 7, 2007 during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Monday, February 5, 2007,
1:00 P.M. - 3:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 6, 2007,
1:00 P.M. - 3:00 P.M.,
Great Plains Technical Center
4500 S.W. Lee Blvd., Bldg 300, Room 301A
Lawton, Oklahoma
Wednesday, February 7, 2007,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room

Tulsa, Oklahoma
REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2007, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #06-1537; filed 12-4-06]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 20. SPECIAL SCHOOLS**

[OAR Docket #06-1538]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:20-1-3. Appendices [REVOKED]
- Subchapter 3. General Operating Procedures for the Schools
- Part 1. General Educational Policies
- 612:20-3-6. Admission to OSB and OSD [AMENDED]
- Part 3. Abuse, Neglect, and Inappropriate Body Contact
- 612:20-3-20. Reporting requirements [AMENDED]
- 612:20-3-21. Protocol for abuse or neglect of a student by a staff member or volunteer [AMENDED]
- 612:20-3-22. Protocol for abuse of a student by another student [AMENDED]
- 612:20-3-24. Protocol for inappropriate body contact between student and staff [AMENDED]
- 612:20-3-25. Protocol for inappropriate body contact between students [AMENDED]

- 612:20-3-26. Special procedures for prevention of abuse, neglect, and inappropriate body contact [AMENDED]
- 612:20-3-27. Harassment of students [AMENDED]

SUMMARY:

The change to Chapter 20 involves updating language and following a directive that requires notifying the director of incidents that take place at both the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

AUTHORITY:

Commission for Rehabilitation Services; 10 O.S. § 1418

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2007 through February 7, 2007, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

- Monday, February 5, 2007,
1:00 P.M. - 3:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
- Tuesday, February 6, 2007,
1:00 P.M. - 3:00 P.M.,
Great Plains Technical Center
4500 S.W. Lee Blvd, Bldg 300, Room 301A
Lawton, Oklahoma
- Wednesday, February 7, 2007,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 East 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2007, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #06-1538; filed 12-4-06]

Notices of Rulemaking Intent

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 75. TOURISM PROMOTION [REVOKED]

[OAR Docket #06-1547]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- 710:75-1-1. [REVOKED]
- 710:75-1-2. [REVOKED]
- 710:75-1-3. [REVOKED]
- 710:75-1-4. [REVOKED]
- 710:75-1-5. [REVOKED]
- 710:75-1-6. [REVOKED]
- 710:75-1-7. [REVOKED]
- 710:75-1-8. [REVOKED]
- 710:75-1-9. [REVOKED]
- 710:75-1-10. [REVOKED]

SUMMARY:

House Bill 1174XX repealed the levy of the Oklahoma tourism tax effective July 1, 2007 during the Second Extraordinary Session of the 50th Legislature (2006).

AUTHORITY:

68 O.S. §§ 203 and 50013; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2007, 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, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows:

February 6, 2007, 9.00 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 5, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: LHaws@oktax.state.ok.us

[OAR Docket #06-1547; filed 12-8-06]

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

[OAR Docket #06-1548]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- Subchapter 1. Oklahoma Quality Jobs Program
- 710:85-1-2. [AMENDED]
- 710:85-1-3. [REVOKED]
- 710:85-1-8. [AMENDED]
- Subchapter 5. Small Employer Quality Jobs Program
- 710:85-5-3. [REVOKED]
- 710:85-5-10. [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, insure accurate internal cross-reference and comply with statutory changes. Section 710:85-1-2 has been amended to include the definition of "gross payroll".

Section 710:85-1-3 has been revoked eliminating procedures that are no longer the practice of the Oklahoma Tax Commission.

Section 710:85-1-8 has been amended to include the deadline for filing the first claim for a large Quality Jobs Program rebate. [68:3606(a)]

Section 710:85-5-3 has been revoked to eliminate out-dated procedures and practices.

Section 710:85-5-10 has been amended to delete duplicate language in the rules.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 7, 2007, 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, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **February 8, 2007, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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 January 5, 2007 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: lhaws@oktax.state.ok.us

[OAR Docket #06-1548; filed 12-8-06]

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

[OAR Docket #06-1546]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- Subchapter 6. Oklahoma Safe Playground Surfaces Program [REVOKED]
- 710:95-6-1. [REVOKED]
- 710:95-6-2. [REVOKED]
- 710:95-6-3. [REVOKED]
- 710:95-6-4. [REVOKED]
- 710:95-6-5. [REVOKED]

SUMMARY:

Subchapter 6 and Sections 710:95-6-1 through 710:95-6-5 dealing with playground surfaces has been revoked consistent with House Bill 1606 which repealed the Oklahoma Safe Playgrounds Surfaces Act, 27A O.S. §§2-11-414 and 2-11-415, effective July 1, 2005.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 7, 2007, 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, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **February 8, 2007, 9:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry

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into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Rule Impact Statements will be prepared and will be available for review from and after January 5, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #06-1546; filed 12-8-06]

TITLE 720. STATE TEXTBOOK COMMITTEE CHAPTER 10. TEXTBOOK SELECTION

[OAR Docket #06-1540]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Bidding Procedures

720:10-3-7. Free Materials [AMENDED]

SUMMARY:

The purpose of the rule change is to clarify the kinds of materials that may be offered as free with bid items.

Article XIII, section 6 of the Oklahoma Constitution and 70 O.S. § 16-118 State Textbook Committee

COMMENT PERIOD:

All interested persons are invited to submit data, views, or comments, orally or in writing, in support or opposition to the amendments, by February 2, 2007, to the Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Memorial Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105-4599.

PUBLIC HEARING:

A public hearing has not been scheduled. However, pursuant to 75 O.S., Section 303 (B) (9), persons may demand a hearing by contacting Paige Phillips at (405) 521-3343 no later than 4:30 p.m. on February 2, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the State Textbook Committee with information, in dollar amounts if possible, about any 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 Paige Phillips at the above address no later than February 2, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies may also be obtained by written request mailed to the attention of Paige Phillips, Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the amendments will be prepared as required by law, and will be available after January 16, 2007 at the Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

CONTACT PERSON:

Paige Phillips, (405) 521-3343

[OAR Docket #06-1540; filed 12-6-06]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 5. FEES

[OAR Docket #06-1550]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:5-1-11. Well driller and pump installer licensing fees [AMENDED]

SUMMARY:

The proposed amendments to the fee rule would increase the application and license fee from \$300.00 for a two-year license and operator certification to \$400.00 for a two-year license and operator certification. Fees for to add activities would increase from \$60.00 to \$75.00 for the two-year license and operator certification period. Renewal fees would increase from \$200.00 to \$300.00. Fees for additional operator certifications would increase from \$40.00 to \$50.00; non-resident license fees would increase from \$400.00 to \$500.00; the initial and renewal indemnity fund fee would increase from \$40.00 to \$75.00 for the two-year license and renewal periods; and the variance fee would be increase from \$50.00 to \$75.00. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

82 O.S. 2001, Section 1020.16; 82 O.S. Supp. 2005, Section 1085.2(7); and 82 O.S. 2001, Section 1085.4.

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional comments at its February 13, 2007, meeting. The Board is then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch,

General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1550; filed 12-8-06]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 20. APPROPRIATION AND USE OF STREAM WATER

[OAR Docket #06-1551]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Notice, Hearings and Board Actions

785:20-5-5. Factors relating to statutory elements for application approval [AMENDED]

Subchapter 11. Miscellaneous Provisions

785:20-11-1. Multiple ownership of reservoir sites [AMENDED]

SUMMARY:

The proposed amendments would clarify how the Board makes preliminary determinations as to water availability for direct diversions and for diversions from reservoirs. The proposals would also add the life of the project remaining as a factor to calculate the amount of water that an owner of a flood detention site may apply for. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

82 O.S. 2001, Section 105.1 et seq. and 82 O.S. Supp. 2005, Section 1085.2(1)

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional

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comments at its February 13, 2007, meeting. The Board is then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1551; filed 12-8-06]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 30. TAKING AND USE OF GROUNDWATER

[OAR Docket #06-1552]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:30-1-4. Requirement for water right [AMENDED]

SUMMARY:

The proposed amendments would clarify how to calculate the amount of groundwater that should be subject of an

application with a proposed purpose of sand and gravel mining. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

82 O.S. 2001, Section 1020.1 et seq. and 82 O.S. Supp. 2005, Section 1085.2(1)

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional comments at its February 13, 2007, meeting. The Board is then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1552; filed 12-8-06]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENSING**

[OAR Docket #06-1553]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes

785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

SUMMARY:

The proposed amendments would clarify when test holes need to be plugged. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

82 O.S. 2001, Section 1020.16 and 82 O.S. Supp. 2005, Section 1085.2(1)

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional comments at its February 13, 2007, meeting. The Board is then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1553; filed 12-8-06]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #06-1554]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-3. Evaluation procedures for grant applications [AMENDED]

785:50-7-5. Emergency grant priority point system [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-5. REAP grant priority point system [AMENDED]

SUMMARY:

The proposed amendments would clarify language about funding grant application ; would provide that a category 1 or 2 in the priority point system could include new construction to serve citizens with inadequate domestic use, to delete language from the category 3 emergency about new service for domestic use, and to provide that 20 points will be subtracted from a REAP application if a previous REAP grant remains unaudited through August 31st of the year. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

62 O.S. Supp. 2004, Section 2003; 82 O.S. 2001, Section 1085.39; and 82 O.S. Supp. 2005, Section 1085.2(1)

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional comments at its February 13, 2007, meeting. The Board is

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then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1554; filed 12-8-06]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 55. DEVELOPMENT ON STATE OWNED OR OPERATED PROPERTY WITHIN FLOODPLAINS AND FLOODPLAIN ADMINISTRATOR ACCREDITATION

[OAR Docket #06-1555]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Floodplain Administrator Accreditation Program

785:55-7-3. Designation of floodplain administrator [AMENDED]

785:55-7-5. Temporary accreditation period; first full accreditation period [AMENDED]

785:55-7-7. Accreditation application [AMENDED]

785:55-7-9. Expiration of accreditation and renewal of accreditation [AMENDED]

SUMMARY:

The proposed amendments would clarify that all communities must designate a floodplain administrator who must be accredited. Language concerning the temporary accreditation period would be deleted as superfluous. Language waiving continuing education for persons accredited less than one year would be deleted. Other amendments to this chapter of the rules may be proposed for amendment after the public comment and hearing.

AUTHORITY:

82 O.S. 2001, Section 1085.2(1) and 82 O.S. 2001, Section 1601 et seq.

COMMENT PERIOD:

Persons may submit written comments to Dean Couch, General Counsel, by mailing comments to 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, during the period from January 2, 2007, to February 5, 2007. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments and new rules are scheduled to be presented to the Board to begin its review February 13, 2007. The Board may consider additional comments at its February 13, 2007, meeting. The Board is then scheduled to consider adoption of the rules at its monthly meeting on March 13, 2007.

PUBLIC HEARING:

A public hearing on the proposed rules will be held at 10:00 a.m. on February 5, 2007, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in 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 others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 2, 2007 to February 5, 2007, to Dean Couch, General Counsel, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.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 before January 17, 2007, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #06-1555; filed 12-8-06]

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

[OAR Docket #06-1526]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Consumer Rights

450:15-3-6. [AMENDED]

450:15-3-45. [AMENDED]

SUBMITTED TO GOVERNOR:

November 27, 2006

SUBMITTED TO HOUSE:

November 27, 2006

SUBMITTED TO SENATE:

November 27, 2006

[OAR Docket #06-1526; filed 11-27-06]

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

[OAR Docket #06-1527]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 5. Services

450:16-5-1. [AMENDED]

Subchapter 21. Personnel, Staffing and Training

450:16-21-4. [AMENDED]

SUBMITTED TO GOVERNOR:

November 27, 2006

SUBMITTED TO HOUSE:

November 27, 2006

SUBMITTED TO SENATE:

November 27, 2006

[OAR Docket #06-1527; filed 11-27-06]

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

[OAR Docket #06-1528]

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]

450:55-3-3. [AMENDED]

450:55-3-5. [AMENDED]

450:55-3-6. [AMENDED]

450:55-3-7. [AMENDED]

450:55-3-8. [AMENDED]

Subchapter 5. PACT Clinical Documentation

450:55-5-6. [AMENDED]

450:55-5-7. [AMENDED]

450:55-5-9. [AMENDED]

Subchapter 11. Organizational Management

450:55-11-2. [AMENDED]

SUBMITTED TO GOVERNOR:

November 27, 2006

SUBMITTED TO HOUSE:

November 27, 2006

SUBMITTED TO SENATE:

November 27, 2006

[OAR Docket #06-1528; filed 11-27-06]

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

[OAR Docket #06-1542]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 44. Farmed Cervidae [NEW]
35:15-44-1. through 35:15-44-19. [NEW]
35:15-44-20. [RESERVED]

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17) and (29); 6-2; and 6-501 et seq.

DATES:

Adoption:

October 31, 2006

Approved by Governor:

November 29, 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:

These emergency rules are necessary to effectuate the provisions of House Bill 2621 regarding the creation of the Oklahoma Farmed Cervidae Act. The bill becomes effective November 1, 2006, and transfers authority over farmed cervidae facilities from the Oklahoma Department of Wildlife Conservation to the Department, therefore emergency rules are necessary to allow the Department to begin the regulation of these types of facilities. The Board finds that a compelling public interest requires the promulgation of this emergency rule.

ANALYSIS:

The rules create processes for licensing, renewals, inspections, record keeping, and other operational requirements for a farmed cervidae facility.

CONTACT PERSON:

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

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

35:15-44-1. Purpose

The purpose of these rules is to establish procedures and requirements for the licensing of farmed cervidae facilities. These rules shall not apply to any cervidae facilities owned or operated for the purpose of commercial hunting of farmed or captive bred cervidae regulated by the Oklahoma Department of Wildlife Conservation.

35:15-44-2. Definitions

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

"Proof of ownership" means an inspection certificate, a purchase invoice from a licensed public livestock market showing individual identification, a duly executed bill of sale, court orders, certification that the cervidae was born from animals owned by the seller, or any other document the Department deems acceptable.

35:15-44-3. Application for license

(a) An owner or operator shall obtain a farmed cervidae license prior to breeding, possessing, or raising cervidae for commercial or noncommercial purposes.

(b) The Department may issue a license if the cervidae were lawfully obtained, the owner and operator act in good faith, and the owner and operator adhere to all applicable laws and rules.

(c) An application for a farmed cervidae facility shall contain the following complete, accurate, and legible information:

- (1) Name, address, and telephone number of owner.
- (2) Name, address, and telephone number of the operator, if different from the owner.
- (3) Name, address, and telephone number of the primary contact.
- (4) Farm name, facility address, and facility telephone number.
- (5) Name, address and telephone number of the location where records are kept.
- (6) Specific legal description of the facility to the nearest quarter section.
- (7) A map showing topography of the area with a diagram of the facility structures, fencing plan, and perimeter clearly marked.

SUBCHAPTER 44. FARMED CERVIDAE

Emergency Adoptions

(8) A description of the experience and education of the owner and operator to successfully maintain and operate the facility.

(9) Whether the applicant has been convicted of a felony, misdemeanor, administrative, or civil violation of any natural resources requirements, including but not limited to wildlife, forestry, fisheries, environment, or animal health within the past three (3) years in Oklahoma or any other jurisdiction.

(10) Whether the property where the farmed cervidae facility is located is owned or leased.

(11) An initial inventory of the farmed cervidae, including their ages, breed and species, and a minimum of one form of official individual identification approved by the Department.

(12) Method of carcass disposal for the facility, including carcass storage sites, carcass burial areas, incineration approval, rendering company, composting plan, or land-fill.

(13) Driving directions from the nearest town.

(14) The D/B/A, corporate name, or other name the farmed cervidae facility operates under. If a corporation, submit a certificate of good standing from the secretary of state.

(15) A list of each name the farmed cervidae facility operates under.

(16) Signature under oath "I certify under penalty of law this document, all attachments, and information submitted are to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly submitting false, inaccurate, or incomplete information, including the possibility of fines for each violation."

(d) The Department shall not issue a license in the following circumstances:

(1) The facility was not inspected by the Department.
(2) The owner or operator had any equivalent license denied, revoked, or suspended by any authority, except by accordance with the provisions of OAC 35:15-44-16.

(e) Using information from the application and from the State's files, the Department shall determine:

(1) The accuracy of all materials in the application;
(2) The applicant can reasonably be expected to comply with all legal requirements; and
(3) The proposed facility is adequate and complies with all legal requirements and would not result in harm to native wildlife.

35:15-44-4. Renewals

(a) The license shall expire on June 30 of each calendar year.

(b) The renewal application shall be submitted not later than January 15 of each calendar year.

(c) The annual report containing all inventory information shall be submitted with the renewal application.

(1) The Department may, on a case by case basis, approve a different date for submission of the annual report.

(2) An owner or operator shall request a different date in writing to the Department, and shall provide justification for using a date other than January 15.

(3) Submission of an annual report for other disease monitoring purposes may be considered justification for requesting a different date.

(d) Any renewal application received or postmarked after the renewal date shall be subject to a 10% penalty in addition to the renewal fee, and shall be deemed a violation of the Oklahoma Farmed Cervidae Act.

(e) Submit a signed, complete, accurate, and legible form containing the following information:

(1) The annual report.

(2) Any changes to the facility since the last renewal or original license application, including, but not limited to:

(A) Changes in contact information.

(B) Changes in perimeter fences. Attach an updated facility map indicating any expansion, change in facility perimeter, or any additional fencing.

(f) No renewals shall be issued for a license that is allowed to lapse due to the negligence of the owner or operator.

(g) Failure to renew shall result in the facility being quarantined until due process of law against the current owner occurs. The failure may result in revocation of the license, loss of the facility number, closure of the facility, and removal of the cervidae from the premises.

35:15-44-5. Transfers

For transfer of a license to a new owner or operator, the following conditions shall be met:

(1) The new owner or operator shall submit to the Department a transfer application, attaching any change of conditions resulting from the transfer of ownership or operation;

(2) After receipt of the information required, the Department shall review the information, and within thirty (30) days, issue approval or denial of the transfer. Transfer of a license shall be denied only if:

(A) the new owner or operator cannot comply with the requirements of transfer,

(B) failure of the new owner or operator to meet any other conditions or requirements for compliance established by the Department, or

(C) If a transfer is denied, written notification of the denial and an opportunity for an administrative hearing on the denial shall be given to the applicant for a transfer license by the Department. The notification shall set forth the reasons for the denial, steps necessary to meet the requirements for a transfer license and the opportunity for the applicant to request an administrative hearing.

35:15-44-6. Record keeping

(a) All required records shall be kept by the owner or operator for a minimum of five (5) years.

(b) The following records shall be maintained at the facility:

- (1) Records of all cervidae sold, killed, given away, transported, or shipped.
- (2) The name and address of any recipient or consignee and the date of any transaction.
- (3) Sales receipts.
- (4) Proof that the cervidae are from a legal source and records kept and animals marked to identify individual animals.
- (5) The CWD inventory or an inventory of cervidae containing the following information:
 - (A) Name and address of the farmed cervidae facility, the owner, and the operator.
 - (B) A listing of each individual animal.
 - (C) A statement of ownership.
 - (D) A listing of any and all identification numbers assigned to the cervidae by the owner or operator and any other official entity.
 - (i) Tattoo number.
 - (ii) Any official identification approved by the Department.
 - (iii) USDA alphanumeric test tag number or official Canadian alphanumeric test tag number, if applicable.
 - (E) Age.
 - (F) Sex.
 - (G) Date of purchase or date of birth.
 - (H) Date of death or date of change of ownership.
 - (I) Any cervidae born at the facility shall be shown on the inventory record on or before December 31 of the year of birth, or upon sale or transfer of ownership or upon leaving the facility, whichever comes first.
 - (J) Any cervidae purchases shall be on the inventory record immediately after acquisition.
 - (K) Date the inventory was completed.
- (6) Herd and individual animal health documents, including, but not limited to, the Certificate of Veterinary Inspection and test results.

35:15-44-7. Limit on facility size

- (a) Facility size shall be limited to the largest practicable area to ensure no native or wild cervidae are within the confines of the facility. Limitations on facility size may include but not be limited to geography and topography of the property.
- (b) No farmed cervidae facility shall share a common fence with any Wildlife Management Area operated by the Oklahoma Department of Wildlife Conservation.
- (c) Each separate location of a farmed cervidae facility shall be licensed separately.

35:15-44-8. Fencing and facility requirements

- (a) The owner or operator shall ensure that farmed cervidae are confined to the lands described in the application.
- (b) The perimeter of each new farmed cervidae facility shall be an eight (8) foot game or high tensile fence designed in a manner to prevent ingress and egress of cervidae.

- (1) Facilities in operation prior to the effective date of the Oklahoma Farmed Cervidae Act shall maintain fencing sufficient to prevent ingress and egress of cervidae.
- (2) The owner or operator shall install eight (8) foot game or high tensile fence for any new fencing at a new or existing facility.
- (c) Damage caused to a farmed cervidae facility perimeter fence by a natural disaster shall not constitute a violation so long as the owner or operator begins any necessary repairs immediately upon discovery, acts expeditiously in the opinion of the Department to complete any necessary repairs, and reports the extent and cause of any damage to the Department within twenty-four (24) hours of discovery.
- (d) The owner or operator shall notify the Department within twenty-four (24) hours of discovery of any wild cervidae within the farmed cervidae facility.
- (e) The owner or operator shall provide each farmed cervidae with adequate water, adequate feed, appropriate natural or manmade shelter, and reasonable protection from predators.

35:15-44-9. Flushing procedures

- (a) Prior to the final enclosure of the farmed cervidae facility, the owner or operator shall undertake a flushing procedure to ensure that any native or wild cervidae are not present in the area.
- (b) The flushing procedure shall be performed in the presence of authorized agents of the Oklahoma Department of Wildlife Conservation.
- (c) The owner or operator shall obtain documentation from the Oklahoma Department of Wildlife Conservation that the flushing procedure was adequately completed.

35:15-44-10. Slaughter requirements

- (a) Owners and operators of licensed farmed cervidae facilities may slaughter farmed cervidae at any time throughout the year pursuant to the Exotic Livestock and Exotic Livestock Products Inspection Act or other applicable law.
- (b) An owner or operator may slaughter their own farmed cervidae for personal or noncommercial consumption, but in no case shall someone other than the owner or operator be allowed to hunt or shoot the farmed cervidae.
- (c) Any person holding meat or antlers with attached skull plates from a farmed cervidae facility that obtained it through non commercial methods shall hold a receipt from the owner or operator of the farmed cervidae facility for so long as they have the meat or antlers with attached skull plates.

35:15-44-11. Transportation permit

- A permit developed by the Department shall be provided to any purchaser or transporter of live cervidae, meat, or antlers with attached skull plates and it shall be kept with the live cervidae, meat, or antlers with attached skull plates at all times.

35:15-44-12. Sale or disposal of hides and antlers

- (a) Any owner and operator of a farmed cervidae facility may sell or dispose of hides and antler sheds at any time.

Emergency Adoptions

(b) An owner or operator shall only sell or dispose of antlers with attached skull plates in the following circumstances:

(1) Each set of antlers shall be individually identified with sufficient documentation linking it to the farmed cervidae, including, but not limited to, photographs, lock on identification tags, DNA testing, or other proof of ownership;

(2) In no case shall an owner or operator sell or dispose of antlers without appropriate documentation.

(3) The owner or operator shall notify the Department within twenty-four (24) hours of any sale or disposal of antlers pursuant to this section and provide a copy of all appropriate documentation to the Department.

(4) The owner or operator shall provide a copy of all appropriate documentation to the purchaser or recipient at the time of sale or disposal.

(c) The sale or disposal of antler sheds or antlers that are not attached to the skull plate shall not be restricted.

35:15-44-13. Carcass disposal

(a) Facilities shall comply with all carcass disposal requirements.

(b) The following methods may be used for disposal of carcasses from a farmed cervidae facility:

(1) Rendering,

(2) Landfill,

(3) Burial,

(4) Incineration, or

(5) Composting.

(c) Carcass disposal areas shall be located a minimum of thirty feet from any live farmed cervidae.

(d) The owner or operator shall comply with Title 2, Section 2-18.1 and Title 21, Sections 1222, 1223, and 1224 at all times.

35:15-44-14. Inspections

(a) Each premises shall be inspected at least annually.

(b) Presite inspections:

(1) Upon submission of a complete application, the Department shall schedule an onsite meeting and inspection to review the proposed facility.

(2) The Department shall review the staked location of the facility, including locations for perimeter fencing, gates, feed bunkers, shelter, carcass disposal areas, and any other proposed facilities for the location.

(3) The Department may request appropriate changes to the facility design.

(4) In no case shall a license for a farmed cervidae facility be granted unless the Department has conducted a presite inspection and the Department has approved the proposed facility based on that inspection.

(5) The license shall be revoked for any facility that does not construct or operate the facility in accordance with the approved presite inspection.

(c) All new facilities shall be inspected within ninety (90) calendar days prior to issuance of a new license.

(d) All facilities and cervidae for inventory purposes shall be inspected within six (6) months prior to the renewal of an existing license.

(e) It is the responsibility of the owner or operator to arrange the appropriate inspection and the Department shall be given an adequate time to respond to the request for the inspection.

(f) Authorized agents of the Oklahoma Department of Wildlife Conservation shall have the authority to enter and inspect any premises pursuant to Title 29, Section 3-201 of the Oklahoma Statutes for the purpose of implementing and enforcing the Oklahoma Wildlife Conservation Code.

35:15-44-15. Complaint and compliance investigations

(a) Upon receipt of a written complaint, the Department notifies the person filing the complaint in writing of its receipt and status within five (5) working days. The party whom the complaint is filed against, if known, is notified within five (5) working days. The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies to the extent possible by the Department. The complainant and owner shall be notified in writing within seven (7) working days after resolution of the complaint.

(b) Department initiated investigations may occur at any time.

35:15-44-16. Modify, suspend, cancel, or revoke licenses

(a) The license of any owner or operator may be revoked if the owner or operator is convicted of violating any provisions of the Oklahoma Agricultural Code.

(b) In the event a license is denied, revoked, cancelled, or suspended, the owner or operator is not eligible to reapply until after the date the license would have expired.

35:15-44-17. Closure of the facility

(a) The owner or operator may take up to one hundred twenty (120) days to dispose of all cervidae at the facility pursuant to the Oklahoma Farmed Cervidae Act and rules upon expiration of a license.

(b) In no case shall the farmed cervidae be released into the wild.

(c) Cleaning and disinfection of the premises shall be completed immediately upon closure of the facility if required by the Department.

35:15-44-18. Fees

(a) The application fee for a new farmed cervidae facility shall be \$125.

(b) The license fee shall be \$75 per facility.

35:15-44-19. Entry and export requirements

(a) Import of cervidae originating in any state or Canadian province where CWD exists in free ranging native herds shall be prohibited, unless it originates from a CWD monitored herd

with a five-year status within a county where no CWD exists in free ranging native herds.

(b) All other cervidae imports shall only be from a source herd that is in a CWD surveillance and certification program that meets the standards of cervidae importation into Oklahoma.

(c) Import of cervidae shall be accompanied by a Certificate of Veterinary Inspection and an approved Cervidae Import Permit.

**35:15-44-20. Animal identification requirements
[RESERVED]**

[OAR Docket #06-1542; filed 12-7-06]

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

1:2006-26.

EXECUTIVE ORDER 2006-26

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Pearl Harbor Remembrance Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Thursday, December 7, 2006, to honor the many Oklahoma and United States citizens who perished on December 7, 1941, as a result of the infamous attack on the Japanese on Pearl Harbor, Hawaii.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 5th day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

[OAR Docket #06-1541; filed 12-6-06]

1:2006-27.

EXECUTIVE ORDER 2006-27

I, Brad Henry, Governor of the State of Oklahoma, in honor of Jeane J. Kirkpatrick, 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 Jeane J. Kirkpatrick's interment.

Born in Duncan, Oklahoma, Kirkpatrick graduated from Barnard College in New York in 1948 and received her master's degree and doctorate from Columbia. She was appointed the first woman to hold the post of U.S. ambassador to the United Nations by Pres. Ronald Reagan in 1981. Prior to her appointment, Kirkpatrick was a political science professor at Georgetown University. Kirkpatrick championed human rights, opposed Soviet Union communism and supported Israel.

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 11th day of December,

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #06-1563; filed 12-11-06]
