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Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #06-1602]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules
35:2-3-5. [AMENDED]

SUMMARY:

The proposed rule amends the fee charged by the Food Safety Division for providing overtime and holiday meat and poultry inspection services. The current fee has been in place since 1991, and no longer accurately reflects the costs of the Department for providing the service.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4(2), (4), (20), (25), (28), and (29), and 6-181 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., February 15, 2007, in the Plant Industry and Consumer Services of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1602; filed 12-21-06]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #06-1604]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules
35:2-3-2.4. [AMENDED]
35:2-3-2.6. [AMENDED]
35:2-3-2.7. [AMENDED]
35:2-3-2.8. [AMENDED]

SUMMARY:

The proposed rules amend certain fees contained in Subchapter 3 pertaining to microbiological testing, water and sediment testing, seed testing, and Bureau of Standards. These rules allow the Oklahoma Department of Agriculture, Food, and Forestry's Laboratory Services Division to recoup some of the costs associated with conducting the specific tests addressed by the amendments.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4(20) and 14-83; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., February 15, 2007, in the Plant Industry and Consumer Services of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1604; filed 12-21-06]

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

[OAR Docket #06-1603]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. Fine Schedules

Part 1. General

35:3-1-1. [AMENDED]

Part 15. Plant and Consumer Services Violations

35:3-1-15. [AMENDED]

35:3-1-16. [AMENDED]

35:3-1-19. [AMENDED]

35:3-1-22. [AMENDED]

SUMMARY:

The proposed rule will provide for recommended window fines for violations of the Agricultural Code.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (3) and (29), 2-18, 3-81 et seq., 8-80.1 et seq., 8-85.1 et seq., and 3-32.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., February 15, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food,

and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1603; filed 12-21-06]

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

[OAR Docket #06-1615]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

35:13-1-4. [AMENDED]

SUMMARY:

The proposed rules update the Code of Federal Regulations incorporation by reference date and require federally permitted fuel alcohol facilities to submit the required federal annual report to the Department.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 4:30 p.m., February 15, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food,

and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1615; filed 12-22-06]

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

[OAR Docket #06-1614]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 16. Contagious Equine Metritis
- 35:15-16-1. [AMENDED]
- Subchapter 36. Scrapie
- 35:15-36-1. [AMENDED]
- 35:15-36-2. [AMENDED]

SUMMARY:

The proposed rules update the incorporation by reference of the Code of Federal Regulations for Contagious Equine Metritis and Scrapie.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2; 6-124, and 6-152; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 4:00 p.m., February 15, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, teena.gunter@oda.state.ok.us

CONTACT PERSON:

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

[OAR Docket #06-1614; filed 12-22-06]

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

[OAR Docket #06-1617]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 3. Concentrated Animal Feeding Operations
- 35:17-3-2. [AMENDED]
- 35:17-3-6. [AMENDED]
- 35:17-3-7. [AMENDED]
- 35:17-3-9. [AMENDED]
- 35:17-3-11. [AMENDED]

SUMMARY:

These rules incorporate the changes made during the 2006 legislative session in House Bills 2604, 2646, and 3015 to the Oklahoma Concentrated Animal Feeding Operations Act.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), and 20-1 et seq.; 27A O.S. § 1-3-101(D); and Article 6, Section 31, Constitution of the State of Oklahoma.

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 16, 2007.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 16, 2007, in the Plant Industry and Consumer Services conference room on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 16, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1617; filed 12-22-06]

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

[OAR Docket #06-1605]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 37. Nursery Stock Sales
35:30-37-11. [NEW]

SUMMARY:

The proposed rule will allow the use of Methyl Bromide as a soil treatment for forest tree seedlings in Oklahoma.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-32.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., February 15, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1605; filed 12-21-06]

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

[OAR Docket #06-1616]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 14. Oklahoma Boll Weevil [AMENDED]

SUMMARY:

The proposed rules incorporate the changes made during the 2006 legislative session in Senate Bill 1614 to the Boll Weevil Eradication Act.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-50.1 ; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 16, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., February 16, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 16, 2007 to February 16, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1616; filed 12-22-06]

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

[OAR Docket #06-1607]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 3. Meat Inspection
 - Part 1. General Provisions
 - 35:37-3-1. [AMENDED]
 - 35:37-3-3. [AMENDED]
- Subchapter 5. Poultry Products Inspection
 - Part 1. General Provisions
 - 35:37-5-1. [AMENDED]
 - 35:37-5-2. [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from January 16, 2007 to February 15, 2007.

PUBLIC HEARING:

A public hearing will be held at 3:30 p.m., February 15, 2007 in the Boardroom, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1607; filed 12-21-06]

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

[OAR Docket #06-1606]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 3. Concentrated Animal Feeding Operations
 - 35:44-3-3. [AMENDED]

SUMMARY:

This rule updates the Code of Federal Regulations date for the incorporation by reference of the permitting requirements for concentrated animal feeding operations.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), 2-18.2, 2A-1 et seq., and 2A-21 et seq.; 27A O.S. § 1-3-101(D); and Article 6, Section 31, Constitution of the State of Oklahoma.

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 16, 2007 to February 15, 2007.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., February 15, 2007, in the Plant Industry and Consumer Services conference room on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1606; filed 12-21-06]

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

[OAR Docket #06-1597]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Flexible Benefits Plan [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 amends the rules to comply with a statutory change enacted June 6, 2006 by Senate Bill 1601. The statutory change eliminates the requirement that State employees must affirmatively enroll in a vision insurance plan each year to continue vision insurance coverage. The proposed modification deletes the rule, which currently requires an affirmative election of a vision insurance plan each year. In addition, the proposed modification to Chapter 10 amends the effective date of change to benefit elections as it relates to termination of coverage for a spouse and/or dependents who have ceased to satisfy eligibility as a result of death, which shall become effective the first of the month following the date of the event.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on February 15, 2007 at the Employees Benefits Council,

120 N. Robinson Avenue, 11th Floor, Oklahoma City, OK 73152-2002.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 16, 2007 at the Employees Benefits Council, 120 N. Robinson Avenue, 11th Floor, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, February 16, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 120 N. Robinson Avenue, 11th Floor, Oklahoma City, OK 73152-2002. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Phil Kraft, Employees Benefits Council, (405) 232-1190, ext. 128.

[OAR Docket #06-1597; filed 12-21-06]

TITLE 170. DEPARTMENT OF CORRECTIONS CHAPTER 35. EMPLOYEE RECRUITMENT REFERRAL INCENTIVE PROGRAM

[OAR Docket #06-1570]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

170:35-1-2. [AMENDED]

170:35-1-3. [AMENDED]

170:35-1-4. [AMENDED]

170:35-1-5. [AMENDED]

170:35-1-6. [AMENDED]

SUMMARY:

The proposed changes to this chapter will amend the definition of eligible recipients to include volunteers. Further, it provides a process to address when a referred employee receives an overall evaluation of "unable to rate." Finally, the proposed amendments would require the director or designee to approve referral incentive payments.

AUTHORITY:

Oklahoma Department of Corrections; 57 O.S. § 510(A)(18)

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Administrator of Personnel, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400, until March 26, 2007.

PUBLIC HEARING:

Public hearing will be conducted at the Department of Corrections Administrative Offices, General Counsel's conference room, at 3400 Martin Luther King Avenue at 2:00 o'clock p.m. on the 26th of March, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 30, 2007. Copies may be obtained at the agency's Personnel office at the above address. **CONTACT PERSON:**

Linda Parrish, Administrator of Personnel, (405) 425-2844.

[OAR Docket #06-1570; filed 12-18-06]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

[OAR Docket #06-1578]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Regional Education Service Centers [REVOKED]

210:10-11-1. Purpose [REVOKED]

210:10-11-2. Student appraisal [REVOKED]

210:10-11-3. Media [REVOKED]

210:10-11-4. Individual learning plans [REVOKED]

210:10-11-5. Professional development [REVOKED]

210:10-11-6. Coordination of Education Services [REVOKED]

210:10-11-7. Regional Education Service Center staff [REVOKED]

SUMMARY:

The Oklahoma Legislature repealed the Regional Education Service Center Act in House Bill 1162, effective June 30, 2003.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 21, 2007, at

the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, February 22, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. § 303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 17, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1578; filed 12-20-06]

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

[OAR Docket #06-1577]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Priority Academic Student Skills

Part 7. Mathematics

210:15-3-52. Mathematics content skills geometry [AMENDED]

210:15-3-53. Mathematics content skills algebra II [AMENDED]

SUMMARY:

The proposed amendment to rules revises the core curriculum to comply with the requirements set for in 70 O. S. § 11-103.6(a) The amendments provide reorganization and alignment to the Priority Academic Students Skills, Oklahoma's core curriculum. The changes will allow public school educators responsible for implementing the curriculum in geometry and algebra II to pursue appropriate depths of content.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 21, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, February 22, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 17, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1577; filed 12-20-06]

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

[OAR Docket #06-1576]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and

Career and Technology Schools

Part 9. Standard V: The School Staff

210:35-3-87. Professional development programs
[REVOKED]

Subchapter 5. Additional Standards for Elementary Schools

Part 9. Standard V: The School Staff

210:35-5-45. Qualifications [AMENDED]

Subchapter 7. Additional Standards for Middle Level Schools

Part 9. Standard V: The School Staff

210-35-7-44. Staff qualifications [AMENDED]

SUMMARY:

The proposed change is to delete rules not reflected in law (70 O. S. § 1210.508F) which requires every teacher to be trained in remedial reading. Deletion of rules no longer relevant to law will eliminate any confusion for local boards of education, administrators, and teachers.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 21, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, February 22, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 17, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1576; filed 12-20-06]

**TITLE 252. DEPARTMENT OF
ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND
PROCEDURE**

[OAR Docket #06-1571]

INTENDED RULEMAKING ACTION:

Notice of proposed EMERGENCY and PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Electronic Reporting [NEW]

252:4-17-1. [NEW]

252:4-17-2. [NEW]

252:4-17-3. [NEW]

252:4-17-4. [NEW]

252:4-17-5. [NEW]

252:4-17-6. [NEW]

252:4-17-7. [NEW]

Appendix E. Electronic Signature Agreement [NEW]

SUMMARY:

The Department is proposing a new Subchapter 17 and a new Appendix E to implement applicable portions of the United States Environmental Protection Agency's Cross Media Electronic Reporting Rule (CROMERR), as published in the October 13, 2005 issue of the *Federal Register* (70 FR 59848 - 59889), and which became effective January 11, 2006. The CROMERR requirements set mandatory standards for electronic document receiving systems operated by states with federally authorized, approved or delegated programs. Where states receive or intend to receive documents or reports electronically, CROMERR specifies criteria for their acceptable submission in order to ensure enforceability under the federally authorized program. The Department is required to submit an application to EPA by October 13, 2007 for approval of its CROMERR-compliant electronic document receiving system. The application must include an attorney's statement certifying that applicable rules and statutes are adequate, in force, and effective at the time the application is filed to meet the requirements of CROMERR. The application must also include a technical paper outlining how the Department's electronic document receiving system, and any known or anticipated future enhancements, meet the requirements of CROMERR.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Administrative Procedures Act, 75 O.S. § 302; Oklahoma Uniform Electronic Transactions Act, 12 O.S. §§ 15-101 *et seq.*

COMMENT PERIOD:

Written comments will be accepted prior to and at the Environmental Quality Board meeting on February 23, 2007. Oral comments may be presented at the Environmental Quality Board meeting on February 23, 2007.

PUBLIC HEARINGS:

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners Building, 429 Northeast 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rule provide, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

The proposed rule may be obtained from the contact person and reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, 73102.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule may be obtained from the contact person.

CONTACT PERSON:

Contact Martha Penisten at martha.penisten@deq.state.ok.us or (405) 702-7100 (phone) or 702-7101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three days in advance of the hearing, TDD Relay Number 1-800-522-8506.

[OAR Docket #06-1571; filed 12-18-06]

**TITLE 320. OKLAHOMA HISTORICAL SOCIETY
CHAPTER 10. OKLAHOMA ART IN PUBLIC PLACES DIVISION**

[OAR Docket #06-1569]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 320:10-1-1. Purpose [NEW]
- 320:10-1-2. Definitions [NEW]
- Subchapter 3. General Course and Method of Operating [NEW]
- 320:10-3-1. Division office [NEW]
- 320:10-3-2. Division office hours [NEW]
- 320:10-3-3. Communications with the Art in Public Places Division [NEW]
- 320:10-3-4. Meetings/quorum of the Art in Public Places Division [NEW]
- 320:10-3-5. Art in Public Places Guidelines [NEW]
- 320:10-3-6. Availability of Division records, guidelines and policies [NEW]
- 320:10-3-7. Copies of official records [NEW]
- 320:10-3-8. Officers of the Division [NEW]
- 320:10-3-9. Oversight Committee [NEW]
- 320:10-3-10. Powers and duties of the Oversight Committee [NEW]
- 320:10-3-11. Conflict of interest of Oversight Committee [NEW]
- 320:10-3-12. Resignation of Oversight Committee members [NEW]
- 320:10-3-13. Director [NEW]
- 320:10-3-14. Eligible projects [NEW]
- 320:10-3-15. Excluded projects [NEW]
- 320:10-3-16. Appeal procedure [NEW]

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- 320:10-3-17. Project agency/duties [NEW]
- 320:10-3-18. Public notification of calls for entries [NEW]
- 320:10-3-19. Materials submitted to the Division become property of the State of Oklahoma [NEW]
- 320:10-3-20. Artwork becomes property of the State of Oklahoma [NEW]
- 320:10-3-21. Prohibition of statements on behalf of the Site Committees or Art in Public Places Oversight Committee [NEW]
- Subchapter 5. Site Committees [NEW]
- 320:10-5-1. Establishment of site committees [NEW]
- 320:10-5-2. Duties [NEW]
- 320:10-5-3. Composition of committee [NEW]
- 320:10-5-4. Conflict of interest [NEW]
- 320:10-5-5. Quorum [NEW]
- 320:10-5-6. Length of service [NEW]
- 320:10-5-7. Resignation [NEW]
- Subchapter 7. Financial Provisions [NEW]
- 320:10-7-1. Funding by state agencies [NEW]
- 320:10-7-2. Basis of Allocation Computation [NEW]
- 320:10-7-3. Maximum assessment [NEW]
- 320:10-7-4. Allocations to Commissioning of Art in Public Places Revolving Fund [NEW]
- 320:10-7-5. Art in Public Places Administrative and Maintenance Revolving Fund [NEW]
- 320:10-7-6. Monies donated from private sources [NEW]
- 320:10-7-7. Authority to make expenditures [NEW]
- 320:10-7-8. Monies for commissioning of art not spent [NEW]
- 320:10-7-9. Transfer of funds in excess of one million dollars [NEW]
- 320:10-7-10. Exclusion from the Oklahoma Central Purchasing Act [NEW]
- Subchapter 9. Management of the Collection [NEW]
- 320:10-9-1. Management and care of the collection [NEW]
- 320:10-9-2. Maintenance and conservation procedures [NEW]
- 320:10-9-3. Process for deaccessioning or relocating a work of art [NEW]

SUMMARY:

In 2004, the state Legislature created the Oklahoma Art in Public Places program. The proposed rules establish the general and financial provisions, the composition and duties of the Oversight and Site Committees and management of the Oklahoma Art in Public Places Collection. These rules are necessary to make the program fair, equitable and beneficial to everyone concerned.

AUTHORITY:

Oklahoma Art in Public Places Act; 74 O.S., Sections 9030 et seq.

COMMENT PERIOD:

Written comments will be accepted until February 16, 2007 at Oklahoma History Center, 2401 North Laird Avenue, Office of Art in Public Places Division, Oklahoma City, Oklahoma 73105, Attn: Debby Williams.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five minutes to speak and must sign in at the door. The hearing will be held on February 19, 2007 at 9:30 a.m. at the Oklahoma History Center, 2401 North Laird Avenue, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Debby Williams at the Art in Public Places Division office, Oklahoma History Center, 2401 North Laird Avenue, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Art in Public Places Division (address above) beginning on January 22, 2007.

CONTACT PERSON:

Debby Williams, Director, 405.522.8959.

[OAR Docket #06-1569; filed 12-18-06]

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

[OAR Docket #06-1568]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 4. Alcohol and Drug Testing Policy Applicable to OKDHS Employees and Applicants

340:2-1-42. through 340:2-1-43. [AMENDED]

340:2-1-45. [REVOKED]

340:2-1-47. [REVOKED]

Subchapter 15. Risk and Safety Management

Part 5. Alcohol and Drug Testing Policy for Drivers of Commercial Vehicles

340:2-15-42. [AMENDED]

(Reference APA WF 06-28)

SUMMARY:

Subchapter 1 and 15 of Chapter 2 proposed rule revisions: (1) correct the Oklahoma Department of Human Services (OKDHS) title; (2) insert new OKDHS form numbers; (3) remove alcohol testing as a pre-employment requirement; and (4) revoke material that is internal OKDHS procedure.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2007 through February 15, 2007 during regular business hours by contacting Kevin Sharp, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-6829.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 15, 2007 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1568; filed 12-18-06]

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

[OAR Docket #06-1598]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Scope and Applicability

340:25-1-1.1. [AMENDED]

340:25-1-1.2. [AMENDED]

340:25-1-2. [AMENDED]

340:25-1-2.1. [AMENDED]

340:25-1-3.1. [AMENDED]

Subchapter 3. Commissioned Peace Officers

340:25-3-3. [AMENDED]

Subchapter 5. Operational Policies

Part 7. The Case Record - Computer File Records and Case Folders

340:25-5-55. [AMENDED]

Part 9. Disclosure of Information

340:25-5-67. [AMENDED]

340:25-67.1. [AMENDED]

Part 15. Case Initiation, Case Management, and Case Closure

340:25-5-110. [AMENDED]

340:25-5-110.1. [AMENDED]

340:25-5-114. [AMENDED]

340:25-5-117. [AMENDED]

340:25-5-123. [AMENDED]

340:25-5-124. [AMENDED]

340:25-5-124.2. [AMENDED]

340:25-5-124.3. [NEW]

Part 17. Past Support

340:25-5-140. [AMENDED]

Part 20. Medical Support

340:25-5-168. [AMENDED]

340:25-5-171. [AMENDED]

Part 21. Establishment

340:25-5-176. [AMENDED]

340:25-5-176.1. [NEW]

340:25-5-178. [AMENDED]

340:24-5-179.1. [AMENDED]

Part 22. Review and Modification

340:25-5-198.1. [AMENDED]

340:25-5-198.2. [AMENDED]

Part 23. Enforcement

340:25-5-200. [AMENDED]

340:25-5-214. [AMENDED]

Part 25. Federal Offset Programs

340:25-5-215.1. [AMENDED]

Part 27. State Tax Refund Offset Program

340:25-5-235. [AMENDED]

340:25-5-244. [AMENDED]

Part 37. Recovery

340:25-5-305. [AMENDED]

Part 38. IV-D and Non-IV-D Central Case Registry Information

340:25-5-339. [AMENDED]

340:25-5-340. [AMENDED]

340:25-5-340.1. [AMENDED]

Part 39. Accounting and Distribution

340:25-5-350.3. [AMENDED]

(Reference APA WF 06-27)

SUMMARY:

The proposed revisions to Subchapters 1, 3, and 5 of Chapter 25 update and clarify CSED rules to bring them into compliance with state and federal laws and regulations and provide staff with clear guidance in implementation procedures, in order to: (1) provide improved child support services that meet or exceed customer needs and expectations, positioning the Child Support Enforcement Division (CSED) to be sought out as a family's counsel of choice; (2) address needs identified in the CSED annual review of rules; (3) respond to legislative changes; (4) improve the establishment of paternity and child support orders; (5) improve the collection and distribution of support payments; (6) update legal citations; (7) reconcile all CSED officially numbered Oklahoma Department of Human Services (OKDHS) forms, per the

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OKDHS Enterprise Document Generation System; (8) and improve the clarity of the rules, correct punctuation and syntax, and conform to current OKDHS language and usage.

The proposed revisions codify into Chapter 25 of Title 340 of the Oklahoma Administrative Code the provisions of: (1) Sections 652 and 666 of Title 42 of the United States Code (U.S.C.), the federal Deficit Reduction Act, effective October 1, 2005; and (2) state legislation, as detailed.

Senate Bill (SB) 648, effective August 25, 2006: (1) clarifies venue for criminal action for omitting to provide necessary support; (2) provides that CSED may appeal orders as necessary; and (3) updates locate statutes authorizing CSED to request assistance from other public entities; and (4) repeals the Child Support Revenue Enhancement Fund.

House Bill (HB) 1908, effective August 25, 2006: (1) amends child support from terminating at age 19 to child's 20th birthday or high school graduation, whichever comes first; (2) clarifies that full-time attendance also includes other means of high school education and alternative high school education programs; and (3) adds that in joint custody cases child support is calculated the same way as in split custody cases.

HB 2598, effective November 1, 2006: (1) clarifies the court's inquiry and petitioner's notice to OKDHS when CSED is a necessary party when public assistance, medical support, or child support services are provided under the state plan; (2) lists examples of material change in circumstances for modifying child support orders; (3) provides that a parent may request a modification through CSED if the court refuses to consider the parents' agreed modification order; and (4) provides a standard motion to modify and order modifying child support order forms for use in district court and Office of Administrative Hearings: Child Support.

HB 2967, effective November 1, 2006: (1) creates a uniform definition of parentage and uniform two-year time period for challenges to paternity established through marriage, acknowledgements, and court orders; (2) resolves conflicting presumptions of paternity by allowing courts to order genetic testing during two-year challenge period if in the child's best interest; (3) gives courts factors to consider when determining whether genetic testing is in the child's best interest; (4) requires attorney or guardian ad litem be appointed for a child if there is a challenge to the paternity establishment; (5) clarifies the paternity acknowledgment process by stating on the acknowledgment form whether the child has a presumed father, that the form has the same effect as a court order, and the father's paternity claim is consistent with genetic testing results; and (6) updates the genetic testing law per the current scientific community standards.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections (§§) 453, 454, 454A, and 454B of the Social Security Act, codified in 42 U.S.C. §§ 653, 654, 654a and 654b; 42 U.S.C. §§ 652 and 666, the federal Deficit Reduction Act of 2005; 28 U.S.C. § 1738B; United States House Resolution 3130, Public Law 105-200; §§ 302.31, 302.32, 302.38, 303.6, 307.11, 307.13, and Part 310 of

Title 45 of the Code of Federal Regulations (CFR); 45 CFR § 303.32, National Medical Support Notice Parts A and B; §§ 83 and 7700-101 through 7700-902 of Title 10 of the Oklahoma Statutes (O.S.), HB 2967, Uniform Parentage Act; 10 O.S. § 7003-8.8; 21 O.S. § 852; SB 648; 43 O.S. §§ 112 and 118, HB 1908; 43 O.S. §§ 112, 118, 118.1, and 120, HB 2598; 43 O.S. §§ 112, 139, and 139.1; 56 O.S. § 238.6B, HB 2967; 56 O.S. §§ 237, 240.1, 240.3, and 240.12, SB 648; 56 O.S. §§ 237 and 240.20; and 63 O.S. §§ 1-311.3 and 1-321, HB 2967.

COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2007 through February 16, 2007 during regular business hours by contacting Ms. Elizabeth Wilson, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-2550.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the person listed above no later than 5:00 p.m. on February 16, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1598; filed 12-21-06]

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

[OAR Docket #06-1599]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions of Child Welfare Services
Part 1. Scope and Applicability
340:75-1-12.8. [NEW]
340:75-1-16. [AMENDED]
Subchapter 3. Child Protective Services
340:75-3-2. [AMENDED]
340:75-3-4. [AMENDED]
340:75-3-5. [AMENDED]
340:75-3-6.1. [AMENDED]
340:75-3-7. [AMENDED]

340:75-3-7.1. [AMENDED]
 340:75-3-8.1. [AMENDED]
 340:75-3-8.4. [AMENDED]
 340:75-3-8.6. [AMENDED]
 340:75-3-10.1. [AMENDED]
 340:75-3-10.2. [AMENDED]
 340:75-3-13. [AMENDED]
 Subchapter 7. Foster Home Care
 Part 1. General Provisions
 340:75-7-2. [AMENDED]
 Part 2. Development of Resources
 340:75-7-14. [AMENDED]
 340:75-7-15. [AMENDED]
 340:75-7-18. [AMENDED]
 340:75-7-19. [AMENDED]
 340:75-7-24. [AMENDED]
 340:75-7 Part 4. ~~Foster Parents'~~ Roles and Responsibilities
 340:75-7-37.1. [NEW]
 Part 5. Eligibility and Payments
 340:75-7-52. [AMENDED]
 340:75-7-52.1. [NEW]
 Part 6. Foster Home Care Support Services
 340:75-7-65. [AMENDED]
 Part 8. Continuous Quality Assessment of a Resource Home
 340:75-7-94. [AMENDED]
 Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care
 Part 7. Medical Services
 340:75-13-62. [AMENDED]
 340:75-13-63. [AMENDED]
 340:75-13-65. [AMENDED]
 340:75-13-74. [AMENDED]
 340:75-13-75. [AMENDED]
 340:75-13-77. [AMENDED]
 340:75-13-78. [AMENDED]
 340:75-13-79. [AMENDED]
 340:75-13-80. [AMENDED]
 340:75-13-81. [AMENDED]
 Subchapter 15. Adoptions
 Part 2. Legal Base and Scope of the Adoption Program
 340:75-15-8. [AMENDED]
 340:75-15-9. [AMENDED]
 Part 6. Adoption Process
 340:75-15-41. [AMENDED]
 340:75-15-45. [AMENDED]
 340:75-15-47. [AMENDED]
 Part 8. Adoptive Placement Process
 340:75-15-59. [AMENDED]
 Part 10. Adoptive Family Assessment and Preparation Process
 340:75-15-82. [AMENDED]
 340:75-15-84. [AMENDED]
 340:75-15-87. [AMENDED]
 340:75-15-88. [AMENDED]
 340:75-15-89. [AMENDED]

340:75-15-93. [AMENDED]
 Part 12. Post Placement Services
 340:75-15-103. [AMENDED]
 340:75-15-106. [AMENDED]
 340:75-15-107. [AMENDED]
 340:75-15-108. [AMENDED]
 Subchapter 19. Working with Indian Children
 340:75-19-26.1. [AMENDED]
(Reference APA WF 06-12 and 06-25)

SUMMARY:

The proposed revisions to Subchapters 1, 3, 7, 13, 15, and 19 of Chapter 75: (1) bring the rules into compliance with House Bill (HB) 2840, the Kelsey Smith-Briggs Child Protection Reform Act, effective November 1, 2006, which amends Sections (§§) 7003-6.2 and 7003-6.2A of Title 10 of the Oklahoma Statutes (O.S.) pertaining to court-ordered placement of a child in Oklahoma Department of Human Services (OKDHS) custody, 10 O. S. 7106(K) pertaining to reporting child abuse or neglect, and 74 O.S. § 150.5(A)(1)(e) pertaining to requesting investigations by the Oklahoma State Bureau of Investigation (OSBI) in cases of child abuse or neglect; (2) codify emergency amendments; (3) allow OKDHS staff to object when a court order releasing a child from state custody may create a serious risk of danger to the child; (4) add that when a child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement; (5) provide the opportunity for OKDHS to provide sworn testimony for the purpose of determining the placement of a child; and (6) reflect that the OKDHS Director or designee may request a criminal investigation by OSBI in cases where it has been determined that criminally injurious conduct, including, but not limited to, physical or sexual abuse of a child, has occurred.

The proposed revisions clarify: (1) the definitions of foster parent, out-of-home care, and adult; (2) seriously inadequate physical care as a neglect condition; (3) the relationship between OKDHS and OSBI; (4) terminology for recommendations to the district attorney; (5) protocol for when a child is placed in OKDHS emergency custody during a matrimonial or child custody action; (6) the procedure for abandoned infants; (7) investigation time frames; (8) the purpose and composition of multidisciplinary child abuse teams; (9) joint investigation protocols; (10) requirements for consultation with Child Welfare (CW) field liaison regarding a second medical opinion for head trauma or fractures in children age three years and younger; (11) requirements for records checks from other states for foster applicants or adult household members; (12) requirements for review by the Children and Family Services Division (CFSD) Foster Care Section of a foster home applicant when there is a previous confirmation of child abuse or neglect of the applicant's previous foster home; (13) that a written recommendation is required from CFSD Foster Care Section regarding history of a closed foster home; (14) safety requirements for water, animals and household pets, and weapons; (15) the purpose of the written resource family assessment; (16) joint approval

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procedures for OKDHS foster homes; (17) payment options for kinship foster applicants; (18) role and responsibilities of the resource specialist; (19) procedure for kinship or foster parent to apply as payee of child's social security benefits; (20) when kinship families can receive a training stipend; (21) that foster parents can make informal arrangements for the occasional care of foster children; (22) that foster parents must identify an alternate caregiver; (23) procedure for the foster care mediation program and foster parents' access to the program; (24) need for yearly re-assessment of foster parent's performance and time frames regarding continued use or closure of a foster home; (25) the requirement for documentation in the resource case for reassessment of foster home; (26) travel arrangement procedures for OKDHS adoptions; (27) criminal background check and search requirements for adoptive families; (28) procedure for contact with family when a notice of closure is issued; (29) the definition of child to mean an unmarried person; (30) that OKDHS is responsible for distributing Child Abuse Multidisciplinary Account (CAMA) monies to eligible multidisciplinary teams and children's advocacy centers; and (31) punctuation and syntax to bring the rules into conformance with current OKDHS language and usage.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; HB 2840; HB 2656; 10 O.S. §§ 601.6(B)(3), 7003-6.2, 7003-6.2A, 7101-1.3A(4), 7102.B(4), 7106(K), and 7110.2A.1; and 74 O.S. 150.5(A)(1)(e).

COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2007 through February 16, 2007 during regular business hours by contacting Caprice Tyner, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 918-588-1750.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the person listed above no later than 5:00 p.m. on February 16, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1599; filed 12-21-06]

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

[OAR Docket #06-1600]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Aging Services Division

340:105-1-2. [AMENDED]

340:105-1-3. [AMENDED]

340:105-1-5. [AMENDED]

340:105-1-6. [AMENDED]

340:105-1-8. [AMENDED]

340:105-1-10. [AMENDED]

Subchapter 7. Adult Day Services

340:105-7-1. [AMENDED]

340:105-7-2. [AMENDED]

340:105-7-4. [AMENDED]

340:105-7-7. [AMENDED]

340:105-7-8. [AMENDED]

340:105-7-9. [AMENDED]

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

Part 3. State Agency

340:105-10-17. [AMENDED]

Part 5. Area Agencies on Aging

340:105-10-31. [AMENDED]

340:105-10-33. [AMENDED]

340:105-10-40. [AMENDED]

340:105-10-45. [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-51. [AMENDED]

340:105-10-59. [AMENDED]

340:105-10-69. [AMENDED]

340:105-10-70. [AMENDED]

340:105-10-72. [AMENDED]

340:105-10-74. [AMENDED]

340:105-10-75. [AMENDED]

340:105-10-79. [AMENDED]

340:105-10-85. [AMENDED]

340:105-10-86. [AMENDED]

340:105-10-91. [AMENDED]

340:105-10-92. [AMENDED]

340:105-10-93. [AMENDED]

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

340:105-10-101. [AMENDED]

340:105-10-112. [AMENDED]

340:105-10-114. [AMENDED]

340:105-10-116. [AMENDED]

Subchapter 11. Statewide Long-Term Care Ombudsman Program

- Part 37. Statewide Long-Term Care Ombudsman Program
- 340:105-11-234. [AMENDED]
- 340:105-11-235. [AMENDED]
- 340:105-11-240. [AMENDED]
- 340:105-11-245. [AMENDED]
- 340:105-11-246. [AMENDED]
- 340:105-11-248. [AMENDED]
- 340:105-11-252. [AMENDED]
- 340:105-11-253. [AMENDED]

(Reference APA WF 06-29)

SUMMARY:

The revisions to Subchapters 1, 7, 10, and 11 of Chapter 105: (1) reflect the new title of Section 5310 of the Federal Transit Administration as amended under Section 5310(a)(2) of Title 49 of the United States Code (U.S.C.), from "Transportation Equity Act (TEA-21)" to "Safe, Accountable, Flexible, and Efficient Transportation Equity Act (SAFETEA-LU)"; (2) clarify the purpose and function of the State Council on Aging as stated in the Council by-laws; (3) reflect eligibility requirements to include participants with disabilities; (4) include emergency preparedness as a responsibility of an area agency on aging (AAA) and includes the description of emergency preparedness efforts in the area plan on aging; (5) delete the requirement that for-profit grant proposals be approved by Aging Services Division (ASD); (6) clarify that State Agency approves the AAA request for proposal guide; (7) clarify and update the requirements for AAA disaster planning and reporting; (8) reflect the current temperature for serving hot foods as determined by the Oklahoma State Department of Health; (9) clarify the requirements for site change of status for congregate and home delivered meals; (10) include requirements for documenting no applicants for a service; (11) update the authority for property management standards to reflect the federal amendment; (12) renumber all Oklahoma Department of Human Services (OKDHS) ASD forms, per the OKDHS Enterprise Document Generation System; and (13) correct and update language by deleting obsolete terminology, reorganizing placement of information, and conforming with current federal, state, and OKDHS usage.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; the Older Americans Act of 1965, as amended; and 49 U.S.C. § 5310(a)(2).

COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2007 through February 16, 2007 during regular business hours by contacting Ms. Beth Batman, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-0726.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the person listed above no later than 5:00 p.m. on February 16, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1600; filed 12-21-06]

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

[OAR Docket #06-1601]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care
- 340:110-1-3. through 340:110-1-4.1 [AMENDED]
- 340:110-1-6. [AMENDED]
- 340:110-1-8. through 340:110-1-8.1. [AMENDED]
- 340:110-1-8.3. [AMENDED]
- 340:110-1-9. through 340:110-1-9.5. [AMENDED]
- 340:110-1-10. through 340:110-1-11. [AMENDED]
- 340:110-1-13. through 340:110-1-15. [AMENDED]
- 340:110-1-17. [AMENDED]
- 340:110-1-20. through 340:110-1-21. [AMENDED]
- Part 3. Licensing Services - Residential Care and Agencies
- 340:110-1-43. through 340:110-1-43.1. [AMENDED]
- 340:110-1-45. through 340:110-1-47.2. [AMENDED]
- 340:110-1-51. through 340:110-1-53. [AMENDED]

(Reference APA WF 06-07 and 06-24)

SUMMARY:

The revisions to Subchapter 1 of Chapter 110 clarify: (1) requirements for criminal history investigation and tracking; (2) procedures for reporting child deaths and sudden infant death syndrome incidents; (3) contact procedures involving media; (4) length of time records are archived; (5) guidelines of the Child Care Advisory Committee (Committee) bylaws, and codification of emergency amendments regarding Committee requirements and procedures; (6) professional development requirements for Licensing staff; (7) procedures for assisting programs in preparation to advance to a higher Star level; (8) the requirement for a complete monitoring visit before issuing a six-month permit; (9) procedures for reporting a program's

Notices of Rulemaking Intent

change of address or addition of a satellite office; (10) reasons and procedures for case closures; (11) procedures for findings in complaints of child abuse or neglect; (12) numbering of all Division of Child Care (DCC) Oklahoma Department of Human Services (OKDHS) forms, per the OKDHS Enterprise Document Generation System; and (13) language and usage, by deleting obsolete terminology, reorganizing placement of information, and conforming with current federal, state, and OKDHS usage.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and The Oklahoma Child Care Facilities Licensing Act, Section 401 et seq. of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted January 17, 2007 through February 16, 2007 during regular business hours by contacting Ms. Mitzi Lee, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the person listed above no later than 5:00 p.m. on February 16, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1601; filed 12-21-06]

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

[OAR Docket #06-1564]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State and Education

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until February 16, 2007. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 16, 2007, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1564; filed 12-13-06]

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

[OAR Docket #06-1565]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State and Education Employees Group Insurance Program. It is proposed that

the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until February 16, 2007. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 16, 2007, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1565; filed 12-13-06]

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

[OAR Docket #06-1566]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. The Disability Program [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until February 16, 2007. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, February 16, 2007, in the 5th Floor Board Room of the State and Education Employees Group Insurance Board, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #06-1566; filed 12-13-06]

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

[OAR Docket #06-1581]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. Description of Forms and Instructions
- 365:1-9-5. Surplus lines forms [AMENDED]
- 365:1-9-11. ~~Agents'~~ applications Applications [AMENDED]
- 365:1-9-12.1. Required Appointments [REVOKED]
- 365:1-9-14. ~~Agents~~ Producers continuing education forms [AMENDED]
- 365:1-9-15.1. License renewals and reinstatements [AMENDED]

SUMMARY:

The amendments to 365:1-9-5 require that surplus lines direct placement forms contain the same information as the surplus lines broker forms.

Notices of Rulemaking Intent

The amendment to 365:1-9-11 removes the Arkansas Border Trade Agent form. Border trade agreements for producers are no longer necessary as a result of licensing requirements under the Producer Licensing Act.

The amendment to 365:1-9-12.1 eliminates the requirement of an appointment at the time of license renewal. Appointments are no longer required to maintain an active producer license under the Producer Licensing Act.

The amendments to 365:1-9-14 involve revisions to continuing education forms. The amendments require prior notice of continuing education form revisions prior to the form revisions, eliminate specific time requirements for course approval, requires a request for course approval to be submitted on a particular form, requires an affidavit to be provided regarding attendance at a continuing education course, and requires providers to submit notification to the Insurance Department concerning the time, place, location, and name of instructors for approved course offerings.

The amendment to 365:1-9-15.1 eliminates the requirement of an appointment for reinstatement of a license. Appointments are not required for an active license under the Producer Licensing Act.

AUTHORITY:

36 O.S. §§ 307.1, 1435.19, 1435.29(H); Insurance Commissioner

COMMENT PERIOD:

Comments regarding the proposed rule amendments shall be received by February 15, 2007. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held February 22, 2007 at 9:30 am at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above before February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 am through 5:00 pm, Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to January 16, 2007 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

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

[OAR Docket #06-1581; filed 12-20-06]

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

[OAR Docket #06-1582]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Minimum Standards; Contract Guidelines

Part 11. Accelerated Benefits

365:10-5-101. Definitions [AMENDED]

Subchapter 23. Discount Medical Plan Organizations

365:10-23-3. Audited Financial Statements [NEW]

365:10-23-4. Marketers of Discount Medical Plan Organizations [NEW]

SUMMARY:

The proposed amendment to 365:10-5-101 deletes subsection (c). The current language of subsection (c) is less advantageous to the public. Companies are more willing to accelerate benefits if no time frame is involved.

Section 365:10-23-3 is new. Discount medical plan organizations are required to have a net worth of \$150,000.00. This rule requires a discount medical plan organization to submit an audited financial statement so the Insurance Department may verify that the organization has the required net worth.

Section 365:10-23-4 is new. The Insurance Department has issued Cease and Desist Orders to numerous entities acting as discount medical plan organizations without authorization. The entities have claimed they are marketing on behalf of registered discount medical plan organizations. The rule will allow the Insurance Department to verify each discount medical plan organization's marketers.

AUTHORITY:

36 O.S. §§ 307.1, 1219.4(N); Insurance Commissioner

COMMENT PERIOD:

Comments regarding the proposed rule amendments shall be received by February 15, 2007. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held February 22, 2007 at 9:30 am at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above before February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 am through 5:00 pm, Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to January 16, 2007 in accordance with 75 O.S. § 303 (D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

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

[OAR Docket #06-1582; filed 12-20-06]

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

[OAR Docket #06-1583]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 365:15-1-3. Property and casualty form filings [AMENDED]
- 365:15-1-3.1. Workers' compensation medical claims small deductible form [AMENDED]
- 365:15-1-18. Withdrawal or discontinue writing [AMENDED]
- 365:15-1-20. Oklahoma Risk Retention Act [AMENDED]
- 365:15-1-21. Article 36 of the Insurance Code [NEW]
- 365:15-1-22. Processing Fee for Affidavit of Exempt Status [NEW]
- 365:15-1-23. Exclusion from Ocean Marine Definitions [NEW]
- Subchapter 7. Property and Casualty Competitive Loss Cost Rating Regulation
- 365:15-7-3. Property and casualty rate, loss cost and manual rule filings [AMENDED]
- 365:15-7-7. Forms Governed by Article 36 [REVOKED]
- 365:15-7-9. Independent filings; ~~not a member or subscriber of a Bureau for the kind and line of insurance involved~~ [AMENDED]
- 365:15-7-13. Retroactive filings [REVOKED]

- 365:15-7-15. Persons requesting notice of filings [REVOKED]
- 365:15-7-20. Uniform application of deviations [REVOKED]
- 365:15-7-24. Oklahoma Risk Retention Act [AMENDED]
- 365:15-7-26. Weather related claims [AMENDED]
- 365:15-7-27. Credit related policies [AMENDED]
- 365:15-7-30. Special Commercial Risks [NEW]
- 365:15-7-31. Withdrawal or Discontinue Writing [NEW]
- Subchapter 9. Medical Professional Liability Rate Setting
- 365:15-9-10. Property and casualty rate, loss cost and manual rule filings [NEW]
- 365:15-9-11. Duration of filings [NEW]
- 365:15-9-12. Forms governed by Article 36 [NEW]
- 365:15-9-13. Group filings [NEW]
- 365:15-9-14. Independent filings [NEW]
- 365:15-9-15. Reference filings [NEW]
- 365:15-9-16. Members of or subscribers to a licensed advisory organization [NEW]
- 365:15-9-17. Resubmittal of disapproved or rejected filings [NEW]
- 365:15-9-18. Statistical plans [NEW]
- 365:15-9-19. Outside Review [NEW]
- 365:15-9-20. Individual risk rating plans [NEW]
- 365:15-9-21. Waiver of Premium [NEW]
- 365:15-9-22. Withdrawal of Discontinue Writing [NEW]
- Appendix D. Format for Notification to Policyholders of Application for Rate Change [REVOKED]
- Appendix D. Format for Notification to Policyholders of Application for Rate Change Application [NEW]

SUMMARY:

The amendments to 365:15-1-3, 365:15-1-3.1, 365:15-1-18, and 365:15-1-20 are non-substantive changes. The amendments delete unnecessary language, clarify existing language, correct omissions errors, and add or subtract language that makes the regulations more readable.

The addition of 365:15-1-21 is transferred from subchapter 7. Subchapter 7 concerns rates while subchapter 1 involves forms.

The addition of 365:15-1-22 is required. Title 36 O.S. § 924.4(A) requires the Insurance Commissioner to set a fee for the Affidavit of Exempt Status.

The inclusion of 365:15-1-23 clarifies that policy forms for personal watercraft insurance shall be filed with the Insurance Commissioner.

The amendments to 365:15-7-, 365:15-7-9, 365:15-7-24, 365:15-7-26, and 365:15-7-27 are non-substantive changes. The amendments delete unnecessary language.

The revocations of 365:15-7-13, 365:15-7-15, and 365:15-7-20 are required. Rule 365:15-7-13 is now moot due to the enactment of 36 O.S. § 987(F). The statutes that govern 365:15-7-15 and 365:15-7-20 are no longer applicable and have been repealed.

Section 365:15-7-30 is a new rule. The rule is necessary to clarify that the exemption described by 36 O.S. § 997(3) applies only to large policies.

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Section 365:15-7-31 is a new rule. The rule provides the Insurance Commissioner with information about why an insurer is withdrawing from the Oklahoma market.

Section 365:15-9-10 is a new rule. The rule establishes procedural steps for the submission of additional materials following a rate change application submitted in accordance with 36 O.S. § 6821. The rule is necessary due to the components of a rate as well as a member insurer utilizing an advisory organization's approved rate for medical professional liability insurance.

Section 365:15-9-11 is a new rule. The rule is necessary since a rate expiration date is not needed.

Section 365:15-9-12 is a new rule. The rule is required since 36 O.S. § 6821 does not mention policy forms.

Section 365:15-9-14 is a new rule. The rule is necessary to inform the Insurance Commissioner if a filing is original or is a filing that uses materials already submitted by another insurer.

Section 365:15-9-15 is a new rule. The rule allows insurers to adopt an industry standard promulgated by an advisory organization.

Section 365:15-9-16 is a new rule. The rule permits members of an advisory organization to utilize the organization's rule and manual page filings, but does not grant automatic approval to a member's usage of an advisory organization rate filing.

Section 365:15-9-17 is a new rule. The rule prevents a filer from using an existing disapproved filing as a method to file an amendment.

Section 365:15-9-18 is a new rule. The rule allows statistics for loss experience.

Section 365:15-9-19 is a new rule. The rule authorizes the Commissioner to hire independent reviewers to examine a particular filing and to provide independent analysis of a filing.

Section 365:15-9-20 is a new rule. The rule allows insurers to write specialty risks and details how the risk will be rated.

Section 365:15-9-21 is a new rule. The rule authorizes an insurer to waive its right to collect small premiums.

Section 365:15-9-22 is a new rule. The rule provides the Insurance Commissioner details about why an insurer is leaving the Oklahoma market.

Appendix D is amended. The amendment requires notification to policyholders of either a rate increase or decrease. The terminology of 36 O.S. § 6821 discusses rate changes, not rate increases.

AUTHORITY:

36 O.S. §§ 307.1, 901.1, 902.2, 981, and 6821; Insurance Commissioner

COMMENT PERIOD:

Comments regarding the proposed rule amendment shall be received by February 15, 2007. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held February 22, 2007 at 9:30 am at the Oklahoma

Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above before February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 am through 5:00 pm, Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to January 16, 2007 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

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

[OAR Docket #06-1583; filed 12-20-06]

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

[OAR Docket #06-1584]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. ~~Agents~~ Producers, Brokers, and Limited ~~Representatives~~ Lines Producers

365:25-3-1. Insurance ~~agents~~ producers continuing education [AMENDED]

365:25-3-3. Licensing of incorporated insurance agency [AMENDED]

365:25-3-4. Knowledge of ~~agent~~ producer imputed to the insurer [AMENDED]

365:25-3-6. Management and commission contracts; approval by Insurance Commissioner [REVOKED]

365:25-3-8. Inducement of lapse, surrender or cancellation of existing permanent life insurance coverages prohibited [AMENDED]

365:25-3-9. "Twisting" defined and prohibited [AMENDED]

365:25-3-10. Participating contracts of life insurance [AMENDED]

- 365:25-3-11. Motor service club agent's license [REVOKED]
- 365:25-3-12. Insurance consultants and surplus lines insurance brokers [AMENDED]
- 365:25-3-13. Surplus line insurance with non-admitted insurer; approval prior to issuance; collection and remittance of taxes; claims for tax adjustments; procedures; forms [AMENDED]
- 365:25-3-14. Insurance adjusters continuing education [AMENDED]
- 365:25-3-16. Examination exemptions for ~~limited representatives~~ [AMENDED]
- Subchapter 5. Bail Bondsmen
- Part 5. General Provisions Pertaining to Bail Bondsmen
- 365:25-5-40. Computation of time in 59 O.S. § 1332 [AMENDED]
- Subchapter 17. Consumer Protection in Annuity Transactions Regulation
- 365:25-17-8. Mitigation of responsibility [AMENDED]

SUMMARY:

The proposed amendments to section 365:25-3-1 explain the requirements for continuing education ethics courses, describe the types of elective continuing education courses producers may take, discuss the requirements for self-study and distance learning continuing education courses, eliminate the provision regarding the Continuing Education Advisory Committee since the Committee is already discussed in 36 O.S. § 1435.29, and modify the time period continuing education courses shall remain approved. The amendments are also intended to bring consistency among the different sections of the continuing education rules and to make Oklahoma's continuing education rules similar to other states.

The amendments to 365:25-3-3 and 365:25-3-12(C) as well as the revocation of 365:25-3-6 are required to comply with the Producer Licensing Act, 36 O.S. § 1435.1 et seq., and the Gramm-Leach-Bliley Act passed by Congress. Both acts require the elimination of licensing barriers to non-resident applicants who are licensed and in good standing in their home state.

Section 365:25-3-3 eliminates the requirement for non-resident corporate agencies to submit a Certificate of Qualification from the Oklahoma Secretary of State. Most non-resident agencies do not have a physical presence in Oklahoma and act through their licensed producers. The revocation of 365:25-3-6 is necessary since override commissions are now permissible under the Producer Licensing Act. The elimination of a bond requirement for non-resident surplus lines brokers and insurance consultants also remove a barrier to non-resident licensing as required by the Gramm-Leach-Bliley Act.

The amendment to 365:25-3-9 eliminates unnecessary language that is already in the Insurance Code at 36 O.S. § 1204.

The amendment to 365:25-3-11 is necessary because the requirements for a motor service club agent registration are described in the Insurance Code at 36 O.S. § 3105.

Furthermore, the requirements of the rule and statute conflict with one another.

The amendment to 365:25-3-12(e) eliminates the requirement for insurance consultant annual fee reports. Insurance consultants are already required to have fee agreements approved by the Commissioner and are required to maintain those records for three (3) years.

The amendments to 365:25-3-13 revise direct placement requirements to include the same information required for broker reports. The amendments modify the tax refund requirements to comply with 36 O.S. § 624.2. The amendments also require broker tax refunds to be issued in the name of the broker since the broker is responsible for remitting surplus lines taxes to the Commissioner.

The amendments to 365:25-3-14 revise the guidelines and standards for self study and distance learning courses.

The amendments to 365:25-3-16 exempt all limited lines producers from an examination requirement. The amendments also add required language from the Producer Licensing Act that limited lines applicants are capable of fulfilling the responsibilities of the license without an examination.

All other amendments in subchapter 3 change the word agent to producer to comply with the language in the Producer Licensing Act.

Section 365:25-5-40 is revised to simulate the language of 12 O.S. § 2006(A). The statute is repeated in this rule to notify bail bondsmen of statutory time requirements. The language in 12 O.S. § 2006(A) has been amended since the rule was promulgated in 1993.

The amendment to 365:25-17-3 removes the word senior from the rule. The rule is intended to apply to all annuity transactions.

AUTHORITY:

36 O.S. §§ 307.1, 1435.19, 1435.29(H); Insurance Commissioner

COMMENT PERIOD:

Comments shall be received until February 15, 2007. Comments shall be directed to Karl Kramer, Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rules will be held February 22, 2007 at 9:30 am at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the Commissioner with any increase in costs expected to be incurred due to compliance with the proposed rules. The information shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department at the mailing address above before February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be inspected at the Oklahoma Insurance Department at the physical address

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listed above. Office hours are from 8:00 am through 5:00 pm, Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to January 16, 2007 in accordance with 75 O.S. § 303 (D). A copy of the statement may be obtained at the above address.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel,
405-521-2746.

[OAR Docket #06-1584; filed 12-20-06]

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

[OAR Docket #06-1618]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 9. Downstream Welded ~~Steam Lines~~ Piping
380:25-9-1. Welding requirements [AMENDED]
380:25-9-2. Inspection [AMENDED]

SUMMARY:

The proposed amendment to OAC 380:25-9-1 will bring the boiler and pressure vessel rule for downstream welded piping requirements of boilers and pressure vessels into alignment and up to date with nationally-recognized ASME B31 Piping Codes.

The proposed amendment to OAC 380:25-9-2 will bring the boiler and pressure vessel rule for inspection of downstream welded piping into agreement with the requirements of the original codes of construction.

AUTHORITY:

Commissioner of Labor; 40 O.S. 141.1 et seq.

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing February 16, 2007. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor no later than February 16, 2007, and should be addressed as follows:

Oklahoma Department of Labor
Comments: Chapter 25 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 10 a.m. February 16, 2007. Interested persons may present oral argument, data, and views at the public hearing. Time will be allocated evenly to each person who requests to be heard. The public hearing

will conclude at such time as those attending have had full opportunity to present their views but in no event later than 11 a.m. February 16, 2007. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 North Lincoln Blvd., 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 costs, including costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Information mailed by business entities must be received by the Oklahoma Department of Labor by February 16, 2007, and should be addressed as follows:

Oklahoma Department of Labor
Business Comments: Chapter 25 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Copies of the proposed rules may be obtained upon written request addressed to:

Oklahoma Department of Labor
Copy of Proposed Rules: Chapter 25 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available by January 31, 2007. All requests for the Rule Impact Statement must be in writing and include the complete address of the person requesting it. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Rule Impact Statement: Chapter 25 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

Elizabeth J. Stefanik, Rules Liaison, (405) 528-1500, Extension 231

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rules, and requests for the Rule Impact Statement, if any, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the

item unopened. Requests for documents to be returned by mail must include a self-addressed envelope.

[OAR Docket #06-1618; filed 12-22-06]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION**

[OAR Docket #06-1622]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Informaiton
 - 450:1-1-1.1. Definitions [AMENDED]
 - 450:1-1-2. Applicability [AMENDED]
 - 450:1-1-3. Compliance with laws and rules [AMENDED]
 - 450:1-1-5. Objectives [AMENDED]
 - 450:1-1-9. Procedures to secure a declaratory ruling as to the applicability of any rule or order of ODMHSAS [AMENDED]
 - 450:1-1-10. Procedures to petition the ODMHSAS to request the promulgation, amendment or repeal of a rule [AMENDED]
 - 450:1-1-11. Procedures to request suspension of rules for performance improvement study [NEW]
- Subchapter 3. Contracts for Mental Health, Substance Abuse, and Residential Care Services
 - Part 1. Eligibility to Contract
 - 450:1-3-1. Purpose [AMENDED]
 - 450:1-3-3. Applicability [AMENDED]
 - Part 3. Contracts and Contracting Processes
 - 450:1-3-14. Purpose [AMENDED]
 - 450:1-3-15. Applicability [AMENDED]
 - 450:1-3-21. Contract renewal [AMENDED]
 - 450:1-3-22. Contractor reimbursement rates [AMENDED]
- Subchapter 5. Procedure in Individual Administrative Proceedings
 - 450:1-5-5. Petition and notice in individual proceedings [AMENDED]
- Subchapter 9. Certification and Designation of Facility Services
 - 450:1-9-1. Applicability of certification [AMENDED]
 - 450:1-9-3. Purpose of certification [AMENDED]
 - 450:1-9-4. Reviewing authority [AMENDED]
 - 450:1-9-5. Qualifications for certifications of facilities, programs and individuals [AMENDED]
 - 450:1-9-6. Procedures for application for certification [AMENDED]
 - 450:1-9-7. Procedures for completion of certification process [AMENDED]
 - 450:1-9-8. Duration of certification status [AMENDED]
 - 450:1-9-9. Bases for a decision to issue administrative sanction of suspension, or revocation [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance certification processes for service provision, clarify and increase the consistency of certification requirements, provide for the ODMHSAS Commissioner to appoint a designee to handle specific certification processes, and correct scrivener's errors.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 3-306, 3-306.1, 3-315, 3-317, 3-318, 3-319 and 3-415.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 8:30 a.m. in Conference Room A and B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director, Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1622; filed 12-22-06]

Notices of Rulemaking Intent

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

[OAR Docket #06-1623]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:17-1-2. Definitions [AMENDED]
- 450:17-1-6. Services [AMENDED]
- Subchapter 3. Required Services
- Part 1. Required Services
- 450:17-3-2. Core community mental health services [AMENDED]
- 450:17-3-3. Availability of services [AMENDED]
- Part 3. Screening, Intake, Assessment and Referral
- 450:17-3-21. Integrated screening, intake and assessment services [AMENDED]
- 450:17-3-22. Screening, intake and assessment services, access or referral to needed services [AMENDED]
- Part 5. Emergency Services
- 450:17-3-41. Emergency services [AMENDED]
- Part 9. Medication Clinic Services
- 450:17-3-84. Availability of medications in a CMHC's community living setting [AMENDED]
- Part 11. Case Management
- 450:17-3-101. Case management services, adult [AMENDED]
- 450:17-3-106. Case management services, staff credentials [AMENDED]
- Part 15. Adult Recovery and Rehabilitation Programs
- 450:17-3-141. Psychiatric rehabilitation programs [AMENDED]
- 450:17-3-144. General ~~psychosocial~~ psychiatric rehabilitation (PSR) [AMENDED]
- Subchapter 5. Optional Services
- Part 5. Homebased Services to Children and Adolescents
- 450:17-5-22. Homebased services to children and adolescents, family preservation [AMENDED]
- 450:17-5-25. Behavioral health aide services to children, adolescents and families [AMENDED]
- Part 9. Vocational employment services
- 450:17-5-45. Vocational employment services [AMENDED]
- Part 11. Community Living Programs
- 450:17-5-56. Community living programs [AMENDED]
- 450:17-5-64. Supported transitional housing programs [AMENDED]
- 450:17-5-66. Permanent supported housing programs [AMENDED]
- Part 15. Inpatient services

- 450:17-5-95. Inpatient services within the community mental health setting [AMENDED]
- Subchapter 7. Facility Clinical Records
- 450:17-7-5. Clinical record content, screening, intake and assessment [AMENDED]
- 450:17-7-8. Integrated Service plan [AMENDED]
- 450:17-7-10. Progress notes [AMENDED]
- Subchapter 13. Organizational Management
- 450:17-13-1. Organizational and facility description [AMENDED]
- 450:17-13-2. Information analysis and planning [AMENDED]
- Subchapter 15. Performance Improvement and Quality Management
- 450:17-15-1.1. Performance improvement program [AMENDED]
- 450:17-15-5. Incident reporting [AMENDED]
- Subchapter 21. Staff Development and Training
- 450:17-21-4. First Aid and CPR Training [AMENDED]
- Subchapter 25. Governing Authority
- 450:17-25-1. Documents of authority [AMENDED]
- 450:17-25-2. Board composition [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

AUTHORITY:

43A O.S. §§ 3-306, 3-306.1; Board of Mental Health and Substance Abuse Services.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 9:30 a.m. in Conference Rooms A and B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1623; filed 12-22-06]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 18. STANDARDS AND CRITERIA FOR ALCOHOL AND DRUG TREATMENT PROGRAMS**

[OAR Docket #06-1624]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 450:18-1-1. Purpose [AMENDED]
 - 450:18-1-2. Definitions [AMENDED]
 - 450:18-1-8. Suspension of rules [NEW]
- Subchapter 5. ~~Facility Infrastructure Requirements~~
Organizational and Facility Management
 - 450:18-5-2. Applicability [AMENDED]
 - 450:18-5-2.1. Organizational and facility description [NEW]
 - 450:18-5-2.2. Information analysis and planning [NEW]
 - 450:18-5-2.3. Performance improvement program [NEW]
 - 450:18-5-3. Physical facility environment and safety [AMENDED]
 - 450:18-5-3.1. Hygiene and sanitation [AMENDED]
 - 450:18-5-4. Dietetic services [AMENDED]
 - 450:18-5-5. Pharmacy services and medications [AMENDED]
 - 450:18-5-6. Day school [AMENDED]
 - 450:18-5-8. Critical incidents [AMENDED]
 - 450:18-5-10. Community information, consultation, outreach, and street outreach [AMENDED]
- Subchapter 7. ~~Facility Record System~~ Consumer Records
 - Part 1. Record System
 - 450:18-7-1.1. ~~Facility~~ Consumer record system [AMENDED]
 - 450:18-7-2. ~~Case~~ Consumer records, basic ~~requirement~~ requirements [AMENDED]
 - 450:18-7-3.1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

- Part 3. Intake and Admission Assessment
 - 450:18-7-21. Intake assessment and record content [AMENDED]
 - 450:18-7-22. Intake and assessment, process requirements [AMENDED]
- Part 5. Biopsychosocial Assessment
 - 450:18-7-41. Biopsychosocial assessment [AMENDED]
 - 450:18-7-42. Biopsychosocial assessment, time frame [AMENDED]
 - 450:18-7-43. Biopsychosocial assessments of children accompanying a parent into treatment [AMENDED]
 - 450:18-7-44. Biopsychosocial assessments of children accompanying a parent into treatment, time frame [AMENDED]
- Part 7. Case Management
 - 450:18-7-61. Case management, adults [AMENDED]
 - 450:18-7-62. Case management, child, adolescent and family [AMENDED]
 - 450:18-7-63. Case management services, locale and frequency [AMENDED]
 - 450:18-7-64. Case management services for consumers in detoxification, residential and halfway house setting [REVOKED]
 - 450:18-7-65. Case management services, staff credentials [AMENDED]
- Part 9. Treatment Planning
 - 450:18-7-81. Treatment planning [AMENDED]
 - 450:18-7-82. Treatment plans, time frames [AMENDED]
 - 450:18-7-83. Treatment plans, review and update [AMENDED]
- Part 11. Progress Notes
 - 450:18-7-101. Progress notes [AMENDED]
- Part 13. Discharge Planning
 - 450:18-7-121. Discharge assessment [AMENDED]
 - 450:18-7-122. Continuing care plan [AMENDED]
 - 450:18-7-123. Discharge summary [NEW]
 - 450:18-7-124. Unplanned discharges [NEW]
- Part 15. Other Case Record Materials
 - 450:18-7-141. Consultation reports [AMENDED]
 - 450:18-7-143. Records and reports from other entities [AMENDED]
 - 450:18-7-144. Medication records [AMENDED]
 - 450:18-7-145. Discharge summary [AMENDED AND RENUMBERED]
- Subchapter 9. Services Support and Enhancement
 - Part 1. Staff Support
 - 450:18-9-2. Clinical supervision [AMENDED]
 - 450:18-9-3. Staff privileging [AMENDED]
 - 450:18-9-10. Referrals [AMENDED]
 - Part 2. Organizational and Facility Management
 - 450:18-9-20. Organizational and facility description [AMENDED AND RENUMBERED]
 - 450:18-9-21. Information analysis and planning [AMENDED AND RENUMBERED]
 - 450:18-9-22. Performance improvement program [AMENDED AND RENUMBERED]

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Subchapter 11. Consumer Rights
450:18-11-1. Consumer rights [AMENDED]
450:18-11-3. Consumer's grievance policy [AMENDED]
Subchapter 13. Substance Abuse Treatment Services
Part 1. Levels of Care
450:18-13-1. Levels of Care [AMENDED]
450:18-13-2. HIV/STD/AIDS education, testing and counseling services [AMENDED]
450:18-13-4. Co-occurring Disorder Capability [AMENDED]
Part 3. Outpatient Services
450:18-13-21. Outpatient services [AMENDED]
450:18-13-23. Outpatient services, discharge criteria [AMENDED]
Part 5. Intensive Outpatient Services
450:18-13-41. Intensive outpatient services [AMENDED]
450:18-13-42. Service requirements [AMENDED]
450:18-13-44. Intensive outpatient services, discharge criteria [AMENDED]
Part 7. Medically Supervised Detoxification
450:18-13-61. Medically supervised detoxification [AMENDED]
Part 9. Non-Medical Detoxification
450:18-13-81. Non-medical detoxification [AMENDED]
450:18-13-82. Non-medical ~~(social)~~ detoxification, admission criteria [AMENDED]
450:18-13-83. Non-medical ~~(social)~~ detoxification, discharge criteria [AMENDED]
Part 11. Residential Treatment
450:18-13-101. Residential treatment for adults [AMENDED]
Part 13. Residential Treatment for Persons with Dependent Children
450:18-13-121. Residential treatment for persons with dependent children [AMENDED]
Part 15. ~~Adult~~ Residential Treatment for ~~Consumers~~ Adults with Co-occurring Disorders
450:18-13-141. Adult residential treatment for consumers with co-occurring disorders [AMENDED]
Part 17. Residential Treatment for Adolescents
450:18-13-161. Residential treatment for adolescents [AMENDED]
Part 19. Halfway House Services
450:18-13-181. Halfway house services [AMENDED]
Part 20. Adolescent Halfway House Services
450:18-13-190. Adolescent halfway house services [AMENDED]
Part 21. Halfway House Services for Persons with Dependent Children
450:18-13-201. Halfway house services for persons with dependent children [AMENDED]
Part 25. Medication Assisted Treatment
450:18-13-241. Opioid treatment program services [REVOKED]

450:18-13-242. Programs using opiate antagonist or long acting opiate agonist [REVOKED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance advocacy services for individuals receiving services by organizations operated or certified by or under contract with ODMHSAS, delete redundant or superfluous language, and correct scrivener's errors.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 3:00 p.m. in Conference Rooms A & B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy. (405) 522-3841.

[OAR Docket #06-1624; filed 12-22-06]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 21. CERTIFICATION OF
ALCOHOL AND DRUG SUBSTANCE ABUSE
COURSES (ADSAC), ORGANIZATIONS AND
FACILITATORS**

[OAR Docket #06-1625]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Certification of Alcohol and Drug Substance Abuse Courses (Adsac), Organizations and Instructors

- 450:21-1-1. Purpose [AMENDED]
 - 450:21-1-2. Statutory authority [AMENDED]
 - 450:21-1-3. Definitions [AMENDED]
 - 450:21-1-4. Meaning of verbs in rules [AMENDED]
 - 450:21-1-5. Compliance with laws, rules [AMENDED]
 - 450:21-1-5.1. State and federal statues and regulations [NEW]
 - 450:21-1-6. Applications [AMENDED]
 - 450:21-1-6.1. Fitness of applicants [NEW]
 - 450:21-1-6.2. Ten (10) or twenty four (24) hour facilitator certification, qualification and disqualification [NEW]
 - 450:21-1-6.3. Facilitator training [NEW]
 - 450:21-1-6.4. Administrative responsibilities, institutions or organizations conducting ADSAC [NEW]
 - 450:21-1-6.5. ADSAC reporting of completions [NEW]
 - 450:21-1-6.6. Critical incidents [NEW]
 - 450:21-1-6.7. Offender record system [NEW]
 - 450:21-1-6.8. Offender records, basic requirements [NEW]
 - 450:21-1-6.9. Confidentiality of offender information [NEW]
 - 450:21-1-6.10. Progress notes [NEW]
 - 450:21-1-6.11. Facilities, equipment and instructional material [NEW]
 - 450:21-1-6.12. Physical facility environment and safety [NEW]
 - 450:21-1-6.13. Hygiene and sanitation [NEW]
 - 450:21-1-6.14. Inactive status/closure [NEW]
- Part 3. Course Structure, Attendance and Completion
- 450:21-1-6.15. Offender attendance and completion of ADSAC [NEW]
 - 450:21-1-7. Minimum curriculum requirements, ten (10) hour courses [AMENDED]
 - 450:21-1-7.2. Minimum curriculum requirements, twenty-four (24) hour courses [AMENDED]
 - 450:21-1-8. Administrative responsibilities, institutions or organizations conducting ADSAC [AMENDED AND RENUMBERED]
 - 450:21-1-9. Facilities, equipment and instructional material [AMENDED AND RENUMBERED]

- 450:21-1-10. Ten or 24 hour facilitator certification, qualification and disqualification [AMENDED AND RENUMBERED]
 - 450:21-1-11. Facilitator training [AMENDED AND RENUMBERED]
 - 450:21-1-13. Consumers with disabilities [REVOKED]
 - 450:21-1-14. State and federal statutes and regulations [AMENDED AND RENUMBERED]
- Subchapter 3. Certification Denial or Sanctions and Consumer Grievance
- 450:21-3-1. Administrative denial, suspension, or revocation of certification [AMENDED]
 - 450:21-3-1.1. Fitness of applications [AMENDED AND RENUMBERED]
 - 450:21-3-2. Grounds for reprimand, suspension or revocation of certification, organizations and institutions and facilitators [AMENDED]
 - 450:21-3-3. Sanctions and hearings [AMENDED]
- Subchapter 5. ~~Course Attendance and Completion~~ Consumer Rights
- 450:21-5-1. Student attendance and completion of ADSAC [AMENDED AND RENUMBERED]
 - 450:21-5-2. ADSAC reporting of completions [AMENDED AND RENUMBERED]
 - 450:21-5-3. Consumer rights and grievance policy [NEW]
 - 450:21-5-4. ODMHSAS advocate general [NEW]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the ADSAC course process. Requirements for critical incidents, offender record system, confidentiality, charting, physical plant, record requirements, temporary or permanent closure, and consumer rights are expanded, strengthened and clarified.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 11:30 a.m. in Conference Rooms A & B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level

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of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1625; filed 12-22-06]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 22. CERTIFICATION OF
ALCOHOL AND DRUG ASSESSMENT AND
EVALUATIONS RELATED TO DRIVER'S
LICENSE REVOCATION**

[OAR Docket #06-1626]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 450:22-1-1. Purpose and applicability [AMENDED]
- 450:22-1-1.1. Certification duration [AMENDED]
- 450:22-1-3. Definitions [AMENDED]
- 450:22-1-5.1. ODMHSAS responsibilities [NEW]
- 450:22-1-6. ~~ADSAC Driver offender assessors and~~ assessment agencies [AMENDED]
- 450:22-1-6.1. Organizational and facility description, assessment agencies [NEW]
- 450:22-1-6.2. Organizational and facility description ADSAC assessor [NEW]
- 450:22-1-6.3. Certified approved sites, assessors and assessment agencies [NEW]
- 450:22-1-6.4. Physical facility environment and safety, assessors and assessment agencies [NEW]
- 450:22-1-6.5. Hygiene and sanitation, assessors and assessment agencies [NEW]
- 450:22-1-6.6. State and federal statues and regulations [NEW]
- 450:22-1-6.7. Assessor applicants [NEW]
- 450:22-1-6.8. Fitness of Applicants [NEW]
- 450:22-1-6.9. Assessor responsibilities [NEW]

- 450:22-1-6.10. Standardized evaluation instruments [NEW]
- 450:22-1-7. ODMHSAS responsibilities [AMENDED AND RENUMBERED]
- 450:22-1-8. Consumers with disabilities [AMENDED AND RENUMBERED]
- 450:22-1-9. Certified approved sites [AMENDED AND RENUMBERED]
- 450:22-1-10. Offender evaluation [AMENDED]
- 450:22-1-10.1. Biopsychosocial assessment [NEW]
- 450:22-1-10.2. Progress notes [NEW]
- 450:22-1-10.3. Offender record system [NEW]
- 450:22-1-10.4. Offender records, basic requirement assessors, assessment agencies [NEW]
- 450:22-1-10.5. Confidentiality of drug or alcohol abuse treatment information [NEW]
- 450:22-1-10.6. Offender record storage, retention and disposition [NEW]
- 450:22-1-10.7. Critical incidents, assessors and assessment agencies [NEW]
- 450:22-1-10.8. Inactive status [NEW]
- 450:22-1-11. Standardized evaluation instruments [AMENDED AND RENUMBERED]
- 450:22-1-12. Assessment personnel [AMENDED AND RENUMBERED]
- 450:22-1-15. Assessor responsibilities [AMENDED AND RENUMBERED]
- 450:22-1-15.1. Fitness of applicants [AMENDED AND RENUMBERED]
- 450:22-1-16. Denial or revocation of assessment certification [AMENDED]
- 450:22-1-17. Consumer rights and grievance policy [NEW]
- 450:22-1-18. ODMHSAS advocate general [NEW]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the ADSAC assessment process. Requirements for critical incidents, offender record system, confidentiality, charting, physical plant, record requirements, temporary or permanent closure, and consumer rights are expanded, strengthened and clarified. Importantly, acceptable sets of recommendations and allowable override criteria are now established in rule, increasing standardization and reducing abuse of the offender and the system.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the

Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 1:00 p.m. in Conference Rooms A & B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1626; filed 12-22-06]

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

[OAR Docket #06-1627]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 450:50-1-2. Definitions [AMENDED]
- Subchapter 3. Behavioral Health Case Manager Certification Application
 - 450:50-3-1. Qualifications for certification [AMENDED]
 - 450:50-3-2. Applications for certification, ~~_____ dual certification, provisional certification~~ [AMENDED]
 - 450:50-3-3. Duration of certification [AMENDED]
 - 450:50-3-5. Fitness of applicants [AMENDED]
- Subchapter 5. Behavioral Health Case Manager Certification Training
 - 450:50-5-1. Case management certification training [AMENDED]

450:50-5-2. Case Management Project Supervision [REVOKED]

450:50-5-3. Case management certification competency-based project [REVOKED]

450:50-5-4. Continuing education requirements [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

AUTHORITY:

43A O.S. § 3-318; Board of Mental Health and Substance Abuse Services.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3841.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 10:30 a.m. in the Main Conference Rooms A and B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1627; filed 12-22-06]

Notices of Rulemaking Intent

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 65. STANDARD AND CRITERIA
FOR GAMBLING TREATMENT PROGRAMS**

[OAR Docket #06-1628]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Standard and Criteria for Gambling Treatment Programs [NEW]

SUMMARY:

The proposed gambling treatment rules were developed in accordance with 43A O.S. § 3-322, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify programs for gambling addiction treatment. This statute requires the Board to promulgate rules and standards for certification of facilities or organizations that desire to be certified.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 2:00 p.m. in Conference Rooms A & B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January

16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.33t
CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1628; filed 12-22-06]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 70. STANDARDS AND CRITERIA
FOR OPIOID SUBSTITUTION TREATMENT
PROGRAMS**

[OAR Docket #06-1629]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Substitution Treatment Programs [NEW]

SUMMARY:

The proposed opioid substitution treatment rules were developed in accordance with 43A O.S. § 3-322, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify programs for Opioid Substitution Treatment.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. § 2-101 et. seq.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 16, 2007 to the attention of Terri White, Director of Communications and Public Policy. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0637.

PUBLIC HEARING:

The Department will conduct a public hearing on February 16, 2007 at 4:00 p.m. in Conference Rooms A & B of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 16, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Terri White.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Terri White, Director of Communications and Public Policy, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 16, 2007. Copies may be obtained from Terri White, Director of Communications and Public Policy, at the address above.

CONTACT PERSON:

Terri White, Director of Communications and Public Policy, (405) 522-3841.

[OAR Docket #06-1629; filed 12-22-06]

**TITLE 457. OKLAHOMA STRATEGIC MILITARY PLANNING COMMISSION
CHAPTER 10. ADMINISTRATIVE OPERATIONS AND PROGRAM IMPLEMENTATION**

[OAR Docket #06-1593]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
457:10-1-1. through 10-1-4. [NEW]
- Subchapter 3. Organization and Administration [NEW]
457:10-3-1. through 10-3-3. [NEW]
- Subchapter 5. Cooperative Program with Local Governmental Entities [NEW]
457:10-5-1. through 10-5-4. [NEW]

SUMMARY:

Recent and proposed actions of the U.S. Department of Defense with respect to determinations of the Base Realignment and Closure Commission (BRAC), as ratified by the U.S. Congress, have presented new opportunities and challenges for Altus Air Force Base, Fort Sill, McAlester Army Ammunition Depot, Tinker Air Force Base and Vance Air Force Base, and the communities which surround them, together with the Oklahoma National Guard and various reserve units of the Air Force, Army, Coast Guard, Marine Corps and Navy. Appropriate responses to these opportunities and challenges require assessment, evaluation, planning, development and construction or implementation of resulting plans, programs or projects. The Oklahoma Legislature has appropriated funds to support these activities and the proposed rules govern their expenditure.

AUTHORITY:

Oklahoma Strategic Military Planning Commission; Title 74, Section 5401, *et sequitur*, of the Oklahoma Statutes, Enrolled Senate Bill 138 of the First Session of the 47th Oklahoma Legislature and Enrolled Senate Bill 1675 of the Second Session of the 47th Oklahoma Legislature.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so to Don Davis in the Office of the Governor, Room 212, State Capitol, Oklahoma City, Oklahoma 73105, telephone (405) 522-8883, during business hours between January 16, 2007, and February 15, 2007.

PUBLIC HEARING:

No public hearing has been scheduled; however, pursuant to 75 O.S., 2001, Section 303(B)(9), "persons may demand a hearing" by contacting Don Davis at the above address and phone number not later than 5:00 p.m. on February 15, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the agency with any information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Don Davis at the above address during the period from January 16 to February 15, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Don Davis, at the above address and phone number,

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 2001, Section 303(D), a rule impact statement has been prepared and is available in the Office of the Governor at the above address.

CONTACT PERSON:

Don Davis, Special Counsel, Office of the Governor, Room 212, State Capitol, Oklahoma City, Oklahoma 73105. Telephone (405) 522-8883

[OAR Docket #06-1593; filed 12-21-06]

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

[OAR Docket #06-1579]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The Department is amending 460:10-11-5, by adding a subsection (d) and (e) so the Department has, in the regulations, expressed provisions concerning the adjudication of property disputes. The Department is also proposing amendments to 460:10-19- 5, so that the section body also includes permit applications for transfers, along with the permit revisions, amendments, and renewals as the heading states and the Department intended when this section was amended in 2005.

Notices of Rulemaking Intent

AUTHORITY:

45 O.S. Section 1.5, 45 O.S. Section 732, and Section 940; Oklahoma Mining Commission

COMMENT PERIOD:

From January 17, 2007, through February 16, 2007, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

Public hearings will be held on February 20, 2007, at 6:00 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500 at McAlester, OK, and on February 22, 2007, at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105, beginning at 2:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due compliance with the proposed rules. Business entities may submit this information in writing from January 17, 2007, through February 16, 2007, to the contact person listed below.

RULE IMPACT STATEMENT:

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

COPIES OF THE PROPOSED RULES:

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

CONTACT PERSON:

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

[OAR Docket #06-1579; filed 12-20-06]

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

[OAR Docket #06-1580]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The Department is removing 460:20-5-13 and 20-5-14, because resolution of

any prohibitive interests, pursuant to 460:20-5-5, and the procedures to be followed are contained within 460:20-5-12. Also being amended is 460:20-59(4), by deleting language from (f)(1) and adding a new (f)(2), which in turn causes the subsequent subsections to have to be renumbered. These

amendments help allow operators obtain additional abatement time when permit revisions are under review. Due to a Federal law enactment requiring Federal agencies to update their assessment penalties, the Department is proposing to mirror the updates within 460:20-61-6, as required by the Office Of Surface Mining, our federal oversight agency.

AUTHORITY:

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

COMMENT PERIOD:

From January 17, 2007, through February 16, 2007, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:

Public hearings will be held on February 20, 2007, at 6:20 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500 at McAlester, OK, and on February 22, 2007, at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105, beginning at 2:20 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due compliance with the proposed rules. Business entities may submit this information in writing from January 17, 2007, through February 16, 2007, to the contact person listed below.

RULE IMPACT STATEMENT:

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

COPIES OF THE PROPOSED RULES:

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

CONTACT PERSON:

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

[OAR Docket #06-1580; filed 12-20-06]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #06-1630]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

490:1-1-1. [AMENDED]

490:1-1-2. [AMENDED]

Subchapter 3. Oklahoma State Board of Examiners for ~~Nursing—Home Long Term Care~~ Administrators [AMENDED]

- 490:1-3-1. [AMENDED]
- 490:1-3-2. [AMENDED]
- 490:1-3-3. [AMENDED]
- 490:1-3-6. [REVOKED]
- 490:1-3-7. [REVOKED]
- 490:1-3-8. [NEW]
- 490:1-3-9. [NEW]

Subchapter 5. ~~Complaints/Referrals~~ Investigative Procedures [AMENDED]

- 490:1-5-2. [AMENDED]
- 490:1-5-2.1. [NEW]
- 490:1-5-3. [AMENDED]
- 490:1-5-4. [AMENDED]
- 490:1-5-5. [AMENDED]
- 490:1-5-6. [AMENDED]
- 490:1-5-7. [AMENDED]
- 490:1-5-7.1. [NEW]
- 490:1-5-8. [AMENDED]

Subchapter 6. Administrator Registry

- 490:1-6-1. [AMENDED]

Subchapter 7. Fees and Deposits

- 490:1-7-1. [AMENDED]
- 490:1-7-2. [NEW]

Subchapter 9. Continuing Education [NEW]

- 490:1-9-1. [NEW]
- 490:1-9-2. [NEW]
- 490:1-9-3. [NEW]
- 490:1-9-4. [NEW]
- 490:1-9-5. [NEW]

SUMMARY:

The purpose of the proposed rulemaking action is to implement the provisions of Enrolled Senate Bill No. 1850 of the 2006 Regular Session and to update requirements for Long Term Care Administrators in Oklahoma. This chapter is amended throughout to implement the change in the Board's name. The proposed changes update and add definitions, modify the date for election of Board officers, provide for the appointment of a recording secretary, describe duties of the Executive Director, revise requirements for requesting a waiver, revise investigative procedures for referrals, establish a time frame for the conduct of hearings, authorize the Board to impose administrative fines, amend reporting requirements, revise contents of registry, impose a new application fee, increase the fee for inactive status, provide for a convenience fee to be charged to administrators who renew their license online, establish a new requirement for licensees to submit evidence of attendance in continuing education programs to the Board at the time of licensure renewal, and reposition

sections and revise language to improve readability of the document.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

January 16, 2007 through February 21, 2007. Interested persons may informally discuss the proposed rules with Board members or Board staff; or before February 16, 2007, may submit written comments to Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 N. W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or before February 16, 2007, may send electronic mail to osbeltca@osbeltca.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 Oklahoma State Board of Examiners for Long Term Care Administrators, February 21, 2007, which begins at 9:00 a.m. in the Activities Room in the Shepherd Mall Office Center, 2401 N. W. 23rd 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 16, 2007 to Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 N. W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or before February 16, 2007, may send electronic mail to osbeltca@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office, or by electronic mail request to osbeltca@osbeltca.ok.gov. The rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca>.

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:

Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, (405) 522-1624.

[OAR Docket #06-1630; filed 12-22-06]

Notices of Rulemaking Intent

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

[OAR Docket #06-1631]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 10. ~~Rules and Regulations for Nursing Home Long Term Care~~ Administrators [AMENDED]

SUMMARY:

The purpose of the proposed rulemaking action is to implement the provisions of Enrolled Senate Bill No. 1850 of the 2006 Regular Session and to update requirements for Long Term Care Administrators in Oklahoma. This chapter is amended throughout to implement the change in the Board's name. The proposed changes add definitions, amend qualifications for initial licensure, amend qualifications for licensure by reciprocity, add criteria for a provisional license, amend criteria concerning an inactive license, amend requirements for reinstatement from inactive status, amend requirements for restoration of a license from suspended status, amend the application process and initiate an application fee, add criteria for the national examination, add criteria for the state standards examination, amend requirements for application for licensure renewal, amend reasons for disciplinary action, add authority for summary suspension, add disciplinary guidelines, amend preceptor qualifications, add administrator code of ethics, amend responsibilities of the administrator, add standards of practice, and reposition sections and revise language to improve readability of the document.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

January 16, 2007 through February 21, 2007. Interested persons may informally discuss the proposed rules with Board members or Board staff; or before February 16, 2007, may submit written comments to Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 N. W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or before February 16, 2007, may send electronic mail to osbeltca@osbeltca.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 Oklahoma State Board of Examiners for Long Term Care Administrators, February 21, 2007, which begins at 9:00 a.m. in the Activities Room in the Shepherd Mall Office Center, 2401 N. W. 23rd 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 16, 2007 to Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 N. W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or before February 16, 2007, may send electronic mail to osbeltca@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office, or by electronic mail request to osbeltca@osbeltca.ok.gov. The rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca>.

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:

Roger Lanier, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, (405) 522-1624

[OAR Docket #06-1631; filed 12-22-06]

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

[OAR Docket #06-1608]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Time and Leave

Part 3. Annual and Sick Leave Policies

530:10-15-11. [AMENDED]

530:10-15-12. [AMENDED]

Part 7. Leave When Office Are Closed or Service Are Reduced

530:10-15-71. [AMENDED]

530:10-15-72. [REVOKED]

SUMMARY:

The proposed amendments to 530:10-15-11 and 530:10-15-12 are to reflect changes in the time period in which employees may use accrued leave. The time period will be changed from the beginning of the next month to the beginning of the following pay period. The proposed amendment to 530:10-15-71 is to reflect the Governor's change in policy to use administrative leave during the closure of state offices

due to hazardous weather. Revocation of 530:10-15-72 is the result of the proposed change in hazardous weather policy in 530:10-15-71.

AUTHORITY:

The Administrator of the Office of Personnel Management: 74 O.S., §§ 840-1.6A 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 17, 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 15, 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 10:00 a.m., Friday, February 16, 2007, at the Concourse Theater, Sequoyah/ Will Rogers Concourse, 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 16, 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 16, 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 #06-1608; filed 12-22-06]

**TITLE 585. PUBLIC EMPLOYEES RELATIONS BOARD
CHAPTER 2. OPERATIONS UNDER THE
FPAA AND THE MECBA**

[OAR Docket #06-1586]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

585:2-1-1. through 585:2-1-5. [NEW]

Subchapter 3. Program Administration and Description [NEW]

585:2-3-1. through 585:2-3-9. [NEW]

Subchapter 5. Procedures [NEW]

585:2-5-1. through 585:2-5-11. [NEW]

Subchapter 7. Hearings [NEW]

585:2-7-1. through 2-7-16. [NEW]

SUMMARY:

The proposed rules are intended as aids to the efficient operation of the Public Employees relations Board and to the orderly administration of the Fire and Police Arbitration Act and the Municipal Employees Collective Bargaining Act. They are also intended to provide meaningful avenues for realizing and enforcing statutory rights and obligation s of certain public employees, public employee organizations, and the municipal employers of this state. The rules address information and procedures in one chapter to ensure consistent administration of both Acts.

AUTHORITY:

Public Employees Relations Board; 11 O.S., Section 51-101, *et seq.* and 11 O.S. Section 51-200, *et seq.*

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 12:00 p.m. on February 15th, 2007, at the following address: Debbie Tiehen, Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Public Employees Relations Board, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Thursday, February 15th, 2007 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for 25 cents copy charges from the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 16th, 2007 at the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Debbie Tiehen, Administrative Rules Liaison, (405) 522-6723

[OAR Docket #06-1586; filed 12-20-06]

Notices of Rulemaking Intent

**TITLE 585. PUBLIC EMPLOYEES
RELATIONS BOARD
CHAPTER 30. UNFAIR LABOR PRACTICE
CHARGES UNDER THE FPA AND
PROHIBITED PRACTICE CHARGES
UNDER THE MECBA**

[OAR Docket #06-1587]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

585:30-1-1. through 585:30-1-7. [NEW]

SUMMARY:

The proposed rules are intended as aids to the efficient operation of the Public Employees relations Board and to the orderly administration of the Fire and Police Arbitration Act and the Municipal Employees Collective Bargaining Act. They are also intended to provide meaningful avenues for realizing and enforcing statutory rights and obligations of certain public employees, public employee organizations, and the municipal employers of this state. The rules address information and procedures in one chapter to ensure consistent administration of both Acts.

AUTHORITY:

Public Employees Relations Board; 11 O.S., Section 51-101, *et seq.* and 11 O.S. Section 51-200, *et seq.*

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 12:00 p.m. on February 15th, 2007, at the following address: Debbie Tiehen, Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Public Employees Relations Board, Will Rogers Office Building, Room 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, February 15th, 2007 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for 25 cents copy charges from the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 16th, 2007 at the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Debbie Tiehen, Administrative Rules Liaison, (405) 522-6723

[OAR Docket #06-1587; filed 12-20-06]

**TITLE 585. PUBLIC EMPLOYEES
RELATIONS BOARD
CHAPTER 35. CERTIFICATION CASES
UNDER THE FPA AND THE MECBA**

[OAR Docket #06-1588]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

585:35-1-1. through 585:35-1-4. [NEW]

Subchapter 3. Representation Petitions Under the FPA [NEW]

585:35-3-1. through 585:35-3-9. [NEW]

Subchapter 4. Representation Petitions Under the MECBA [NEW]

585:35-4-1. through 585:35-4-8. [NEW]

SUMMARY:

The proposed rules are intended as aids to the efficient operation of the Public Employees relations Board and to the orderly administration of the Fire and Police Arbitration Act and the Municipal Employees Collective Bargaining Act. They are also intended to provide meaningful avenues for realizing and enforcing statutory rights and obligations of certain public employees, public employee organizations, and the municipal employers of this state. The rules address information and procedures in one chapter to ensure consistent administration of both Acts.

AUTHORITY:

Public Employees Relations Board; 11 O.S., Section 51-101, *et seq.* and 11 O.S. Section 51-200, *et seq.*

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 12:00 p.m. on February 15th 2007, at the following address: Debbie Tiehen, Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Public Employees Relations Board, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, February 15th, 2007 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for 25 cents copy charges from the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after January 16th, 2007 at the Public Employees Relations Board, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Debbie Tiehen, Administrative Rules Liaison, (405) 522-6723

[OAR Docket #06-1588; filed 12-20-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #06-1589]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
- 710:1-1-2. [AMENDED]
- Subchapter 3. Public Policy
- Part 1. General Provisions
- 710:1-3-2. [AMENDED]
- Part 11. Public Records
- 710:1-3-72. [AMENDED]
- Subchapter 5. Practice and Procedure
- Part 5. Administrative Proceedings Related to Tax Protests
- 710:1-5-42. [AMENDED]
- Part 8. Settlement of Tax Liability
- 710:1-5-88. [AMENDED]
- 710:1-5-89. [AMENDED]
- 710:1-5-91. [AMENDED]

SUMMARY:

Section 710:1-1-2 has been amended to delete obsolete references and update information in order to provide a complete and accurate list of the various areas of taxation and licensing for which the Commission is responsible.

Section 710:1-3-2 has been amended to delete obsolete language and to notify taxpayers regarding an additional source for Oklahoma income tax forms - the Commission's website.

Section 710:1-3-72 has been amended to include the new street address for the Administrative Proceedings Section.

Section 710:1-5-42 has been amended to conform to current statutory authority regarding appeals from Oklahoma Tax Commission orders. **[68:225]**

Section 710:1-5-88 has been amended to clarify policies regarding the scope of a proposed Settlement Agreement,

compliance of professional license holders in an application for a Settlement Agreement and the requirements for a tax lien release when the amount abated in the Settlement Agreement exceeds \$10,000.00. **[68:219/68:219.1]**

Section 710:1-5-89, dealing with Settlement Agreements has been amended to notify taxpayers seeking settlement of outstanding state tax liabilities of procedures regarding the treatment of payments made pursuant to proposed Settlement Agreements that are subsequently rejected or withdrawn.

Section 710:1-5-91 has been amended to clarify policy of requiring a taxpayer to make full and accurate disclosures regarding the taxpayer's financial resources in the application for a Settlement Agreement. **[68:219/69:219.1]**

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 16, 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 20, 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 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.

Notices of Rulemaking Intent

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 30, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-522-5519; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #06-1589; filed 12-21-06]

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

[OAR Docket #06-1591]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

710:25-1-9. [AMENDED]

SUMMARY:

Section 710:25-1-9 has been amended to clarify the Commission's policy on refunds for coin operated vending device decals. Unused decals may be returned to the Commission for a refund if, at the time of purchase, the applicant provided to the Commission a list of all devices owned by applicant and the location of each device.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 16, 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 20, 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 nothing in this **rulemaking action** is expected to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 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 #06-1591; filed 12-21-06]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX

[OAR Docket #06-1590]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing 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. All legislative references are to the Second Regular Session and Second Extraordinary Session of the 50th Legislature (2006).

Sections 710:65-1-7, 710:65-7-13 and 710:65-19-56 have been amended to reflect the provisions of SB 1084 exempting purchases by contractors if the property purchased is to be consumed or incorporated into a rural electric cooperative and purchases by contractors on behalf of churches. **[68:1357/68:1356]**

Section 710:65-3-1 has been amended to require, beginning July 1, 2007, all new sales tax registrants to report and remit sales tax in accordance with the Tax Commission's electronic funds transfer and electronic data interchange program unless the vendor receives an exception to the electronic filing requirement.

Section 710:65-13-40 has been amended to reflect the provisions of SB 1084 allowing tax exempt purchases by contractors on behalf of churches. **[68:1356]**

Sections 710:65-13-51, 710:65-13-52 and 710:65-13-155 have been amended to conform to current statutory authority regarding appeals from Oklahoma Tax Commission orders. **[68:225]**

New Section 710:65-13-124 has been adopted to reflect the provisions of SB 1084 which exempts contractors from paying sales tax on purchases of tangible personal property used in the construction or expansion of rural electric cooperatives' facilities. **[68:1357]**

Section 710:65-13-153 has been amended to delete the language limiting the exemption to manufacturers who were classified as such under the Standard Industrial Classification Code and opened it up to include those recognized in the statutes as manufacturers. **[68:1359]**

Section 710:65-13-156 dealing with sales tax exemptions for qualified distributors has been amended to allow the cost of parking, security, docks and facilities necessary for processing vehicles to be considered "costs of construction" and the sales tax paid on the materials used to build them is refundable as enacted by Section 8 of HB 1174XX. **[68:1359]**

New Section 710:65-13-157 has been adopted to reflect the provisions of HB 1174XX which created a manufacturing exemption for persons engaged in the process of manufacturing crushed stone and sand. **[68:1359]**

Section 710:65-13-170 has been amended to reflect a new exemption for vitamins, minerals and dietary supplements sold by a licensed chiropractor enacted by Section 5 of HB 1174XX. **[68:1357]**

Section 710:65-13-172 has been amended to reflect the provisions of HB 1174XX which created an exemption from sales tax on sales of tangible personal property and services to or by community mental health centers. **[68:1356]**

New Section 710:65-13-195 have been added to implement the provisions of SB 1084 which exempts the sale of programs relating to sporting and entertainment events from sales tax. **[68:1357]**

Section 710:65-13-275 has been amended to implement the provisions of SB 1084 which expands the exemption for 100% disabled veterans to include sales to the spouse of the veteran or a member of the veteran's household which are for the benefit of the disabled veteran. **[68:1357]**

Several new Sections have been added to Part 43 to reflect new statutory exemptions: Section 710:65-13-349, dealing with sales of food boxes by churches or organizations which are exempt under 26 U.S.C. §501(c)(3). [HB 2397] **[68:1356]**; Section 710:65-13-350, dealing with sales of tangible personal property and services to or by Daughters of the American Revolution [HB 1174XX] **[68:1356]**; Section 710:65-13-351, dealing with sales of tangible personal property and services to or by the Veterans of Foreign Wars organization [HB1174XX] **[68:1356]**; Section 710:65-13-352, dealing with sales of tangible personal property and services to or by YMCA or YWCA organizations [HB 1174XX] **[68:1356]**; Section 710:65-13-353, dealing with sales of tangible personal property and services to or by organizations primarily engaged in providing educational services and programs concerning health-related diseases [HB 1174XX] **[68:1356]**.

A New Part 65, dealing with Web Portals, has been added to Subchapter 13. A New Section 710:65-13-650 has been added to Part 65 to reflect the provisions of SB 1577 providing a sales tax exemption for sales to a web search portal located in this state which derives 80% of its gross annual revenue from the sale of a product or service to an out-of-state buyer. **[68:1357]**

Section 710:65-19-143 has been amended to clarify policy regarding the sales tax treatment of food and drinks provided as a part of a packaged room rate by hotel or motel operators.

Section 710:65-21-20 has been amended to clarify policy that tangible personal property can be brought into a county or municipality temporarily for the purposes of fabrication, repair, testing, alteration, maintenance or other service and not be subject to use tax.

AUTHORITY:

68 O.S. §§ 203 and 1354.18; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 21, 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 22, 2007, 9:00 a.m. in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, 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.

Notices of Rulemaking Intent

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 30, 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 #06-1590; filed 12-21-06]

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

[OAR Docket #06-1592]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax
Part 1. General Provisions
710:70-2-14. [NEW]

SUMMARY:

New Section 710:7-2-14 has been adopted to clarify policy that retail outlets which are not "tribal retailers" may not sell cigarettes that bear "tribal" tax stamps.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203; 312.1 and 322

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 21, 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 is as follows: **February 22, 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 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 30, 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 #06-1592; filed 12-21-06]

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

[OAR Docket #06-1613]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Establishing Other Service Credits

715:10-5-4.1. [NEW]

715:10-5-32. [AMENDED]

715:10-5-35. [AMENDED]

Subchapter 13. Contributions for Membership Service

715:10-13-3.1. [AMENDED]

Subchapter 15. Service Retirement

715:10-15-7.2. [NEW]

SUMMARY:

715:10-5-4.1 is a new rule. It provides for contribution deficit payments for the Education Employees Service Incentive Plan (EESIP).

715:10-5-32 is being amended to allow contribution deficit payments for the EESIP to be made through roll-overs from other qualified plans or conduit IRAs.

715:10-5-35 is being amended to allow employer pickup of contribution deficit payments for the EESIP, as well as to let TRS members use installment payments and payroll reduction to make EESIP contribution deficit payments.

715:10-13-3.1 is being amended to address increasing employer contributions by TRS remitting entities other than comprehensive and four-year regional universities, as required by legislation enacted in 2006. The employer contribution rate for TRS remitting entities other than comprehensive and four-year regional universities will increase through June 30, 2009, if appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligation is funded.

715:10-15-7.2 is a new rule providing a benefit calculation formula for TRS members retiring under provisions of the Education Employees Service Incentive Plan.

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from January 16, 2007, though February 15, 2007, filed and available for inspection in the Office of the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:00 a.m. until 4:30 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 10:00 a.m. until 11:00 a.m. on February 15, 2007, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Secretary, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 4:30 p.m. on February 14, 2007. Written notice may be mailed to: Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning January 16, 2007, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

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

[OAR Docket #06-1613; filed 12-22-06]

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

[OAR Docket #06-1572]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Licensure of Cosmetology Schools
 - Part 3. Student Registration and Entrance Requirements
 - 175:10-3-16. [AMENDED]
 - Part 5. Equipment and Curriculum Requirements
 - 175:10-3-31. [AMENDED]
 - 175:10-3-34. [AMENDED]
 - 175:10-3-37. [AMENDED]
 - 175:10-3-38. [AMENDED]
 - 175:10-3-41. [AMENDED]
 - 175:10-3-43. [AMENDED]
 - Part 7. General Operations and Licensing Requirements
 - 175:10-3-55. [AMENDED]
 - 175:10-3-56. [AMENDED]
 - 175:10-3-60. [AMENDED]
 - Subchapter 5. Licensure of Cosmetology Establishments
 - 175:10-5-2. [AMENDED]
 - Subchapter 7. Sanitation and Safety Standards For Cosmetology Establishments, Salons and Schools
 - 175:10-7-28. [NEW]
 - Subchapter 9. Licensure of Cosmetologists and Related Occupations
 - Part 1. Apprenticeship
 - 175:10-9-1. [AMENDED]
 - Part 3. State Board Examination
 - 175:10-9-25. [AMENDED]
 - 175:10-9-26. [AMENDED]
 - Subchapter 11. License Renewal, Fees and Penalties
 - 175:10-11-2. [AMENDED]
 - Subchapter 13. Reciprocal and Crossover Licensing
 - 175:10-13-1. [AMENDED]

SUBMITTED TO GOVERNOR:

December 14, 2006

SUBMITTED TO HOUSE:

December 14, 2006

SUBMITTED TO SENATE:

December 14, 2006

[OAR Docket #06-1572; filed 12-19-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #06-1573]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

December 20, 2006

SUBMITTED TO HOUSE:

December 20, 2006

SUBMITTED TO SENATE:

December 20, 2006

[OAR Docket #06-1573; filed 12-20-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #06-1574]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 26. Academic Achievement Award Program
 - 210:20-26-3. [AMENDED]

SUBMITTED TO GOVERNOR:

December 20, 2006

SUBMITTED TO HOUSE:

December 20, 2006

SUBMITTED TO SENATE:

December 20, 2006

[OAR Docket #06-1574; filed 12-20-06]

Submissions for Review

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #06-1575]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Professional Standards: Teacher Education
and Certification

Part 9. Teacher Certification

210:20-9-98. [AMENDED]

SUBMITTED TO GOVERNOR:

December 20, 2006

SUBMITTED TO HOUSE:

December 20, 2006

SUBMITTED TO SENATE:

December 20, 2006

[OAR Docket #06-1575; filed 12-20-06]

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

[OAR Docket #06-1567]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Continuing Education

235:10-13-10. [AMENDED]

235:10-13-11. [AMENDED]

235:10-13-12. [AMENDED]

235:10-13-13. [AMENDED]

235:10-13-14. [AMENDED]

SUBMITTED TO GOVERNOR:

December 15, 2006

SUBMITTED TO HOUSE:

December 15, 2006

SUBMITTED TO SENATE:

December 15, 2006

[OAR Docket #06-1567; filed 12-15-06]

TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 1. GENERAL ADMINISTRATION

[OAR Docket #06-1609]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

429:1-1-3. Definitions [AMENDED]

SUBMITTED TO GOVERNOR:

December 21, 2006

SUBMITTED TO HOUSE:

December 21, 2006

SUBMITTED TO SENATE:

December 21, 2006

[OAR Docket #06-1609; filed 12-22-06]

TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 10. RETAILER PROVISIONS

[OAR Docket #06-1610]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

429:10-1-2. Definitions [AMENDED]

429:10-1-3. Retailer compensation [AMENDED]

429:10-1-4. Retailer selection criteria [AMENDED]

429:10-1-6. Acceptance of online tickets [AMENDED]

429:10-1-7. Payment of prizes [AMENDED]

429:10-1-8. Minimum sales requirement [AMENDED]

429:10-1-10. Settlement and retailer invoicing
[AMENDED]

SUBMITTED TO GOVERNOR:

December 21, 2006

SUBMITTED TO HOUSE:

December 21, 2006

SUBMITTED TO SENATE:

December 21, 2006

[OAR Docket #06-1610; filed 12-22-06]

TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 15. INSTANT GAMES

[OAR Docket #06-1611]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

429:15-1-2. Definitions [AMENDED]

429:15-1-11. Game report [AMENDED]

SUBMITTED TO GOVERNOR:

December 21, 2006

SUBMITTED TO HOUSE:

December 21, 2006

SUBMITTED TO SENATE:

December 21, 2006

[OAR Docket #06-1611; filed 12-22-06]

**TITLE 429. OKLAHOMA LOTTERY
COMMISSION
CHAPTER 20. ONLINE GAMES**

[OAR Docket #06-1612]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

429:20-1-2. Definitions [AMENDED]

429:20-1-12. Game report [AMENDED]

SUBMITTED TO GOVERNOR:

December 21, 2006

SUBMITTED TO HOUSE:

December 21, 2006

SUBMITTED TO SENATE:

December 21, 2006

[OAR Docket #06-1612; filed 12-22-06]

Gubernatorial Approvals

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

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

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

[OAR Docket #06-1621]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Meetings and Public Forums
252:100-4-3-1. [AMENDED]

GUBERNATORIAL APPROVAL:

October 8, 2006

[OAR Docket #06-1621; filed 12-22-06]

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

[OAR Docket #06-1619]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Incinerators
Part 9. Commercial and Industrial Solid Waste Incineration Units
252-100-17-61. [AMENDED]

GUBERNATORIAL APPROVAL:

October 8, 2006

[OAR Docket #06-1619; filed 12-22-06]

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

[OAR Docket #06-1620]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 8. Permits for Part 70 Sources
Part 11. Visibility Protection Standards [NEW]
252:100-8-70. [NEW]
252:100-8-71. [NEW]
252:100-8-72. [NEW]
252:100-8-73. [NEW]
252:100-8-74. [NEW]
252:100-8-75. [NEW]
252:100-8-76. [NEW]
252:100-8-77. [NEW]

GUBERNATORIAL APPROVAL:

October 8, 2006

[OAR Docket #06-1620; filed 12-22-06]

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 650. OKLAHOMA CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY CHAPTER 12. OKLAHOMA PLANT SCIENCE RESEARCH PROGRAM

[OAR Docket #06-1562]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

650:12-1-1. [NEW]
650:12-1-2. [NEW]
650:12-1-3. [NEW]
650:12-1-4. [NEW]
650:12-1-5. [NEW]
650:12-1-6. [NEW]
650:12-1-7. [NEW]
650:12-1-8. [NEW]
650:12-1-9. [NEW]
650:12-1-10. [NEW]
650:12-1-11. [NEW]
650:12-1-12. [NEW]
650:12-1-13. [NEW]
650:12-1-14. [NEW]
650:12-1-15. [NEW]

AUTHORITY:

Title 74 O.S., Section 5060.9; The Oklahoma Science and Technology Research and Development Board.

DATES:

ADOPTION:

October 24, 2006

APPROVED BY GOVERNOR:

November 29, 2006

EFFECTIVE:

November 29, 2006

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The rules for the Oklahoma Plant Science Research Program have been developed for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Section 250 et seq. and in compliance with House Bill 2185, enacted on May 26, 2006, which legislatively mandated the creation of this new program.

ANALYSIS:

The Oklahoma Plant Science Program Rules and Regulations are intended for compliance by the Oklahoma Center for the Advancement of Science and Technology (OCAST) with the Administrative Procedures Act, 75 O.S., Section 250 et seq. The program shall develop the basis of a

new, high technology plan in the science/agriculture industry for the State by supporting basic and applied plant science research activities that concern plant productivity, renewable bio-mass, plant-based environmental applications and chemical platforms, plant-based solutions to improve nutrition, human and/or animal health or performance, process applications and seed management and the development of new products and services. The applied plant science research component shall require matching funds and these projects shall have a high probability of leading to commercially successful products, processes or services within a reasonable period of time. The basic plant science research component will not require matching funds.

CONTACT PERSON:

Sherry Roberts 405-319-8418

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):

650:12-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Section 250 et seq. This program, known as the Oklahoma Plant Science Research Program, shall develop the basis of a new, high technology plant science/agriculture industry for the State by supporting basic and applied plant science research activities that concern plant productivity, renewable bio-mass, plant-based environmental applications and chemical platforms, plant-based solutions to improve nutrition, human and/or animal health or performance, process applications and seed management and the development of new products and services that shall form the basis of new, high-technology plant science/agriculture industry for the State, with results that have:

(1) a significant potential for stimulating economic growth within the State of Oklahoma and shall encourage and sustain partnerships among institutions of higher education, non-profit research organizations, and private enterprises by encouraging collaborative projects which are designed to promote increased knowledge and technology transfer.

(2) and, for applied plant science research projects, a high probability of leading to commercially successful products, processes or services within a reasonable period of time.

Emergency Adoptions

650:12-1-2. Statutory citations

Citations to statutes in this Chapter refer to the most recent codification of the statute.

650:12-1-3. Statutory definitions

The following terms are defined in 74 O.S., Section 5060.4:

- (1) applied research.
- (2) basic research.
- (3) board.
- (4) center.
- (5) enterprise.
- (6) health research project.
- (7) industrial extension system.
- (8) institute.
- (9) institutional review board.
- (10) institutions of higher education.
- (11) investigator.
- (12) nanotechnology.
- (13) new technology.
- (14) nonprofit research institution.
- (15) OAME.
- (16) ONAP.
- (17) OSTRaD.
- (18) person.
- (19) plant science research.
- (20) product.
- (21) professional service contract.
- (22) qualified security.
- (23) seed-capital.
- (24) technology transfer.

650:12-1-4. Additional definitions

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

"Applicant organization(s)" means the employer of the individual(s) preparing the application.

"Application" means the proposal for an Oklahoma Plant Science Research award and all completed required forms from the solicitation as submitted to The Oklahoma Center for the Advancement of Science and Technology (OCAST).

"Contractor(s)" means the institution(s) or enterprise(s) that is awarded an OCAST Applied Plant Science Research contract.

"Solicitation" means a request containing the detailed information concerning the specifications of the Applied Plant Science Research Program.

650:12-1-5. Program administration

(a) OSTRaD Board. OCAST shall administer the Oklahoma Plant Science Research Program under the governance of the statutorily created Oklahoma Science and Technology Research and Development Board (OSTRaD Board) [74 O.S., Section 5060.6].

(1) The OSTRaD Board shall approve all specifications of the Oklahoma Plant Science Research Program and any changes made thereto.

(2) All information regarding this program shall be available at the principal offices of OCAST, as referenced in 650:1-3-1.

(b) Plant Science Research Committee. The OSTRaD Board shall establish a Plant Science Research Committee (PSRC). The PSRC shall act in an advisory capacity to the OSTRaD Board and staff in the development of program specifications, organization and evaluation of peer reviews, awarding of contracts and on-going evaluation of contract performance. Implementation of PSRC recommendations shall require approval of the OSTRaD Board.

650:12-1-6. Program description

(a) The Oklahoma Plant Science Research Program shall provide matching funds for applied research projects recommended by the PSRC and approved by the OSTRaD Board and described in the solicitation.

(b) The Oklahoma Plant Science Research Program shall fund basic plant science research projects recommended by the PSRC and approved by the OSTRaD Board and described in the solicitation.

650:12-1-7. Eligibility

(a) Applicants. Eligible applicants for funding under the Oklahoma Plant Science Research Program shall be:

- (1) institutions of higher education,
- (2) nonprofit research institution(s), and
- (3) private enterprises of special importance to the Oklahoma economy [74 O.S., Section 5060.19].

(b) Preference. The OSTRaD Board may assign preference to a class(es) of applicants for any funding competition.

(c) Investigators. The investigator(s) preparing applications shall be:

- (1) employed by or affiliated with an eligible applicant organization(s),
- (2) residents of Oklahoma, or become residents, before the ninetieth (90) day after the award of contract [74 O.S., 5060.17].

650:12-1-8. Funding terms

(a) Competition dates. Dates for funding competitions shall be recommended by the PSRC and announced in the solicitation.

(b) Allocations.

(1) The PSRC shall recommend, and the OSTRaD Board approve, the amount allocated for each funding competition.

(2) If minimum and maximum levels for Oklahoma Plant Science Research Projects are established, they shall be recommended by the PSRC, approved by the OSTRaD Board and announced in the solicitation.

(c) Contract periods. The length of a contract shall not be less than one (1) year. The maximum contract period shall

be recommended by the PSRC and approved by the OSTRaD Board.

(d) **Additional funding terms.** Any additional funding terms shall be recommended by the PSRC, approved by the OSTRaD Board and announced in the Solicitation.

650:12-1-9. Application process

(a) **Solicitations.** The Oklahoma Plant Science Research Program Solicitation shall be used to apply for funding under this program. Solicitations shall be available at the OCAST principal office. No application fee shall be required.

(1) **Application deadlines.** Application submission date(s) and time(s) shall be listed in the solicitation. Any application not submitted by the designated submission date and time shall be returned without consideration.

(2) **Completion/submission requirements.** Requirements for application completion and submission shall be included in the solicitation.

(b) **Applications.**

(1) **Match funding.** The application shall specify the total amount of funds the organization will provide to meet the requirements of the match funding under the Oklahoma Plant Science Research Program applied research project.

(2) **Required information.** The application shall include:

(A) for applied research projects a description of the potential commercial application of the Oklahoma Plant Science Research project and the potential to enhance employment opportunities in Oklahoma,

(B) a recommendation from the applicant organization, and

(C) other information that may be required by the OSTRaD Board.

(3) **Documentation.** It shall be the responsibility of the investigator(s) and the applicant organization(s) to ascertain and provide documentation of compliance with state and federal requirements or regulations as specified in the application in order to engage in the proposed research.

(4) **Returned applications.** Incomplete or inappropriately completed applications may be returned without review.

650:12-1-10. Review process

Establish and operate a state program designed to secure and impartially distribute funds credited to the Research Support Revolving Fund to support professional service contracts for basic and applied plant science research projects to be awarded only on the basis of scientific and technical merit.

(1) **Peer review.** Applications for funding shall be reviewed by peer reviewers, a majority of whom reside outside of the State of Oklahoma, who are nominated and approved by the PSRC.

(2) **Evaluation criteria.** The review panel shall review and rank all applications for funding according to evaluation criteria specified in the solicitation.

650:12-1-11. Award provisions

(a) **Funding subject to availability.** Funding of applications recommended for approval by the PSRC shall be subject to availability of resources and approval of the OSTRaD Board.

(b) **Oklahoma Plant Science Research Program applied research project matching funds;**

(1) **Higher education or nonprofit institutions.** Documentation, if the proposal is from an institution of higher education or nonprofit research institutions that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than OCAST and other than state-appropriated money. Machinery or equipment may be considered as part of the matching funds [74 O.S., Section 5060.19]. If machinery or equipment serves as part of the matching requirement, the applicant organization(s) shall provide documentation as specified in 74 O.S., Section 5060.19.

(2) **Private enterprises.** Documentation, if the proposal is from a private enterprise, that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than OCAST and other state-appropriated money [74 O.S., Section 5060.19]. No portion of the matching funds from a private enterprise may be provided by in-kind services performed by the enterprise. [74 O.S., Section 5060.19].

(3) a description of the potential commercial application of and the industrial sectors that will likely benefit from the applied research project and the potential to enhance employment opportunities in Oklahoma.

(4) an itemized research budget, timeline and research methodology.

(5) a recommendation from the sponsoring institution of higher education, nonprofit research institution or business enterprise, and

(6) other information that may be required by the Board.

(c) **Oklahoma Plant Science Research basic research projects require no matching funds.**

(d) **Additional award provisions.** Any additional award provisions shall be recommended by the PSRC, approved by the OSTRaD Board and announced in the solicitation.

650:12-1-12. Contract provisions

(a) **Professional service contract.** The mechanism for funding approved applications shall be a professional service contract between OCAST and the applicant organization(s).

(b) **Verification of matching funds (for applied plant science research projects only):** Professional service contracts shall be awarded to applied Oklahoma Plant Science Research projects contingent upon documentation that the matching funds and/or machinery or equipment to be matched by OCAST has been received by the applicant organization(s). The period of time allowed for verification of receipt of matching funds shall be recommended by the PSRC, approved by the OSTRaD Board and announced in the solicitation.

(c) **Fiscal agent.** If more than one applicant organization participates in a contract, one organization shall be designated as the fiscal agent.

Emergency Adoptions

(d) **Contractor obligations.**

(1) **Records and accounts.** The contractor, or designated fiscal agent, shall maintain records and accounts that properly document and account for the source and application of all project funds, and all such records and accounts shall be made available on demand by OCAST for inspection and use in carrying out its responsibilities for administration of the funds.

(2) **Access and examination.** The contractor, or designated fiscal agent, shall as OCAST deems necessary, permit authorized representatives of OCAST and the State of Oklahoma full access, and the right to fully examine, all projects records and accounts.

(3) **Audits.** The contractor, or designated fiscal agent, shall comply with the audit policy of OCAST. The contractor, or designated fiscal agent, shall provide OCAST timely reports on any audits that include funds received from OCAST. In the event an audit results in the determination that the contractor, or designated fiscal agent, has expended contract funds on unallowable costs, the contractor, or designated fiscal agent, shall reimburse OCAST in full for all such costs.

(e) **Award provisions.** Funding of approved professional service contracts shall be subject to availability of resources and approval of OCAST. Failure to submit an annual progress report could result in the termination of funding.

650:12-1-13. Confidentiality

(a) **Applications.** There shall be no guarantee that the contents of any application will remain confidential.

(b) **Intent to submit forms; executive summaries.** Unless specifically requested, OCAST may use the contents from Intent to Submit Forms and Executive Summaries from the proposal or subsequent annual progress reports, for the required

OCAST Annual Report or other publications without obtaining permission from the investigator(s) or applicant organization(s).

650:12-1-14. Notification process

(a) **Direct mailings.** Announcements of funding competitions for applied research projects shall be made through:

(1) **Higher education.** Solicitations shall be mailed and/or e-mailed to the official designated by the president of each institution listed in the Oklahoma Higher Education Directory.

(2) **Nonprofit research foundations.** Solicitations shall be mailed and/or e-mailed to nonprofit research foundations who, in an inquiry of all nonprofit research foundations, have indicated that they wish to receive OCAST proposal solicitations.

(3) **Requestors.** Solicitations shall be mailed and/or e-mailed to all persons who contact OCAST and request an application.

(b) **Public announcements posted.** Public announcements of funding competitions shall be posted at the OCAST principal office and on the OCAST web site at least thirty (30) days prior to application submission dates.

650:12-1-15. Appeals process

Appeals related to this Chapter shall be processed in accordance with the procedures referenced in OAC 650:1-3-4.

[OAR Docket #06-1562; filed 12-11-06]

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

1:2006-28.

EXECUTIVE ORDER 2006-28

I, Brad Henry, Governor of the State of Oklahoma, pursuant to Title 45 Code of Federal Regulations, Section 96.10(b), which provides that certifications required by the Low-Income Home Energy Assistance Block Grant statutes may be made by an individual authorized to make such certifications on behalf of the State's chief executive officer, do hereby designate the Director of the Oklahoma Department of Human Services to act as my designee.

As my designee, the Director shall be responsible for reviewing and signing the State and Federal Agreement concerning the administration of the Low-Income Home Energy Assistance Block Grant. In addition, the Director shall be responsible for reviewing, commenting on, approving, and signing assurances, state plans and state plan amendments submitted to the various federal agencies by the Oklahoma Commission for Human Services and the Oklahoma Department of Human Services and do all things that I might do pursuant to such block grant.

This executive order shall be forwarded to the Director of the Oklahoma Department of Human 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 21st day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #06-1632; filed 12-22-06]

1:2006-29.

EXECUTIVE ORDER 2006-29

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

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and,
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission.

In addition, due to the wildfires and severe drought conditions occurring statewide it is necessary to expedite access to hay and water for livestock. In order to accommodate this need and to provide assistance to our farmers and ranchers in this extraordinary situation, I hereby order the temporary suspension of the requirements for special permits for use of overweight/oversized vehicles under Title 47 as they apply to vehicles used to transport round baled hay and water for livestock.

This temporary order shall terminate on June 30, 2007.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 21st day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-1633; filed 12-22-06]

1:2006-30.

EXECUTIVE ORDER 2006-30

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Texas County, Oklahoma experienced severe snow and ice storms December 19, 2006 through December 20, 2006. The entire County, to include respective cities and towns, has been affected. Joint State and local damage assessments are currently being conducted, and will continue until the entire County has been surveyed.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the snow and ice storms in Texas County that threatened the lives and property of the people of this State and the public's peace, health and safety

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 21st day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-1634; filed 12-22-06]

1:2006-31.

EXECUTIVE ORDER 2006-31

I, Brad Henry, Governor of the State of Oklahoma, in honor and tribute to the memory of President Gerald R. Ford, the thirty-eighth President of the United States, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff for a period of thirty days from the day of his death.

President Ford provided much needed leadership during a difficult time in our history. The First Lady and I join all Oklahomans in mourning the passing of a great American.

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 27th day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #06-1635; filed 12-27-06]

1:2006-32.

EXECUTIVE ORDER 2006-32

On December 28, 2006, George W. Bush, President of the United States, issued a Proclamation and an Executive Order declaring Tuesday, January 2, 2007, as a National Day of Mourning and closing certain federal offices throughout

the United States to pay homage to the memory of President Gerald R. Ford, the thirty-eighth President of the United States

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me under the provisions of Section 82.1 of Title 25 of the Oklahoma Statutes, hereby declare Tuesday, January 2, 2007, a holiday and Day of Mourning in the State of Oklahoma. All official business in the State of Oklahoma on Tuesday, January 2, 2007, shall be suspended while our state and nation mourn the death of President Gerald R. Ford. Appointing Authorities who are responsible for facilities or programs that require 24-hour operation should arrange appropriate staffing consistent with policies and procedures used for other State holidays.

This Executive Order shall be forwarded to the Secretary for Human Resources and Administration who shall cause the provisions of this order to be implemented by all appropriate

agencies of state government. Copies of this Executive Order shall be supplied to each Cabinet Secretary.

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 29th day of December, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Vickie L. Mitchell
Acting Assistant Secretary of State

[OAR Docket #06-1638; filed 12-29-06]
