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POLYGRAPH Examiners Board	560	Board of VETERINARY Medical Examiners	775
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Oklahoma WATER Resources Board	785
State Board of Examiners of PSYCHOLOGISTS	575	Board of Regents of WESTERN Oklahoma State College	790
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs)</i>	580	Oklahoma WHEAT Commission	795
PUBLIC Employees Relations Board	585	Department of WILDLIFE Conservation	800
Oklahoma PUBLIC Employees Retirement System	590	WILL Rogers and J.M. Davis Memorials Commission	805
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #07-229]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Licensure and Regulations of Accountancy
[AMENDED]

SUMMARY:

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

Subchapter 1, General Provisions, amendments clarify the definition of "retired" and add a definition for "Rolling three-year period."

Subchapter 25, Permits, amendment removes "holding out" language in the rule requiring a permit of any registrant engaged in the practice of public accounting.

Subchapter 30, Continuing Professional Education, amendment clarifies that the 3-year period for earning CPE is a rolling 3-year period. Additional amendments clarify eligibility for exemption to the CPE requirement.

Subchapter 32, Standards for Continuing Professional Education (CPE) Programs, amendment clarifies the limit for publication CPE credit as 10 credits per calendar year.

Subchapter 33, Peer Review, amendment provides that a firm having a permit revoked, suspended, surrendered, or cancelled must submit a peer review report or enroll in a peer review program if the firm held a permit at the time it provided audit or review services. Another amendment corrects the name of the PCAOB (Public Company Accounting Oversight Board). The substantive amendment to the Peer Review Committee requirements makes permanent the change made in emergency rules to remove language stating that a committee member could not be reappointed for three years after his/her previous appointment. Another amendment simplifies the language prohibiting a committee member to serve concurrently as a member the AICPA's or any state's CPA society ethics or peer review committee and removes the 12-month waiting period limitation.

Subchapter 39, Rules of Professional Conduct, amendments add back in language inadvertently deleted in a previous rules change and clarify language regarding repeated offenses.

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

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5

COMMENT PERIOD:

Written and oral comments will be accepted through close of business March 20, 2007. Comments can be submitted directly through the Oklahoma Accountancy Board (OAB) website at www.ok.gov/oab. Click on the link in the "In the Spotlight" section to submit your comments. Comments can also be submitted by contacting Edith Steele, Executive Director, or Kelly Brown, Deputy Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: okaccybd@oab.ok.gov or FAX: 405-521-3118.

PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:00 a.m. on March 20, 2007, Suite 269, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Edith Steele at the above address during the period from February 15, 2007 through March 20, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available March 2, 2007 on the OAB website or from the OAB at the address and contact numbers listed above.

CONTACT PERSONS:

Edith Steele or Kelly Brown at 405-521-2397

[OAR Docket #07-229; filed 1-26-07]

Notices of Rulemaking Intent

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

[OAR Docket #07-143]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules
35:2-3-29. [AMENDED]

SUMMARY:

The proposed rule amends the fees charged by the Animal Industry Services Division for poultry testing supplies. The fees reflect actual costs for the supplies.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4(2), (7), (20), and (29), and 6-2 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2007 to March 19, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 19, 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 February 15, 2007 to March 19, 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 #07-143; filed 1-24-07]

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

[OAR Docket #07-142]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets
35:15-13-3. [AMENDED]
Subchapter 15. Equine Infectious Anemia (EIA)
Part 3. Procedures
35:15-15-34. [AMENDED]
Part 7. Requirements for Approved Markets
35:15-15-71. [AMENDED]
Subchapter 17. Bovine and Bison Brucellosis
Part 1. Definitions
35:15-17-1. [AMENDED]
Part 11. Entry Permit and Retest Requirements
35:15-17-80. [AMENDED]
Subchapter 19. Poultry Regulations
35:15-19-4. [AMENDED]
35:15-19-8. [AMENDED]
Subchapter 22. Swine Pseudorabies
Part 1. General Provisions
35:15-22-3. [NEW]
Part 9. Requirements for Approved Markets
35:15-22-91. [AMENDED]
Subchapter 24. Swine Brucellosis
Part 1. General Provisions
35:15-24-3. [AMENDED]
Subchapter 36. Scrapie
35:15-36-3. [NEW]

SUMMARY:

These rules update various animal health rules of the Department. The rules specifically update rules for livestock auction market, Equine Infectious Anemia, brucellosis, poultry, pseudorabies, and scrapie. In addition, the rules clarify the brucellosis requirements for rodeo bulls.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2007 to March 19, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 19, 2007, in the Consumer Protection Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from February 15, 2007 to March 19, 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 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:

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

[OAR Docket #07-142; filed 1-24-07]

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

[OAR Docket #07-144]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 17. Combined Pesticide
 - Part 1. Commercial and Non-Commercial Categories of Pesticide Application
 - 35:30-17-3. [AMENDED]
 - 35:30-17-3.1. [NEW]
 - 35:30-17-3.2. [NEW]
 - 35:30-17-3.3. [NEW]
 - Part 9. Minimum Standards for Contracts and Keeping of Records
 - 35:30-17-21. [AMENDED]

SUMMARY:

The proposed rules add requirements for pesticide dealer permits for restricted use and non-restricted use pesticides.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2007 to March 19, 2007.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 19, 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 February 15, 2007 to March 19, 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 #07-144; filed 1-24-07]

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

[OAR Docket #07-145]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 17. Combined Pesticide
 - Part 3. Certification, Conduct of Examinations, and Recertification
 - 35:30-17-4. [AMENDED]
 - 35:30-17-6. [AMENDED]

SUMMARY:

The proposed rules modify the testing requirements for private applicators of pesticides and require drift training school for all new applicators.

Notices of Rulemaking Intent

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2007 to March 19, 2007.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., March 19, 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 February 15, 2007 to March 19, 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 #07-145; filed 1-24-07]

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

[OAR Docket #07-178]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 2. Domestic Violence and Sexual Assault Programs [NEW]
- Subchapter 3. Domestic Violence and Sexual Assault Programs [REVOKED]

Subchapter 4. Batterers Intervention Programs [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 7. Physical Environments [AMENDED]

Subchapter 9. Program Management and Performance Improvement [AMENDED]

Subchapter 13. Personnel and Volunteers [AMENDED]

Subchapter 15. Governing Authority [AMENDED]

Subchapter 17. Client Rights, Domestic Violence, ~~Batterers Intervention~~, Sexual Assault Programs and Shelters [AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. and to meet the responsibilities related to oversight, management, evaluation, performance improvement, and auditing of domestic violence and sexual assault services in this state. Last year, the Office of the Attorney General promulgated amendments to this Chapter as a result of the transfer of the administration of the domestic violence and sexual assault programs from the Oklahoma Department of Mental Health and Substance Abuse Services. Primarily, language was amended that was obsolete or inaccurate, and typographical errors were corrected. Some substantive amendments were also made by the Domestic Violence and Sexual Assault Advisory Council, including the creation of a subchapter for batterers intervention program standards as well as expanded provisions for safe home services. This year, the Advisory Council has taken a closer look at standards for certification to ensure that they are more organized and easier to follow; that they are appropriate for what the programs actually do, broken down by program component; that medical terminology is removed, and that further delineation of the requirements for batterers intervention programs are made to ensure they are separate from the requirements for domestic violence and sexual assault programs. Additionally, service to victims of stalking has been included as a requirement for certification.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written may do so by 1:00 p.m., March 21, 2007, at the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input and oral comment on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 21, 2007, at 1:00 p.m., in the conference room of the Office of the Attorney General,

313 N.E. 21st, Oklahoma City, OK 73105. **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 21, 2007, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st, Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2007.

CONTACT PERSON:

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

[OAR Docket #07-178; filed 1-25-07]

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

[OAR Docket #07-241]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations. [AMENDED]

SUMMARY:

The proposed change to Chapter 1 revises the mailing address for the Employees Benefits Council's main office location from 200 North Harvey, Suite 1200, Oklahoma City, OK 73102 to 120 North Robinson Avenue, Suite 1100, Oklahoma City, OK 73102.

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 March 19, 2007 at the Employees Benefits Council, 120 N. Robinson Avenue, 11th Floor, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 20, 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, March 20, 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 73102. 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 #07-241; filed 1-26-07]

**TITLE 87. OKLAHOMA STATE
EMPLOYEES BENEFITS COUNCIL
CHAPTER 15. COMPETITIVE BIDDING
CRITERIA AND PROCEDURES FOR
CONTRACTS AWARDED FOR FLEXIBLE
BENEFITS PLANS**

[OAR Docket #07-240]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Competitive Bidding Criteria and Procedures for Contracts Awarded for Flexible Benefits Plans. [AMENDED]

SUMMARY:

The proposed change to Chapter 15 revises the mailing address for the Employees Benefits Council's main office location from 200 North Harvey, Suite 1200, Oklahoma City, OK 73102 to 120 North Robinson Avenue, Suite 1100, Oklahoma City, OK 73102.

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 March 19, 2007 at the Employees Benefits Council, 120 N. Robinson Avenue, 11th Floor, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 20, 2007 at the Employees Benefits Council, 120 N. Robinson Avenue,

Notices of Rulemaking Intent

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, March 20, 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 73102. 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 #07-240; filed 1-26-07]

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 1. GENERAL COURSE AND METHOD OF OPERATION

[OAR Docket #07-139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Course and Method of Operation
135:1-1-1.2. [AMENDED]

SUMMARY:

The proposed amendment updates the Commission's address and contact information.

AUTHORITY:

10 O.S., 2001, § 601.4(9); Oklahoma Commission on Children and Youth.

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 19, 2007. Comments may be submitted to Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102. The comment period is from February 15, 2007, to March 19, 2007.

PUBLIC HEARING:

A public hearing has been scheduled for Monday, March 19, 2007, at 2:00 p.m., at 500 North Broadway, Suite 300, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

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 Janice Hendryx at the above address during the period from February 15, 2007, to March 19, 2007. The Commission is not aware of any business entities affected by these proposed rules.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after March 1, 2007.

CONTACT PERSONS:

Janice Hendryx, Executive Director, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #07-139; filed 1-24-07]

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #07-140]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 22. Child Abuse Training and Coordination Council [NEW]
135:10-22-1. [NEW]
135:10-22-2. [NEW]
135:10-22-3. [NEW]

SUMMARY:

The proposed new rules provides the manner in which the Commission will appointment members of the Child Abuse Training and Coordination Council pursuant to 63 O.S. § 1-227.9.

AUTHORITY:

10 O.S., 2001, § 601.4(9); Oklahoma Commission on Children and Youth.

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 19, 2007. Comments may be submitted to Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102.

The comment period is from February 15, 2007, to March 19, 2007.

PUBLIC HEARING:

A public hearing has been scheduled for Monday, March 19, 2007, at 2:00 p.m., at 500 North Broadway, Suite 300, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

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 Janice Hendryx at the above address during the period from February 15, 2007, to March 19, 2007. The Commission is not aware of any business entities affected by these proposed rules.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after March 1, 2007.

CONTACT PERSONS:

Janice Hendryx, Executive Director, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #07-140; filed 1-24-07]

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

[OAR Docket #07-146]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 10. Licensure of Chiropractic Physicians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10 include changes necessary to amend current language regarding renewal requirements and to the fee schedule.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 15, 2007 through March 19, 2007 at: Oklahoma Board of Chiropractic

Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 20, 2007 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #07-146; filed 1-24-07]

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

[OAR Docket #07-147]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 15. Special Certificates and Miscellaneous Provisions [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 15, 2007 through March 19, 2007 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 20, 2007, 10:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E.

Notices of Rulemaking Intent

38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #07-147; filed 1-24-07]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 25. CHIROPRACTIC UNDERGRADUATE PRECEPTORSHIP PROGRAMS

[OAR Docket #07-148]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 25. Chiropractic Undergraduate Preceptorship Programs [AMENDED]

SUMMARY:

The proposed revisions to chapter 25 include changes necessary to amend current language regarding the current rules pertaining to the preceptorship program.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 15, 2007 through March 19, 2007 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 20, 2007 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38th

Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #07-148; filed 1-24-07]

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

[OAR Docket #07-202]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 20, 2007 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rule: 1:00 p.m., Tuesday, March 20, 2007, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed rule are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 20, 2007 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-202; filed 1-26-07]

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

[OAR Docket #07-203]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensing
160:55-3-1.4. [AMENDED]
- Subchapter 7. Records
160:55-7-1. [AMENDED]

SUMMARY:

The proposed licensing rule is to supersede the emergency rule that provided regulations for the change in the continuing education requirement pursuant to Senate Bill 1877 from the 2006 Second Regular Session of the 50th Legislature. Senate Bill 1877 imposes continuing education for the renewal of a mortgage loan originator license at year-end as is required for the renewal of a mortgage broker license, and the amended rule provides a reasonable transition for the new requirement. The proposed records rule adds the maintenance of a transaction journal.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 20, 2007 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., Tuesday, March 20, 2007, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 20, 2007 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-203; filed 1-26-07]

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

[OAR Docket #07-204]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
160:70-1-3. [AMENDED]

SUMMARY:

The proposed rule provides a definition of due date.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 20, 2007 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., Tuesday, March 20, 2007, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 20, 2007 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-204; filed 1-26-07]

TITLE 170. DEPARTMENT OF CORRECTIONS CHAPTER 1. ORGANIZATION

[OAR Docket #07-216]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 170:1-1-1. [AMENDED]
- 170:1-1-2. [AMENDED]
- 170:1-1-3. [AMENDED]

170:1-1-4. [AMENDED]

170:1-1-5. [NEW]

170:1-1-6. [AMENDED]

170:1-1-7. [AMENDED]

170:1-1-8. [AMENDED]

170:1-1-9. [AMENDED]

170:1-1-10. [AMENDED]

170:1-1-11. [AMENDED]

170:1-1-12. [AMENDED]

170:1-1-13. [AMENDED]

170:1-1-14. [AMENDED]

170:1-1-15. [AMENDED]

170:1-1-16. [NEW]

SUMMARY:

The rules of this chapter describe the organization of the agency, stating the general course and method of the operations of the agency and the methods whereby the public may obtain information or make submissions or requests. The rules also describe how the agency makes its public records available for public inspection pursuant to the provisions of the Open Records Act. Proposed amendments address changes in the organization of the agency and its processes for making open records available.

AUTHORITY:

Oklahoma Department of Corrections; 75 O.S. Section 302(A)

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Assistant Deputy Director of Administrative Services, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400, until March 20, 2007.

PUBLIC HEARING:

Public hearing will be conducted at the General Counsel's conference room at 3400 Martin Luther King Avenue at 3:30 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 Administrative Services, 3400 Martin Luther King Ave., Oklahoma City, Oklahoma, 73136-0400.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2007. Copies may be obtained from Administrative Services at the above address.

CONTACT PERSON:

Robert Zapffe, Assistant Deputy Director of Administrative Services, (405) 425-7290.

[OAR Docket #07-216; filed 1-26-07]

**TITLE 170. DEPARTMENT OF
CORRECTIONS
CHAPTER 20. COMMUNITY WORK
CENTERS**

[OAR Docket #07-217]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
- 170:20-1-3. [AMENDED]
- Subchapter 3. Application for Approval
- 170:20-3-1. [AMENDED]
- 170:20-3-2. [AMENDED]

SUMMARY:

Proposed changes to the rules of this chapter address a statutory change to Title 57 O.S. Section 563, removing the statutory limit on the capacity of community work centers and amending the previous limit of 100 beds to 150 beds. Additional changes address changes in the organizational structure of the agency.

AUTHORITY:

Oklahoma Department of Corrections; 57 O.S. Section 563

COMMENT PERIOD:

Interested persons may present their views orally or in writing to the Assistant Deputy Director of Community Corrections, 3700 Classen Blvd., Suite 110, Oklahoma City, Oklahoma, 73118, until March 23, 2007.

PUBLIC HEARING:

Public hearing will be conducted at the General Counsel's conference room at 3400 Martin Luther King Avenue at 9:00 o'clock a.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 Community Corrections, 3700 Classen Blvd., Suite 110, Oklahoma City, Oklahoma, 73118.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 1, 2007. Copies may be obtained from Community Corrections at the above address.

CONTACT PERSON:

Dan Reynolds, Assistant Deputy Director of Community Corrections, (405) 523-3075.

[OAR Docket #07-217; filed 1-26-07]

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

[OAR Docket #07-211]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 210:10-1-9. Transfers [AMENDED]

SUMMARY:

Rule amendments will change the words handicapped child to child with a disability and Education for Handicapped Children's Act to Individuals with Disabilities Act to be consistent with language used in the reauthorization of 2004.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 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, March 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 February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-211; filed 1-26-07]

Notices of Rulemaking Intent

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

[OAR Docket #07-212]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment
210:10-13-18. Oklahoma School Accountability System
[AMENDED]

SUMMARY:

Rule amendments will clarify language relating to the Oklahoma School Accountability System and Adequate Yearly Progress determinations.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 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, March 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 February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-212; filed 1-26-07]

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

[OAR Docket #07-213]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment
210:10-13-11. Testing students with disabilities
[AMENDED]

SUMMARY:

The purpose of the proposed rule change is because the No Child Left Behind Act requires that all students, even students with significant cognitive disabilities, work towards grade level state standards of the grade in which they are enrolled. The functional curriculum is no longer an acceptable form of curriculum. The proposed changes are to implement the requirement the Oklahoma Alternate Assessment Program (OAAP) will be designed for students who are to participate in an adapted Priority Academic Student Skills (PASS) curriculum rather than functional life skills.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 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, March 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 February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-213; filed 1-26-07]

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

[OAR Docket #07-209]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Priority Academic Student Skills

Part 3. Kindergarten

210:15-3-5.1. Definitions [AMENDED]

210:15-3-5.3. Language arts [AMENDED]

Part 5. Language Arts

210:15-3-11.2. Definitions [AMENDED]

210:15-3-12. Language arts for grade 1 [AMENDED]

210:15-3-13. Language arts for grade 2 [AMENDED]

210:15-3-14. Language arts for grade 3 [AMENDED]

210:15-3-15. Language arts for grade 4 [AMENDED]

210:15-3-16. Language arts for grade 5 [AMENDED]

210:15-3-17. Language arts for grade 6 [AMENDED]

210:15-3-18. Language arts for grade 7 [AMENDED]

210:15-3-19. Language arts for grade 8 [AMENDED]

210:15-3-20. Language arts for grade 9 [AMENDED]

210:15-3-21. Language arts for grade 10 [AMENDED]

210:15-3-22. Language arts for grade 11 [AMENDED]

210:15-3-23. Language arts for grade 12 [AMENDED]

SUMMARY:

The purpose of the rule amendments is to comply with review requirements set forth in 70 O. S. § 11-103.6. The proposed rule amendments will provide additional clarity and detail to the Priority Academic Student Skills, Oklahoma's core curriculum. Changes will be made to meet requirements in coordination with the existing textbook adoption (6) year cycle. The changes will provide public school educators with the guidance necessary to achieve further improvements in the quality of education for the students in this state.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 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, March 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 February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-209; filed 1-26-07]

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

[OAR Docket #07-210]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Special Education

210:15-13-1. Purpose [AMENDED]

210:15-13-2. Special education assurances and certification (Part B) [AMENDED]

210:15-13-3. Special education assurances and certification (Part H) [AMENDED]

SUMMARY:

Rule amendments will provide consistency with the current Individuals with Disabilities Act (IDEA) and the Oklahoma Early Intervention Act. The Oklahoma Early Intervention Act 70 O. S. § 13-121 did not require significant changes with the reauthorization of IDEA 2004. The rules only required a change in wording. Part C replaces Part H.

AUTHORITY:

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

COMMENT PERIOD:

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

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speakers must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-210; filed 1-26-07]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

[OAR Docket #07-214]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 29. Oklahoma Special Education Assistance Fund [REVOKED]

210:40-29-1. Purpose [REVOKED]

210:40-29-2. Reimbursement Claim and Funding Priorities [REVOKED]

SUMMARY:

The elimination of the rule would provide consistency with current practices and statute and is necessary to prevent confusion from constituents. The Oklahoma Special Education Assistance Fund no longer exists.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 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, March 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 February 16, 2007.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #07-214; filed 1-26-07]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 1. FUNCTION AND STRUCTURE OF THE DEPARTMENT

[OAR Docket #07-150]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Civil Rights and Nondiscrimination on Basis of Race, Color, National Origin, Sex, Age Religion, or Disability

Part 2. Food Stamp Program Discrimination Complaint, ~~and Non-Compliance, and Rude Treatment~~ System

340:1-11-21. through 340:1-11-22. [AMENDED]

(Reference APA WF 07-06)

SUMMARY:

The proposed revisions of Subchapter 11 of Chapter 1 amend the rules to delete unnecessary duties and reflect the current title of the Oklahoma Department of Human Services (OKDHS).

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Title VI of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) § 2000d to 2000d-6; Americans with Disabilities Act (28 Code of Federal Regulations (CFR) Part 35, Title II, Subtitle A); Title IX of the Education Amendments of 1972 (20 U.S.C § 1681 et. seq.) Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975 (45 CFR Part 91); Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Civil Rights Restoration Act of 1987; Food Stamp Act of 1977; and FNS Instruction 113-1.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business

hours by contacting David Shafer, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4247.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-150; filed 1-25-07]

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

[OAR Docket #07-149]

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:

The proposed revisions to Subchapters 1 and 15 of Chapter 2 amend the rules to: (1) correct the Oklahoma Department of Human Services (OKDHS) title; (2) remove alcohol testing as a pre-employment requirement; (3) establish procedures and include forms for pre-employment drug testing; (4) amend an OKDHS form number; and (5) revoke material that is internal to 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 February 15, 2007 through March 19, 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 March 19, 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 #07-149; filed 1-25-07]

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

[OAR Docket #07-155]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 28. Office of Administrative Hearings: Child Support

340:2-28-1. through 340:2-28-2. [AMENDED]

340:2-28-4.2. through 340:2-28-4.3. [AMENDED]

340:2-28-4.4. [NEW]

340:2-28-16.1. through 340:2-28-16.2. [AMENDED]

340:2-28-17.2. [AMENDED]

340:2-28-19. through 340:2-28-20. [AMENDED]

340:2-28-22. [AMENDED]

340:2-28-24. through 340:2-28-26. [AMENDED]

340:2-28-29. through 340:2-28-31. [AMENDED]

340:2-28-33. [AMENDED]

(Reference APA WF 07-02)

Notices of Rulemaking Intent

SUMMARY:

The proposed revisions to Subchapter 28 of Chapter 2 amend the rules to provide for electronic filing and submission of documents with the Oklahoma Department of Human Services (OKDHS) Office of Administrative Hearings: Child Support (OAH). The amendments will enable OAH to implement a project that will develop a comprehensive court case management system that is virtually paperless, incorporates computer technology to facilitate web electronic filing and document submission, and integrates automated document generation.

Proposed revisions: (1) clarify OAH jurisdiction for administrative hearings relating to child support; (2) add a definition; (3) reflect that administrative case proceedings cannot commence until an administrative case is opened through the OKDHS Child Support Enforcement Division (CSED); (4) issue a new rule specifying that OAH court clerks treat documents that have been filed through the OAH electronic medium the same as paper documents and affix an electronic file-stamp on the electronically filed document; (5) specify that CSED district child support offices docket their hearings through the OAH docketing system; (6) clarify when notices and continuances must be docketed; (7) include the electronic filing and delivery of orders to parties is an acceptable form of filing and delivery of orders; (8) add that electronic signatures or electronic notary stamps are acceptable on pleading and motion documents; (9) reflect that electronic submissions are digitally maintained by OAH according to the State Records Retention Act; (10) include that forms, filing and service documents may be electronically submitted; (11) add that motions may be provided on an electronic document; (12) reflect that the preferred method of filing documents, including motions is through an electronic means approved by OAH; (13) include that certain types of confidential information may be redacted; (14) add that an entry of appearance may be filed through an electronic means approved by OAH; (15) include that failure to dress appropriately for an OAH hearing or prehearing may be cause for the case to be continued to another docket or stricken from the docket; (16) add electronically submitted documents to items that constitute the exclusive record for decision by the administrative law judge; (17) reflect that parties must file a designation of record with OAH describing which documents in the OAH administrative file are to be sent to the appellate court in the event of an appeal; (18) clarify the numbering of OAH cases and the procedure for child support district offices to follow when transferring child support cases; (19) add that motions for dismissals or partial dismissals may be filed through an electronic means approved by OAH; (20) include that a motion for continuance may be electronically submitted; (21) add that objections to jurisdiction, service and/or venue may be filed through an electronic means approved by OAH; and (22) clarify the conditions when a default judgment may be entered.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 237 of Title 56 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Carolyn Koger, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-2596.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-155; filed 1-25-07]

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

[OAR Docket #07-154]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Investigation of Adult Protective Services 340:5-5-4. [AMENDED]

(Reference APA WF 07-03)

SUMMARY:

The proposed revisions to Subchapter 5 of Chapter 5 amend the rules to: (1) clarify how Adult Protective Services (APS) works with an alleged victim who is a tribal member; (2) change the statute cite and language regarding voluntary referrals for APS service; (3) clarify how APS staff work with Developmental Disabilities Services Division (DDSD) staff; (4) provide other clarifying information; and (5) update outdated language.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Sections 10-101 through 110 of Title 43 A of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-154; filed 1-25-07]

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

[OAR Docket #07-151]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Conditions of Eligibility - Need

Part 3. Income

340:10-3-32. [AMENDED]

(Reference APA WF 07-07)

SUMMARY:

Chapter 10 Subchapter 3 proposed rule revisions: (1) change language regarding tax forms used to determine self-employment income; and (2) add a rule regarding how profit sharing income is treated.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 56 O.S. § 230.50 and 230.52; the Personal Responsibility and Work Opportunity Act of 1996; and 45 Code of Federal Regulations (CFR) Part 260.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-151; filed 1-25-07]

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

[OAR Docket #07-158]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Eligibility

340:40-7-11. [AMENDED]

(Reference APA WF 07-08)

SUMMARY:

Subchapter 7 Chapter 40 proposed rule revisions: (1) simplify how self-employed farm income and business expenses are considered; (2) change language regarding tax forms used to determine self-employment income; (3) add a rule regarding how profit sharing income is treated; (4) add information about the Supported Permanency benefits; and (5) add clarifying information.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business

Notices of Rulemaking Intent

hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-158; filed 1-25-07]

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

[OAR Docket #07-157]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-30. [AMENDED]

(Reference APA WF 07-09)

SUMMARY:

Proposed Food Stamp Program rule revisions: (1) simplify how self-employed farm income and business expenses are considered; (2) change language regarding tax forms used to determine self-employment income; (3) add a rule regarding how profit sharing income is treated; and (4) remove outdated language.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Chapter II, Part 273 of Title 7 of the Code of Federal Regulations (CFR).

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-157; filed 1-25-07]

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

[OAR Docket #07-153]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Eligibility for Benefits

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

(Reference APA WF 07-04)

SUMMARY:

The proposed revisions to Subchapter 3 of Chapter 65 amend the rules to: (1) add information that a Social Security number is not required for the Child Care Program; (2) add a definition for who can be a payee for the programs administered by Family Support Services Division (FSSD); (3) update outdated language and form numbers; and (4) clarify information.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by

contacting the above listed person no later than March 19, 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 #07-153; filed 1-25-07]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 70. SOCIAL SERVICES**

[OAR Docket #07-156]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Supplemental Security Income-Disabled Children's Program (SSI-DCP)

340:70-8-1. [AMENDED]

Subchapter 9. Health Related Services

340:70-9-1. [REVOKED]

340:70-9-2. [AMENDED]

340:70-9-5. [AMENDED]

340:70-9-7. [REVOKED]

340:70-9-9. [AMENDED]

340:70-9-10. [REVOKED]

340:70-9-15. [REVOKED]

340:70-9-17. [AMENDED]

(Reference APA WF 06-26)

SUMMARY:

The proposed revisions to Subchapters 8 and 9 of Chapter 70 amend the rules to: (1) revoke some sections and include still relevant material in other sections; (2) add information about how abnormal findings during an Periodic Screening, Diagnosis and Treatment (EPSDT) examination are handled; (3) add information about the Family Planning Waiver; (4) update outdated language and form numbers; and (5) clarify information.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 504 of Title V and Section 1905 of Title XIX of the Social Security Act.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business

hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4091.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-156; filed 1-25-07]

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

[OAR Docket #07-185]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Child Protective Services

340:75-3-8.5. [AMENDED]

Subchapter 4. Family-Centered and Community Services

Part 1. Voluntary Family-Centered Services

340:75-4-14. [AMENDED]

Subchapter 13. Other Child Welfare Services and Medical

Services for Children in Out-of-Home Care

Part 3. Income and Resources of the Child

340:75-13-28. [AMENDED]

340:75-13-29. [AMENDED]

(Reference APA WF 07-01)

SUMMARY:

The proposed revisions to Subchapters 3, 4, and 13 of Chapter 75 clarify: (1) procedures for developing an aftercare plan when Family-Centered Services are terminated; (2) criteria for youth to receive Social Security Administration (SSA), Veterans Administration (VA), or Supplemental Security Income (SSI) benefits; (3) criteria for the Oklahoma Department of Human Services (OKDHS), placement provider, or youth to become the payee of benefits; and (4) protocol for a Child Protective Services (CPS) assessment.

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340:75-3-8.5 is amended to clarify the existing rule by deleting obsolete language and updating terminology to reflect current OKDHS usage.

340:75-4-14 is amended to add procedure for developing an aftercare plan when Family-Centered Services are terminated.

340:75-13-28 is amended to: (1) clarify OKDHS as payee of Social Security benefits when OKDHS is paying the full amount of the child's cost of care; (2) clarify that a youth who remains in school beyond age 18 to complete high school remains eligible to receive SSA and VA benefit payments until graduation or reaching the age of 19; (3) include that if a youth is not competent to manage the payment, OKDHS will remain the payee for benefits; (4) require that a statement of evidence of the youth's inability to manage the payment be submitted to the Children and Family Services Division (CFSD) Administrative Services Unit (ASU); (5) require that the Child Welfare (CW) worker assist the youth in applying for a Disabled Adult Child case with SSA; (6) add procedures for placement providers and beneficiaries to become payees of the SSA or VA benefits; (7) reconcile CFSD numbered forms with the OKDHS Enterprise Document Generation System; and (8) clarify punctuation and syntax to bring the rules into conformance with current OKDHS language and usage.

340:75-13-29 is amended to clarify: (1) that the SSI recipient remains eligible for SSI if the recipient's income, resources, and disability continue to meet SSI program criteria; and (2) procedures for OKDHS, placement providers, and beneficiaries to become the payee for a child's benefits.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 416.621 of Title 20 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 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 March 19, 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 #07-185; filed 1-25-07]

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

[OAR Docket #07-152]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Client Services

Part 3. Service Provisions

340:100-5-22. [AMENDED]

340:100-5-25. [REVOKED]

(Reference APA WF 07-05)

SUMMARY:

The proposed revisions to Subchapter 5 of Chapter 100, Title 340 are required to: (1) reflect current residential service options; (2) update terminology; and (3) eliminate obsolete provisions.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and, in part, 10 O.S. § 1430.1 et seq., Group Homes for Persons with Developmental or Physical Disabilities Act; and 56 O.S. § 1025.1.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2007 through March 19, 2007 during regular business hours by contacting Millie Carpenter, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4974.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 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 #07-152; filed 1-25-07]

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

[OAR Docket #07-186]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Standards for Child Care Facilities
Part 8. Requirements for Children's Shelters [REVOKED]
340:110-3-130. through 340:110-3-144. [REVOKED]

Part 11. Requirements for Therapeutic Camps
[REVOKED]

340:110-3-180. through 340:110-3-195. [REVOKED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 7. Requirements for Group Homes [REVOKED]

340:110-5-80. through 340:110-5-99. [REVOKED]

(Reference APA WF 07-10)

SUMMARY:

The revisions to Subchapters 3 and 5 of Chapter 110 improve the program and services provided by Oklahoma Department of Human Services (OKDHS) Division of Child Care (DCC) by revoking obsolete and duplicative sections in Parts 8 and 11 of Subchapter 3 and Part 7 of Subchapter 5. Rules containing the current updated requirements regarding residential child care facilities are codified in existing Subchapter 3, Part 9.

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 February 15, 2007 through March 19, 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 March 19, 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 #07-186; filed 1-25-07]

**TITLE 380. OKLAHOMA DEPARTMENT OF LABOR
CHAPTER 30. PROTECTION OF LABOR**

[OAR Docket #07-215]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

380:30-1-2. Definitions [AMENDED]

Subchapter 3. Wage Claim Procedures

380:30-3-2. Employee wage claim form [AMENDED]

SUMMARY:

The proposed amendments to Subchapter 1, 380:30-1-2, add the terms "Electronic means" to the definitions so as to coincide with the changes made to statutory provisions in Title 40, Section 165.2, which took effect on November 1, 2006. The proposed amendments also add the terms, "Claimant" and "Respondent" to the definitions.

The proposed amendments to Subchapter 3, 380:30-3-2, adjust the language deleting the requirement of the claimant's social security number from the Claimant Wage Claim form to mirror the changes done under Federal law.

AUTHORITY:

Commissioner of Labor; 40 O.S. 165.1 et seq.; 40 O.S. 197.1 et seq.

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing March 19, 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 March 19, 2007, and should be addressed as follows:

Oklahoma Department of Labor

Comments: Chapter 30 Rules

Attention: Elizabeth J. Stefanik

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 10 a.m., March 19, 2007. Interested persons may present oral argument, data, and views at the public hearing. Time will be allocated evenly

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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. March 19, 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 March 19, 2007, and should be addressed as follows:

Oklahoma Department of Labor
Business Comments: Chapter 30 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 30 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available by March 2, 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 30 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

Elizabeth J. Stefanik, Assistant General Counsel, Oklahoma Department of Labor, 528-1500, ext. 231.

ADDITIONAL INFORMATION:

Requests for copies of proposed rules, and requests for the Rule Impact Statement, if any, must be made separately.

Requests for documents to be returned by mail must include a self-addressed envelope, with sufficient postage attached.

[OAR Docket #07-215; filed 1-26-07]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 10. PEACE OFFICER CERTIFICATION

[OAR Docket #07-197]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:10-1-2. [AMENDED]

SUMMARY:

This proposed rule change to this chapter would provide additional options for remedial or make-up training for students attending basic academy training at approved academies and the Council on Law Enforcement Education and Training basic academies.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Janet Ingram.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 20, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5158, or from the CLEET web site at www.cleet.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 15, 2007, at the CLEET offices listed above.

CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 239-5158.

[OAR Docket #07-197; filed 1-26-07]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING**

[OAR Docket #07-198]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Basic Academy Programs
- 390:15-1-12. [AMENDED]
- 390:15-1-13. [AMENDED]
- 390:15-1-15. [AMENDED]
- 390:15-1-18. [AMENDED]

SUMMARY:

Subchapter one amendments are needed to modify the dress code for basic academy students, remove a fifteen day (15) time limit to request remedial training, remove the time change the training hours for the first day of class to a time designated by CLEET. Other changes would modify the route for the appeals process in matters regarding administrative discipline.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Janet Ingram.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 20, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 2401 Egypt Road, Ada, Oklahoma

74820-0669, (405) 239-5158, or from the CLEET web site at www.cleet.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 15, 2007, at the CLEET offices listed above.

CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 239-5158.

[OAR Docket #07-198; filed 1-26-07]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 27. POLICE OFFICER ANNUAL FIREARMS REQUALIFICATION**

[OAR Docket #07-199]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Chapter 27. Police Officer Annual Firearms Requalification [NEW]

SUMMARY:

Proposed new chapter would establish a state firearms requalification standard for active peace officers, provide for reporting to CLEET and meet requirements of the federal Law Enforcement Officer Safety Act of 2004 for peace officers to carry concealed weapons nationwide.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311 et. seq

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Janet Ingram.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 20, 2007.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5158, or from the CLEET web site at www.cleet.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 15, 2007, at the CLEET offices listed above.

CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 239-5158.

[OAR Docket #07-199; filed 1-26-07]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 35. REGULATION OF PRIVATE
SECURITY INDUSTRY**

[OAR Docket #07-200]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Requirements

390:35-5-2. [AMENDED]

390:35-5-9. [AMENDED]

Subchapter 15. Training Standards and Requirements

390:35-15-2. [AMENDED]

SUMMARY:

Subchapter five amendments are needed to change the training requirements from a yearly requirement to a licensing period requirement, remove references to the annual training requirement, clarify the penalty for failing to obtain the mandated training and remove the requirement that the identification card be laminated in plastic to allow for a new type of licensing card. Subchapter fifteen amendments would correct the reference to the Oklahoma Board of Private Vocational Schools and remove language implying that a fee must be charged for training.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 59 O. S., Sections 1750.1-1750.11.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Janet Ingram.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 20, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5158, or from the CLEET web site at www.cleet.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 15, 2007, at the CLEET offices listed above.

CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 239-5158.

[OAR Docket #07-200; filed 1-26-07]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 55. FACILITIES MANAGEMENT**

[OAR Docket #07-201]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Facilities Management [NEW]

SUMMARY:

The proposed new rules would establish guidelines and fees for utilization of the facilities and equipment at the K.O. Rayburn Training Center located in Ada, Oklahoma.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., Section 3311 et. seq

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Janet Ingram.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 20, 2007, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 20, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5158, or from the CLEET web site at www.cleet.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 15, 2007, at the CLEET offices listed above.

CONTACT PERSON:

Janet Ingram, Administrative Division Manager, (405) 239-5158.

[OAR Docket #07-201; filed 1-26-07]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 10. PHYSICIANS AND SURGEONS**

[OAR Docket #07-175]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

435:10-1-4. Definitions [AMENDED]

SUMMARY:

The proposed amendment adds the definition of "doctor-patient relationship", "patient", "supervision and control" and "surrogate".

AUTHORITY:

Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from February 15, 2007 to March 19, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 22, 2007, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 17, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 15, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

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

[OAR Docket #07-175; filed 1-25-07]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 10. PHYSICIANS AND SURGEONS**

[OAR Docket #07-176]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 4. Application and Examination Procedures for Licensure as Physician and Surgeon

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

SUMMARY:

The amendments will allow applicants ten (10) years to pass all steps of the licensure examination. In rule 435:10-4-7 the reference to applying for a special license was deleted as the special license, except for a residency training license, is no longer available.

AUTHORITY:

Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from February 15, 2007 to March 19, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 22, 2007, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 15, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

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

[OAR Docket #07-176; filed 1-25-07]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS

[OAR Docket #07-177]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Abortions [NEW]

435:10-21-1. Informed Consent [NEW]

SUMMARY:

This rule states that physicians performing abortions that do not comply with the informed consent section of Title 63 O.S., Section 1-738.2 shall be subject to disciplinary action by the Board.

AUTHORITY:

Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from February 15, 2007 to March 19, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 22, 2007, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 15, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

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

[OAR Docket #07-177; filed 1-25-07]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 40. REGISTERED ELECTROLOGISTS

[OAR Docket #07-235]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

435:40-1-6. Curriculum of study and internship requirements [AMENDED]

435:40-1-7. Application procedures [AMENDED]

435:40-1-9. License renewal and replacement [AMENDED]

SUMMARY:

These rules are being amended to allow individuals trained outside of Oklahoma the opportunity to apply for a license. Under the current requirements, everyone must be trained under an Oklahoma licensed electrologist. The education standards will remain the same and applicants will still be required to take the Oklahoma State Examination. Rule 435:40-1-9 is being amended to accept Journal of Electrology articles and other courses approved by the American Electrology Association to count toward the continuing education requirements.

AUTHORITY:

Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from February 15, 2007 to March 19, 2007. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 22, 2007, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 17, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 15, 2007 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

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

[OAR Docket #07-235; filed 1-26-07]

**TITLE 475. OKLAHOMA BUREAU OF
NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #07-127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Open Records Act

475:1-3-1. Open Records Act [AMENDED]

Subchapter 5. Administrative Actions

475:1-5-6. Submission and receipt of evidence
[AMENDED]

475:1-5-7. Official transcript, index, corrections
[AMENDED]

475:1-5-11. Surrender of registration in lieu of
administrative action [NEW]

SUMMARY:

The proposed rule amendments would expand the number of persons at OBNDD who would be authorized to release records pursuant to the Open Records Act. The proposed rule amendments would remove the requirement that the Director approve any stenographic record when desired by any interested party. The proposed rule amendments would also require that a registrant who surrenders his or her registration in lieu of administrative action may not reapply for a registration for a period of one (1) year.

AUTHORITY:

63 O.S. §§2-301, 302, 303, 304, 305; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities

may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-127; filed 1-23-07]

**TITLE 475. OKLAHOMA BUREAU OF
NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 10. REQUIREMENTS FOR
REGISTRATION**

[OAR Docket #07-128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:10-1-10. Application forms for registration and re-registration [AMENDED]

475:10-1-17. Applications for scientific research in Schedule I substances [AMENDED]

SUMMARY:

The proposed rule amendments would require registrants wanting to possess controlled dangerous substances to provide verification of security measures for the safe storage of the controlled dangerous substances. The proposed rule amendments would require the independent expert required to examine the qualifications of the applicants wanting to possess Schedule I substances for scientific research be selected by the Director rather than OU Health Science Center.

AUTHORITY:

63 O.S. §§2-301, 302, and 303; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), 'persons may demand a hearing' by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-128; filed 1-23-07]

TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 20. SECURITY REQUIREMENTS

[OAR Docket #07-129]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]

SUMMARY:

The proposed rule amendments would specify the federal agency that registrants must make inquiry to in order to determine whether an individual is registered to possess a controlled dangerous substance as the Drug Enforcement Agency.

AUTHORITY:

63 O.S. §§2-301 and 303; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing"

by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-129; filed 1-23-07]

TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 25. RECORDS AND REPORTS OF REGISTRANTS

[OAR Docket #07-130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:25-1-3. Persons required to keep records and file reports [AMENDED]

475:25-1-4. Maintenance of records and inventories [AMENDED]

475:25-1-6. Initial inventory date [REVOKED]

475:25-1-11. Accounting requirements [AMENDED]

475:25-1-13. General requirements for continuing records [AMENDED]

SUMMARY:

The proposed rule amendments would clearly specify the manner in which required records must be kept to allow for the required inspections. The proposed rule amendments would require records that must be kept separate to include invoices and purchase records of controlled dangerous substances. The proposed rule amendments remove the outdated requirements relating to records from 1990. The

proposed rule amendments would remove language relating to inventory requirements for persons provisionally registered with the Federal Drug Enforcement Administration in 1971. The proposed rule amendments would simplify the language relating to requirements of commercial containers of controlled dangerous substances while keeping the requirements the same. The proposed rule changes would remove the semi-annual inventory and report required by registered canine handlers possessing controlled dangerous substances for training purposes.

AUTHORITY:

63 O.S. §§2-301 and 307; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), 'persons may demand a hearing' by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-130; filed 1-23-07]

**TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 30. LABELING REQUIREMENTS**

[OAR Docket #07-131]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:30-1-2. Persons entitled to issue prescriptions [AMENDED]
- 475:30-1-3. Purpose of issuance of prescriptions [AMENDED]
- 475:30-1-4. Manner of issuance of prescriptions [AMENDED]
- 475:30-1-7. Partial filling of Schedule II prescriptions [AMENDED]
- 475:30-1-8. Labeling of substances for institutionalized persons [REVOKED]
- 475:30-1-9. Filling of emergency prescriptions [AMENDED]
- 475:30-1-12. Partial filling of Schedule III, IV and V prescriptions [AMENDED]
- 475:30-1-13. Requirements of prescriptions for controlled dangerous substances listed in Schedule V [AMENDED]
- 475:30-1-14. Dispensing, prescribing, administering or distributing without a prescription [AMENDED]
- 475:30-1-15. Identification requirement [AMENDED]

SUMMARY:

The proposed rule amendments would clearly specify which agents or employees of registrants may communicate oral prescriptions. The proposed rule change would outline how a registrant may dispense and reorder controlled dangerous substances from general stock. The proposed rule amendments would require written prescriptions to be in ink and also allow for electronically transmitted prescriptions with electronic signatures to be treated as call-in prescriptions while also expanding the expiration date for Schedule II prescriptions to ninety (90) days. The proposed rule amendments would expand the time to refill the remaining portion of partially filled prescriptions for Schedule II controlled dangerous substances to thirty (30) days from the date of issuance. The proposed rule amendments remove the specific labeling requirements for institutionalized persons. The proposed rule amendments would remove the specific record requirements for emergency prescriptions. The proposed rule amendments would make more clear the language relating to dispensing controlled dangerous substances without a prescription. The proposed rule amendment would specify the identification pharmacists are required to accept to distribute controlled dangerous substances and sets a minimum age of recipients for such distributions at age sixteen (16).

AUTHORITY:

63 O.S. §§2-301, 307, and 309; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), 'persons may demand a hearing' by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-131; filed 1-23-07]

TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS

[OAR Docket #07-132]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]

475:35-1-5. Procedure for disposing of controlled dangerous substances in bankruptcy proceeding [REVOKED]

SUMMARY:

The proposed rule amendments would remove the specific procedure for the disposal of controlled dangerous substances when a registrant is involved in a bankruptcy proceeding.

AUTHORITY:

63 O.S. §§2-301 and 302; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-132; filed 1-23-07]

TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 40. ENFORCEMENT AND ADMINISTRATIVE INSPECTIONS

[OAR Docket #07-133]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:40-1-2. Authority to make inspections [AMENDED]

SUMMARY:

The proposed rule amendments would change would remove the language dealing with total distribution records of registrants.

AUTHORITY:

63 O.S. §§2-301 and 302; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDP requests that business entities affected by these proposed amendments provide the OBNDP, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-133; filed 1-23-07]

**TITLE 475. OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 45. OKLAHOMA SCHEDULE TWO ABUSE REDUCTION (OSTAR) REPORTING REQUIREMENTS**

[OAR Docket #07-134]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:45-1-1. Purpose [AMENDED]
- 475:45-1-2. Required reporting of certain information [AMENDED]
- 475:45-1-3. Method of reporting [AMENDED]
- 475:45-1-4. Waiver of UCF submissions [AMENDED]
- 475:45-1-5. Time limit for reporting [AMENDED]
- 475:45-1-6. Failure to report [AMENDED]

SUMMARY:

The proposed rule amendments would alter the language for the prescription monitoring program to include Schedules III, IV, and V. The proposed rule amendments would include dispensing practitioners in the reporting requirements. The proposed rule amendments would expand the transmission format to additional electronic mediums. The proposed rule amendments would require that hardships exceptions to the reporting requirements be reviewed annually.

AUTHORITY:

63 O.S. §§2-301 and 309A et seq.; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDP requests that business entities affected by these proposed amendments provide the OBNDP, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

Notices of Rulemaking Intent

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-134; filed 1-23-07]

**TITLE 475. OKLAHOMA BUREAU OF
NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 50. ANIMAL CONTROL
OFFICERS**

[OAR Docket #07-135]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:50-1-1. Purpose [NEW]
- 475:50-1-2. Qualifications for registration/required training [NEW]
- 475:50-1-3. Exempt from fees [NEW]
- 475:50-1-4. Special conditions on ordering controlled dangerous substances [NEW]
- 475:50-1-5. Special conditions for animal control officers storing controlled dangerous substances [NEW]
- 475:50-1-6. Special conditions for animal control officers transporting controlled dangerous substances [NEW]
- 475:50-1-7. Readily available records for animal control officers [NEW]
- 475:50-1-8. Inspections [NEW]

SUMMARY:

The proposed new rule would allow for animal control officers employed by governmental entities to register with ONBDD so that they may obtain, possess, and administer controlled dangerous substances consistent with their professional duties. The new rule would define an animal control officer, specify the qualifications and training requirements, exempt fees for animal control officers, outline the special conditions for ordering, storing, and transporting controlled dangerous substances, and outline the procedure for maintenance of records and inspection.

AUTHORITY:

63 O.S. §2-301.; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBNDD requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-135; filed 1-23-07]

**TITLE 475. OKLAHOMA BUREAU OF
NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 55. PSEUDOEPHEDRINE
CONTROL**

[OAR Docket #07-136]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:55-1-5. Electronic reporting [NEW]
- 475:55-1-7. Lawful possession of Schedule V pseudoephedrine [AMENDED]
- 475:55-1-9. Labeling [AMENDED]
- 475:55-1-10. Prescriptions [AMENDED]

SUMMARY:

The proposed rule would make permanent the emergency rules signed by the Governor on December 29, 2006 relating to the electronic reporting of pseudoephedrine transactions. The proposed rule amendments would simplify some of the language of Chapter 55, but these changes would not alter any of the requirements of Chapter 55.

AUTHORITY:

63 O.S. §§2-301 and 309C.; Oklahoma Bureau of Narcotics and Dangerous Drugs Control

COMMENT PERIOD:

Persons may submit written or oral comments to Chief Agent John Duncan at 4545 N. Lincoln, Suite 11, Oklahoma

City, Oklahoma 73105 during the period from February 15, 2007 until March 19, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303 (B)(9), "persons may demand a hearing" by contacting Brian Surber, Acting General Counsel, at (405) 521-2885 no later than 5:00 p.m. on March 19, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBND requests that business entities affected by these proposed amendments provide the OBND, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Chief Agent John Duncan, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 4545 N. Lincoln, Suite 11, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address beginning on March 1, 2007.

CONTACT PERSON:

Brian Surber, Acting General Counsel, (405) 521-2885 or 1-800-522-8031.

[OAR Docket #07-136; filed 1-23-07]

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

[OAR Docket #07-234]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix A. Pay Band Schedule [REVOKED]

Appendix A. Pay Band Schedule [NEW]

SUMMARY:

The amendment to Appendix A is to reflect a 5.0 percent upward increase to the minimum, maximums and midpoints of the classified pay bands. The proposed amendment was based upon an analysis of classified pay structure while considering market pay movement, the positioning of current classified average pay in the pay bands, and costs.

AUTHORITY:

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

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: Kara I. Smith, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to kara.smith@opm.ok.gov. The comment period will begin on Friday, February 16, 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, March 22, 2007.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 2:00 p.m., Friday, March 23, 2007, at the State Office of Personnel Management, 2101 N. Lincoln, Basement Test Room, B-46, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained beginning Thursday, February 15, 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 Friday, March 2, 2007. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Kara I. Smith, General Counsel, (405) 522-1736.

[OAR Docket #07-234; filed 1-26-07]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #07-179]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 5. General Course in Method of Operation
535:1-5-5.1. Complaint confidentiality [AMENDED]

Subchapter 7. Individual Proceedings
535:1-7-4. Failure to appear and/or failure to comply [AMENDED]

SUMMARY:

The revision removing (c) of 535:1-5-5.1 is at the recommendation of our Assistant Attorney General since the open record act controls record releases.

be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 27, 2007, at 10:00 a.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than March 20, 2007, at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2007, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #07-180; filed 1-25-07]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 13. EMERGENCY / DISASTER PHARMACY RESPONSE**

[OAR Docket #07-181]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 535:13-1-1. Purpose [NEW]
- 535:13-1.2. [RESERVED]
- 535:13-1.3. Declaration of Emergency [NEW]
- 535:13-1-4. Pharmacy Emergency / Disaster Response [NEW]

SUMMARY:

The revisions in 535:13-1-1 through 535:13-1-4 describe emergency / disaster pharmacy response rules that may be used following an emergency / disaster declaration by the Governor

and a finding by the Board that normal distribution channels have been disrupted.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

COMMENT PERIOD

The comment period will run from February 15, 2007 through March 20, 2007, at 3:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 27, 2007, at 10:00 a.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than March 20, 2007, at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2007, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #07-181; filed 1-25-07]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #07-182]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Pharmacies

Notices of Rulemaking Intent

- 535:15-3-2. Pharmacy responsibilities [AMENDED]
535:15-3-4-1. Pharmacy licensing requirement [AMENDED]
535:15-3-6. Required library reference books or computer sources [AMENDED]
535:15-3-12. Transfer of prescription refill information [AMENDED]
535:15-3-18. Pharmacy prescription drug purchases records [NEW]
535:15-3-21. Prescription fill, refill and partial fill records and reports [AMENDED]
Subchapter 5. Hospital Pharmacies
535:15-5-7.6. Pharmacy technician annual permit requirement [AMENDED]
Subchapter 6. Hospital Drug Room
535:15-6-9. Emergency room pre-packaged medications formulary [AMENDED]
Subchapter 13. Pharmacy Technicians and Supportive Personnel
535:15-13-5. Supervision of pharmacy technicians [AMENDED]
535:15-13-8. Technician annual permit requirement [AMENDED]
535:15-13-13. Pharmacy technician training [AMENDED]

SUMMARY:

The revision in 535:15-3-2 corrects to pharmacy manager where pharmacist manager was used to stay consistent within the paragraph. It adds notification of separation for suspected or confirmed drug or pharmacy related violation to the responsibility of the pharmacy manager and pharmacy.

Changes in 535:15-3-4.1 more fully describe ownership information and the requirement that ownership be fully and completely disclosed, as well as the corporate registered agent requirement.

The changes in pharmacy library requirements were requested by registrants to allow more flexibility in the pharmacy library in 535:15-3-6.

The rule revision in 535:15-3-12, 535:15-3-21, and 535:15-6-9 each correct an incorrect cite.

The rule revision in 535:15-3-18 describe prescription drug purchase and inventory record requirements, as well as describe the responsibility to use professional judgment in prescription drug purchase decisions.

The revisions in 535:15-5-7.6 and 535:15-13-8 clarify the Pharmacy Board technician permit is only for technicians working in a licensed pharmacy and may only be renewed while so employed.

The change in 535:15-13-5 is to clarify that an intern may not supervise a technician nor may a technician certify the completion of a prescription filled by a technician.

Additionally changes in 535:15-13-8 brings the rule into compliance with the law change that converted renewals to annually by birth month, and a modernization of renewal notice requirements.

The addition to technician training in 535:15-13-13 of an board approved annual law seminar each calendar year for

licensed technicians is an effort to assure technicians have a understanding of the law under which they work. And that such technicians' law knowledge is up to date and they fully understand law violation consequences.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

COMMENT PERIOD

The comment period will run from February 15, 2007 through March 20, 2007, at 3:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 27, 2007, at 10:00 a.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than March 20, 2007, at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2007, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #07-182; filed 1-25-07]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 15. PHARMACIES

[OAR Docket #07-183]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 17. Nuclear Pharmacy
- 535:15-17-3. Definitions [AMENDED]
- 535:15-17-5. General requirements [AMENDED]
- 535:15-17-7. Minimum Equipment [AMENDED]

SUMMARY:

The rule revisions in 535:15-17-3 update definitions, in 535:15-17-5 and 535:15-17-7 make changes for changes from the federal Nuclear Regulatory Commission to the Oklahoma Department of Environmental Quality Control authority over nuclear substances. They include cyclotron products for use in Positron Emission Tomograph (PET). They change labeling requirement to include amount of radioactivity and calibration date and time. They make changes in general requirements and in minimum equipment requirements.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

COMMENT PERIOD:

The comment period will run from February 15, 2007 through March 20, 2007, at 3:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 27, 2007, at 10:00 a.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than March 20, 2007, at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2007, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite

112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #07-183; filed 1-25-07]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS**

[OAR Docket #07-184]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 3. Applicants, Registrants, and Applications
- 535:25-3-3. Qualifications and requirements for registrant applicants [AMENDED]
- 535:25-3-7. Change requirements and notification [AMENDED]
- Subchapter 5. General Requirements or Procedures
- 535:25-5-5. Prescription drug (Rx Only) purchase and record requirements [NEW]

SUMMARY:

The revision in 535:25-3-3 and in 535:25-3-7 describes ownership disclosure required for all entities licensed under authority of Title 59 OS Section 353.18. These rules further describe in 535:25-3-7 when ownership changes for purposes of new license, permit or certificate requirements.

These rules revisions in 535:25-5-5 describe registrant record requirements and purchase record requirements for prescription drugs.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

COMMENT PERIOD

The comment period will run from February 15, 2007 through March 20, 2007, at 3:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 27, 2007, at 10:00 a.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than March 20, 2007, at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue

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loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after March 1, 2007, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #07-184; filed 1-25-07]

TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS CHAPTER 10. LICENSURE OF PSYCHOLOGISTS

[OAR Docket #07-218]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:10-1-3. Private Practice Under Supervision
[AMENDED]

575:10-1-7. Hiring of psychological technicians by
psychologists [AMENDED]

575:10-1-8. Continuing professional education for
psychologists [AMENDED]

575:10-1-10. A Code of Ethics for psychologists
[AMENDED]

SUMMARY:

The proposed rule changes would clarify which examinations must be taken no later than one calendar year after the day permission to practice under supervision is granted; allow psychologists to either apply the \$50 individual review fee for an extension of the time to complete the required continuing professional education credits or apply it as a late fee which would not extend the CPE year; clarify the requirements for QMRP exemption; and clarify the definition of "good moral character" by emphasizing it refers to personal ethical character. The Board will review an applicant's professional ethical history in reviewing his/her application for licensure.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 1991, Section 1352.1(8).

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 3:00 p.m., March 20, 2007, at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Wednesday, March 21, 2007, at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, OK 73105.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules are available for public inspection at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma. Contact Sue Fleming, Executive Officer, at (405) 524-9094.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement is being prepared and will be made available in the office of the Board of Examiners of Psychologists at the above address beginning December 30, 2006.

CONTACT PERSON:

Sue A. Fleming, Executive Officer, (405) 524-9094

[OAR Docket #07-218; filed 1-26-07]

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

[OAR Docket #07-236]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Facilities Management [AMENDED]

SUMMARY:

Proposed rule revisions provide information and clarification and update information related to the use, maintenance and operation of public buildings and properties owned, used, occupied or managed by or on behalf of the state by the Department of Central Services.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Monday, March 19, 2007, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to gerry_smedley@dcs.state.ok.us

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N.

Lincoln Boulevard, Oklahoma City, OK, on Monday, March 19, 2007 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:55 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 2, 2007, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

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

[OAR Docket #07-236; filed 1-26-07]

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

[OAR Docket #07-237]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Central Purchasing [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Monday, March 19, 2007, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to gerry_smedley@dcs.state.ok.us

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 19, 2007 at 9:00 a.m. Anyone who wishes to speak must sign in by 8:55 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on March 19, 2007, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 2, 2007 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

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

[OAR Docket #07-237; filed 1-26-07]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 20. CONSTRUCTION AND PROPERTIES**

[OAR Docket #07-238]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Construction and Properties [AMENDED]

SUMMARY:

Proposed rule amendments clarify, revise and update information and references pertaining to general provisions of the Construction and Properties Division of the Department of Central Services. Proposed rules provide revisions to Chapter 20 subchapters required by Senate Bill 558, effective July 1, 2006. Proposed rules clarify, revise and update information and requirements related to construction contracting, construction codes and standards, construction management procedures, design build procedures, procedures

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for pre-project planning and procedures related to the Fair Pay for Construction Act.

AUTHORITY:

Director of the Department of Central Services; 61 O.S., Section 209

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Monday, March 19, 2007, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to gerry_smedley@dcs.state.ok.us

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 19, 2007 at 1:30 p.m. Anyone who wishes to speak must sign in by 1:25 p.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 2, 2007 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

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

[OAR Docket #07-238; filed 1-26-07]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 45. PLAN OF OPERATION FOR OKLAHOMA STATE AGENCY FOR SURPLUS PROPERTY**

[OAR Docket #07-239]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

580:45-1-10. Fair and equitable distribution [REVOKED]

SUMMARY:

The proposed revocation corrects a scrivener's error in rules promulgated in 2006. The error causes duplication in rules due to the failure to revoke OAC 45-1-10 at the time OAC 45-1-41 was adopted and approved as its replacement.

AUTHORITY:

Director of the Department of Central Services; 80 O.S., Section 34.2.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 19, 2007, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Blvd., Ste. 206, Oklahoma City, OK 73105. A person may submit e-mail comments to gerry_smedley@dcs.state.ok.us

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, 2401 N. Lincoln Boulevard, Room 214, Oklahoma City, OK, on March 19, 2007 at 10 a.m. Anyone who wishes to speak must sign in by 9:55 a.m. on that day.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on or after March 2, 2007 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK 73105.

CONTACT PERSON:

Gerry Smedley, Rules Liaison, Department of Central Services, (405) 522-8519.

[OAR Docket #07-239; filed 1-26-07]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

[OAR Docket #07-219]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 10. Retention and Destruction of Department Records [NEW]

SUMMARY:

Creation of Subchapter 10 would implement the provisions of HB 1553 (2005).

The proposed actions are creation of new rules.

The circumstance which created the need for these rules is the passage and approval of HB 1553 (2005).

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-110.

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10a.m., Tuesday, March 27, 2007, in Classroom A of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-219; filed 1-26-07]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS**

[OAR Docket #07-220]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card [AMENDED]

Subchapter 3. Examination [AMENDED]

Subchapter 9. Certified Schools and Designated Examiners [AMENDED]

Subchapter 11. Certified Schools and Designated Class D Examiners [AMENDED]

SUMMARY:

Amendments to this chapter would clarify, update, and establish procedures relating to driver licenses and identification cards in general, motor license agent activities, and designated examiners.

The proposed actions are new rules and amendments to existing rules.

The circumstance which created the need for these rules is to provide consistency and clarity in rules regarding requirements in Oklahoma law and federal regulations.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10a.m., Wednesday, March 28, 2007, in Classroom A of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-220; filed 1-26-07]

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TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 15. FINANCIAL RESPONSIBILITY

[OAR Docket #07-221]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Vehicle Liability Insurance Cancellation
[AMENDED]

SUMMARY:

Amendments to this subchapter would implement the provisions of HB 3115 (2006).

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is the passage and approval of HB 3115 (2006).

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 7-608 and 7-609.

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 11a.m., Tuesday, March 27, 2007, in the Classroom A of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 11:05a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415,

Oklahoma City, OK 73136-0415. Phone: (405) 425-2024.
Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #07-221; filed 1-26-07]

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

[OAR Docket #07-222]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Wrecker License [AMENDED]

Subchapter 5. All Wrecker Operators [AMENDED]

Subchapter 7. Class AA Operators [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log -
Additional Requirements [AMENDED]

SUMMARY:

Amendments to would clarify similar requirements of wrecker vehicle operators.

The proposed actions are amendments to existing rules.

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

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

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30p.m., Tuesday, March 27, 2007, in Classroom A at the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-222; filed 1-26-07]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT**

[OAR Docket #07-223]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Driver Education Instruction [AMENDED]

SUMMARY:

Amendments to this subchapter would clarify requirements for driver training schools and instructors.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 11 a.m., Wednesday, March 28, 2007, in Classroom A at the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 11:05p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-223; filed 1-26-07]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 45. BOATING AND WATER SAFETY**

[OAR Docket #07-224]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Boating Safety Education [NEW]

SUMMARY:

Creation of Subchapter 3 would implement the provisions of SB 1495 (2006).

The proposed actions are creation of new rules.

The circumstance which created the need for these rules is the passage and approval of SB 1495 (2006).

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 1 p.m., Wednesday, March 28, 2007.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m., Wednesday, March 28, 2007, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase

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in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-224; filed 1-26-07]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 50. TABS, TAGS, SIGNS AND INSIGNIAS

[OAR Docket #07-225]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Official Slow Moving Vehicle Emblem
[REVOKED]

SUMMARY:

Revocation of this subchapter conforms to SB 633 (2003).

The proposed actions is a revocation an existing rule.

The circumstance which created the need for these rules is the passage and approval SB 633 (2003) which placed regulation of the emblem in statute.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §2-108.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 1 p.m., Wednesday, March 28, 2007.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m., Wednesday, March 28, 2007, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-225; filed 1-26-07]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 55. SAFETY DEVICES

[OAR Docket #07-226]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 55. Safety Devices [REVOKED]

SUMMARY:

Revocation of this chapter conforms to SB 633 (2003).

The proposed actions are revocation of existing rules.

The circumstance which created the need for these rules is the passage and approval SB 633 (2003) which placed regulation of these devices in statute.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §2-108.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 1 p.m., Wednesday, March 28, 2007.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m.,

Wednesday, March 28, 2007, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-226; filed 1-26-07]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 60. AUTHORIZATION TO CARRY CONCEALED FIREARMS**

[OAR Docket #07-227]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 60. Authorization to Carry Concealed Firearms
[NEW]

SUMMARY:

Creation of this chapter would implement the provisions of HR 218, the Law Enforcement Officer Safety Act of 2004, Public Law 108-277.

The proposed actions are creation of new rules.

The circumstance which created the need for these rules is the passage and approval of HR 218, the Law Enforcement Officer Safety Act of 2004, Public Law 108-277.

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

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §2-108.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below.

Comments will be accepted until 1 p.m., Wednesday, March 28, 2007.

PUBLIC HEARING:

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m., Wednesday, March 28, 2007, in accordance with 75 O.S. § 303(C).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-227; filed 1-26-07]

**TITLE 650. OKLAHOMA CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #07-205]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

Subchapter 3. Agency Administration
650:15-1-7. [AMENDED]

SUMMARY:

The rules of this Chapter are intended for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. The OCAST Administrative Operations rules are being revised to correct the principal office address to 755 Research Parkway, Suite 110, Oklahoma City, Oklahoma, cited under Subchapter 3. Agency Administration.

Notices of Rulemaking Intent

AUTHORITY:

Powers of Oklahoma Science and Technology Research and Development Board, Title 74 O.S., Section 5060.9.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 2:00 P.M. on March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

PUBLIC HEARING:

A Public Hearing will be held at 2:00 P.M. on Monday, March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OCAST requests that business entities affected by these proposed rules provide OCAST, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by recordkeeping, equipment, construction, labor, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sherry Roberts, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Center for the Advancement of Science and Technology (OCAST) office located at 755 Research Parkway, Suite 110, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Sherry Roberts, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is being prepared and will be available for review after February 15, 2007 at the above address for the Oklahoma Center for the Advancement of Science and Technology (OCAST).

CONTACT PERSON:

Sherry Roberts, (405) 319-8418.

[OAR Docket #07-205; filed 1-26-07]

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

[OAR Docket #07-206]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

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]

SUMMARY:

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.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 2:00 pm on March 19, 2007 at the following address: Sherry Roberts, Oklahoma Center for the Advancement of Science and Technology, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104-3612.

PUBLIC HEARING:

A public hearing will be held at 2:00 pm on Monday, March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104-3612. Anyone who wishes to speak must sign in at the door by 2:05 pm.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OCAST requests that business entities affected by these proposed rules provide OCAST, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by recordkeeping, equipment, construction, labor, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information

in writing to Sherry Roberts, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Center for the Advancement of Science and Technology, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104-3612.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S., 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Center for the Advancement of Science and Technology at the above address beginning February 15, 2007

CONTACT PERSON:

Sherry Roberts, 405-319-8418

[OAR Docket #07-206; filed 1-26-07]

**TITLE 650. OKLAHOMA CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY
CHAPTER 15. CENTERS OF EXCELLENCE PROGRAM**

[OAR Docket #07-207]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

650:15-1-7. [AMENDED]

SUMMARY:

The rules of this Chapter are intended for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. The OCAST Centers of Excellence Program rules are being revised in accordance with House Bill 2185, codified 2006 which establishes two types of centers of excellence at institutions of higher education or nonprofit research institutions: centers of excellence for basic research, and centers of excellence for applied research, development and technology transfer. Additionally, each proposed center of excellence must:

1. Involve higher education institution(s), nonprofit research institutions(s), and private enterprise.

2. Each proposed center of excellence is funded at Nine Hundred Thousand Dollars (\$900,000,000), or so much as is needed, per year for five (5) years, above the annual appropriation for OCAST.

This change will increase the opportunities for development of additional industry specific Centers to promote new technology based economic development and technology transfer within the State of Oklahoma.

AUTHORITY:

Powers of Oklahoma Science and Technology Research and Development Board, Title 74 O.S., Section 5060.9.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 2:00 P.M. on March 19, 2007 at the Oklahoma

Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

PUBLIC HEARING:

A Public Hearing will be held at 2:00 P.M. on Monday, March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OCAST requests that business entities affected by these proposed rules provide OCAST, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by recordkeeping, equipment, construction, labor, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sherry Roberts, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Center for the Advancement of Science and Technology (OCAST) office located at 755 Research Parkway, Suite 110, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Sherry Roberts, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is being prepared and will be available for review after February 15, 2007 at the above address for the Oklahoma Center for the Advancement of Science and Technology (OCAST).

CONTACT PERSON:

Sherry Roberts, (405) 319-8418.

[OAR Docket #07-207; filed 1-26-07]

**TITLE 650. OKLAHOMA CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY
CHAPTER 38. STTR MATCHING FUNDS PROGRAM**

[OAR Docket #07-208]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

- 650:38-1-1. [NEW]
- 650:38-1-2. [NEW]
- 650:38-1-3. [NEW]
- 650:38-1-4. [NEW]
- 650:38-1-5. [NEW]
- 650:38-1-6. [NEW]
- 650:38-1-7. [NEW]
- 650:38-1-8. [NEW]

Notices of Rulemaking Intent

650:38-1-9. [NEW]
650:38-1-10. [NEW]
650:38-1-11. [NEW]
650:38-1-12. [NEW]
650:38-1-13. [NEW]
650:38-1-14. [NEW]

SUMMARY:

The rules of this Chapter are intended for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. The OCAST STTR Matching Funds Program will be created as a support program which meets the highest current standards for state matching support to federal Small Business Technology Transfer (STTR) grant proposals by Oklahoma entities. This program will help increase Oklahoma's share of federal STTR program grants, 74 O.S., Section 5060.19(D). The primary goal of the program is to increase the potential for bringing more federal dollars into Oklahoma to fund private-sector research through increased submission of STTR Phase II proposals.

AUTHORITY:

Powers of Oklahoma Science and Technology Research and Development Board, Title 74 O.S., Section 5060.9.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 2:00 P.M. on March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

PUBLIC HEARING:

A Public Hearing will be held at 2:00 P.M. on Monday, March 19, 2007 at the Oklahoma Center for the Advancement of Science and Technology (OCAST) office, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104

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 Sherry Roberts, at the above address, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Center for the Advancement of Science and Technology (OCAST) office located at 755 Research Parkway, Suite 110, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Sherry Roberts, 755 Research Parkway, Suite 110, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is being prepared and will be available for review after

February 15, 2007 at the above address for the Oklahoma Center for the Advancement of Science and Technology (OCAST).

CONTACT PERSON:

Sherry Roberts, (405) 319-8418.

[OAR Docket #07-208; filed 1-26-07]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 2. ORGANIZATION AND PROCEDURES OF DEPARTMENT OF SECURITIES

[OAR Docket #07-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Investigations
660:2-7-1. Initiation [AMENDED]
660:2-7-3. Investigative processes [AMENDED]
660:2-7-9. Termination of investigation [AMENDED]
Subchapter 9. Individual Proceeding Practices and Procedures
660:2-9-1. Hearings in general [AMENDED]
660:2-9-2. Initiation of individual proceedings [AMENDED]
660:2-9-3. Prehearing proceedings and processes [AMENDED]
660:2-9-4. Authority to subpoena witnesses [AMENDED]
660:2-9-5. Representation [AMENDED]
660:2-9-6. Conduct of hearings [AMENDED]
660:2-9-7. Record of hearing [AMENDED]
660:2-9-8 Final orders [AMENDED]
660:2-9-9. Rehearings [AMENDED]

SUMMARY:

The proposed rule amendments will clarify, and remove ambiguities in, the procedures of the Securities Department for investigations and individual proceedings.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S., § 1-605

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the end of the public hearing on March 19, 2007, to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, March 19, 2007, at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

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 before the conclusion of the comment period and public hearing on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning February 16, 2007.

CONTACT PERSON:

Faye Morton, Counsel, (405) 280-7727

[OAR Docket #07-94; filed 1-8-07]

**TITLE 660. DEPARTMENT OF SECURITIES
CHAPTER 11. OKLAHOMA UNIFORM
SECURITIES ACT OF 2004**

[OAR Docket #07-95]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Investment Advisers and Investment Adviser Representatives

Part 7. Record Keeping and Ethical Standards

660:11-7-41. Record keeping requirements [AMENDED]

660:11-7-48. Custody requirements [NEW]

SUMMARY:

The proposed amendments to the record keeping requirements for investment adviser are intended to minimize differences among the requirements of the federal government and the various states.

Certain investment advisers have the authority to deduct their fees from the assets of a client. The proposed new rule would impose requirements that would provide safeguards for such clients.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S., §§ 1-410, 1-605 and 1-608

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before the end of the public hearing on March 19, 2007, to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, March 19, 2007, at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities that will be subject to 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 but not the change in statutes. Business entities may submit this information before the conclusion of the comment period and public hearing on March 19, 2007.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning February 16, 2007.

CONTACT PERSON:

Faye Morton, Counsel, (405) 280-7727

[OAR Docket #07-95; filed 1-8-07]

**TITLE 735. STATE TREASURER
CHAPTER 10. SECURITY FOR PUBLIC
DEPOSITS**

[OAR Docket #07-171]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Security for Public Deposits [AMENDED]

SUMMARY:

These Permanent Rules amend the text of Chapter 10. Security for Public Deposit. Banks no longer require receipts to be returned.

AUTHORITY:

State Treasurer, 62 O.S., Sections 72.4 & 72.5.

COMMENT PERIOD:

Monday, February 16, 2007 to Monday, March 19, 2007. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to submit written comments must do so no later than March 19, 2007 at 4:30 p.m.

PUBLIC HEARING:

A public hearing will be held on Thursday, March 22, 2007 at 9:00 a.m. The hearing will be held at the Governor's

Notices of Rulemaking Intent

Large Conference Room located at 2300 North Lincoln Blvd., Second Floor of State Capitol, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning Thursday, February 28, 2007.

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 522-4215.

[OAR Docket #07-171; filed 1-25-07]

TITLE 735. STATE TREASURER CHAPTER 15. RECORDING AND AUDITING INVESTMENT TRANSACTIONS

[OAR Docket #07-173]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 15. Recording and Auditing Investment Transactions [AMENDED].

SUMMARY:

These Permanent Rules amend the text of Chapter 15. Recording and Auditing Investment Transactions. Change language to give more options for method of electronic recording.

AUTHORITY:

State Treasurer, 62 O.S. § 517.1 - 517.7

COMMENT PERIOD:

Monday, February 16, 2007 to Monday, March 19, 2007. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to

submit written comments must do so no later than March 19, 2007 at 4:30 p.m.

PUBLIC HEARING:

A public hearing will be held on Thursday, March 22, 2007 at 9:00 a.m. The hearing will be held at the Governor's Large Conference Room located at 2300 North Lincoln Blvd., Second Floor of State Capitol, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning Thursday, February 28, 2007.

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 522-4215.

[OAR Docket #07-173; filed 1-25-07]

TITLE 735. STATE TREASURER CHAPTER 20. SECURITY FOR LOCAL PUBLIC ENTITY DEPOSITS

[OAR Docket #07-172]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 20. Security for Local Public Entity Deposits [AMENDED]

SUMMARY:

These Permanent Rules amend the text of Chapter 20. Security for Public Deposit. Banks no longer require receipts to be returned.

AUTHORITY:

State Treasurer, 62 O.S., Sections 72.4 & 72.5.

COMMENT PERIOD:

Monday, February 16, 2007 to Monday, March 19, 2007. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to submit written comments must do so no later than March 19, 2007 at 4:30 p.m.

PUBLIC HEARING:

A public hearing will be held on Thursday, March 22, 2007 at 9:00 a.m. The hearing will be held at the Governor's Large Conference Room located at 2300 North Lincoln Blvd., Second Floor of State Capitol, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning Thursday, February 28, 2007.

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 522-4215.

[OAR Docket #07-172; filed 1-25-07]

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

[OAR Docket #07-174]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 80. Unclaimed Property [AMENDED].

SUMMARY:

These Permanent Rules amend the text of Chapter 80. Unclaimed Property. Change language to conform to Treasurer's policies. Current rule conflicts with statutorily language.

AUTHORITY:

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

COMMENT PERIOD:

Monday, February 16, 2007 to Monday, March 19, 2007. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to submit written comments must do so no later than March 19, 2007 at 4:30 p.m.

PUBLIC HEARING:

A public hearing will be held on Wednesday, March 21, 2007 at 3:00 p.m. The hearing will be held at the State Treasurer's Unclaimed Property office conference room located at 4545 North Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 19, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning Thursday, February 28, 2007.

CONTACT PERSON:

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 522-4215.

[OAR Docket #07-174; filed 1-25-07]

**TITLE 780. OKLAHOMA DEPARTMENT OF
CAREER AND TECHNOLOGY EDUCATION
CHAPTER 1. GENERAL**

[OAR Docket #07-233]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Travel [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The rule amendment incorporates the provision of actual and necessary travel reimbursement and adds the authority of the State Director to approve, with Board approval, the actual and necessary travel in specific situations.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2006, § 14-103, 70 O.S. 2001 § 14-104, and 74 O.S. Supp. 2006, § 500.18 (B) (28), as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 16 through March 19, 2007, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday March 29, 2007, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 16, 2007, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2007, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Judy Draper, Administrative Assistant, 405-743-5437

[OAR Docket #07-233; filed 1-26-07]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 10. ADMINISTRATION AND SUPERVISION

[OAR Docket #07-230]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. State Technical Assistance, Supervision, and Services [AMENDED]

Subchapter 5. Finance [AMENDED]

Subchapter 7. Local Programs: Application; Student Accounting; Evaluation [AMENDED]

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

SUMMARY:

The rule amendment changes the name from the Resource Center to Information Commons. Clarifies the policy for program funding purchases of instructional materials, equipment, or professional development. Add an additional step in monitoring process to ensure receipt of annual status reports. Shorten name of postsecondary program evaluation document to better reflect the purpose of the document. Eliminates Standard XII as is no longer required or used. Clarifies the inventory policy for all agency-purchased or reimbursed instructional equipment. Updates reference to federal laws.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2006, § 14-103, 70 O.S. 2001 § 14-104, and 70 O.S. Supp. 2006, § 14-108, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 16 through March 19, 2007, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday March 29, 2007, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 16, 2007, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2007, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Judy Draper, Administrative Assistant, 405-743-5437

[OAR Docket #07-230; filed 1-26-07]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #07-231]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education [AMENDED]

SUMMARY:

The rule amendment clarifies rules by separating capital improvement approval process from site/branch campus approval process. Including statutory language regarding State Board approval of building projects will ensure compliance and better understanding of rule. Clarification is added regarding the State Board capital improvement approval process for projects funded with state appropriated funds. Clarifies statutory requirements and current practices, which are designed to ensure all construction, additions, and modifications are in compliance with ADA and other applicable federal and state legislation, rules and regulations. Eliminates specific requirement for home school education plan. Grammatical correction and broadens the scope of the rule. Eliminates repetitive language.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2006, § 14-103, 70 O.S. 2001 § 14-104, and 70 O.S. Supp. 2006, § 14-108, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 16 through March 19, 2007, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday March 29, 2007, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 16, 2007, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2007, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Judy Draper, Administrative Assistant, 405-743-5437

[OAR Docket #07-231; filed 1-26-07]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #07-232]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

Subchapter 5. Programs, Services, and Activities Funded Through P.L. 105-332 Carl D. Perkins Vocational and Technical Education Act of 1998 [AMENDED]

SUMMARY:

The rule amendment clarifies the Technology class policy for the length of time required to constitute a full-time program. Clarifies the number of students allowed in the marketing internship classes within Marketing Education. Updates reference to federal laws.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2006, § 14-103, 70 O.S. 2001 § 14-104 and 70 O.S. Supp. 2006, § 14-108, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 16 through March 19, 2007, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday March 29, 2007, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 16, 2007, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2007, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

CONTACT PERSON:

Judy Draper, Administrative Assistant, 405-743-5437

[OAR Docket #07-232; filed 1-26-07]

Submissions for Review

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

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

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

[OAR Docket #07-141]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 14. Equine Viral Arteritis [NEW]

35:15-14-1. Definitions [RESERVED]

35:15-14-2. Entry requirements [NEW]

SUBMITTED TO GOVERNOR:

January 18, 2007

SUBMITTED TO HOUSE:

January 18, 2007

SUBMITTED TO SENATE:

January 18, 2007

[OAR Docket #07-141; filed 1-24-07]

TITLE 85. STATE BANKING DEPARTMENT CHAPTER 15. ~~MONEY ORDERS/SALE OF CHECKS~~ MONEY SERVICE BUSINESSES

[OAR Docket #07-108]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions and Definitions [NEW]

85:15-1-1. Scope and purpose [NEW]

85:15-1-2. Definitions [NEW]

85:15-1-3. Exclusions [NEW]

Subchapter 3. Money Transmission Licenses [NEW]

85:15-3-1. License required [NEW]

85:15-3-2. Application for license [NEW]

85:15-3-3. Security [NEW]

85:15-3-4. Issuance of license [NEW]

85:15-3-5. Renewal of license [NEW]

85:15-3-6. Net worth [NEW]

Subchapter 5. Authorized Delegates [NEW]

85:15-5-1. Relationship between licensee and authorized delegate [NEW]

85:15-5-2. Unauthorized activities [NEW]

Subchapter 7. Examinations; Reports; Records [NEW]

85:15-7-1. Authority to conduct examinations [NEW]

85:15-7-2. Cooperation [NEW]

85:15-7-3. Reports [NEW]

85:15-7-4. Change of control [NEW]

85:15-7-5. Records [NEW]

85:15-7-6. Money laundering reports [NEW]

Subchapter 9. Permissible Investments [NEW]

85:15-9-1. Maintenance of permissible investments [NEW]

85:15-9-2. Types of permissible investments [NEW]

Subchapter 11. Enforcement [NEW]

85:15-11-1. Suspension and revocation [NEW]

85:15-11-2. Suspension and revocation of authorized delegates [NEW]

85:15-11-3. Orders to cease and desist [NEW]

85:15-11-4. Consent orders [NEW]

85:15-11-5. Civil penalties [NEW]

85:15-11-6. Hearings [NEW]

SUBMITTED TO GOVERNOR:

January 19, 2007

SUBMITTED TO HOUSE:

January 19, 2007

SUBMITTED TO SENATE:

January 19, 2007

[OAR Docket #07-108; filed 1-19-07]

TITLE 270. OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM CHAPTER 10. FIREFIGHTERS PENSION AND RETIREMENT PLAN

[OAR Docket #07-228]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

270:10-1-5. [AMENDED]

270:10-1-9. [AMENDED]

SUBMITTED TO GOVERNOR:

January 26, 2007

SUBMITTED TO HOUSE:

January 26, 2007

SUBMITTED TO SENATE:

January 26, 2007

[OAR Docket #07-228; filed 1-26-07]

Submissions for Review

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 1. FUNCTION AND STRUCTURE OF THE DEPARTMENT

[OAR Docket #07-169]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

340:1-1-17. [AMENDED]

340:1-1-21. [AMENDED]

(Reference APA WF 06-22)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-169; filed 1-25-07]

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

[OAR Docket #07-165]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 31. ~~Planning, Legislative Relations and Policy, And Research~~

Part 4. ~~Planning And Research Office of Legislative Relations and Policy~~

340:2-31-10. [AMENDED]

Part 5. Petitioning for Rulemaking

340:2-31-31. through 340:2-31-33. [AMENDED]

Subchapter 33. Rates and Standards

340:2-33-1. through 340:2-33-3. [AMENDED]

340:2-33-4. through 340:2-33-5. [REVOKED]

(Reference APA WF 06-21)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-165; filed 1-25-07]

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

[OAR Docket #07-166]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 39. Planning, Research, and Statistics [NEW]

340:2-39-1. [NEW]

(Reference APA WF 06-20)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-166; filed 1-25-07]

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

[OAR Docket #07-167]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Office of Client Advocacy

Part 1. Administration

340:2-3-2. [AMENDED]

Part 3. Investigations

340:2-3-33. through 340:2-3-38. [AMENDED]

Part 5. Grievances

340:2-3-45. through 340:2-3-53. [AMENDED]

340:2-3-55. [AMENDED]

Part 7. Grievance and Abuse Review Committee

340:2-3-64. [AMENDED]

Part 9. Ombudsman Programs

340:2-3-73. through 340:2-3-74. [AMENDED]

(Reference APA WF 06-17)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-167; filed 1-25-07]

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

[OAR Docket #07-168]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 3. Internal Human Resources

340:2-1-32. [AMENDED]

(Reference APA WF 06-10)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-168; filed 1-25-07]

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

[OAR Docket #07-164]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

340:5-1-8. [AMENDED]

(Reference APA WF 06-15)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-164; filed 1-25-07]

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

[OAR Docket #07-159]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-3. [AMENDED]

340:10-2-5. through 340:10-2-7. [AMENDED]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-4. [AMENDED]

340:10-10-6. [AMENDED]

(Reference APA WF 06-14)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-159; filed 1-25-07]

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

[OAR Docket #07-170]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-1. [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 3. Income

340:10-3-33. [AMENDED]

(Reference APA WF 06-08, and 06-11)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-170; filed 1-25-07]

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

[OAR Docket #07-163]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Initial Application

340:40-3-1. [AMENDED]

Submissions for Review

Subchapter 5. Plan of Service
340:40-5-1. [AMENDED]
Subchapter 7. Eligibility
340:40-7-1. [AMENDED]
340: 40-7-13. [AMENDED]
Subchapter 9. Procedures Relating to Case Changes
340:40-9-1. through 340:40-9-3. [AMENDED]
Subchapter 10. Electronic Benefit Transfer (EBT) System
for Child Care
340:40-10-4. [AMENDED]
Subchapter 13. Child Care Rates and Provider Issues
340:40-13-1. through 340:40-13-3. [AMENDED]
340:40-13-5. [AMENDED]
(Reference APA WF 06-18)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-163; filed 1-25-07]

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

[OAR Docket #07-162]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Eligibility and Benefit Determination
Procedures
340:50-9-5. [AMENDED]
(Reference APA WF 06-19)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-162; filed 1-25-07]

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

[OAR Docket #07-161]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Eligibility for Benefits
340:65-3-4. [AMENDED]
340:65-3-8. [AMENDED]
Subchapter 5. Procedures Relating to Case Changes
Part 1. General Provisions
340:65-5-6. [AMENDED]
(Reference APA WF 06-16)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-161; filed 1-25-07]

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

[OAR Docket #07-137]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions of Child Welfare Services
Part 1. Scope and Applicability
340:75-1-12.2. [AMENDED]
340:75-1-18. through 340:75-1-18.1. [AMENDED]
Part 3. Child Welfare Confidentiality
340:75-1-44. [AMENDED]
Subchapter 4. Family-Centered and Community Services
Part 1. Voluntary Family-Centered Services
340:75-4-12.1. through 340:75-4-12.2. [AMENDED]
340:75-4-13. [AMENDED]
Subchapter 6. Permanency Planning
Part 5. Permanency Planning Services
340:75-6-31. [AMENDED]
340:75-6-31.5. [AMENDED]
Part 7. Case Plans
340:75-6-40.2. through 340:75-6-40.5. [AMENDED]
Part 8. Role of the Child Welfare Worker
340:75-6-48. [AMENDED]
Part 11. Permanency Planning and Placement Services
340:75-6-85. [AMENDED]
340:75-6-85.2. [AMENDED]
340:75-6-85.4. through 340:75-6-85.6. [AMENDED]
340:75-6-86. [AMENDED]
340:75-6-88. through 340:75-6-89. [AMENDED]
Subchapter 8. Therapeutic Foster Care and Developmental
Disabilities Services
Part 1. Therapeutic Foster Care
340:75-8-1. [AMENDED]
340:75-8-6. through 340:75-8-11. [AMENDED]

Part 3. DDS Services for Children in Custody ~~Children~~
 340:75-8-36. through 340:75-8-39. [AMENDED]
 Subchapter 15. Adoptions
 Part 14. Post Adoption Services
 340:75-15-128.1. through 340:75-15-128.3. [AMENDED]
 340:75-15-128.5. through 340:75-15-128.6. [AMENDED]
 Subchapter 16. Mental Health Treatment Services
 Part 1. Inpatient Mental Health Treatment
 340:75-16-29. through 340:75-16-32. [AMENDED]
 340:75-16-34. through 340:75-16-37. [AMENDED]
 Part 3. Outpatient Behavioral Health Care Services
 340:75-16-45. [AMENDED]
 Subchapter 19. Working with Indian Children
 340:75-19-1. through 340:75-19-4. [AMENDED]
 340:75-19-11. [AMENDED]
 340:75-19-16. [AMENDED]
 340:75-19-22.[AMENDED]
 340:75-19-26. [AMENDED]
 340:75-19-28. through 340:75-19-31. [AMENDED]
 340:75-19-33. [AMENDED]

(Reference APA WF 06-09 and 06-23)

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-137; filed 1-23-07]

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

[OAR Docket #07-160]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
 340:100-1-2. [AMENDED]
 Subchapter 3. Administration
 Part 1. General Administration
 340:100-3-1.1. [REVOKED]
 340:100-3-5. through 340:100-3-5.2. [AMENDED]
 Part 3. Operations
 340:100-3-33.2. [NEW]
 340:100-3-34. [AMENDED]
 340:100-3-37. [REVOKED]
 340:100-3-39. [AMENDED]
 Subchapter 5. Client Services
 Part 3. Service Provisions
 340:100-5-15. [AMENDED]

340:100-5-19. [REVOKED]
 340:100-5-22.6. [AMENDED]
 Subchapter 6. Group Home Regulations
 Part 1. General Provisions
 340:100-6-1. [REVOKED]
 340:100-6-2. [AMENDED]
 Part 3. ~~Basic Licensure~~ Standards
 340:100-6-10. through 340:100-6-15. [AMENDED]
 340:100-6-16. through 340:100-6-17. [REVOKED]
 340:100-6-18. through 340:100-6-21. [AMENDED]
 Part 5. ~~Construction Requirements~~ And Physical Plant Requirements
 340:100-6-30. [AMENDED]
 340:100-6-31. through 340:100-6-35. [REVOKED]
 Part 7. Environmental Health, Safety, and ~~Sanitary~~ Sanitation Requirements
 340:100-6-40. [REVOKED]
 340:100-6-41. [AMENDED]
 340:100-6-42. through 340:100-6-43. [REVOKED]
 340:100-6-44. [AMENDED]
 340:100-6-45. [NEW]
 Part 9. Dietary Requirements
 340:100-6-50. [AMENDED]
 Part 11. Program Standards
 340:100-6-55. [AMENDED]
 340:100-6-56. [NEW]
 Part 13. Individual ~~Habilitation~~ Plan, Training, and Services
 340:100-6-60. [AMENDED]
 340:100-6-61. through 340:100-6-62. [REVOKED]
 Part 15. Medication Storage and Administration
 [REVOKED]
 340:100-6-70. [REVOKED]
 Part 17. Residents' Funds [REVOKED]
 340:100-6-75. [REVOKED]
 340:100-6-76. [REVOKED]
 Part 19. Involuntary Transfer or Discharge of ~~Resident~~ Service Recipient
 340:100-6-85. through 340:100-6-86. [AMENDED]
 340:100-6-87. [REVOKED]
 340:100-6-88. [AMENDED]
 Part 21. ~~Residents'~~ Resident Rights and Responsibilities
 340:100-6-95. [AMENDED]
 340:100-6-96. [REVOKED]
 340:100-6-97. [AMENDED]
 340:100-6-98. [REVOKED]
 Subchapter 17. Employment Services
 Part 5. Other State Funded ~~Vocational~~ Employment Services
 340:100-17-30. [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2007

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January 23, 2007

Submissions for Review

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-160; filed 1-25-07]

**TITLE 375. OKLAHOMA STATE BUREAU
OF INVESTIGATION
CHAPTER 8. RECORDS RETENTION AND
DESTRUCTION**

[OAR Docket #07-104]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Criminalistic Records
375:8-13-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #07-104; filed 1-17-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 1. FUNCTION AND STRUCTURE
OF THE OFFICE OF JUVENILE AFFAIRS**

[OAR Docket #07-109]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Function and Structure of the Office of
Juvenile Affairs
377:1-1-3. Description of the Office of Juvenile Affairs
(OJA) [AMENDED]
377:1-1-5. Board of Juvenile Affairs [AMENDED]
377:1-1-11. Executive Director [AMENDED]
377:1-1-12. ~~Deputy Director~~ Chief of Staff of DJJ OJA
[AMENDED]

SUBMITTED TO THE GOVERNOR:

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[OAR Docket #07-109; filed 1-19-07]

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

[OAR Docket #07-110]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Office of the Executive Director
[AMENDED]
Subchapter 3. Office of General Counsel Services
[AMENDED]
Subchapter 7. Finance Division [AMENDED]
Subchapter 11. Risk Management [AMENDED]
Subchapter 15. ~~Management Information System~~
Information Technology Department [AMENDED]
Subchapter 16. Office of Planning and Research
[REVOKED]
Subchapter 17. Federal Funds Development Unit
[AMENDED]

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[OAR Docket #07-110; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 5. DIVISION OFFICE OF THE
PAROLE BOARD**

[OAR Docket #07-111]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
377:5-1-3. Legal Basis [AMENDED]
Subchapter 3. Pre-release Planning
377:5-3-1. Pre-release Planning [AMENDED]
377:5-3-2. Scheduling of the tentative release date
[AMENDED]
Subchapter 5. Hearings
377:5-5-1. Definitions [AMENDED]
377:5-5-2. Parole Hearing [AMENDED]
377:5-5-5. Conduct of Parole Revocation and
Administrative Transfer Hearings [AMENDED]

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[OAR Docket #07-111; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. ~~DEPARTMENT OF~~
JUVENILE JUSTICE OFFICE OF JUVENILE
AFFAIRS**

[OAR Docket #07-112]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 377:10-1-3. Discipline [AMENDED]
- 377:10-1-5. Testing for research purposes [AMENDED]
- 377:10-1-8. Agency records [AMENDED]
- 377:10-1-9. Information sharing [AMENDED]
- 377:10-1-10. Disclosure of records pertaining to serious and habitual juvenile offenders without court order [AMENDED]
- 377:10-1-11. Documents and Records [AMENDED]
- Subchapter 7. Contract Programs and Services
- Part 1. General Provisions and Foster Care
- 377:10-7-1. Purpose [AMENDED]
- 377:10-7-3. Foster care [AMENDED]
- 377:10-7-4. Therapeutic foster care [AMENDED]
- Part 9. Contracted Services
- 377:10-7-50. Legal ~~base~~ basis [AMENDED]
- Subchapter 11. Child in Need of Mental Health Treatment
- 377:10-11-1. Child in Need of Mental Health Treatment [AMENDED]
- Subchapter 13. Regimented Juvenile Training Programs Standards
- Part 9. Physical Facility
- 377:10-13-36. Juvenile housing [AMENDED]
- Part 19. Juvenile Services
- 377:10-13-100. Placement in RJTP [AMENDED]

SUBMITTED TO THE GOVERNOR:

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[OAR Docket #07-112; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 15. ~~COMMUNITY-BASED~~
COMMUNITY-BASED YOUTH SERVICES**

[OAR Docket #07-113]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions [NEW]
- Subchapter 3. State Plan for Youth Services Agencies [NEW]
- Subchapter 5. Designation of Community-Based Youth Services Agency [NEW]
- Subchapter 7. Individual Proceedings: Application Denials, and Terminations of Designation as a Youth Services Agency [NEW]
- Subchapter 9. Community-Based Youth Services Purchasing Procedures [NEW]

SUBMITTED TO THE GOVERNOR:

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[OAR Docket #07-113; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 25. JUVENILE SERVICES UNIT**

[OAR Docket #07-114]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 377:25-1-2. Legal ~~base~~ basis, authority and scope [AMENDED]
- Subchapter 3. Pre-court
- Part 3. Intake/Preliminary Inquiry
- 377:25-3-15. Legal basis for intake/preliminary inquiry [AMENDED]
- Subchapter 7. Custody [AMENDED]
- Part 1. General Provisions
- 377:25-7-2. Grievance procedure [AMENDED]
- Part 9. Extended Custody
- 377:25-7-50. Retention of custody guideline [AMENDED]
- Subchapter 9. Casework Services
- Part 1. Services Provided by the JSU Worker
- 377:25-9-1. Financial support [AMENDED]
- Subchapter 13. Military Mentor Screening and Training Standards [REVOKED]
- 377:25-13-1. Mentor screening criteria [REVOKED]
- 377:25-13-2. Mentor training standards [REVOKED]

Submissions for Review

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[OAR Docket #07-114; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 30. RESIDENTIAL SERVICES**

[OAR Docket #07-115]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

377:30-1-1. Legal ~~base~~ basis, scope and purpose

[AMENDED]

SUBMITTED TO THE GOVERNOR:

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[OAR Docket #07-115; filed 1-19-07]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 35. INSTITUTIONAL SERVICES**

[OAR Docket #07-116]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

377:35-1-1. Legal basis [AMENDED]

Subchapter 3. Security and Control

377:35-3-3. Injuries, fires and assaults [AMENDED]

377:35-3-8. Searches and control of contraband/evidence

[AMENDED]

Subchapter 7. Medical and Health Care

377:35-7-2. Surgery [AMENDED]

Subchapter 9. Juvenile Rights

377:35-9-1. Juvenile rights [AMENDED]

Subchapter 11. Juvenile Rules/discipline

377:35-11-5. Juvenile correspondence [AMENDED]

Subchapter 17. Ancillary Programs

377:35-17-1. Education [AMENDED]

SUBMITTED TO THE GOVERNOR:

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[OAR Docket #07-116; filed 1-19-07]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 60. STANDARDS AND CRITERIA
FOR CERTIFIED EATING DISORDER
TREATMENT PROGRAMS**

[OAR Docket #07-106]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 60. Standards and Criteria for Certified Eating Disorder Treatment Programs [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #07-106; filed 1-18-07]

**TITLE 465. OKLAHOMA MOTOR VEHICLE
COMMISSION
CHAPTER 10. LICENSE**

[OAR Docket #07-118]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. License Identification and Changes

465:10-3-2. [AMENDED]

465:10-3-3. [AMENDED]

Subchapter 7. Off Premise Sale and Display

465:10-7-1. [AMENDED]

465:10-7-2. [AMENDED]

465:10-7-3. [AMENDED]

Subchapter 9. Dealership Locations

465:10-9-1. [AMENDED]

465:10-9-2. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #07-118; filed 1-19-07]

**TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION
CHAPTER 15. ADVERTISING**

[OAR Docket #07-117]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
465:15-1-2. [AMENDED]
- Subchapter 3. Specific Advertising Regulations
465:15-3-7. [AMENDED]
465:15-3-14. [AMENDED]
- Subchapter 7. Enforcement
465:15-7-2. [AMENDED]

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[OAR Docket #07-117; filed 1-19-07]

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

[OAR Docket #07-123]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
590:10-1-18. Release of records [AMENDED]
- Subchapter 3. Credited Service
590:10-3-10. Incentive credit [AMENDED]
- Subchapter 7. Retirement Benefits
590:10-7-5. Selecting an option [AMENDED]
590:10-7-13. Filing for retirement and Initial retirement benefit [AMENDED]
590:10-7-16. Rollovers [AMENDED]
- Subchapter 9. Survivors and Beneficiaries
590:10-9-1. Survivors' benefits [AMENDED]
- Subchapter 19. Medicare Gap Benefit Option
590:10-19-2. Definitions [AMENDED]
590:10-19-4. Irrevocable election of Medicare Gap Benefit option [AMENDED]

- 590:10-19-5. Medicare Gap Benefit formula [AMENDED]
- 590:10-19-6. Eligible Members [AMENDED]
- 590:10-19-7. Eligibility exclusions [AMENDED]
- 590:10-19-8. Calculation of the Medicare Gap Benefit [AMENDED]

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[OAR Docket #07-123; filed 1-22-07]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED COMPENSATION**

[OAR Docket #07-124]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 9. Benefits
590:25-9-17. Rollovers to other plans [AMENDED]

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[OAR Docket #07-124; filed 1-22-07]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN**

[OAR Docket #07-125]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 13. Benefits and Distributions
590:35-13-9. Rollovers to eligible retirement plan [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2007

SUBMITTED TO HOUSE:

January 23, 2007

Submissions for Review

SUBMITTED TO SENATE:

January 23, 2007

[OAR Docket #07-125; filed 1-22-07]

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

[OAR Docket #07-96]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 42. Tuberculosis Eradication in Cervidae
- Part 1. Definitions
- 35:15-42-1. [AMENDED]
- Part 3. Rules adopted from USDA Uniform Methods and Rules for Tuberculosis Eradication in Cervidae
- 35:15-42-34. [AMENDED]
- 35:15-42-37. [AMENDED]
- 35:15-42-39. [AMENDED]
- 35:15-42-41. [AMENDED]
- 35:15-42-43. [AMENDED]
- 35:15-42-44. [AMENDED]
- Part 5. Herd status requirements
- 35:15-42-51. [AMENDED]

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-96; filed 1-9-07]

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

[OAR Docket #07-97]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 40. Bovine Tuberculosis
- Part 5. Herd Status Requirements
- 35:15-40-71. [AMENDED]

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-97; filed 1-9-07]

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

[OAR Docket #07-122]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 19. Actual and Necessary Travel Reimbursements
- 150:1-19-3. [NEW]

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-122; filed 1-22-07]

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

[OAR Docket #07-188]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 7. Environmental Permit Process
- Part 5. Land Protection Division Tiers and Time Lines
- 252:4-7-51. [AMENDED]
- 252:4-7-52. [AMENDED]
- 252:4-7-53. [AMENDED]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-188; filed 1-25-07]

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

[OAR Docket #07-189]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 2. Incorporation by Reference [NEW]
- 252:100-2-1. [NEW]
- 252:100-2-2. [RESERVED]

252:100-2-3. [NEW]
Subchapter 4. New Source Performance Standards
252:100-4-1. [REVOKED]
252:100-4-2. [REVOKED]
252:100-4-3. [REVOKED]
252:100-4-4. [REVOKED]
252:100-4-5. [REVOKED]
Subchapter 40. Control of Emission of Friable Asbestos
During Demolition and Renovation Operations [NEW]
252:100-40-1. [NEW]
252:100-40-2. [RESERVED]
252:100-41-3. [NEW]
252:100-40-4. [RESERVED]
252:100-40-5. [NEW]
Subchapter 41. Control of Emission of Hazardous Air
Pollutants and Toxic Air Contaminants [REVOKED]
Part 1. General Provisions [REVOKED]
252:100-41-1. [REVOKED]
252:100-41-1.1. [REVOKED]
252:100-41-2. [REVOKED]
Part 3. Hazardous Air Pollutants [REVOKED]
252:100-41-13. [REVOKED]
252:100-41-14. [REVOKED]
252:100-41-15. [REVOKED]
252:100-41-16. [REVOKED]
Part 5. Toxic Air Contaminants [REVOKED]
252:100-41-35. [REVOKED]
252:100-41-36. [REVOKED]
252:100-41-37. [REVOKED]
252:100-41-38. [REVOKED]
252:100-41-39. [REVOKED]
252:100-41-40. [REVOKED]
252:100-41-41. [REVOKED]
252:100-41-42. [REVOKED]
252:100-41-43. [REVOKED]
252:100-41-44. [REVOKED]
252:100. Appendix Q. Incorporation by Reference [NEW]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-189; filed 1-25-07]

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

[OAR Docket #07-190]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Registration, Emission Inventory and Annual
Operating Fees
252:100-5-2.1. [AMENDED]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-190; filed 1-25-07]

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

[OAR Docket #07-191]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Registration, Emission Inventory and Annual
Operating Fees
252:100-5-1.1. [AMENDED]
Subchapter 7. Permits for Minor Facilities
PART 1. General Provisions
252:100-7-1.1. [AMENDED]
Subchapter 9. Excess Emission Reporting Requirements
252:100-9-2. [AMENDED]
Subchapter 23. Control of Emissions from Cotton Gins
252:100-23-2. [AMENDED]
Appendix P. Regulated Air Pollutants [NEW]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-191; filed 1-25-07]

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

[OAR Docket #07-192]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Incinerators
Part 11. Other Solid Waste Incineration Units [NEW]
252:100-17-90. [NEW]
252:100-17-91. [NEW]
252:100-17-92. [NEW]
252:100-17-93. [NEW]
252:100-17-94. [NEW]
252:100-17-95. [NEW]
252:100-17-96. [NEW]
252:100-17-97. [NEW]
252:100-17-98. [NEW]
252:100-17-99. [NEW]
252:100-17-100. [NEW]
252:100-17-101. [NEW]
252:100-17-102. [NEW]
252:100-17-103. [NEW]

252:100-17-104. [NEW]
252:100-17-105. [NEW]
252:100-17-106. [NEW]
252:100-17-107. [NEW]
252:100-17-108. [NEW]

GUBERNATORIAL APPROVAL:
January 4, 2007

[OAR Docket #07-192; filed 1-25-07]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

[OAR Docket #07-193]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Incorporation by Reference
252:205-3-1. [AMENDED]
252:205-3-2. [AMENDED]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-193; filed 1-25-07]

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

[OAR Docket #07-194]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Quality Assurance/Quality Control
Part 1. Quality Assurance/Quality Control General Criteria
252:300-17-3. [AMENDED]
Subchapter 19. Classifications
252:300-19-3. [AMENDED]
Appendix B. Analytes for General Water Quality Laboratory Categories [REVOKED]
Appendix B. Analytes for General Water Quality Laboratory Categories [NEW]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-194; filed 1-25-07]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 410. RADIATION MANAGEMENT**

[OAR Docket #07-195]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions
252:410-1-7. [AMENDED]
Subchapter 10. Radioactive Materials Program
Part 1. General Provisions
252:410-10-1. [AMENDED]
Part 30. Byproduct Material Licensing in General
252:410-10-30. [AMENDED]
Part 31. Byproduct Material: General Licenses
252:410-10-31. [AMENDED]
Part 32. Byproduct Material: Specific Licenses for Manufacturing and Transferring Certain Items
252:410-10-32. [AMENDED]
Part 34. Industrial Radiographic Operations
252:410-10-34. [AMENDED]
Part 35. Medical Use of Byproduct Material
252:410-10-35. [AMENDED]
Part 39. Well Logging
252:410-10-39. [AMENDED]
Part 70. Special Nuclear Material: Licensing
252:410-10-70. [AMENDED]
Part 71. Packaging and Transporting Radioactive Material
252:410-10-71. [AMENDED]
Subchapter 20. Standards for Protection Against Radiation
252:410-20-1. [AMENDED]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-195; filed 1-25-07]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

[OAR Docket #07-196]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 19. Operational Requirements
Part 1. General Provisions
252:515-19-1 [AMENDED]
Part 13. Wheel Washes [NEW]
252:515-19-131. [NEW]
252:515-19-132. [NEW]
252:515-19-133. [NEW]

Gubernatorial Approvals

252:515-19-134. [NEW]

252:515-19-135. [NEW]

252:515-19-136. [NEW]

252:515-19-137. [NEW]

252:515-19-138. [NEW]

GUBERNATORIAL APPROVAL:

January 4, 2007

[OAR Docket #07-196; filed 1-25-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 531. VISION SCREENING

[OAR Docket #07-103]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions [NEW]

310:531-1-1. [NEW]

310:531-1-2. [NEW]

310:531-1-3. [NEW]

Subchapter 3. Advisory Committee [NEW]

310:531-3-1. [NEW]

310:531-3-2. [NEW]

310:531-3-3. [NEW]

Subchapter 5. Vision Screening Standards for Children
[NEW]

310:531-5-1. [NEW]

310:531-5-2. [NEW]

310:531-5-3. [NEW]

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-103; filed 1-11-07]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #07-98]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 14. Equine Viral Arteritis [NEW]

35:15-14-1. Definitions [RESERVED]

35:15-14-2. Entry requirements [NEW]

AUTHORITY:

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

DATES:

Adoption:

November 16, 2006

Approved by Governor:

December 21, 2006

Effective:

Immediately upon Governor's approval

Expiration

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Due to the potential for economic hardship to the horse and horse show industries in Oklahoma, the agency finds a compelling public interest and immediate need for this emergency rule.

ANALYSIS:

This emergency rule is necessary to protect the horse and horse show industry in the state of Oklahoma from an outbreak of Equine Viral Arteritis. A recent outbreak of the disease in quarter horses in a New Mexico breeding operation has resulted in quarantines in several states. Because Oklahoma has a large transient horse population, the State Veterinarian has placed entry restrictions on horses originating in a state with quarantined areas.

CONTACT PERSON:

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

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

SUBCHAPTER 14. EQUINE VIRAL ARTERITIS

35:15-14-1. Definitions [RESERVED]

35:15-14-2. Entry requirements

(a) No equidae originating from an area under quarantine for Equine Viral Arteritis shall enter the state of Oklahoma.

(b) Equidae originating from a state with areas under quarantine for Equine Viral Arteritis shall be accompanied by the following:

(1) A Certificate of Veterinary Inspection listing the body temperature of each equine that shall be equal to or less than one hundred one degrees Fahrenheit; and

(2) The statement that the listed animals do not have any clinical signs associated with Equine Viral Arteritis, respiratory, or dependent edema and did not originate from an area under quarantine for Equine Viral Arteritis.

[OAR Docket #07-98; filed 1-9-07]

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

[OAR Docket #07-99]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

210:10-1-13. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

November 14, 2006

Approved by Governor:

December 21, 2006

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency adoption is necessary in order to comply with 10 O. S. § 7306-3.1, which became effective on July 1, 2006

Emergency Adoptions

ANALYSIS:

Rule amendments will provide direction to school districts on the provision of educational services to students under age eighteen (18) incarcerated in jails throughout Oklahoma.

CONTACT PERSON:

Connie Holland, 405-521-3308

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

SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-13. Educational services for children in residential care, treatment, or emergency shelter facilities

(a) **Purpose.** These policies are for the purpose of establishing standards for the educational services for children placed in facilities which exist for the purpose of providing residential care, treatment (24-hour residential) or emergency shelter care.

(b) **Facilities licensing/approval.** The facilities should be licensed or approved by the appropriate oversight state agency (i.e., Department of Human Services, Office of Juvenile Affairs, Department of Health, and Department of Mental Health and Substance Abuse Services). Such residential care or treatment facilities as juvenile detention centers, group homes, and emergency youth shelters will be included for these programs.

(c) **Residency.**

(1) Children placed in facilities such as an orphanage, eleemosynary (charitable) child care facility, in which a child is placed by the parent or guardian for full time residential care and attend a district school by joint agreement of the district or facility and are not placed in a facility through a state contract, are residents for school purposes of the school district where the facility is located. [70 O.S. Supp. 1998, 1-113]

(2) Children placed in facilities which are state operated institutions or who are temporarily in state-licensed or operated emergency shelters are residents for school purposes of the school district where the facility is located. [70 O.S. Supp. 1998, 1-113]

(3) Children placed in a foster home, as defined at 10 O.S. 402, except a therapeutic foster home or a specialized foster home voluntary placement, by the person or agency having legal custody pursuant to court order or by a state agency having legal custody are residents for school purposes of the school district where the foster home is located. [70 O.S. Supp. 1998, 1-113]

(4) For youth who are placed in juvenile detention facilities, the district of residence for school purposes shall be the school district in which the parents, guardians, or person having legal custody holds legal residence. [70 O.S. Supp. 1998, 1-113]

(5) When a child does not meet the criteria for residency provided in 70 O.S. Supp. 1998, 1-113, subsection

A, and is placed in a residential care facility or treatment program or center, including J.D. McCarty Center (63 O.S. 485.1), which is out of the child's home and not in the school district in which the child legally resides, the facility or program shall, if the child contends he or she resides in a district other than the district where the facility or program is located, within seven (7) days of admittance, notify the district in which the out-of-home placement or treatment is located of the admittance.

(d) **Contractual agreement for educational services.** A contractual agreement for the provision of educational services will be developed and signed by the chief executive officer of each agency or organization, or by the chairman of the governing board or board of directors of each licensed public or private agency, operating or supervision of residential care, treatment, or emergency shelter facilities.

(1) Each individual or entity operating a residential facility or treatment program which requires provision of educational services from the school district, shall notify the local board of education of its anticipated educational needs, prior to location in a school district. No school district shall be required to provide educational services for residents of the facility or participants in the program until at least sixty (60) calendar days have elapsed from the time in which the local board of education was initially notified of the need unless the school district so agrees to provide the educational services sooner. [70 O.S. Supp. 1998, 1-113]

(2) Any state agency, letting grants or contracts for residential care or treatment facilities for children shall require as a condition of grants or contracts, documented assurance of appropriate provision of educational services. [10 O.S. § 607 (C)]

(3) The contractual agreement for educational services shall include the following as a minimum:

(A) **Teacher certification requirements:** Teachers shall be appropriately certified by the Oklahoma State Department of Education. For teacher certification purposes, a certified teacher who is qualified to teach in an accredited school district's educational services for a residential care or treatment facility may teach subjects in which the teacher does not hold certification. This shall only be valid upon application of a school district, offering on-site educational services in a residential or treatment facility, and approved by the State Department of Education, only for those purposes. [70 O.S. Supp. 1996, 1210.567] The application for Accreditation or amended application shall serve as the district's application for these purposes. Original copies of the application and teacher certificates shall be on file at the school district administration office and copies maintained at the building site level.

(B) **Number of hours taught:** The State Department of Education shall authorize, upon application by a school district, an abbreviated day schedule for the education provided for students in a residential care or treatment facility located within the

district. [70 O.S. Supp. 1996, 1210.567] The Application for Accreditation or amended application shall serve as the district's application for these purposes. Education services available shall be provided to children/youth no later than the tenth school day of admittance. Exception will be for cause in the interest of the child and documentation by recommendations of the attending licensed psychologists, psychiatrists, or physicians on the residential care or treatment staff.

(C) Adequacy of facilities: The residential care, treatment, or emergency shelter facilities shall provide and maintain areas appropriate for the school district to conduct the educational program pursuant to contractual agreement and shall be responsible for all services and costs associated with such services which are not directly related to education. Relevant safety and health standards shall be followed. Such facilities shall meet the accreditation standards of the State Board of Education for educational services and shall meet other existing standards which apply to facilities of residential care, treatment, or emergency shelter programs.

(D) Educational plans, including plans for transition in to regular school setting: Education plans for students shall describe the appropriate curriculum, instructional time, and setting for each child. The child should receive instruction in an appropriate setting based on the individual educational needs of the child and should progress toward a full school day (six hours) program.

(4) The State Department of Education shall provide a sample contract with standard or uniform provisions for use by school districts which provide education to students in such facilities or programs. Provision in the contract shall be designed to ensure an appropriate education to which a student is entitled in the most cost-efficient manner to the responsible school district and shall allow for local flexibility in funding and education arrangements. The cost for related services, therapies, treatments, or support services for eligible students shall be the responsibility of the facility unless otherwise agreed by the contractual parties or as otherwise specified in the IEP. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible from sources other than the school district. [70 O.S. Supp. 1998, 1-113]

(e) **Educational plans for residential care, treatment facilities, or emergency shelter facilities.**

(1) Each child/youth shall have his/her educational needs reviewed within five school days by a team of professionals to determine the educational needs of the student and to develop an educational plan which is consistent with state and federal laws and regulations. The education plan shall work toward integration of the student into the receiving school district.

(2) The professional team for the educational plan shall include a teacher or an appropriately qualified educator representative and be under the direction of personnel of

the school district. A procedure must exist to permit team members to communicate their recommendations and other relevant information to the facility staff on a regular basis.

(3) The educational plan shall be periodically reviewed and adjustments by the professional team made to ensure that the child is receiving appropriate educational opportunities at all times.

(4) The educational plan shall describe the appropriate curriculum, instructional time, and setting for the child/youth. The child should receive instruction in an appropriate educational setting based on individual educational needs and should progress toward a full school day (six hours) program. The student's current grade level and/or ability should be considered.

(5) The educational plan shall be implemented within ten days of enrollment.

(6) The educational plans and educational services shall be provided under the supervision of a school district administrator.

(7) The educational plan and individual student records for the educational services shall be maintained by the school district with proper protections for disclosure, including a procedure for expeditious exchange of education records to properly authorized persons, in accordance with the Family Education Rights and Privacy Act, and other relevant state and federal laws.

(8) The educational plan shall be implemented in accordance with any procedural safeguards for eligible children with disabilities who require Individualized Education Programs (IEPs) under the Individuals with Disabilities Education Act (IDEA). The eligible student's school district of residence shall be notified immediately by the providing district upon finding that the eligible student requires special education and related services and notified as to the time, date and location of meetings for the purpose of planning the student's IEP and subsequent reviews. The facility may have a representative present at the IEP conference to advise the IEP team of any concerns or information the facility has to offer regarding the eligible student's educational needs and eligibility for related services. The facility and the providing district shall coordinate with the eligible student's school district of residence as necessary for the development of the IEP. [70 O.S. Supp. 1998, 1-113]

(9) Teachers shall be assigned for provision of educational services in accordance with the appropriate class size and teacher/student ratio.

(10) The facility shall provide assistance in severe, disruptive situations and will provide supervision of out-of-classroom suspension, time-out, and detention during school and, when requested by the assigned education personnel, will intervene in matters of discipline, unless otherwise agreed to in the contract.

(f) **State licensed or operated emergency shelters.** The local school district is not required to enter into a contract with a residential care, treatment, or emergency shelter unless it is state licensed or state operated.

Emergency Adoptions

(g) Education to Students in Jail.

(1) Each school district in the state with a city, county, or state jail within the district's boundaries shall designate an employee or employees of the school district who will be responsible for overseeing the educational services to eligible juveniles identified by the facility. While incarcerated in a jail, the student shall be considered a resident of the school district where the jail is located.

(2) Once an employee is designated by the school district that person shall immediately contact the individual in charge of the operation of the jail or jails within the boundaries of the school district and provide them with information regarding the requirements of this rule.

(3) When a school district receives notification of the need for educational services from a facility incarcerating a juvenile, the school district shall provide the juvenile with an appropriate education plan designed for the possible reintegration of the student into school, which must include the core subjects. The education plan contemplated by this rule corresponds to the education plan referenced in the Oklahoma School Laws at 70 O.S. § 24-101.3(D) for students suspended from school. A copy of the education plan developed by the school district shall be provided to the facility and to the juvenile and a copy shall be kept on file by the school district. For purposes of this rule the core units shall consist of English, Math, Science, Social Studies, and Art units required by the State Board of Education.

(4) The education plan shall set out the procedure the school district and the facility will utilize for the provision of educational services to the juvenile and will address academic credit for work satisfactorily completed. These procedures and requirements apply to facilities which do not have in place, on the effective date of this rule, a plan for educational services of incarcerated juveniles.

(5) The provisions of residency law at 70 O.S. § 1-113 addressing responsibility for educational services to juveniles in facilities located within the boundaries of the school district prevail over the requirements set forth in this rule.

(gh) Accreditation standards monitoring. The educational program of each school district providing educational services for students placed in a facility located in the school district shall be monitored by the State Department of Education. The department shall determine if the educational program is in compliance with State Board of Education regulations. The recommended accreditation status shall be reported to the State Board of Education.

[OAR Docket #07-99; filed 1-11-07]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #07-100]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-99.1. [NEW]

AUTHORITY:

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

DATES:

Adoption:

November 14, 2006

Approved by Governor:

December 21, 2006

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The purpose of the rule is to define provisions for classes of persons who are eligible to receive a bonus and define procedures for documentation of eligibility for the bonus as stipulated in 70 O. S. § 6-206. The bonus must be awarded by January 31.

ANALYSIS:

Classes of persons eligible to receive a state appropriated bonus are nationally certified school psychologists certified by the National School Psychology Certification Board, and speech-language pathologists or audiologists who hold a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association and are currently serving children in Oklahoma public school districts.

CONTACT PERSON:

Connie Holland, 405-521-3308

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

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-99.1. National certification bonus for school psychologists, speech-language pathologists, and audiologists.

(a) Subject to availability of funds, a bonus in the amount prescribed in 70 O.S. § 6-206, shall be provided to individuals currently providing service to children and who are an Oklahoma school psychologist who has been designated as a nationally certified school psychologist by the National School

Psychology Certification Board, or a speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.

(b) If adequate funding is not available for a full bonus to be provided, the bonus amount may be prorated.

(c) Psychologists, speech-language pathologists, or audiologists eligible for the bonus are those individuals currently employed full-time in the public schools of Oklahoma and are carried on the school personnel report submitted to the State Department of Education.

(d) To document having a current national certificate, being employed full-time by a public school district, and are currently providing services to children as a psychologist, speech-language pathologist, or audiologist, as of January 1 of the year the bonus is to be awarded, a verification form will be sent to each nationally certified person to be signed by the psychologist, speech-language pathologist, or audiologist and the superintendent of the local school district and returned to the State Department of Education before the bonus is awarded.

(e) Verification of national certification shall be provided to the State Department of Education prior to the bonus being awarded.

[OAR Docket #07-100; filed 1-11-07]

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

[OAR Docket #07-121]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Environmental Permit Process
Part 5. Land Protection Division Tiers and Time Lines
252:4-7-51. [AMENDED]
252:4-7-52. [AMENDED]
252:4-7-53. [AMENDED]

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-2-104, 2-7-105 and 2-7-106

DATES:

Comment period:

September 1 through October 5, 2006 and November 14, 2006

Public hearing:

October 5, 2006 and November 14, 2006

Adoption:

November 14, 2006

Approved by Governor:

January 4, 2007

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Immediate adoption of these rules will result in two benefits to the regulated community without sacrificing environmental protection: 1) It will ensure all aspects of the Oklahoma hazardous waste management program are immediately equivalent to the federal program, eliminating possible confusion about which regulatory requirements a facility is subject, and 2) it will allow the regulated community to immediately take advantage of the regulatory benefits offered by the standardized permit. By not immediately adopting these changes, there will be a discontinuity between DEQ's hazardous waste permitting rules as they relate to RCRA standardized permits and their federal counterparts. In this scenario, there may be questions as to the DEQ's authority to approve such permits if a facility seeks to obtain one.

ANALYSIS:

The proposed amendments are to modify the rules related to hazardous waste permitting requirements to include provisions for the new RCRA standardized permit.

CONTACT PERSON:

Jon Roberts (405) 702-5184, 707 North Robinson, Fifth Floor, Oklahoma City, Oklahoma 73102. Mailing address is P. O. Box 1677, Oklahoma City, OK 73101-1677. E-mail address is jon.roberts@deq.state.ok.us

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

SUBCHAPTER 7. ENVIRONMENTAL PERMIT PROCESS

PART 5. LAND PROTECTION DIVISION TIERS AND TIME LINES

252:4-7-51. Waste management time lines

The Land Protection Division shall technically review applications and issue or deny permits within the following periods of time:

- (1) ~~Hazardous~~ Except as identified in paragraph (4), hazardous waste applications, including new RCRA permits or renewals, new state recycling permits, Class 3 modifications, closure and post-closure plans, transfer station plans and plan modifications - 300 days;
- (2) Brownfields applications and each submittal or resubmittal - 60 days;
- (3) Solid waste applications and each submittal or resubmittal - 90 days;
- (4) New RCRA standardized permits and modifications to standardized permits B 150 days.

252:4-7-52. Hazardous waste management applications - Tier I

The following hazardous waste management authorizations require Tier I applications.

- (1) Class 1 modification of any hazardous waste permit requiring prior Department approval as specified in 40 CFR § 270.42.
- (2) Modification to a recycling permit in accordance with 27A O.S. § 2-7-118(A).

Emergency Adoptions

- (3) Class 2 permit modification as defined in 40 CFR § 270.42.
- (4) Emergency hazardous waste disposal plan approval.
- (5) Hazardous waste generator disposal plan approval.
- (6) Technical plan approval.
- (7) Hazardous waste transporter license.
- (8) Hazardous waste transfer station plan modification which is not related to capacity.
- (9) Emergency permit issued in accordance with 40 CFR § 270.61.
- (10) Interim status closure plan approval in accordance with 40 CFR § 265.113(d)(4).
- (11) Minor administrative modification of all permits and other authorizations.
- (12) Renewal of disposal plan approval and transporter license.
- (13) New, modified or renewed authorization under a general permit.
- (14) Approval of temporary authorizations in accordance with 40 CFR § 270.42.
- (15) Routine changes to RCRA standardized permits and routine changes to RCRA standardized permits with prior DEQ approval in accordance with 40 CFR 124.211.

252:4-7-53. Hazardous waste management applications - Tier II

The following hazardous waste management authorizations require Tier II applications.

- (1) On-site hazardous waste treatment, storage or disposal permit.
- (2) Mobile recycling permit.
- (3) Research & Development permit.
- (4) Class 3 modification of any hazardous waste permit as specified in 40 CFR § 270.42.
- (5) Modification of an on-site hazardous waste facility permit for a fifty percent (50%) or greater increase in permitted capacity for storage, treatment, and/or disposal, including incineration.
- (6) Modification of an on-site hazardous waste facility permit for an expansion of permitted boundaries.
- (7) Modification of on-site hazardous waste facility permit in which the application is for new treatment, storage, or disposal methods or units which are significantly different from those permitted.
- (8) Renewal of a hazardous waste treatment, storage or disposal permit.
- (9) Hazardous waste transfer station plan approval.
- (10) Hazardous waste transfer station plan modification involving increase in approved capacity.
- (11) Variance which is not part of a permit application.
- (12) Variance which is part of a Tier II permit application.

- (13) New RCRA standardized permits or significant changes to existing RCRA standardized permits in accordance with 40 CFR 124.211.

[OAR Docket #07-121; filed 1-19-07]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

[OAR Docket #07-120]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. [AMENDED]

252:205-3-2. [AMENDED]

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-2-104, 2-7-105 and 2-7-106

DATES:

Comment period:

September 1 through October 5, 2006 and November 14, 2006

Public hearing:

October 5, 2006 and November 14, 2006

Adoption:

November 14, 2006

Approved by Governor:

January 4, 2007

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

Incorporated standards:

Title 40 of the Code of Federal Regulations, Parts 124, 260 through 266, 268, 270, 273, and 279 as amended through July 1, 2006, the amendment to 40 CFR promulgated at 71 FR 40254-40280, and the amendment to 40 CFR promulgated at 71 FR 42928-42949.

Incorporating rules:

252:205-3-1 and 252:205-3-2

Availability:

From the contact person listed below

FINDING OF EMERGENCY:

Immediate adoption of these rules will result in two benefits to the regulated community without sacrificing environmental protection: 1) it will ensure all aspects of the Oklahoma hazardous waste management program are immediately equivalent to the federal program, eliminating possible confusion about which regulatory requirements a facility is subject to, and 2) it will allow the regulated community to immediately take advantage of the regulatory benefits offered by the revised federal regulations (e.g. paperwork burden reduction, standardized permitting, and reduced requirements for Cathode Ray Tube (CRT) management).

ANALYSIS:

The purposes of the proposed amendments are: (1) to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2006; and (2) to incorporate certain amendments to 40 CFR that took effect after July 1, 2006, which relate to correction of clerical errors in portions of 40 CFR and reduced regulatory requirements for CRTs that are recycled.

CONTACT PERSON:

Jon Roberts (405) 702-5184, 707 North Robinson, Fifth Floor, Oklahoma City, Oklahoma 73102. Mailing address is P. O. Box 1677, Oklahoma City, OK 73101-1677. E-mail address is jon.roberts@deq.state.ok.us.

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

SUBCHAPTER 3. INCORPORATION BY REFERENCE

252:205-3-1. Reference to 40 CFR

When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall mean (unless otherwise specified):

- (1) the Hazardous Waste Regulations, Monday, May 19, 1980, as amended through ~~July 1, 2005, and the amendment to 40 CFR promulgated at 70 FR 45508-45522, July 1, 2006;~~
- (2) the amendment to 40 CFR promulgated at 71 FR 40254-40280, "Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations;" and
- (3) the amendment to 40 CFR promulgated at 71 FR 42928-42949, "Modification of the Hazardous Waste Program: Cathode Ray Tubes."

252:205-3-2. Incorporation by reference

(a) **Part 124.** Procedures For Decision Making, those sections required by 40 CFR 271.14, with the following additions:

- (1) § 124.19(a) through (c) and (e);
- (2) §§ 124.31, 124.32, & 124.33, substituting DEQ for EPA, and deleting the following sentence from paragraph (a) of each section: "~~Hazardous~~ "For the purposes of this section only, "hazardous waste management units over which EPA has permit issuance authority"; refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR Part 271-"; and
- (3) Subpart G.

(b) **Part 260.** Hazardous Waste Management System: General, except 260.21.

- (1) In 260.20, "Federal Register" is synonymous with "The Oklahoma Register."
- (2) In 260.20(e), strike the words "or a denial."
- (3) In 260.22, references to the lists in Subpart D of Part 261 and the reference to § 261.3(a)(2)(ii) or (c) shall mean the lists in Subpart D of Part 261 and §261.3(a)(2)(ii) or (c) as adopted by reference and applicable in Oklahoma.
- (4) In the 260.10 definitions of "new tank system" and "existing tank system", the reference to "July 14, 1986" for commencement of tank installation applies only to tank regulations promulgated pursuant to the federal Hazardous and Solid Waste Amendment ("HSWA") requirements. The following categories outline HSWA requirements:
 - (A) interim status and permitting requirements applicable to tank systems owned and operated by small quantity generators [3001(d)];
 - (B) leak detection requirements for all new underground tank systems [3004(o)(4)]; and
 - (C) permitting standards for underground tanks that cannot be entered for inspection [3004(w)]. For tank regulations promulgated pursuant to statutory authority other than HSWA, the date relative to the commencement of installation is November 2, 1987.

(c) **Part 261.** Identification and Listing of Hazardous Waste except 261.4(b)(18) which pertains to Utah only, thus should be excluded.

- (1) In 261.4(e)(3)(iii) delete "in the Region where the sample is collected".
- (2) In 261.5(f)(3)(iv), and (v), and in 261.5(g)(3)(iv), and (v) add "other than Oklahoma" after the word "State".

(d) **Part 262.** Standards Applicable to Generators of Hazardous Waste except Subpart E and Subpart H. In 262.42(a)(2) and 262.42(b) delete "for the Region in which the generator is located".

(e) **Part 263.** Standards Applicable to Transporters of Hazardous Waste.

(f) **Part 264.** Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. The following sections and subsections are not adopted by reference: 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f), and 264.1080(g).

- (1) In 264.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.
- (2) In 264.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.
- (3) In 264.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.
- (4) In 264.570(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15, 1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.
- (g) **Part 265.** Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities except 265.1(c)(4), 265.1(g)(12), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g).

- (1) In 265.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.
- (2) In 265.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.
- (3) In 265.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.
- (4) In 265.440(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15,

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1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.

(h) **Part 266.** Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. Due to an early incorporation by reference, for purposes of Part 266 only, HSWA and non-HSWA dates are the same. In 266.325, the reference to 10 CFR 1.5 is changed to 10 CFR 71.5.

(i) **Part 267.** Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit. This permit option shall only be available to:

(1) those persons who generate hazardous waste on-site through, or as a result of, industrial production processes;

(2) wholly owned subsidiaries, owners, or sister companies of those persons specified in paragraph (1); and

(3) agencies, departments, or units of the federal government or the State of Oklahoma.

(j) **Part 268.** Land Disposal Restrictions, except 268.5, 268.6, 268.13, 268.42(b) and 268.44(a) through (g). In 268.7 (a)(9)(iii) exclude D009 from the list of alternative treatment standards for lab packs.

(k) **Part 270.** The Hazardous Waste Permit Program, except 270.1(c)(2)(ix), and 270.14(b)(18).

(l) **Part 273.** Standards for Universal Waste Management.

(m) **Part 279.** Standards for the Management of Used Oil, except that 279.82 is revised to read in its entirety, "The use of used oil as a dust suppressant is prohibited."

(n) **Excepted CFR Regulations.** Authority for carrying out excepted CFR regulations remains with EPA.

[OAR Docket #07-120; filed 1-19-07]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 210. HIGHWAY SPILL REMEDIATION

[OAR Docket #07-119]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

252:210-1-1. Purpose, authority and applicability [NEW]

252:210-1-2. Definitions [NEW]

252:210-1-3. General provisions [NEW]

252:210-1-4. Prerequisites for new licenses and renewal [NEW]

252:210-1-5. Licensure requirements [NEW]

252:210-1-6. Licensee's duties; record keeping [NEW]

252:210-1-7. License suspension and revocation [NEW]

252:210-1-8. Fees [NEW]

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-2-104, 2-7-105 and 2-7-106

DATES:

Comment period:

September 1 through October 5, 2006 and November 14, 2006

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October 5, 2006 and November 14, 2006

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January 4, 2007

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Immediately upon Governor's approval

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

N/A

FINDING OF EMERGENCY:

By not immediately adopting this Chapter, DEQ will be unable to implement the provisions of the Oklahoma Highway Remediation and Cleanup Services Act, 27A O.S. § 2-7-401, *et seq.*, which has an effective date of November 1, 2006.

ANALYSIS:

The proposed Chapter 210 is to implement the requirements of Senate Bill 1938, passed by the Oklahoma Legislature during its 2006 session. The Bill creates the Oklahoma Highway Remediation and Cleanup Services Act, 27A O.S. § 2-7-401, *et seq.* The Act gives the DEQ the authority to license, supervise, govern and regulate highway remediation and cleanup services and highway remediation and cleanup service operators in the State of Oklahoma. The Act further grants the Environmental Quality Board authority to pass rules implementing its requirements. The statutory effective date is November 1, 2006.

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

252:210-1-1. Purpose, authority and applicability

(a) **Purpose.** The purpose of this Chapter is to implement and enforce the Oklahoma Highway Remediation and Cleanup Services Act. The rules in this Chapter are to provide for regulation of highway spill remediation and cleanup services and regulation of highway spill remediation and cleanup service operators as necessary for protection of the waters of the State, the public health and the environment.

(b) **Authority.** 252:210 is authorized by 27A O.S. §§ 2-7-401 through 405.

(c) **Applicability.** The rules in this Chapter apply to:

(1) Any business that provides services to contain, remove and/or remediate spills of hazardous materials on highways in Oklahoma; and

(2) Any person who owns or operates those businesses or is employed by them to perform such containment and/or remediation services.

252:210-1-2. Definitions

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

"Collision" means any physical impact of a truck, truck-tractor, trailer or any combination thereof with the land or road surface or any other vehicle, structure or object.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Hazardous material" means any substance that, if spilled, is or has the potential to be harmful to humans or the environment such that it is appropriate to impose special requirements upon those who remediate a spill of the substance. Such substances include, but are not limited to, explosives, flammable and/or combustible liquids, acids, caustics, poisons, containerized gases, toxic chemicals, hazardous materials as defined in 49 CFR 171.8 and hazardous wastes as defined in 40 CFR Part 260.

"Highway" means highway as defined by 47 O.S. § 1-122.

"Law enforcement officer" means the lead official as defined by the Oklahoma Emergency Response Act.

"Remediation" includes containment, removal, and cleanup of a hazardous material spill, and the handling and disposition of cargo to the extent the cargo is contaminated with hazardous material as a result of the spill.

"Spill" means release of a hazardous material, caused by a collision on or adjacent to a highway in Oklahoma, in a quantity that could be harmful to humans or the environment.

252:210-1-3. General provisions

(a) **License required.** Spills shall be remediated only by businesses licensed pursuant to this Chapter. The person who spilled the hazardous material may employ any licensed highway spill remediation service unless the on-scene law enforcement officer has determined that there are hazardous conditions that pose an imminent threat to health or the environment. In these cases where time is critical, the law enforcement officer may contact any licensed highway spill remediation service or any non-licensed provider of a service needed to resolve the emergency.

(b) **Employee training.** Any person who participates in the remediation of spills must:

- (1) Be employed by a business licensed pursuant to this Chapter;
- (2) Be currently certified as a hazardous materials technician pursuant to 29 CFR 1910.120; and
- (3) Upon request by DEQ personnel or local law enforcement personnel at the scene of a spill, provide proof of their current hazardous materials technician certification.

(c) **Vehicle requirements.** All vehicles used in the remediation of spills shall visibly display the highway spill cleanup license number on both sides of the vehicle in numbers at least four inches (4") high.

(d) **Tow trucks.** All tow trucks used in the remediation of spills shall be registered and licensed by the Oklahoma Department of Public Safety.

(e) **Disposal.** All waste material collected or generated in the remediation of spills must be managed and disposed of in accordance with all applicable laws.

(f) **Specified dates.** If any date specified in this Chapter falls on a weekend or holiday, the date of the following working day shall be the effective date.

(g) **License period.** Licenses shall be effective from the day of licensure and expire on December 31 of the same year, unless modified by an Administrative Proceeding. Licenses issued prior to January 1, 2007, will expire December 31, 2007.

(h) **Application time frame.** Applications will become void if the applicant fails to meet all licensure requirements within one hundred eighty (180) days of being notified of any deficiencies. All fees paid are non-refundable when an application is voided.

252:210-1-4. Prerequisites for new licenses and renewal

To be eligible for initial licensure or renewal:

- (1) The owner of the business must be eighteen (18) years of age or older;
- (2) The owner of the business must be a resident of the State of Oklahoma or the business must be an Oklahoma corporation;
- (3) The principal business facilities must be located in the State of Oklahoma;
- (4) The owner and/or business must owe no outstanding fees or fines to the Department of Environmental Quality or any income taxes to the State of Oklahoma; and
- (5) The owner and/or business must be in compliance with these rules and all DEQ final orders.

252:210-1-5. Licensure requirements

(a) **Initial license.** An applicant may become licensed to remediate spills by:

- (1) Submitting to the DEQ a completed and signed DEQ Form 210-001 "Highway Spill Cleanup License Application";
- (2) Remitting payment to DEQ for the required initial licensure fee; and
- (3) Submitting documentation to DEQ that the applicant has a general liability insurance policy that includes pollution coverage in the amount of at least \$1,000,000. The documentation shall include a copy of the certificate of insurance.

(b) **Renewal license.** An applicant may renew an unexpired license to remediate spills by doing the following no later than the 15th of the month preceding the expiration date of the current license (December 31st):

- (1) Submitting to the DEQ a completed and signed DEQ Form 210-001 "Highway Spill Cleanup License Application";
- (2) Remitting payment to DEQ for the required renewal licensure fee; and
- (3) Submitting documentation to DEQ that the applicant has a general liability insurance policy that includes pollution coverage in the amount of at least \$1,000,000. The documentation shall include a copy of the certificate of insurance.

(c) **Failure to renew.** Once a license expires, the applicant may not continue to remediate spills until the license is actually renewed. Any license that has not been renewed within twelve (12) months of expiring may not be renewed. Such applicants

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must apply for a new license and pay the new license fee in full.

252:210-1-6. Licensee's duties; record keeping

(a) Remediation records. The licensee shall maintain and make available to DEQ upon request, a record of all remediations performed pursuant to this Chapter. Each record shall include, at a minimum, the following:

- (1) Name and contact information for the person or entity responsible for the materials spilled;
- (2) Date of the spill;
- (3) Legal description, highway mile marker, physical address, or latitude and longitude of the spill;
- (4) Description and quantity of material spilled;
- (5) Method of remediation;
- (6) Results of all analyses; and
- (7) Location and date of disposal or disposition.

(b) Employee training records. The licensee shall maintain and make available to DEQ upon request all hazardous materials technician certification training records for all employees who participate in remediation services for the licensee.

(c) Records retention. All records required to be maintained by the licensee pursuant to this Section shall be retained for a minimum of three (3) years.

252:210-1-7. License suspension and revocation

(a) Reasons for suspension or revocation. After notice and opportunity for hearing, the DEQ may suspend or revoke a license for:

- (1) Procedural violations such as allowing the insurance to expire, allowing untrained employees to participate in remediation of a spill or other related procedural issues;
- (2) Gross inefficiency or incompetence in providing spill containment or remediation services or in complying otherwise with the requirements of this Chapter and other applicable law;
- (3) Any violation of this Chapter or any final DEQ order; or
- (4) Dishonesty, fraud or misrepresentation to DEQ.

(b) Suspension. Any entity or person whose license is suspended by the DEQ:

- (1) May not provide remediation services until their license has been reinstated or they have received a new license.
- (2) May apply for reinstatement of their license at any time during the twelve (12) months following the date of their suspension by:
 - (A) Correcting any deficiency(ies);
 - (B) Paying any outstanding fees or fines owed to DEQ;
 - (C) Meeting the renewal requirements of Section 1-9(b) of this Chapter; and
 - (D) Being in compliance with all final DEQ rules and orders.

(c) Revocation. Any entity or person whose license has been revoked by the DEQ must wait one (1) year from the date of revocation before filing an application for a new license.

252:210-1-8. Fees

Unless otherwise provided by statute, license fees shall be as follows:

- (1) New license fee - \$10,000.00
- (2) Annual renewal fee - \$1,000.00

[OAR Docket #07-119; filed 1-19-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 205. ALARM AND LOCKSMITH INDUSTRY

[OAR Docket #07-102]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
 - 310:205-1-1. [AMENDED]
 - 310:205-1-2. [AMENDED]
 - 310:205-1-3. [AMENDED]
 - 310:205-1-3.1. [AMENDED]
- Subchapter 3. License Requirements
 - 310:205-3-1. [AMENDED]
 - 310:205-3-2. [AMENDED]
 - 310:205-3-3. [AMENDED]
 - 310:205-3-4. [AMENDED]
 - 310:205-3-5. [AMENDED]
 - 310:205-3-7. [AMENDED]
 - 310:205-3-8. [NEW]
 - 310:205-3-9. [NEW]
 - 310:205-3-10. [NEW]
 - 310:205-3-11. [NEW]
- Subchapter 5. Special Provisions
 - 310:205-5-1. [AMENDED]
- Subchapter 7. Enforcement
 - 310:205-7-1. [AMENDED]
 - 310:205-7-2. [AMENDED]

AUTHORITY:

Oklahoma State Board of Health; Alarm Industry Act, 59 O.S. Sections 1800.1 et seq., as amended by Enrolled Senate Bill No. 1741 of the Second Regular Session of the 50th Oklahoma Legislature, effective January 1, 2007.

DATES:

Comment Period:

October 2, 2006 through November 9, 2006

Public Hearing:

November 9, 2006

Adoption:

November 9, 2006

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The State Board of Health finds that public interest requires seeking of emergency certification of amendments to rules in Chapter 205. Unless an

emergency is declared and certified, there will be no standards in place to implement requirements for licensure of the locksmith industry, as required by Enrolled Senate Bill No. 1741 of the Second Regular Session of the 50th Oklahoma Legislature, effective January 1, 2007.

ANALYSIS:

The proposed rule changes are necessary to implement the provisions of Senate Bill 1741, which require licensing for the Locksmith Industry. This includes licensing of four newly defined categories, which are Closed Circuit TV, Nurse Call, Electronic Access Control, and Locksmith. The proposed changes include the criteria to qualify for initial licensing and the minimum qualifications for licensing thereafter. Additionally the proposed rule changes include the creation of subcategories, qualifications, and requirements for companies, managers, technicians, salespersons, and trainees along with the respective licensing fees, within each category. In order to facilitate the transition for licensing of the new categories in a uniform and consistent manner, minor changes were made within the existing alarm industry categories.

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

SUBCHAPTER 1. GENERAL PROVISIONS

310:205-1-1. Purpose

The rules in this Chapter implement the Alarm and Locksmith Industry Act, Title 59 O.S. ~~Supp. 1996~~, Section 1800.1 et seq.

310:205-1-2. Definitions

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

"Approved provider" means a person or entity that has been approved by the Committee to provide pre-licensing education courses.

"BOCA" means Building Officials and Code Administrators International, Inc.

"Burglar alarm company" ~~means an alarm industry business which offers to, or engages in the planning, installation, repair, alteration, maintenance, service, sale, inspection or advertisement of burglar alarms.~~ means a business that provides burglar alarm systems to others by any means, including, but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of a burglar alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Burglar alarm company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who

shall provide direct supervision over the function and local operations of such alarm industry business or a branch thereof.

"Burglar alarm salesperson" ~~means an individual who is employed by an Oklahoma licensed burglar alarm company to sell burglar alarm equipment.~~ means a person who sells to others on behalf of a licensed Oklahoma burglar alarm company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, and/or a person who participates in design, plan, specification and/or lay out of a burglar alarm system on behalf of a burglar alarm company.

"Burglar alarm technician" means an individual who is employed by an Oklahoma licensed burglar alarm company to install, service and sell burglar alarm equipment. design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service burglar alarm equipment.

"Burglar alarm technician trainee" means an individual who is employed by an Oklahoma licensed burglar alarm company to assist burglar alarm technicians or managers and learn to properly install, service, and sell burglar alarm equipment.

"CABO" means The Council of American Building Officials.

"Certificate of course completion" means a document acceptable to the Committee which signifies satisfactory completion of course work.

"Certification of an ~~alarm~~ system" shall mean testing per applicable code of any burglar alarm, fire alarm, electronic access control, closed circuit television, nurse call, locksmithing equipment, or fire sprinkler alarm system by a properly licensed ~~alarm~~ individual working for a properly licensed ~~alarm~~ company to verify that the system complies with all of the requirements of the applicable code or standard.

"Certification of Personnel" shall mean proof of successful completion of a standardized formal program of related instruction and testing as provided by a recognized ~~organization~~ provider and approved by the Alarm and Locksmith Industry Committee in compliance with section 310:205-3-2(f) of this ~~chapter~~ Chapter.

"Closed circuit television" or "(CCTV)" means a system that provides video surveillance of an area or a client-prescribed area primarily by means of transmitting and/or recording of visual signals through cameras, receivers, monitors, and/or other visual imaging equipment.

"Closed circuit television company" means a business that provides closed circuit television systems to others by any means, including but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, and/or servicing of a CCTV system; holding one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Closed circuit television manager" means an officer or manager of a company, corporation, partnership, or proprietorship with the authority to bind the company by contract and

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who provides direct supervision over the function and local operations of such closed circuit television business or a branch thereof.

"Closed circuit television technician" means an individual who is employed by an Oklahoma licensed closed circuit television company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service closed circuit television equipment.

"Closed circuit television technician trainee" means an individual who is employed by an Oklahoma licensed closed circuit television company to learn to properly install and service closed circuit television equipment.

"Closed circuit television salesperson" means a person who sells to others on behalf of a closed circuit television company by any means, including but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, and/or a person who participates in the sale, design, plan, and/or lay out of a closed circuit television system on behalf of a closed circuit company.

"Commercial building" means a building or structure used for any purpose or occupancy that is not defined in this section as a Residential Building.

"Commercial fire alarm license" means the category of license which authorizes a fire alarm company, manager, technician, trainee or salesperson to engage in the fire alarm industry activities in compliance with this Chapter for any work performed in residential or commercial application.

"Commercial fire sprinkler license" means the category of license which authorizes a fire sprinkler company, manager, trainee, and/or technician to engage in the fire sprinkler alarm industry activities in compliance with this chapter for any residential or commercial application.

"Committee" means the Alarm and Locksmith Industry Committee.

"Department" means the Oklahoma State Department of Health.

"Electronic access control" means the use of qualifying devices or identification methods at various points to control the movement of people within pre defined perimeters through the use of electronic card readers, keypads, biometrics devices, or a combination of technologies that receives its primary power from an external source.

"Electronic access control company" means a business that offers to, or engages in, the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of electronic access control systems.

"Electronic access control company manager" means an officer or manager of a company, corporation, partnership, or proprietorship with the authority to bind the company by contract and who provides direct supervision over the function and local operations of such electronic access control business or a branch thereof.

"Electronic access control technician" means an individual who is employed by an Oklahoma licensed electronic access control company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, and/or service electronic access control equipment.

"Electronic access control technician trainee" means an individual who is employed by an Oklahoma licensed electronic access control company to learn to properly install and service electronic access control equipment.

"Electronic access control salesperson" means a person who sells to others on behalf of an electronic access control company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and/or a person who participates in design, plan, and/or lay out of an electronic access control system on behalf of a electronic access control company.

"Fire alarm company" means an alarm industry business which offers to, or engages in the planning, installation, repair, alteration, maintenance, service, sale, inspection or advertisement of fire alarms. The company will be licensed as a limited or unlimited fire alarm company as defined by this chapter. means a business that provides fire alarm systems to others by any means including but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, and/or servicing of fire alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly. The company shall be licensed as a residential or commercial fire alarm company as defined by this Chapter.

"Fire alarm company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, and who shall ~~provide~~ provides direct supervision over the function and local operations of such alarm industry business or a branch thereof.

"Fire alarm salesperson" ~~means an individual who is employed by an Oklahoma licensed fire alarm company to sell fire alarm equipment.~~ means a person who sells to others on behalf of a fire alarm company by any means including but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and or a person who participates in design, plan and/or lay out of an fire alarm system on behalf of an fire alarm company. The salesperson shall be licensed as a residential or commercial fire alarm salesperson as defined by this Chapter.

"Fire sprinkler inspector" means an individual who is employed by an Oklahoma licensed alarm company to inspect and test a fire alarm sprinkler system to determine if it has been installed and is operating according to the appropriate code or standard.

"Fire alarm technician" means an individual who is employed by an Oklahoma licensed Fire Alarm Company to ~~install, service and sell~~ design, plan, lay out, sell, pre-wire, install, maintain, repair, test, certify, inspect, or service fire alarm equipment. The fire alarm technician shall be licensed as a residential or commercial fire alarm technician as defined by this Chapter.

"Fire alarm technician trainee" means an individual who is employed by an Oklahoma licensed Fire Alarm Company to assist fire alarm technicians or managers and learn to properly install, service and sell fire alarm equipment.

"Fire sprinkler company" ~~means an Alarm Industry Business which employs a Fire Sprinkler Company Manager. An Oklahoma licensed Fire Sprinkler Technician or Manager shall be on any job site where fire sprinkler work is being performed.~~ means a business that provides fire sprinkler systems to others by any means, including but not limited to, the sale, lease, rent, design, planning with the intent to install, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of a fire sprinkler system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation either directly or indirectly. The company will shall be licensed as a ~~limited residential or unlimited commercial~~ company as defined by this ~~chapter~~ Chapter.

"Fire sprinkler company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract; who shall provide direct supervision over the function and local operations of such alarm industry business or a branch thereof.

"Fire sprinkler technician" means an individual who is employed by an Oklahoma licensed ~~alarm~~ fire sprinkler company to install, service and sell, maintain, repair, and/or test fire sprinkler equipment. The fire sprinkler technician shall be licensed as a residential or commercial fire sprinkler technician as defined by this Chapter.

"Fire sprinkler technician trainee" means an individual who is employed by an Oklahoma licensed fire sprinkler company to assist fire sprinkler technicians or managers and learn to properly install and service fire sprinkler systems.

"IBC" means the International Building Code.

"ICC" means the International Code Council, Inc.

"Inspection" shall mean the visual observation or ~~alarm~~ system test of any burglar alarm system, fire alarm system, electronic access control, closed circuit, nurse call, locksmith, or fire sprinkler system to determine if the alarm system has been installed and is operating according to the applicable code or standard.

"Limited fire alarm license" ~~means the category of license which authorizes a fire alarm company, manager, technician or salesperson to engage in the alarm industry activities in compliance with this Chapter for fire alarm systems used in Residential Building and manufactured housing.~~

"Limited fire sprinkler license" ~~means the category of license which authorizes a fire sprinkler company, manager, or technician to engage in the alarm industry activities in compliance with this Chapter for fire sprinkler systems used in Residential Building and manufactured housing.~~

"Locksmith company" means a business that provides locksmithing to others by any means, including but not limited to, design, install, service, repair, re-key, re-pin, sell, inspect, rebuild, record, adjust, unlock mechanical or electronic locks or advertisement of locksmith services; holding oneself

or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Locksmith company manager" means an officer or manager of a company, corporation, partnership, or proprietorship with the authority to bind the company by contract and who provides direct supervision over the function and local operations of such locksmith business or branch thereof.

"Locksmith salesperson" means a person who sells to others on behalf of a locksmith company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, or a person who participates in design, plan, and/or lay out of locksmithing equipment on behalf of a locksmith company.

"Locksmith technician" means an individual who is employed by an Oklahoma licensed locksmith company to design, install, service, inspect, repair, re-key, re-pin, sell, rebuild, record, adjust, or unlock mechanical or electronic locks on behalf of a locksmith company.

"Locksmith technician trainee" means an individual who is employed by an Oklahoma licensed locksmith company to learn to properly install, service, repair, rebuild, re-key, re-pin, sell, or unlock mechanical or electronic locks on behalf of a locksmith company.

"Locksmith tool" means any tool designed specifically to aid in removal, disassembly, re-assembly, installation, or maintenance of, or to be used to defeat or by-pass any electric or mechanical lock or system.

"Manufactured Housing" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m²) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these rules, a mobile home shall be considered a manufactured home, and each shall be regarded as manufactured housing.

"Monitoring company" means an ~~alarm industry~~ business ~~which~~ that offers to, or does monitor burglar alarms, electronic access control systems, closed circuit television, nurse call systems, and/or fire alarms located in Oklahoma.

"Monitoring company manager" means an individual who is employed by an Oklahoma licensed ~~alarm~~ monitoring company and has control of the monitoring of ~~alarm~~ systems located in Oklahoma.

"Multiple activity office" means a location where more than one regulated activity is performed or conducted.

"Multipurpose Fire Sprinkler System" means a single piping system within residential building and manufactured housing where the same piping system simultaneously serves both domestic and fire protection needs and are not independent systems in any manner as described by the 1999 edition Standard for the installation of Sprinkler Systems in One and Two Family Dwellings (NFPA 13D).

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"NESA" means the National Electronic Security Alliance.

"NFPA" means the National Fire Protection Association.

"NICET" means the National Institute of Certification in Engineering Technologies, a certification program sponsored by the National Society of Professional Engineers.

"Nurse call system" means a device or a series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual, or electronic signal intended to detect or annunciate a need to summon response by a local medical staff or local medical personnel.

"Nurse call company" means a business that provides nurse call systems to others by any means, including but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of nurse call systems; holding oneself or one's company out for hire to perform any such tasks; or otherwise offering to perform any such tasks for compensation, either directly or indirectly.

"Nurse call company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract and who provides direct supervision over the function and local operations of such nurse call system business or a branch thereof.

"Nurse call technician" means an individual who is employed by an Oklahoma licensed nurse call system company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service nurse call system equipment.

"Nurse call technician trainee" means an individual who is employed by an Oklahoma licensed nurse call system company to learn to properly install and service nurse call system equipment.

"Nurse call system salesperson" means a person who sells to others on behalf of a nurse call company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and/or a person who participates in design, plan and/or lay out of a nurse call system on behalf of a nurse call company.

"Ownership" means the dominion, title, or proprietary right in a company subject to the Alarm and Locksmith Industry Act and this Chapter.

"Qualifying devices" means a device or combination of devices such as retina readers, finger print pads, bio-metric readers, card swipes, etc. that are used to identify persons who have authorized entry through electronic access control systems.

"Residential fire alarm license" means the category of license which authorizes a fire alarm company, manager, technician, trainee or salesperson to engage in the fire alarm industry activities in compliance with this Chapter for fire alarm systems used in Residential Building and manufactured housing.

"Residential fire sprinkler license" means the category of license which authorizes a fire sprinkler company, manager, or technician or trainee to engage in the fire sprinkler industry

activities in compliance with this Chapter for fire sprinkler systems used in Residential Building and manufactured housing.

"Residential building" shall mean buildings arranged for the use of one (1)- or two (2)-family dwelling units, including not more than five (5) lodgers or boarders per family and multiple single-family dwellings where each unit has an independent means of egress and is separated by a two (2)-hour fire separation assembly and all detached one (1)- or two (2)-family dwellings not more than three (3) stories in height, and the accessory structures as indicated in the 1995 edition of the CABO One and Two Family Dwelling Code.

"Security verification" means information submitted to the appropriate authority on each applicant to verify any criminal records.

"Supervision" means on-site supervision by a licensed manager, technician or salesperson.

"System" means a burglar alarm system, fire alarm system, fire sprinkler system, closed circuit television system, electronic access control system, locksmithing system, or a nurse call system, all as defined in these rules, or a portion or combination of such alarms or systems. However, the term "system" shall not include the following: (i) an alarm system installed in a motor vehicle; (ii) a burglar alarm system or household fire warning system sold at retail to an individual end user for self-installation; (iii) a single station fire alarm device sold at retail to an individual end user for self-installation or installed by a fire department, the State Fire Marshal, a public agency, a volunteer fire association, or their designated representatives.

"Unlimited fire alarm license" means the category of license which authorizes a fire alarm company, manager, technician or salesman to engage in the alarm industry activities in compliance with this Chapter for any work performed in residential or commercial application.

"Unlimited fire sprinkler license" means the category of license which authorizes a fire sprinkler company, manager or technician to engage in the alarm industry activities in compliance with this chapter for any residential or commercial application.

310:205-1-3. Adopted references

The Board of Health hereby incorporates by reference the International Code Council (ICC) 2003 (IBC) Edition International Building Code; the (2002) Edition National Electrical Code (NFPA 70); the 2002 Edition National Fire Alarm Code (NFPA 72); the 2002 Edition Standard for the Installation of Sprinkler Systems (NFPA 13); the 2002 Edition Standard for the installation of Sprinkler Systems in One and Two Family Dwellings (NFPA 13D); the 2002 Edition Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four stories in Height (NFPA 13R); the 2003 Edition Standard for the Installation of Standpipe and Hose Systems (NFPA 14); the 2001 Edition Standard for Water Spray Fixed Systems for Fire Protection (NFPA 15); the 2003 Edition Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems (NFPA 16); the 2003 Edition Standard for the Installation of Stationary Pumps for Fire

Protection (NFPA 20); the 2002 Edition Standard for the Installation of Private Fire Service Mains and Their Appurtenances (NFPA 24); the 2002 Edition Standard for the Inspection, Testing, and Maintenance Water-Based Fire Protection Systems (NFPA 25); and the 2003 Edition Code for Safety to Life from Fire in Buildings and Structures (NFPA 101) as the minimum standard of installation for the alarm and locksmith industry in Oklahoma. If a conflict exists between any of the above referenced installation standards, the more stringent standard shall apply. If a conflict exists between any of the above referenced codes or standards and ~~any rule in this chapter~~ this Chapter, the ~~rule~~ requirements in this ~~chapter~~ Chapter shall apply.

310:205-1-3.1. Compliance with intent of chapter

Where no specific standards or requirements are specified in this chapter or within other codes or regulations adopted by the State Department of Health, compliance with the applicable standards of the National Fire Protection Association, American National Standard Institute (ANSI), or other nationally recognized fire safety standards approved by the State is prima facie evidence of compliance with the intent of this chapter.

SUBCHAPTER 3. LICENSE REQUIREMENTS

310:205-3-1. General ~~alarm~~ application and license requirements

The categories of licensing in the alarm and locksmith industry shall be:

- (1) Burglar alarm;
- (2) ~~Limited~~ Residential fire alarm;
- (3) ~~Unlimited~~ Commercial fire alarm;
- (4) Alarm Monitoring; ~~or~~
- (5) Fire sprinkler;
- (6) Locksmith;
- (7) Electronic access control;
- (8) Closed circuit television; and
- (9) Nurse call.

310:205-3-2. Application and license fees, period and display, and examination alternatives or prerequisites

(a) **Application and license fees.** The following fees apply to alarm and locksmith industry licensure:

- (1) **Initial application and licensing fees.**
 - (A) ~~Alarm~~ Company application and License - \$250.00; license issued after February 1, but before the end of the State fiscal year - \$125.00
 - (B) Company Manager - Application \$100.00 and Licensing fee \$100.00
 - (C) ~~Alarm Technician/Alarm Inspector, technician, salesperson, technician trainee~~ - Application \$40.00 and Licensing fee \$35.00
 - ~~(D) Alarm Salesperson - Application \$40.00 and Licensing \$35.00~~
 - ~~(E) Re-Examination, Per Attempt - \$50.00~~

~~(F) Inspector - Application \$40.00 Licensing \$35.00~~

~~(G) Fire Sprinkler Technician - Application \$40.00 and Licensing fee \$35.00~~

~~(HE) Fire Sprinkler Technician Trainee \$20.00~~

~~(F) Duplicate or Revised license \$25.00~~

(2) **Renewal fees.**

(A) Company License - \$250.00

(B) Company Manager - \$100.00

(C) Inspector, Technician, Salesperson - \$35.00

(D) ~~Alarm~~-Technician Trainee - \$25.00

~~(E) Alarm Salesperson \$35.00~~

~~(F) Inspector \$35.00~~

~~(GE) Fire Sprinkler Technician Trainee \$15.00~~

(b) **License period.**

(1) A license shall expire on June 30, 1991, and each year thereafter. Beginning on July 1, a license may be renewed by paying double the renewal fee.

(2) Initial application for ~~Alarm Technicians, Sales and Trainees~~ managers, technicians, salespersons and trainees shall be submitted within three (3) working days of employment to the Department. This registration shall be contingent on a security background investigation.

(3) A license which has been expired for more than two (2) years shall not be renewed. An individual may obtain a valid license by successful completion of the appropriate examination and/or certification and other licensure requirements.

(4) Effective January 1, 2007, the Commissioner shall, upon proper application and payment of fee made with ninety (90) days from and after the effective date of the Alarm and Locksmith Industry Act, but not thereafter, license without examination those persons who can provide evidence that they were engaged in locksmithing, electronic access control, nurse call or closed circuit television work prior to January 1, 2007. Example of evidence includes but not is limited to:

(A) Invoices for work performed;

(B) Purchase receipts for industry related equipment;

(C) Documents of installation or services by employee;

(D) Other documents as approved by the Committee.

(c) **Examination and Re-examination.** Any applicant failing to pass the appropriate examination shall be required to retake the same category examination after payment of the appropriate retest fee. Any person who fails to appear for a scheduled examination shall forfeit his/her examination fee. However, if the examinee notifies the Department within seventy two (72) hours before scheduled exam, the Department will reschedule the examination date with no additional fee required pursuant to 310:205-3-2(a)(1).

(d) **Company license display.** The state issued company license number shall be placed on all letterhead stationery, business cards, invoices, statements, contracts, bids, estimates, and printed advertisements, and shall be included in electronic media advertisements. Decals and yard signs shall display the

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state issued company license number. The state issued license number shall be located on all vehicles that display the ~~alarm~~ company name.

(e) **Personal license display.** Each ~~Manager, Technician, Technician Trainee, or Salesperson,~~ manager, technician, technician trainee, or salesperson, shall possess the state issued card any time the person is working in such capacity. The card shall be shown when requested.

(f) **Certification. Pre-licensing and course approval requirements.**

(1) An applicant for an ~~alarm~~ license may submit certification or proof of passing the appropriate examination(s) from a nationally recognized ~~organization approved provider~~ as a prerequisite to, or as a substitute for, an ~~alarm~~ examination administered by the Department as provided for in ~~Sections 310:205-3-3, 310:205-3-4 or 310:205-3-7~~ of this Chapter.

(2) In order to qualify, certification submitted by an applicant for ~~alarm~~ licensure shall be from an ~~organization approved provider~~ that issues ~~national~~ certification to individuals in the alarm and locksmith industry and is based on successful completion of an examination which determines if the applicant is sufficiently knowledgeable in burglar alarm systems, fire alarms, fire sprinkler, electronic access control, closed circuit television, nurse call, locksmithing, and/or technical sub-fields of alarm these systems to plan, install, repair, alter, maintain, service, sell, inspect, advertise, and/or monitor alarm systems or technical sub-fields of ~~alarm~~ these systems according to nationally acceptable code standards.

(3) The Department shall accept certification from an ~~organization approved provider~~ if the certification standards have been verified by the Alarm and Locksmith Industry Committee to include that the certifying ~~organization approved provider~~:

(A) shall conduct certification activities which are national in scope;

(B) shall be administratively independent in matters pertaining to certification. Administratively independent means that all policy decisions relating to certification matters are the sole decision of the certifying ~~organization approved provider~~ and not subject to approval by any other body or the membership of an affiliated body, and that all financial matters related to the operation of the certifying ~~organization approved provider~~ are segregated from those of the parent or any affiliated ~~organization approved provider~~;

(C) shall demonstrate that the ~~organization approved provider~~ staff possesses the knowledge and skills necessary to conduct the certification or re-certification programs or that non-staff consultants and professionals are available to sufficiently supplement staff knowledge and skills;

(D) shall use reliable testing mechanism(s) to evaluate individual knowledge that is objective, fair to all candidates, job-related, and based on the knowledge

and skills needed to function in the alarm and locksmith industry or technical sub-field of the alarm and locksmith industry;

(E) shall establish pass/fail levels that protect the public determining if the applicant is sufficiently knowledgeable in alarm and locksmith industry systems to design, install, service, and sell alarm systems or technical sub-fields of the alarm and locksmith industry that meet applicable code standards, and that are generally acceptable in the psychometric community as being fair and reasonable; and

(F) shall publish and make available to the Department general descriptive materials on the procedures used in examination construction and validation, all eligibility requirements and determination procedures, and the procedures for examination administration including exam dates and locations, fees, reporting of results, re-certification requirements, and grievance or appeals procedures;

(G) Name and address of the approved provider;

(H) Contact person and his or her address, telephone number and fax number;

(I) If a prior approved course has substantially changed, a summarization of such changes; and

(J) The Department may automatically accept without further review, courses pre-approved by the Committee.

(K) The Committee may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.

(L) No person or entity sponsoring or conducting a course shall advertise that it is endorsed, recommended, or accredited by the Committee. Such person or entity may indicate that the Committee has approved a course of study if that course of study has been pre-approved by the Committee before it is advertised or held.

(M) Providers shall maintain course records for at least five (5) years. The Committee may order an examination of the records for good cause shown.

(g) **Personal license information.**

(1) Each individual license holder shall notify the Oklahoma State Department of Health, on a form specified and provided by the Oklahoma State Department of Health, within fourteen (14) days of the following:

(A) Any change in the home address.

(B) Any separation from an employer or change in employer.

(C) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge.

(2) No individual licensed under this Chapter shall contract for his services as an independent contractor without applying for and being issued a company and manager license under this Chapter. No company shall contract for the independent services of a holder of an individual license under this Section.

310:205-3-3. Burglar alarm license requirements

Licensing requirements for the burglar alarm industry are as follows:

(1) **Company.**

(A) Each company shall employ an Oklahoma licensed burglar alarm company manager who is responsible for the operations of the company's office. Any company maintaining multiple activity offices within Oklahoma, shall have a licensed burglar alarm manager at each office. Each burglar alarm company shall employ an Oklahoma licensed burglar alarm company manager. After January 1, 2003, all burglar alarm companies applying for initial licensure and/or any burglar alarm company which changes its burglar alarm company manager or ownership shall comply with Section 310:205-3-3(2)(C) of this chapter. After July 1, 2003, all burglar alarm companies will comply with section 310:205-3-3(2)(C) of this ~~chapter~~ Chapter. A burglar alarm company shall notify the Department within fourteen (14) days in event of the death of the burglar alarm company manager or the manager's separation from the company for any other reason, and the company shall designate another licensed burglar alarm manager within (30) thirty days from separation.

(B) A licensed burglar alarm technician or manager shall be on site for any work being performed.

(C) A burglar alarm company may operate multiple activity offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-3(1)(A). The company will notify the ~~department~~ Department of the physical address and telephone number for each multiple activity office in accordance with 59 O.S. Section 1800.10.

~~(D) The alarm company shall remove access and "lockout" codes from the alarm system after the legal termination of the monitoring agreement on customer-owned equipment upon the receipt of a written request from the owner to remove such codes. Each alarm company engaged in alarm business that sells a burglar alarm system to a consumer upon request from the consumer shall within forty-eight (48) hours return the lockout, installer, or programming code of the system to the factory default setting when the consumer cancels the contract on customer-owned equipment. If a system is installed without a written contract with the consumer, the system shall have the lockout code, installer or programming code set at default.~~

(E) The customer shall be given a copy of all documents at the time of the sale and the company shall maintain a copy of all of the documents. All monitoring and/or lease contracts shall include, as a minimum, the following information: the initial term of the agreement, the renewal term of the agreement, the terms for notification of cancellation of the agreement as well as the costs involved of all the terms of

the agreement, the company name and the state issued license number, the sales representative's name and state issued license number, and the customer's name and address. The minimum information described above shall be disclosed in one of the following two ways:

(i) Printed on the front or face of the written contract in not less than twelve (12) point bold type and at least two (2) points larger than the rest of type size of the remaining text in the written contract; or,

(ii) On a separate disclosure form appended to the written contract and dated, and signed by the customer and the licensed alarm company representative who made the sale.

(2) **Manager.**

(A) Each application for licensure as a manager shall include verification of ~~at least eight thousand (8,000) hours~~ four (4) years of experience in the burglar alarm business. The experience shall include ~~4000 hour~~ two (2) years verified/or licensed experience as a Burglar Alarm technician or other related experience approved by the Committee.

~~(B) Each licensed burglar alarm company manager shall pass an examination administered by the Department which qualifies him and determines if the applicant is sufficiently knowledgeable in burglar alarms to plan, install, repair, alter, maintain, service, sell, inspect, advertise, and monitor burglar alarm systems according to acceptable code standards. As of July 1, 2007, each applicant for licensure as a burglar alarm manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(C) Each licensed burglar alarm company manager shall be responsible for all activities conducted within the State of Oklahoma by the multi-activity office where they are listed as manager.

(D) Each licensed burglar alarm company manager shall have a security background verification.

(3) **Technician.**

(A) Each technician shall work for a licensed burglar alarm company and under the supervision of a burglar alarm company manager.

~~(B) Each technician shall pass an examination administered by the Department which determines if the applicant is sufficiently knowledgeable in burglar alarms to design, install, service, and sell burglar alarm systems that meet applicable code standards when installed; or in lieu of examination by the Department, an applicant for a license as a burglar alarm technician shall submit proof of Level I certification by NESA or proof of certification by another a organization approved provider that offers national certification to individuals in the burglar alarm industry As of July 1, 2007, each applicant for licensure as a~~

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burglar alarm technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(C) Each technician shall have a security background verification.

(4) **Technician/SalesmanSalesperson Trainee.**

(A) A technician/~~salesman~~salesperson trainee shall be employed by a licensed Oklahoma burglar alarm company.

(B) A technician/~~salesman~~salesperson trainee shall work under the direct supervision of a licensed burglar alarm company manager, burglar alarm technician or a burglar alarm ~~salesman~~salesperson.

(C) There shall be no more than three (3) technician/~~salesman~~salesperson trainees per burglar alarm company manager, burglar alarm technician or burglar alarm ~~salesman~~salesperson per job site.

(D) Each technician/~~salesman~~salesperson trainee shall have security background verification.

(5) **Salesperson.**

(A) Each salesperson shall work for a licensed burglar alarm company and under the supervision of a burglar alarm company manager.

(B) ~~Each salesperson shall pass an examination administered by the Department which determines if the applicant is sufficiently knowledgeable in burglar alarms to design and sell burglar alarm systems that meet applicable code standards when installed; or in lieu of examination by the Department, an applicant for a license as a burglar alarm salesperson may submit proof of Level 1 certification by NESA or proof of certification by another organization that offers national certification to individuals in the burglar alarm industry.~~As of July 1, 2007, each applicant for licensure as a burglar alarm salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(C) Each salesperson shall have a security background verification.

310:205-3-4. Fire alarm license requirements

Licensing requirements for the fire alarm industry are as follows:

(1) **Company.**

(A) Each company shall employ an Oklahoma licensed fire alarm company manager who is responsible for the operations of the company's office. Any company maintaining multiple activity offices within Oklahoma shall have a licensed manager at each office regarding each regulated activity. Each company shall employ an Oklahoma licensed fire alarm company manager. After July 1, 2002, all fire alarm

companies applying for initial licensure or any fire alarm company which changes managers or ownership shall comply with section 310:205-3-4 (2)(H) of this ~~chapter~~Chapter. After July 1, 2003, all fire alarm companies will comply with section 310:205-3-4 (2)(H) of this ~~chapter~~Chapter. In the event of the death of the fire alarm company manager or his/her separation from the company for any other reason, a burglar alarm company shall notify the Department within fourteen (14) days and name a licensed burglar alarm manager within thirty (30) days after separation.

(B) A licensed fire alarm technician or manager shall be on site for any work being performed.

(C) A company whose manager only holds a ~~limited residential~~ fire alarm manager license shall be issued a ~~limited residential~~ fire alarm company license.

(D) A company whose manager holds an ~~unlimited commercial~~ fire alarm manager license shall be issued an ~~unlimited commercial~~ fire alarm company license.

(E) A company with a ~~limited residential~~ fire alarm company license shall only offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarms for use in Residential Building and manufactured housing.

(F) A company with an ~~unlimited commercial~~ fire alarm company license may offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for any residential or commercial use.

(G) Any equipment installed by a company as part of a fire alarm system shall be listed by Underwriters Laboratories, Factory Mutual or any other nationally recognized testing entities for such purpose.

(H) A fire alarm company may operate multiple activity offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-4(1)(A). The company will notify the ~~department~~Department of the physical address and telephone number for each multiple activity office in accordance with 59 O.S. Section 1800.10.

(I) A properly licensed fire alarm technician or manager of a properly licensed alarm company shall perform the initial testing, inspection, or certification of the entire fire alarm system, and that licensed alarm company shall assume full responsibility for the installation of the alarm system.

(J) Each fire alarm company that sells a fire alarm system to a consumer upon request from the consumer shall within forty-eight (48) hours return the central station monitoring programming code of the

system to the factory default setting when the consumer cancels the contract on customer owned equipment. If a system is installed without a written contract with the consumer, the system shall have the central station monitoring programming code set at default.

(2) **Manager.**

(A) Each application for licensure as a fire alarm manager shall include verification of ~~at least eight thousand (8,000) hours~~ four (4) years of experience in the fire alarm business. The experience shall include ~~4000 hours~~ two (2) years verified/or licensed experience as a fire alarm technician. If applying for ~~limited residential~~ fire alarm manager, experience must show ~~4000 hours~~ limited residential technical experience. If applying for ~~unlimited commercial~~ fire alarm manager, experience must show ~~4000 hours~~ unlimited commercial technical experience.

(B) ~~Each manager shall pass an examination administered by the Department which qualifies him and determines if the applicant is sufficiently knowledgeable in fire alarms to plan, install, repair, alter, maintain, service, sell, inspect, advertise, and monitor fire alarm systems according to acceptable code standards. As of July 1, 2007, each applicant for licensure as a residential fire alarm manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(C) ~~As of July 1, 2007, each applicant for licensure as a commercial fire alarm manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(D) Each licensed company manager shall be responsible for all activities of the office they are listed as manager for within the State of Oklahoma.

(E) Each licensed company manager shall have a security background verification.

(F) A manager with a ~~limited residential~~ fire alarm manager license shall only offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for use in Residential Building and manufactured housing.

(G) A manager with an ~~unlimited a~~ commercial fire alarm manager license may offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for any residential or commercial use.

(H) ~~An applicant for initial licensure as, or renewal of, an unlimited, fire alarm manager license shall submit proof of NICET II, technical sub field Fire Alarm~~

~~Systems, certification, NESA Level II Fire Installation & Wiring Codes and NESA Level II Electronics certification or certification by another organization that offers national certification to individuals in the fire alarm industry in accordance with subsection 310:205-3-2(f) of this Chapter. After July 1, 2002, an applicant for initial licensure as an unlimited fire alarm manager license shall submit proof of NICET II, technical sub field Fire Alarm Systems, certification; or NESA Level II Fire Installation & Wiring Codes and NESA Level II Electronics certification; or proof of certification by another organization which offers national certification to individuals in the fire alarm industry in accordance with subsection 310:205-3-2(f) of this Chapter. After July 1, 2003, an applicant for initial licensure as, or renewal of, an unlimited fire alarm manager license shall submit proof of NICET II, technical sub field Fire Alarm Systems, certification; or NESA Level II Fire Installation & Wiring Codes and NESA Level II Electronics, certification or proof of certification by another organization which offers national certification to individuals in the fire alarm industry in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(3) **Technician.**

(A) Each technician shall work for a licensed fire alarm company and under the supervision of a fire alarm company manager.

(B) ~~Each technician shall pass an examination administered by the Department which determines if the applicant is sufficiently knowledgeable in fire alarms to design, install, service, and sell fire alarm systems that meet applicable code standards when installed. As of July 1, 2007, each applicant for licensure as a residential fire alarm technician shall as a prerequisite for licensing successfully complete a pre-licensing course from an approved provider and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(C) ~~As of July 1, 2007 each applicant for licensure as a commercial fire alarm technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

(D) Each technician shall have a security background verification.

(E) Each technician shall perform or supervise only fire alarm work within the fire alarm license category for which the fire alarm company is licensed.

(F) ~~An initial applicant for a limited technician license shall be issued a limited license after successful completion of the appropriate technician examination; or in lieu of examination by the Department, an applicant for a license as a limited fire alarm technician shall submit proof of Level 1 certification by~~

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NESA or proof of certification by another organization that offers national certification to individuals in the limited fire alarm industry in accordance with subsection 310:205-3-2(f) of this chapter.

(F) A technician with a limited technician license shall only install, repair, alter, maintain, service, sell, or inspect fire alarm systems for use in Residential Building. A technician with a limited technician license may be a trainee on commercial installations and service work including the install, repair, alter, maintenance, service and inspections as long as he or she is under the direct supervision of a licensed unlimited technician.

(G) A technician with an unlimited technician license may install, repair, alter, maintain, service, sell, or inspect fire alarm systems for any residential or commercial use.

(H) Beginning July 1, 2000, an applicant for an initial unlimited technician license, or an applicant for renewal of an unlimited technician license, may be issued an unlimited technician license after successful completion of the appropriate technician examination and submission of proof of passing the examinations required for NICET II certification, sub field Fire Alarm Systems; or proof of NESA Level II Fire Installation & Wiring Codes and NESA Level II Electronics; or proof of certification by another organization which offers national certification to individuals in the fire alarm industry in accordance with subsection 310:205-3-2(f) of this Chapter.

(4) Technician/Salesman/Salesperson trainee.

(A) A technician/salesman/salesperson trainee shall be employed by a licensed Oklahoma fire alarm company.

(B) A technician/salesman/salesperson trainee shall work under the direct supervision of a licensed fire alarm company manager, fire alarm technician or a fire alarm salesman/salesperson.

(C) There shall be no more than three (3) technician/salesman/salesperson trainees per fire alarm company manager or fire alarm technician per job site.

(D) Each technician/salesman/salesperson trainee shall have a security background verification.

(E) Each technician/salesman/salesperson trainee shall only install, repair, alter, maintain, service, sell, or inspect fire alarm systems within the fire alarm license category for which the supervisor is licensed.

(5) Salesperson.

(A) Each salesperson shall work for a licensed fire alarm company and under the supervision of a fire alarm company manager.

(B) Each salesperson shall pass an examination administered by the Department which determines if the applicant is sufficiently knowledgeable in fire alarms to design and sell fire alarm systems that meet applicable code standards when installed.

(C) Each salesperson shall have a security background verification.

(D) An applicant for an initial limited salesperson license shall be issued a limited license after successful completion of the appropriate salesperson examination; or in lieu of examination by the Department, an applicant for a license as a limited fire alarm salesperson shall submit proof of certification by NESA or proof of certification by another organization that offers national certification to individuals in the limited fire alarm industry in accordance with subsection 310:205-2-3(f) of this chapter. As of July 1, 2007, each applicant for licensure as a residential fire alarm salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(E) As of July 1, 2007, each applicant for licensure as a commercial fire alarm salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(F) Each salesperson shall design and sell only fire alarm systems in the license category for which the fire alarm company is licensed.

(G) An initial applicant for an unlimited salesperson license shall be issued an unlimited license after successful completion of the appropriate salesperson examination or submission of proof of NICET II certification, sub field Fire Alarm Systems, or NESA Level II Codes and Standards, or certification by another organization which offers national certification to individuals in the fire alarm industry in accordance with subsection 310:205-3-2(f) of this Chapter.

310:205-3-5. Monitoring license requirements

Licensing requirements for the alarm monitoring industry are as follows:

(1) **Company.** Each company shall employ an Oklahoma licensed alarm monitoring company manager. A monitoring license shall be issued to a monitoring facility, which offers and provides monitoring services to residential or commercial customers.

(2) **Manager.**

(A) Each manager shall be responsible for all activities of the company within the State of Oklahoma. In the event of the death of the monitoring company manager or his/her separation from the company for any other reason, a monitoring company shall notify the Department with fourteen (14) days and name another licensed burglar alarm manager within thirty (30) days from separation.

(B) Each manager shall have a security background verification.

310:205-3-7. Fire sprinkler license requirements

Licensing requirements for the fire sprinkler industry are as follows:

(1) **Company.**

(A) Each company shall employ an Oklahoma licensed fire sprinkler company manager who shall attend the operations of that office. Each company which maintains multiple offices within Oklahoma, except for offices established for single event activity such as job site construction offices, shall have a licensed manager at each individual office. The company licensed manager shall attend only one (1) of the company offices in Oklahoma. In the event of the death of the fire sprinkler company manager or his/her separation from the company for any other reason, a burglar alarm company shall notify the Department within fourteen (14) days and name another licensed fire sprinkler manager within thirty (30) days from separation.

(B) A licensed fire sprinkler technician or manager must be on job site of any work being performed.

(C) A company whose manager only holds a ~~limited residential~~ fire sprinkler manager license shall be issued a ~~limited residential~~ fire sprinkler license.

(D) A company whose manager holds an ~~unlimited commercial~~ fire sprinkler manager license shall be issued an ~~unlimited commercial~~ fire sprinkler license.

(E) A company with a ~~limited residential~~ fire sprinkler company license shall only offer to, or engage in the planning, sales, installation, repair, alteration, service, and inspection of residential multipurpose fire sprinkler systems on residential building and manufactured housing.

(F) A company with an ~~unlimited commercial~~ fire sprinkler company license may offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire sprinkler systems for any residential or commercial use.

(2) **Manager.**

(A) ~~Each unlimited fire sprinkler manager shall submit proof of Level Three certification by NICET or certification by another organization which offers national certification to individuals in the fire sprinkler industry in accordance with subsection 310:205-3-2(f) of this Chapter in the technical sub field of automatic sprinkler systems layout, or possess a registration as a professional engineer in the State of Oklahoma in the field of fire protection.~~ As of July 1, 2007, each applicant for licensure as a residential fire sprinkler manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(B) Each licensed ~~limited residential~~ or ~~unlimited commercial~~ company manager ~~further~~ accepts full responsibility for all activities of his company within the State of Oklahoma.

(C) A fire sprinkler company manager is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science, and skill to design, fabricate, install, inspect (other than electrical), alter or repair, fire sprinkler systems, piping or tubing and appurtenances and equipment pertaining thereto, including both overhead and underground non-potable water mains, fire hydrant mains, standpipes, and hose connections to fire sprinkler systems, air line systems used in connection with fire sprinkler systems, and tanks and pumps connected thereto, in compliance with nationally recognized standards including state and local codes and standards for layout, installation and maintenance of fire sprinkler systems.

~~(D) Each limited fire sprinkler manager shall submit proof of NICET II, technical sub field of automatic sprinkler systems layout, or certification by another organization which offers national certification to individuals in the fire sprinkler industry in accordance with subsection 310:205-3-2(f) of this Chapter in the technical sub field of automatic sprinkler systems layout, or possess a registration as a professional engineer in the state of Oklahoma in the field of fire protection.~~

(D) As of July 1, 2007, each applicant for licensure as a residential fire sprinkler manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.

(E) A ~~limited residential~~ fire sprinkler manager shall only offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of multipurpose fire sprinkler systems for use in Residential Building and manufactured housing.

(F) An ~~unlimited commercial~~ fire sprinkler manager may offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire sprinkler systems for any residential of commercial use.

(3) **Technician.**

(A) Each ~~limited residential~~ or ~~unlimited commercial~~ fire sprinkler technician must work for a licensed fire sprinkler company and work under the supervision of a fire sprinkler company manager.

~~(B) Each unlimited fire sprinkler technician must pass an examination administered by the Department which determines if the applicant is sufficiently knowledgeable to plan, install, repair, alter, maintain, service and sell (other than electrical), fire sprinkler~~

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~~systems that meet applicable code standards when installed in any residential or commercial building.~~

~~(B) As of July 1, 2007, each applicant for licensure as a residential fire sprinkler technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

~~(C) Each limited technician shall submit proof of certification approved by the alarm industry committee which demonstrates successful completion of training and testing administered by the National Fire Sprinkler Association, the American Fire Sprinkler Association in the installation of residential multipurpose piping systems that serve both domestic water and fire protection needs for Residential Building and manufactured homes or certification by another organization which offers national certification to individuals in the fire sprinkler industry in accordance with subsection 310:205-3-2(f) of this Chapter. Certification programs shall consist of a minimum of 16 hours of residential training.~~

~~(C) As of July 1, 2007, each applicant for licensure as a commercial fire sprinkler technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f) of this Chapter.~~

~~(D) An unlimited commercial fire sprinkler technician working for a fire sprinkler company with a limited residential license shall only perform fire sprinkler work for which the company is licensed.~~

(4) **Technician Trainee.**

(A) A technician trainee shall be employed by a licensed Oklahoma fire sprinkler company.

(B) A technician trainee shall work under the direct supervision of a licensed fire sprinkler company manager or fire sprinkler technician.

(C) There shall be no more than ten (10) technician trainees per fire sprinkler company manager or fire sprinkler technician per job site.

(D) A technician trainee must submit a trainee application to the Oklahoma State Department of Health within fifteen (15) days of being hired by a Oklahoma licensed fire sprinkler company.

(5) **Inspector.**

(A) An applicant for initial licensure as a Fire Sprinkler Inspector shall possess an alarm industry license with the unlimited fire sprinkler manager or unlimited fire sprinkler technician category or possess a registration as a professional engineer in the state of Oklahoma in the field of fire protection. Beginning July 1, 2005, an applicant for initial or renewal fire sprinkler inspector license shall also submit proof of NICET Level II certification in the sub-field of Inspection and Testing of Water-Based Systems or

submit proof of NICET Level III certification in the sub-field of automatic sprinkler systems layout, or by another organization which offers national certification to individuals in the fire sprinkler industry in accordance with subsection 310:205-3-2(f) of this Chapter in the technical sub-field of automatic sprinkler systems layout, or possess a registration as a professional engineer in the State of Oklahoma in the field of fire protection. Beginning July 1, 2007, an applicant for initial or renewal fire sprinkler inspector license shall also submit proof of NICET Level III certification in the sub-field of Inspection and Testing of Water-Based Systems or submit proof of NICET Level III certification in the sub-field of automatic sprinkler systems layout, or certification by another organization which offers national certification to individuals in the fire sprinkler industry in accordance with subsection 310:205-3-2(f) of this Chapter in the technical sub-field of automatic sprinkler systems layout, or possess a registration as a professional engineer in the State of Oklahoma in the field of fire protection.

(B) Each fire sprinkler inspector shall work for a licensed fire sprinkler company.

(C) Each fire sprinkler inspector shall inspect and test each fire sprinkler system to determine if the system has been installed and is operating according to the appropriate code and standard before certifying the system.

(D) Each fire sprinkler inspector shall work for a fire sprinkler company which possesses an unlimited fire sprinkler company license.

310:205-3-8. Locksmith license requirements

Licensing requirements for the locksmith industry are as follows:

(1) **Company.**

(A) Each company shall employ an Oklahoma licensed locksmith company manager who is responsible for the operations of the company's office. Any company maintaining multiple offices within Oklahoma shall have a licensed locksmith manager at each office. In the event of the death of the locksmith company manager or his/her separation from the company for any other reason, a locksmith company shall notify the Department within fourteen (14) days and name another licensed locksmith manager within thirty (30) days from separation.

(B) A licensed locksmith technician or manager shall be on site for any work being performed.

(C) A locksmith company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-8(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(D) The initial sales and pinning of locks and lock system shall not require a locksmith license however, the repinning of locks subsequent to the initial sales shall require a locksmith license.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of experience in the locksmith business. The experience shall include verified/or licensed experience as a locksmith technician.

(B) As of July 1, 2007, each applicant for licensure as a locksmith manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each licensed locksmith company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed locksmith company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed locksmith company and under the supervision of a locksmith company manager.

(B) As of July 1, 2007, each applicant for licensure as a locksmith technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each technician shall have a security background verification.

(4) Technician Trainee.

(A) A technician trainee shall be employed by a licensed Oklahoma locksmith company.

(B) A technician trainee shall work under the direct supervision of a licensed locksmith company manager or a locksmith technician.

(C) There shall be no more than three (3) technician trainees per locksmith company manager or locksmith technician per job site.

(D) Each technician trainee shall have security background verification.

(5) Salesperson.

(A) Each salesperson shall work for a licensed locksmith company and under the supervision of a locksmith company manager.

(B) As of July 1, 2007 each applicant for licensure as a locksmith salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each salesperson shall have a security background verification.

310:205-3-9. Electronic Access Control license requirements

Licensing requirements for the electronic access control are as follows:

(1) Company.

(A) Each company shall employ an Oklahoma licensed electronic access control company manager who is responsible for the operations of the company's office. Any company maintaining multiple offices within Oklahoma shall have a licensed electronic access control manager at each office. In the event of the death of the electronic access control company manager or his/her separation from the company for any other reason, an electronic access control company shall notify the Department within fourteen (14) days and name another licensed electronic access control manager within thirty (30) days from separation.

(B) A licensed electronic access control technician or manager shall be on site for any work being performed.

(C) An electronic access control company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-9-(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of experience in the electronic access control business. The experience shall include verified and/or-licensed experience as an electronic access control technician.

(B) As of July 1, 2007, each applicant for licensure as a electronic access control manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each licensed electronic access control company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed electronic access control company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed electronic access control company and under the supervision of a electronic access control company manager.

(B) As of July 1, 2007, each applicant for licensure as a electronic access control technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

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(C) Each technician shall have a security background verification.

(4) **Technician/ Salesperson Trainee.**

(A) A technician/salesperson trainee shall be employed by a licensed Oklahoma electronic access control company.

(B) A technician/salesperson trainee shall work under the direct supervision of a licensed electronic access control company manager, electronic access control technician or a electronic access control salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per electronic access control company manager, electronic access control technician or electronic access control salesperson per job site.

(D) Each technician/salesperson trainee shall have security background verification.

(5) **Salesperson.**

(A) Each salesperson shall work for a licensed electronic access control company and under the supervision of a electronic access control company manager.

(B) As of July 1, 2007, each applicant for licensure as a electronic access control salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each salesperson shall have a security background verification.

310:205-3-10. Closed Circuit Television license requirements(CCTV)

Licensing requirements for the CCTV industry are as follows:

(1) **Company.**

(A) Each company shall employ an Oklahoma licensed CCTV company manager who is responsible for the operations of the company's office. Any company maintaining multiple offices within Oklahoma, shall have a licensed CCTV manager at each office. In the event of the death of the CCTV company manager or his/her separation from the company for any other reason, a CCTV company shall notify the Department within fourteen (14) days and name another licensed CCTV manager within thirty (30) days from separation.

(B) A licensed CCTV technician or manager shall be on site for any work being performed.

(C) A CCTV company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-10(1)(A). The company will notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(2) **Manager.**

(A) Each application for licensure as a CCTV manager shall include verification of experience in the CCTV business. The experience shall include verified and/or licensed experience as a CCTV technician.

(B) As of July 1, 2007, each applicant for licensure as a CCTV manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each licensed CCTV company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed CCTV company manager shall have a security background verification.

(3) **Technician.**

(A) Each technician shall work for a licensed CCTV company and under the supervision of a CCTV company manager.

(B) As of April 1, 2007 each applicant for licensure as a CCTV technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each technician shall have a security background verification.

(4) **Technician/Salesperson Trainee.**

(A) A technician/salesperson trainee shall be employed by a licensed Oklahoma CCTV company.

(B) A technician/salesperson trainee shall work under the direct supervision of a licensed CCTV company manager, CCTV technician or a CCTV salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per CCTV company manager, CCTV technician or CCTV salesperson per job site.

(D) Each technician/salesperson trainee shall have security background verification.

(5) **Salesperson.**

(A) Each salesperson shall work for a licensed CCTV company and under the supervision of a CCTV company manager.

(B) As of April 1, 2007, each applicant for licensure as a CCTV salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each salesperson shall have a security background verification.

310:205-3-11. Nurse Call System license requirements

Licensing requirements for the nurse call industry are as follows:

- (1) **Company.**
 (A) Each company shall employ an Oklahoma licensed nurse call company manager who is responsible for the operations of the company's office. Any company maintaining multiple activity offices within Oklahoma, shall have a licensed nurse call manager at each office. In the event of the death of the nurse call company manager or his/her separation from the company for any other reason, a nurse call company shall notify the Department within fourteen (14) days and name another licensed nurse call manager within thirty (30) days from separation.
 (B) A licensed nurse call technician or manager shall be on site for any work being performed.
 (C) A nurse call company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 310:205-3-11(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.
- (2) **Manager.**
 (A) Each application for licensure as a manager shall include verification of experience in the nurse call business. The experience shall include verified and/or licensed experience as a nurse call technician.
 (B) As of April 1, 2007, each applicant for licensure as a nurse call manager shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).
 (C) Each licensed nurse call company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.
 (D) Each licensed nurse call company manager shall have a security background verification.
- (3) **Technician.**
 (A) Each technician shall work for a licensed nurse call company and under the supervision of a nurse call company manager.
 (B) As of April 1, 2007, each applicant for licensure as a nurse call technician shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).
 (C) Each technician shall have a security background verification.
- (4) **Technician/Salesperson Trainee.**
 (A) A technician/salesperson trainee shall be employed by a licensed Oklahoma nurse call company.
 (B) A technician/salesperson trainee shall work under the direct supervision of a licensed nurse call company manager, nurse call technician or a nurse call salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per nurse call company manager, nurse call technician or nurse call salesperson per job site.

(D) Each technician/salesperson trainee shall have security background verification.

(5) **Salesperson.**

(A) Each salesperson shall work for a licensed nurse call company and under the supervision of a nurse call company manager.

(B) As of April 1, 2007, each applicant for licensure as a nurse call salesperson shall as a prerequisite for licensing successfully complete a pre-licensing course from a provider approved by the Committee and pass an examination prescribed by the Committee in accordance with subsection 310:205-3-2(f).

(C) Each salesperson shall have a security background verification.

SUBCHAPTER 5. SPECIAL PROVISIONS

310:205-5-1. ~~Unlimited~~Commercial fire alarm tagging requirements

(a) **White Tag (Installation sticker).** The White Tag shall be the permanent visual record of the original installation and certification. The following additional requirements shall apply to the use of the White Tag:

(1) The tag must be permanently affixed to the main control panels as long as the system is in service.

(2) The tag shall be five inches (5") in height by four inches (4") in width and shall be water durable and have a self-adhesive backing.

(3) The tag shall bear the following information:
 (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";

(B) The certifying company's name, address, and telephone number (local office);

(C) The certifying company's ~~unlimited~~commercial fire alarm license number;

(D) The signature and license number of the ~~Unlimited~~commercial Fire Alarm Technician certifying the system;

(E) The Fire Alarm Permit number;

(F) The model of the control panel;

(G) The date of certification; and,

(H) The Code, Edition and year under which the system was installed.

(4) Only the Fire Code Official may remove an installation tag.

(b) **Traffic Light Bright Green Tag (Annual inspection tag/sticker).** The Green Tag shall be the visual record of the last annual inspection or initial certification testing where the system was found to be operable with no impairments. The following additional requirements shall apply to the use of the Green Tag:

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- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
 - (2) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.
 - (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The service company's name, address, and telephone number (local office);
 - (C) The service company's ~~unlimited~~commercial fire alarm license number;
 - (D) The signature and license number of the ~~Unlimited~~commercial Fire Alarm Technician certifying the system; and
 - (E) The date the inspection was performed.
 - (4) Only an ~~Unlimited~~commercial Fire Alarm Technician, employed by an ~~Unlimited~~commercial Fire Alarm Company or the Fire Code Official may remove the tag.
- (c) **Traffic Light Bright Yellow Tag (Annual inspection tag/sticker). Operational Fire Alarm System but with minor impairments.** The intent of the Yellow Tag is to provide notification to the Authority Having Jurisdiction of a system that is operable with impairments that do not severely compromise the system's functional operation. The Yellow Tag shall be the visual record of the last annual inspection where the system was found to be operable but with minor impairments. The following additional requirements shall apply to the use of the Yellow Tag:
- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
 - (2) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.
 - (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The service company's name, address, and telephone number (local office);
 - (C) The service company's ~~unlimited~~commercial fire alarm license number;
 - (D) The signature and license number of the ~~Unlimited~~commercial Fire Alarm Technician certifying the system;
 - (E) The date the inspection was performed; and,
 - (F) A list of the impairments.
 - (4) Only an ~~Unlimited~~commercial Fire Alarm Technician, employed by an ~~Unlimited~~commercial Fire Alarm Company or the Fire Code Official may remove the tag.
 - (5) If a Yellow Tag is placed on a fire alarm system the ~~Unlimited~~commercial Fire Alarm Company shall notify the building owner or agent and the Fire Code Official in writing of all impairments immediately or as soon as practicable, but no later than seventy-two (72) hours.

- (d) **Traffic Light Bright Red Tag (Annual inspection tag/sticker) Fire Alarm System Inoperable.** The intent of the Red Tag is to provide notification to the Authority Having Jurisdiction of a Fire Alarm System that is inoperable.

- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
- (2) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.
- (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The service company's name, address, and telephone number (local office);
 - (C) The service company's ~~unlimited~~commercial fire alarm license number;
 - (D) The signature and license number of an ~~Unlimited~~commercial Fire Alarm Technician certifying the system;
 - (E) The date the inspection was performed;
 - (F) A list of the deficiencies that render the system inoperable; and,
 - (G) A list of any deficiencies present that do not render the system inoperable.
- (4) Only an ~~Unlimited~~commercial Fire Alarm Technician, employed by an ~~Unlimited~~commercial Fire Alarm Company or the Fire Code Official may remove an annual inspection tag.
- (5) If a Red Tag is placed on a fire alarm system the ~~Unlimited~~commercial Fire Alarm Company shall notify the building owner or agent and the Fire Code Official in writing of all impairments immediately or as soon as practicable, but no later than twenty-four (24) hours.

SUBCHAPTER 7. ENFORCEMENT

310:205-7-1. License revocation and suspension

- (a) The employment or use of unlicensed individuals may be grounds to suspend, revoke, or deny renewal of the license of the person so employing or using unlicensed individuals.
- (b) The repeated violation of any rule or provision of the Act, or the violation of multiple sections of this Chapter or provisions of the Act, may be grounds to suspend or revoke a licensee's license.
- (c) Any person convicted in a court of competent jurisdiction of forgery, fraud, conspiracy to defraud, or any similar offense, or pleading guilty or nolo contendere to any such offense may be subject to license suspension or revocation.
- (d) Any person failing to comply with a fine assessment or other administrative order of the Department within ninety (90) days of issuance of such assessment or order shall be subject to license suspension.
- (e) Any person whose license is revoked pursuant to these rules may not perform alarm or locksmith industry work before attaining licensure pursuant to OAC 310:205.

310:205-7-2. Prohibited acts

- (a) No person, entity, or firm may perform burglar alarm, fire alarm, ~~auto alarm~~, sprinkler alarm, ~~locksmithing~~, ~~electronic access control~~, ~~closed circuit television~~, ~~nurse call~~ or monitoring work without first obtaining a license pursuant to these Rules.
- (b) No person shall offer to engage in burglar alarm, fire alarm, ~~auto alarm~~, sprinkler alarm, ~~locksmithing~~, ~~electronic access control~~, ~~closed circuit television~~, ~~nurse call~~ or monitoring work during the period his license is suspended or revoked.
- (c) No employing ~~alarm~~ firm shall employ or use an unlicensed person to perform alarm ~~and locksmith industry~~ work.
- (d) No person, entity, or firm may transfer a license or registration.
- (e) No person, licensed pursuant to these Rules, shall enter into an agreement for the use of his license with any firm or person who is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Department.
- (f) No person shall make a materially false or fraudulent statement in an application for license, engage in cheating, or otherwise commit an act in violation of title 59 O.S.1991, Section 1800.

[OAR Docket #07-102; filed 1-11-07]

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

[OAR Docket #07-187]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 5. Individual Providers and Specialities
- Part 33. Transportation by Ambulance
- 317:30-5-335. [AMENDED]
- 317:30-5-335.1. [NEW]
- 317:30-5-336. [AMENDED]
- 317:30-5-336.1. through 317:30-5-336.13. [NEW]
- 317:30-5-337. [AMENDED]
- 317:30-5-339. [AMENDED]
- (Reference APA WF # 06-32)

AUTHORITY:

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

DATES:

Adoption:

November 9, 2006

Approved by Governor:

December 21, 2006

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to allow payment and billing methods for air ambulance providers to subcontract when a SoonerCare member receives services out-of-state. The revisions would allow the air ambulance provider to bill the services through the agency's MMIS system with established procedure codes and rates rather than un-verifiable rates from an invoice. This revision improves the agency's ability to control costs.

ANALYSIS:

Transportation rules are revised to establish a payment and billing method for contracted air ambulance providers that transport SoonerCare members out-of-state from the airport to the admitting hospital. Currently, if a member has to be transported by air ambulance, the air ambulance provider bills the agency via an invoice for expenses incurred for ground transportation. Current CPT codes provide for out-of-state ground transportation. The change would enable the air-provider to sub-contract with out-of-state non-contracted ground ambulance providers and bill appropriate CPT codes for such service through the MMIS system. This type of transportation is provided only when medically necessary treatment can not be performed by an in-state provider. Revisions also address non-emergency stretcher services and the required criteria to be eligible for stretcher services. These revisions provide written criteria for current practices.

CONTACT PERSON:

Joanne Terlizzi at (405)522-7272

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

**SUBCHAPTER 5. INDIVIDUAL PROVIDERS
AND SPECIALTIES**

PART 33. TRANSPORTATION BY AMBULANCE

317:30-5-335. Eligible providers

To be eligible for reimbursement, ~~an~~ all ambulance company service suppliers that operate air, water or ground services or a (including stretcher service) must be licensed by the State Department of Health (OSDH) consistent with the level of care they provide, in accordance with the Oklahoma Emergency Response System Development Act of 2005, 63 OS 1-2503. Ambulance suppliers that do not provide services in Oklahoma must be licensed by the appropriate agency in the state in which they provide services. Ambulance companies and all other transportation providers must have a current contract on file with the Oklahoma Health Care Authority (OHCA). Air Ambulance providers must indicate on the application for enrollment that they are requesting fixed wing or rotary wing ambulance status and provide a copy of their license with their enrollment application.

317:30-5-335.1. Definitions

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

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"Ambulance" means a motor vehicle, watercraft, or aircraft that is primarily used or designated as available to provide transportation and basic life support or advanced life support.

"Bed confined" means that the member is unable to get up from bed without assistance, unable to ambulate, and unable to sit in a chair or wheelchair. The term bed confined is not synonymous with bed rest or non-ambulatory.

"Continuous or round trip" means an ambulance service in which the member is transported to the hospital, the physician deems it medically necessary for the ambulance to wait, and the member is then transported to a more appropriate facility for care or back to the place of origin.

"Emergency transfer" means the movement of an acutely ill or injured member from the scene to a health care facility (pre-hospital), or the movement of an acutely ill or injured member from one health care facility to another health care facility (inter-facility).

"Loaded mileage" means the number of miles for which the member is transported in the ambulance.

"Locality" means the service area surrounding the facility from which individuals normally travel or are expected to travel to seek medical care.

"Medically necessary transport" means an ambulance transport that is required because no other effective and less costly mode of transportation can be used due to the member's medical condition. The transport is required to transfer the member to and/or from a medically necessary service not available at the primary location.

"Nearest appropriate facility" means that the receiving institution is generally equipped to provide the needed hospital or skilled nursing care for the illness or injury involved. In the case of a hospital, it also means that a physician or physician specialist is available to provide the necessary care required to treat the member's condition. The fact that a particular physician does or does not have staff privileges in a hospital is not a consideration in determining whether the hospital has appropriate facilities. Thus, ambulance service to a more distant hospital solely to avail a member of the service of a specific physician or physician specialist does not make the hospital in which the physician has staff privileges the nearest hospital with appropriate facilities.

"Non-emergency transfer" means the movement of any member in an ambulance other than an emergency transfer.

"Stretcher service" means a non-emergency transport by a ground vehicle that is approved by the OSDH which is designed and equipped to transport individuals on a stretcher or gurney type apparatus that is operated to accommodate an incapacitated or disabled person who does not require medical monitoring, aid, care or treatment during transport.

317:30-5-336. General coverage Coverage for adults

(a) Ambulance transportation for adults is covered as set forth in this Section. OHCA covers ground and air ambulance transportation services, within certain limitations.

(1) Covered services.

(A) Ambulance and stretcher transportation is covered only when medically necessary and when due to the patient's member's condition any other method of

transportation is contraindicated. Stretcher service is limited to those situations within the scope of the license extended to the entity. The OHCA's Non-Emergency Transportation (NET) Waiver, known as SoonerRide, is the first choice for non-emergency transportation for scheduled medical services. SoonerRide provides non-emergency transportation in accordance with all applicable criteria set forth in the American's with Disabilities Act (ADA). Regularly scheduled non-emergency medical services, such as outpatient dialysis, must be scheduled through SoonerRide unless the patient's condition requires transportation by stretcher or ambulance. All claims for scheduled trips for outpatient services which cannot be provided by SoonerRide must be accompanied by medical documentation to substantiate the need for the higher level of transportation and will be reviewed prior to payment by OHCA staff. Ambulance or stretcher transport for unscheduled emergent medical care will be covered if the trip meets all applicable criteria.

(B) As a general rule, only ambulance or stretcher transportation within the ambulance locality is covered. Ambulance locality means the service area surrounding the facility from which individuals normally travel or are expected to travel to seek medical care. OHCA utilizes the locality areas as defined by Medicare. If ambulance transportation is provided out of the ambulance locality, the claim must be documented with the reason for the trip outside of the service area. If it is determined the patient was transported out of locality and the closest facility could have cared for the patient, payment will be made only for the distance to the nearest medical institution with appropriate facilities.

(C) Appropriate facilities means that the institution is generally equipped to provide the needed hospital or skilled nursing care for the illness or injury involved. In the case of a hospital, it also means that a physician or physician specialist is available to provide the necessary care required to treat the patient's condition. However, the fact that a particular physician does or does not have staff privileges in a hospital is not a consideration in determining whether the hospital has appropriate facilities. Thus, ambulance service to a more distant hospital solely to avail a patient of the service of a specific physician or physician specialist does not make the hospital in which the physician has staff privileges the nearest hospital with appropriate facilities.

(D) The fact that a more distant institution is better equipped to care for the patient does not mean that a closer institution does not have "appropriate facilities". Such a finding is warranted, however, if the beneficiary's condition requires a higher level of trauma care or other specialized service available only at the more distant hospital. However, a legal impediment

barring a patient's admission would mean that the institution did not have "appropriate facilities". For example, the nearest transplant center may be in another state and that state's law precludes admission of non-residents.

(E) An institution is also not considered an appropriate facility if no bed is available. However, the medical records must be properly documented.

(F) Transportation to the outpatient facilities of a hospital, free-standing Ambulatory Surgery Center, Independent Diagnostic Testing Facility (IDTF), physician's office, or other outpatient facility is compensable if the patient's condition necessitates ambulance transportation. See definition of bed confined in (P) of this paragraph.

(G) If a beneficiary is transported to a destination and returned to their original point of pickup, coverage will include payment for the primary transport and return transport. If the provider is required to remain and attend the patient between transports, the provider may claim waiting time. Waiting time shall be paid in half-hour increments and shall not include the first half hour. The first 30 minutes of waiting time is included in the base rates.

(H) Ambulance transportation from a hospital with a higher level of care to a hospital in the locality is covered.

(I) Transportation from a hospital to a hospital with a lower level of care is covered only if the patient is expected to be inpatient for a period greater than one week and the transfer will afford the patient greater access to family and/or caregivers.

(J) Ambulance transportation from nursing home to nursing home (skilled or intermediate care) is covered only if the discharging institution is not certified and the admitting nursing home is certified. Nursing home to nursing home transfers are also covered if the patient requires care not available at the discharging facility, i.e., secure Alzheimer's Unit, and the patient's medical status requires ambulance transport.

(K) Transportation for residents of nursing facilities to hospital and back home on same day is covered if medical necessity is documented.

(L) Ambulance transportation to a Veteran's Administration Hospital is covered when the trip has not been authorized by the VA.

(M) If the patient refuses treatment after immediate aid has been provided, the ambulance may bill for waiting time and the base rate.

(N) When twins are transported, payment is made for only one trip as twins are considered as one passenger.

(O) Payment is made according to the medically necessary services actually furnished. That is, payment is based on the level of service furnished, not simply on the vehicle used.

(P) Medical necessity is established when the patient's condition is such that use of any other method

of transportation is contraindicated. Non-emergency transports are not covered unless the patient is bed confined or has a medical condition that requires medical expertise not available with a less specialized method of transportation. Bed confined means that the patient is unable to get up from bed without assistance, unable to ambulate, and unable to sit in a chair or wheelchair. The term bed confined is not synonymous with bed rest or non-ambulatory.

(Q) If the patient dies before dispatch, no payment is available. If the patient dies after dispatch, but before the patient is loaded, payment is allowed for the base rate but no mileage. If the patient dies after pickup, payment is available for the base rate and mileage. Time of death is the point at which the patient is pronounced dead by an individual authorized by the State to make such pronouncements.

(R) Air Ambulance Services, which includes fixed and rotary wing transportation, are covered only where:

(i) The point of pickup is inaccessible by land vehicle; or

(ii) Great distances or other obstacles are involved in getting the patient to the nearest hospital with appropriate facilities and speedy admission is essential; i.e., in cases where transportation by land ambulance is contraindicated; and

(iii) Instances where the patient's condition and other circumstances of the case necessitated the use of this type of transportation. However, where land ambulance service would have sufficed, payment should be based on the amount payable for land ambulance, if this is less costly.

(iv) Base rate includes the lift-off, professional intensive care, transport isolette, ventilator setup, respiratory setup, and all other medical services provided during the flight.

(v) If the accident scene is inaccessible by air and a land ambulance must pick up the patient to transport to a site where the air ambulance can land, the land ambulance trip is covered.

(vi) Air transportation is covered only to a hospital.

(vii) If the patient dies before takeoff, no payment is made. This includes situations in which the air ambulance has taxied to the runway, has been cleared for takeoff, but has not actually taken off. Failure of the dispatcher to notify the pilot of the death does not negate this rule. If the patient dies after takeoff but before the patient is loaded, payment is made for the base rate but no mileage. If the patient dies after the patient is loaded, payment is made for the base rate and mileage. Time of death is defined as the point at which the patient has been pronounced dead by an individual authorized by the State to make such pronouncements.

(viii) Only one base rate is allowed per trip.

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(2) ~~Non-covered services.~~ As a general rule ambulance transportation to the nearest appropriate facility in the locality is covered. OHCA utilizes the locality areas as defined by Medicare.

~~(A) Transportation by ambulance when patient's condition did not require that level of transportation and another mode of transportation would suffice.~~

~~(B) Ambulance transportation from residence to residence is not covered except for transfers from nursing home to nursing home when the transferring facility is not certified.~~

~~(C) Payment will not be made for ambulance transportation determined not to be medically necessary.~~

~~(D) Transportation to a funeral home, mortuary, or morgue is not covered.~~

~~(E) Ambulance transportation is not covered when provided while the patient was an inpatient. For example, transportation to and from another facility for tests, x rays, etc., while still an inpatient of another facility is not compensable. All non-physician services furnished an inpatient are part of the inpatient bill.~~

~~(F) Payment is not made for more than one base rate per trip.~~

(b) OHCA recognizes different levels of ambulance medical services by qualified ambulance staff according to the standards established by law and regulation through the Oklahoma Emergency Response System Development Act of 2005, '63 OS 1-2503.

(c) Ambulance medical services are divided into different levels for payment purposes. Payment is made according to the medically necessary services actually furnished. That is, payment is based on the level of service furnished, not simply on the vehicle used.

(d) Ambulance providers must maintain documentation of the medical necessity and appropriateness of service in the member's file.

(e) Clinical decisions can be made without delay if documentation to support coverage and medical necessity is submitted as part of the initial claim form. This may be accomplished by submitting supporting detailed documentation regarding the member's condition and need for ambulance/stretcher transport.

317:30-5-336.1. Medical necessity

(a) The member's condition must require the ambulance/stretcher transportation itself and the level of service provided, in order for the billed service to be considered medically necessary. Medical necessity is established when the member's condition is such that the use of any other method of transportation is contraindicated.

(b) The medical personnel in attendance, including the Emergency Medical Technician (EMT) at the scene of an emergency, determine medical necessity and appropriateness of service within the scope of accepted medical practice and SoonerCare guidelines.

(c) Non-emergency transports are not covered unless the member is bed confined or has a medical condition that

requires medical expertise not available with a less specialized method of transportation. Medical necessity for non-emergency transports must be substantiated with a physician's written order.

317:30-5-336.2. Nearest appropriate facility

(a) OHCA covers transportation to the nearest facility that can appropriately treat the member.

(b) An institution is not considered an appropriate facility if the member's condition requires a higher level of care or specialized services available at the more distant hospital. However, a legal impediment barring a member's admission would mean that the institution did not have "appropriate facilities". For example, the nearest transplant center may be in another state and that state's law precludes admission of nonresidents.

(c) An institution is not considered an appropriate facility if no bed is available. However, the medical records must be properly documented.

317:30-5-336.3. Destination

(a) Transportation is covered from the point of origin to the Hospital, Critical Access Hospital or Nursing Facility that is capable of providing the required level and type of care for the member.

(b) Ambulance transportation from a hospital with a higher level of care to a hospital with a lower level of care in the locality is covered, provided all other criteria are met and approved by the OHCA.

(c) Non-emergency transportation to the outpatient facilities of a Hospital, free-standing Ambulatory Surgery Center (ASC), Independent Diagnostic Testing Facility (IDTF), Physician's office or other outpatient facility is compensable if the member's condition necessitates ambulance or stretcher transportation and all other conditions are met.

(d) Ambulance Transportation to a Veteran's Administration (VA) Hospital is covered when the trip has not been authorized by the VA.

317:30-5-336.4. Transport outside of locality

(a) If ambulance transportation is provided out of the transport locality, the claim must be documented with the reason for the transport outside of the service area.

(b) If it is determined the member was transported out of locality and the closest facility could have cared for the member, payment will be made only for the distance to the nearest medical institution with the appropriate facilities.

317:30-5-336. 5 Levels of ambulance service, ambulance fee schedule and base rate

(a) In accordance with the Oklahoma Emergency Response System Development Act of 2005, '63 OS 1-2503, a license may be issued for basic life support, intermediate life support, paramedic life support, specialized mobile intensive care units, or stretcher aid vans.

(b) Effective October 1, 2005, the OHCA adopted the Medicare Ambulance Fee Schedule (AFS).

(1) The ambulance provider bills one base rate procedure. Levels of service base rates are defined at 42 CFR 414.605.

(2) The base rate must reflect the level of service rendered, not the type of vehicle in which the member was transported, except in those localities where local ordinance requires Advanced Life Support (ALS) as the minimum standard of service.

317:30-5-336.6. Mileage

(a) Charges for mileage must be based on loaded mileage only, i.e., from the pickup of a member to his/her arrival at the destination.

(b) Coverage is allowed only to the nearest appropriate facility.

317:30-5-336.7. Waiting time

(a) Waiting time is reimbursable after the first 30 minutes when a physician deems it medically necessary for the ambulance provider to wait at a hospital while the member is being stabilized, with the intent of continuing the member's transport to an appropriate hospital for care or back to the point of origin.

(b) The maximum number of hours allowed for waiting time is four hours.

317:30-5-336.8. Special situations

(a) Continuous or round trip transport.

(1) If a member is transported to a destination and returned to their original point of pickup, coverage includes payment for the primary transport and the return transport.

(2) If the provider is required to remain and attend the member between transports, the provider may claim waiting time.

(b) Nursing facility.

(1) Ambulance or stretcher transportation from nursing home to nursing home (skilled or intermediate care) is covered if the discharging institution is not certified and the admitting nursing home is certified.

(2) Nursing home to nursing home transports are covered if the member requires care not available at the discharging facility, and the member's medical status requires ambulance transport.

(c) Multiple members per transport.

(1) When more than one eligible member is transported at the same time, the only acceptable duplication of charges is half the base rate.

(2) Separate claims must be submitted for each member.

(3) No mileage or waiting time is to be charged for additional members. These services are included in the reimbursement of the first claim.

(d) **Multiple transports per member.** More than one transport per member on the same date of service is covered when the member received a different level of service on each transport (e.g., Advanced Life Support 1 and Basic Life Support).

When more than one transport with the same level of care occurs on the same day medical necessity must be documented.

(e) **Multiple arrivals.** When multiple units respond to a call for services, only the entity that actually provides services for the member may bill and be paid for the services by the OHCA. The entity that rendered service/care bills for all services furnished.

(f) **No transport.** If member refuses treatment after immediate aid has been provided the ambulance may bill the base rate for the level of service and waiting time.

(g) Pronouncement of death.

(1) If the member dies before dispatch, no payment is available.

(2) If the member dies after dispatch, but before the member is loaded, payment is allowed for the base rate but no mileage.

(3) If the member dies after pickup, payment is available for the base rate and mileage.

(4) Time of death is the point at which the member is pronounced dead by an individual authorized by the state to make such pronouncements.

(h) Out of state transports.

(1) Out of state, non-emergency transports require prior authorization.

(2) The ambulance provider, home health agency, hospital, nursing facility, physician, case manager or social worker may request this authorization. The ambulance provider must retain the physician's order of medical necessity in the member's file to support the need for ambulance transportation.

(3) When a member is transported by ground ambulance to or from an air ambulance for out-of-state services, the ground and air ambulance providers providing the transports must bill OHCA independently. When the OHCA is unable to contract for the out-of-state ground transport, the ground and air ambulance charges (air service, medical team, ground transportation) may be consolidated and billed when the following conditions apply.

(A) The air ambulance provider furnishing air transportation (hereafter referred to as "the entity") arranges for ground transportation services and has a contract on file with the OHCA to subcontract for ground ambulance;

(B) The contract includes the requirement that the entity certifies that the ground transportation provider meets the minimum state licensure requirements in the state in which the service is provided;

(C) The entity certifies that the payment will be made to the ground provider;

(i) Neonatal transports.

(1) Coverage of neonatal transport includes neonatal base rate, loaded mileage, transfer isolette, and waiting time.

(2) The intensive care transport of critically ill neonate(s) (i.e. newborns to approved, designated neonatal intensive care units) is a covered service.

(3) When a trained hospital medical team from the receiving or transferring hospital accompanies a newborn on

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the transport ambulance services, the primary care of the newborn is the hospital team's responsibility, reimbursement for the hospital team is made to the hospital as part of the hospital rate.

317:30-5-336.9. Air ambulance

(a) Air Ambulance service, which includes fixed and rotary wing transportation, are covered only when:

(1) The point of pickup is inaccessible by land vehicle; or

(2) Great distances or other obstacles are involved in getting the member to the nearest hospital with appropriate facilities and timely admission is essential; i.e., in cases where transportation by land ambulance is contraindicated; or

(3) The member's medical condition and other circumstances of the case necessitated the use of this type of transportation. However, where land ambulance service would have sufficed, payment is based on the amount payable for land ambulance, if this is less costly.

(b) Only one base rate is allowed per trip. Base rate includes the lift off, professional intensive care, transport isolate, ventilator setup, respiratory setup, and all other medical services provided during the flight. No additional payment is made to the air service provider for bedside to bedside service.

(c) If the accident scene is inaccessible by air and a land ambulance must pick up the member to transport to a site where the air ambulance can land, the land ambulance trip is covered. Air transportation is covered only to a hospital in this situation.

317:30-5-336.10. Fixed wing air ambulance services

(a) Fixed wing air ambulance transports must be prior authorized.

(b) Ambulance transport in a fixed wing aircraft is a covered service if the following requirements are met:

(1) The transport, including ancillary services (e.g. flight nurse), is ordered by a physician.

(2) The written physician order is maintained in the members file.

(3) Transport by ground vehicle would endanger the member's life due to time and distance from the hospital.

(4) Medically necessary care or services for the member's medical condition cannot be provided by a local facility.

317:30-5-336.11. Rotary wing air ambulance

Rotary wing air ambulance services are covered by the OHCA only under the following circumstances:

(1) Time and distance in a ground ambulance would be a hazard to the life of the member;

(2) The medically necessary care and services for the member's need are not available at the local hospital, and;

(3) The transfer is for medical or surgical procedures, not solely for diagnostic services only.

317:30-5-336.12. Non-emergency ambulance and stretcher service transportation

(a) OHCA covers non-emergency ground, stretcher and air transportation to and from a medically necessary service. To be covered, the member must be either:

(1) bed confined and unable to use another means of transportation, or

(2) the member's condition must warrant ambulance transportation.

(b) OHCA's Non-emergency Transportation (NET) program, known as SoonerRide, is the first choice for non-emergency transportation for scheduled medical services. SoonerRide provides non-emergency transportation in accordance with all applicable criteria set forth in the American's with Disabilities Act (ADA).

(c) Regularly scheduled non-emergency medical services, such as outpatient dialysis, must be scheduled through SoonerRide unless the member's condition requires transport by stretcher or ambulance. All claims for scheduled trips for outpatient services that cannot be provided by SoonerRide must be accompanied by the medical documentation to substantiate the need for the higher level of transportation and will be reviewed prior to payment by OHCA.

(d) Ambulance or stretcher transport for unscheduled emergent medical care is covered if the trip meets all applicable criteria.

317:30-5-336.13. Non covered services

(a) Transportation by ambulance is not covered when the member's condition did not require that level of transportation and another mode of transportation would suffice.

(b) Ambulance transportation from residence to residence is not covered except for transfers from nursing home to nursing home when the transferring facility is not certified.

(c) Payment will not be made for ambulance transportation determined not to be medically necessary.

(d) Transportation to a funeral home, mortuary, or morgue is not covered.

317:30-5-337. Coverage for children

(a) ~~Payment for ambulance transportation for children is made as described for adults in OAC 317:30-5-336(1). Services, deemed medically necessary and allowable under federal Medicaid regulations, may be covered by the EPSDT/OHCA Child Health program even though those services may not be part of the OHCA SoonerCare program. Such services must be prior authorized.~~

(b) Federal Medicaid regulations also require the State to make the determination as to whether the service is medically necessary and do not require the provision of any items or services that the State determines are not safe and effective or which are considered experimental.

317:30-5-339. Individuals eligible for Part B of Medicare

Payment for ambulance transportation is made utilizing the Medicaid allowable for comparable services using current Medicare methodology.

[OAR Docket #07-187; filed 1-25-07]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 55. PSEUDOEPHEDRINE CONTROL**

[OAR Docket #07-126]

RULEMAKING ACTION:
EMERGENCY Adoption

RULES:
475:55-1-5. Electronic Reporting [NEW]

AUTHORITY:
63 O.S.§§ 2-212, 2-301, 2-309(C); Oklahoma Bureau of Narcotics and Dangerous Drug Control

DATES:
Adoption:
December 10, 2006

Approved by Governor:
December 29, 2006

Effective:
Immediately upon Governor's approval

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

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
Since House Bill 2176 placed controls on certain pseudoephedrine products in April of 2004, the number of labs seized by law enforcement has dropped by 90%. Title 63 §2-309(C) allows the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to implement a real-time logbook for tracking the sale of these products to further diminish what few labs remain; however, retailers are not required to utilize this database until rules are promulgated by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control for such reporting. Now that this electronic logbook is operational, this emergency rule will allow the Bureau to require all retailers to report such sales and that will allow identification and prosecution of those persons obtaining more than the legal quantity of these products.

ANALYSIS:
The proposed rule will require those selling regulated pseudoephedrine products in Oklahoma to report all such sales to the real-time electronic logbook maintained by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control for the purpose of preventing persons from visiting multiple pharmacies to avoid compliance with the 9 grams/30 day limit imposed by Oklahoma law.

CONTACT PERSON:
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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):

475:55-1-5. Electronic Reporting

Pharmacists or other authorized persons who sell Schedule V pseudoephedrine products shall exercise reasonable care in assuring that the purchaser has not exceeded the nine (9) gram limit for a thirty (30) day period. The pharmacist or other authorized person must utilize the real-time electronic pseudoephedrine tracking system established and maintained by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The following provisions are necessary for compliance with this system:

- (1) All pseudoephedrine transactions regulated by Oklahoma law must be approved through submitting the request to the electronic log;
- (2) Pseudoephedrine products regulated by Oklahoma law will only be sold to customers who present a valid form of identification, which shall be a valid state driver's license or valid state identification card;
- (3) The customer information must be the same as that on the presented identification, and shall include the following information (fields that are required for submitting information as required by Oklahoma law):
 - (A) Pharmacy identification;
 - (B) Identification number (either the driver's license number or the state issued identification number);
 - (C) Last name;
 - (D) First name;
 - (E) Purchase quantity (in grams);
 - (F) Initials of the pharmacist or other authorized person conducting the transaction;
 - (G) Product name;
 - (H) Form of pseudoephedrine if it is liquid or gel-caps;
 - (I) Customer's current street address;
 - (J) Customer's current city, state, and zip code;

(4) If the electronic log is unavailable (time-out of twenty seconds or more) because of a failure on the Oklahoma Bureau of Narcotics and Dangerous Drugs Control network, the pharmacist or other authorized person may continue with the transactions until the system is available; if the electronic log is unavailable because of a failure attributable to systems other than the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, all transactions must be recorded manually and entered into the electronic logbook by the registrant as soon as is practicable after the problem is resolved.

[OAR Docket #07-126; filed 1-23-07]

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

[OAR Docket #07-138]

RULEMAKING ACTION:
EMERGENCY adoption

Emergency Adoptions

RULES:

Subchapter 15. Time and Leave
Part 7. Leave When Offices Are Closed or Services Reduced
530:10-15-71. [AMENDED]
530:10-15-72. [REVOKED]

AUTHORITY:

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

DATES:

Adoption:

December 26, 2006

Approved by Governor:

December 29, 2006

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Governor Henry has asked the Administrator to revisit these rules as they apply to requiring employees to use their personal leave when state services are reduced and providing some added value for those employees who are considered responsible for basic minimum services and who are required to work when state services are reduced due to hazardous weather conditions.

ANALYSIS:

The emergency rule will expand the scope of 530:10-15-71 to include inclement weather closings among those closures. Employees who have been scheduled to work but are not required for providing basic minimum services may receive paid administrative leave. Employees who have been scheduled and are required for providing basic minimum services shall receive administrative leave on a "straight-time" basis.

CONTACT PERSON:

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

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

SUBCHAPTER 15. TIME AND LEAVE

PART 7. LEAVE WHEN OFFICES ARE CLOSED OR SERVICES REDUCED

530:10-15-71. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave)

(a) If agency offices are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, or when state services are temporarily reduced due to hazardous weather conditions, the Appointing Authority shall place employees who are scheduled to work in the affected work ~~closed~~ areas on paid administrative leave or, if applicable, shall assign them to work in another location.

During their normal duty hours, employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. Appointing Authorities may call employees to return to their normal duties or respond to the demands of the situation as necessary. [74:840-2.20A(A)]

(b) As used in this Section, paid administrative leave means leave granted to affected employees if offices of agencies are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public or when state services are temporarily reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

(c) Paid administrative leave shall be accorded to affected employees only when a state office is temporarily closed or services are temporarily reduced due to hazardous weather in accordance with 530:10-15-70 and this Section. Upon its reopening, normal Merit Rules governing leave and agency procedures shall apply. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Employees who are not eligible to accrue leave, such as temporary employees, shall not be granted administrative leave under this section when state services are temporarily reduced due to hazardous weather conditions.

(d) *When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing Authorities of agencies shall be responsible for determining essential agency functions [basic minimum services] and ensuring that employees who staff such functions are so informed.* [74:840-2.20A(B)] Employees who are considered responsible for basic minimum services and who are required to work when state services are temporarily reduced due to hazardous weather conditions shall be entitled to accrue administrative leave on a straight-time basis for all hours worked during such reduction. Such leave must be taken within 180 days of its accrual or the employee shall be paid for the leave. An extension of the time period for taking the leave may be approved for up to an additional 180 days, providing the Appointing Authority submits a written request with sufficient justification to the Office of Personnel Management.

(e) Employees who are responsible for basic minimum services who do not report to work have the following options to account for leave:

- (1) Charge the absence to accumulated compensatory time;
- (2) Charge the absence to accumulated annual leave;

(3) Make up lost time in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit.

530:10-15-72. Leave when services are temporarily reduced due to hazardous weather conditions (automatically allowed authorized absences) [REVOKED]

~~(a) **Policy.** When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing Authorities of agencies shall be responsible for determining essential agency functions [basic minimum services] and ensuring that employees who staff such functions are so informed. [74:840-2.20A(B)] Appointing Authorities shall grant authorized absences to classified and unclassified employees who are not responsible for staffing essential functions (basic minimum services) if the employees do not work while agency services are temporarily reduced due to hazardous weather conditions. Appointing Authorities shall give these employees the following options to account for time lost because of automatically authorized absences.~~

- ~~(1) Charge absence to enforced leave, if the employee does not exceed enforced leave limits.~~
- ~~(2) Charge absence to accumulated compensatory time balances.~~
- ~~(3) Charge absence to accumulated annual leave.~~
- ~~(4) Make up lost time, in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit it.~~

~~(b) An employee may use more than one leave option to account for an automatically authorized absence, but if the absence cannot be accounted for by exercising these options, the Appointing Authority shall record the absence as leave of absence without pay.~~

~~(c) Employees who are not eligible to accrue annual or sick leave (including enforced leave), such as temporary employees, shall not be paid for lost time unless it is made up.~~

~~(d) Automatically authorized absences for employees who are not responsible for providing basic minimum services in accordance with this Section will cease on the cancellation or expiration of an announcement of reduced services. Thereafter, normal Merit Rules governing leave and related agency procedures will apply to these employees.~~

[OAR Docket #07-138; filed 1-24-07]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #07-101]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 1. Harvest and Possession Limits
800:10-1-4. Size limits on fish [AMENDED]
800:10-1-5. Bag limits on fish [AMENDED]
Subchapter 5. Area Restrictions and Special Fees
800:10-5-3. Designated trout areas [AMENDED]

AUTHORITY:
Title 29 O.S., Section 3-103; 4-129(c) and Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

DATES:

Adoption:

November 6, 2006

Approved by Governor:

December 21, 2006

Effective:

Upon Governor Approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

n/a

INCORPORATED BY REFERENCE:

n/a

FINDING OF EMERGENCY:

ODWC is nearing completion of one of the most ambitious stream restoration projects ever conducted in Oklahoma. This project will improve stream flow, sediment transport, water temperature, in-stream habitat and available wetland area in a degraded, 1,500 foot portion of the lower Mountain Fork River (IMFR) trout stream, known locally as the "Evening Hole." An additional 1,200 foot trout stream named "Lost Creek" has been constructed in a remnant channel offering anglers a new and exciting area to fish in a scenic, woodland environment. Upon completion, the newly restored and constructed portions of the stream will be subject to trout stocking and an expected increase in fishing pressure. Trout angling groups recognize that the enhanced areas will have potential for improved trout growth and quality trout fishing and have requested it be protected with special trout fishing regulations (similar to other areas on the river) immediately upon project completion. An emergency rule is being recommended in order to establish these special fishing regulations in this new area as soon as possible.

ANALYSIS:

The proposed emergency rule will help to sustain the trout population in a restored portion of the IMFR trout stream known locally as the "Evening Hole" and in a newly constructed reach known as "Lost Creek." The rule proposes to restrict fishing within this portion of stream to artificial flies and lures, barbless hooks only and restricts harvest to one (1) rainbow trout per day, twenty (20) inches or longer in total length (no culling). To compensate for imposing new trout fishing restrictions in this area, identical existing regulations in a similar-sized area of Zone II will be changed to be less restrictive.

CONTACT PERSON:

Kim Erickson, Chief of Fisheries Division, 405/521-3721 or APA Liaison, Rhonda Hurst, Administrative Assistant, 405/522-6279.

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

SUBCHAPTER 1. HARVEST AND POSSESSION LIMITS

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800:10-1-4. Size limits on fish

There are no length and/or size limit restrictions on any game or nongame fish, except as follows:

(1) All black bass (largemouth, spotted and smallmouth) less than fourteen (14) inches in total length must be returned to the water unharmed immediately after being taken from these waters:

(A) **Lakes and Reservoirs** - Adair Recreation Area, Altus-Lugert, Carl Albert, Carl Blackwell, Copan, Draper, Eufaula, Ft. Cobb, Ft. Gibson, Foss, Grand including all tributaries to state line, Greenleaf, Hefner (applies to largemouth and spotted bass only), Heyburn, Hudson, Hugo, Kaw, Keystone, Oologah, Optima, Overholser (including tailwaters and downstream to NW 10th St. bridge), Sardis, Sooner, Taft, Texoma, Thunderbird, Tom Steed, Waurika and Wister (Wister Lake boundaries are US Highway 271 bridge on Fourche Maline River, US Highway 59 bridge on Poteau River and the low water dam, one-half mile above county road bridge number 156, on Holson Creek).

(B) **McClellan-Kerr Arkansas River Navigation System** - All lakes, cutoffs and oxbows from the Oklahoma-Arkansas line to the Port of Catoosa, including R.S. Kerr, Webbers Falls, W.D. Mayo, Chouteau and Newt Graham Reservoir.

(C) **Department of Wildlife Conservation fishing areas** - Lakes Burtschi, Chambers, Elmer, Etling, Fugate, Jap Beaver, Ozzie Cobb, Schooler, Vincent, Watonga, Wayne Wallace, Dahlgren, and all the ponds and streams within the following Department WMA's, Atoka, Beaver River, Bolen Hollow, Gruber/Cherokee, Cookson, Ellis Co., Ft. Gibson, James Collins, Lexington, Okmulgee, (excluding the Deep Fork River), Pushmataha, Robbers Cave, Sandy Sanders, Spavinaw, Stringtown, the Blue River Public Fishing Area and all ponds and lakes in the Ouachita National Forest.

(2) All black bass (largemouth, spotted and smallmouth) between thirteen (13) and sixteen (16) inches in total length must be returned unharmed immediately after being taken from lakes Birch, Chimney Rock (W.R. Holway), Arbuckle, Lone Chimney, Okmulgee, Vanderwork and Hall.

(3) All largemouth and smallmouth bass between thirteen (13) and sixteen (16) inches in total length must be returned unharmed immediately after being taken from Broken Bow Lake (downstream from the slab at the Narrows), Tenkiller Lake (downstream from Horseshoe Bend boat ramp), and from Lake Elmer Thomas.

(4) All crappie (*Pomoxis* sp.) less than 10 inches in total length must be returned to the water unharmed immediately after being taken from Lakes Arbuckle, Tenkiller, Hudson, Texoma, Ft. Gibson, including all tributaries and upstream to Markham Ferry Dam and Grand Lake, including all tributaries to state line.

(5) All flathead catfish (*Pylodictis olivaris*) less than 20 inches in total length must be returned to the water unharmed immediately after being taken statewide.

(6) All walleye, sauger, and saugeye (sauger x walleye hybrid) less than 18 inches in total length must be returned to the water unharmed immediately after being taken statewide, except at Ellsworth, Foss, Fort Cobb, Lawtonka and Murray lakes where walleye, sauger and saugeye less than 14 inches in total length must be returned to the water unharmed immediately and at Great Salt Plains Reservoir and tailwater where the size limit does not apply and in the Illinois River below Tenkiller Dam and the Arkansas River from Keystone Dam downstream to the Oklahoma state line where all sauger less than 16 inches must be returned to the water unharmed immediately.

(7) All black bass (largemouth, spotted, and smallmouth) less than twenty-two (22) inches in total length must be returned to the water immediately after being taken from Lake Arcadia.

(8) All black bass (largemouth, spotted, and smallmouth) between sixteen (16) and twenty-two (22) inches in total length must be returned to the water immediately after being taken from McGee Creek Lake, Lake Nanih Waiya, Lake Raymond Gary, Dripping Springs Lake and Crowder Lake (Washita County).

(9) All largemouth and smallmouth bass less than fourteen (14) inches in total length must be returned to the water unharmed immediately after being taken from Skiatook Lake and Pine Creek Reservoir.

(10) All rainbow trout less than twenty (20) inches in total length must be returned to the water immediately after being taken from the lower Mountain Fork River trout stream from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek Re-regulation Dam. All brown trout less than twenty (20) inches in total length must be returned to the water immediately after being taken from the lower Mountain Fork River from Broken Bow Dam downstream to the U. S. Highway 70 bridge, and from the Illinois River from Tenkiller Dam downstream to the U. S. Highway 64 bridge.

(11) All blue catfish and channel catfish less than twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Texoma Lake.

(12) All smallmouth bass less than eighteen (18) inches in total length must be returned to the water unharmed immediately after being taken from Lake Hefner.

(13) All smallmouth bass between nine (9) and twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Baron Fork Creek, Flint Creek, Illinois River upstream from the Baron Fork Creek confluence, Lee Creek, and Little Lee Creek. Possession of smallmouth bass between nine (9) and twelve (12) inches in total length at these streams is prohibited.

(14) All smallmouth bass less than twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Glover River from the confluence with the Little River upstream to the "Forks of the Glover River". Possession of smallmouth bass less than twelve (12) inches in total length at this stream is prohibited.

800:10-1-5. Bag limits on fish

No person shall, during any one day, take, attempt to take, kill, or harvest more than:

- (1) Six (6) largemouth, smallmouth, and/or spotted bass or six in aggregate, except at Lake Hefner where the limit on smallmouth bass is one (1) fish 18 inches or longer, in "Close To Home" fishing water where all largemouth bass caught must be returned to the water unharmed immediately after being taken (no harvest allowed), at Texoma Reservoir where the limit is five (5), at Lake Arcadia the limit is three (3), at Lake Konawa, McGee Creek Lake, Lake Nanih Waiya, Dripping Springs Lake, Lake Raymond Gary and Crowder Lake (Washita County) the limit is six (6) of which only one (1) may be twenty-two (22) inches or longer, at Broken Bow, Skiatook and Tenkiller lakes where the limit on spotted bass is fifteen (15) per day, in Baron Fork Creek, Flint Creek, Illinois River upstream from the Baron Fork Creek confluence, Lee Creek, and Little Lee Creek where the aggregate limit is six (6), of which only one (1) smallmouth bass may be twelve (12) inches or longer, and in the Glover River from the confluence with the Little River upstream to the "Forks of the Glover River" where the aggregate limit is six (6), of which only three (3) may be smallmouth bass.
- (2) Fifteen (15) channel and/or blue catfish, or fifteen (15) in aggregate, except at all U.S. Forest Service and State Park lakes (not including Lake Murray) and Department of Wildlife Management Area ponds and all Department of Wildlife Conservation fishing areas, in "Close To Home" fishing waters and all waters within the Wichita Mountains National Wildlife Refuge, where the limit is six (6). For scuba divers with spearguns, the limit is three (3) per day or three (3) in aggregate from May 1 through August 31, annually.
- (3) Thirty-seven (37) crappie (*Pomoxis* sp.) except at Blue River Public Fishing and Hunting Area where the limit is six (6) and at lakes Arbuckle, Tenkiller, Hudson, Ft. Gibson including all tributaries and upstream to Markham Ferry Dam and Grand Lake including all tributaries to state line where the limit is fifteen (15).
- (4) Six (6) rainbow trout - possession limit of twelve (12) after first day, except in the lower Mountain Fork River trout stream from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek Re-regulation Dam where the limit is one (1) rainbow trout per day twenty (20) inches or longer in total length (no culling).

- (5) Six (6) brown trout, except in the lower Mountain Fork River below Broken Bow dam downstream to the U. S. Highway 70 bridge, and in the Illinois River from Tenkiller Dam downstream to US Highway 64 bridge where the limit is one (1) fish per day twenty (20) inches or longer in total length.
- (6) One (1) Northern pike.
- (7) One (1) muskellunge.
- (8) Five (5) walleye, sauger and/or saugeye, or five (5) in aggregate.
- (9) Fifteen (15) striped bass of which only five (5) may be twenty (20) inches or longer, except in the discharge area of Sooner Reservoir where the daily bag limit is five (5) and at Great Salt Plains Reservoir where the daily bag is twenty (20) of which only five (5) may be twenty (20) inches or longer (no culling).
- (10) Ten (10) striped bass and/or striped bass hybrids or ten (10) in aggregate of which only two (2) may be twenty (20) inches or longer in Texoma Reservoir and five (5) striped bass and/or striped bass hybrids or five (5) in aggregate in the Red River below Denison Dam (no culling). This paragraph shall become effective September 1, 1996.
- (11) Ten (10) flathead catfish, except in Lake Texoma where the daily limit is five (5), and for noodlers and scuba divers the daily limit is three (3) from May 1 through August 31, annually.
- (12) Twenty (20) striped bass hybrids and/or white bass, or twenty (20) in aggregate, of which only five (5) may be twenty (20) inches or longer in lakes Altus-Lugert, Birch, Canton (Canton Lake boundaries are from State Highway 281 to one thousand (1,000) feet below Canton Dam), Carl Blackwell, Foss, Ft. Cobb, Great Salt Plains, Konawa, Ft. Supply, Tom Steed, Sooner and Waurika, including tailwaters and Grand including all tributaries to stateline and below Grand River Dam (Pensacola Dam) downstream to State Highway 82 bridge and Oologah Lake including upstream on all tributaries to stateline and downstream below the dam to the mouth of the Caney River.
- (13) Five (5) striped bass hybrids of which only two (2) may be 20 inches or longer in Skiatook Lake.
- (14) Five (5) striped bass hybrids in Lake Carl Etling.
- (15) Five (5) striped bass hybrid and/or white bass in Optima Reservoir and the discharge area of Sooner Reservoir.
- (16) Twenty-five (25) white bass in Lake Texoma.
- (17) One (1) paddlefish (*Polydon spathula*) per day, statewide. The catch and release of paddlefish is permitted year round by use of rod and reel, trotline and throwlines. Paddlefish must be released immediately unless kept for the daily limit. Paddlefish taken by bow and arrow, gigs, spears or spearguns shall not be released. Paddlefish caught and placed on a stringer or otherwise held in possession must be tagged immediately and cannot be released (no culling). Each person must keep their own paddlefish distinctly separate from paddlefish taken by other fishermen. Each cleaned paddlefish, or its meat, eggs, or carcass, must also be tagged and kept separate from all other cleaned paddlefish or its parts. Tagged means plainly labeled with the taker's first and last name,

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address, and fishing license number. Paddlefish or their parts must remain tagged until the person in possession of the paddlefish or paddlefish parts has reached their residence. Persons fishing trotlines or throwlines must release all paddlefish on their lines, except the one (1) paddlefish held in possession for their daily limit, before leaving the trotline or throwline. Fishermen must cease snagging when they have taken their daily limit of paddlefish into possession.

(18) Release of striped bass and/or striped bass hybrids caught and placed on a stringer, in a live well or otherwise held in possession is prohibited statewide (no culling).

(19) Other fish do not have bag or possession limits.

SUBCHAPTER 5. AREA RESTRICTIONS AND SPECIAL FEES

800:10-5-3. Designated trout areas

(a) **Designated trout areas and seasons.** The following are the designated trout areas and trout seasons at each area:

(1) The Illinois River and its tributaries from the Tenkiller Ferry Reservoir Dam downstream to the Highway 64 Bridge near Gore, trout season is year-round.

(2) Blue River, within boundaries of the Blue River Public Fishing & Hunting Area (includes Landrum Wilderness Area and Plaster Wildlife Management Unit), trout season is from November 1 through March 31 of the following year; season is annual.

(3) Lake Watonga located within the boundaries of Roman Nose State Park, trout season is from the November 1 through March 31 of the following year; season is annual.

(4) The lower Mountain Fork River and tributaries from Broken Bow Dam downstream to U.S. Highway 70 bridge, excluding that portion from the mouth of Rough Branch Creek downstream to the ~~reregulation~~—Re-regulation dam. However, while fishing in this portion of the Mountain Fork River, a valid annual trout license is required to have trout in possession. Trout season is year-round.

(5) The North Fork of the Red River from Altus-Lugert Dam downstream to the low water dam at State Highway 44A, trout season is from November 1 through March 15 of the following year; season is annual.

(6) Lake Carl Etling located within the boundaries of Black Mesa State Park, trout season is from November 1 through April 30 of the following year; season is annual,

(7) The Fourche Maline River from Carlton Lake Dam downstream to the Robbers Cave State Park boundary a

distance of approximately one and one-quarter ($1\frac{1}{4}$) miles, trout season is from November 1 through March 15 of the following year; season is annual.

(8) Lake Pawhuska trout season is from November 1 through March 31 of the following year; season is annual.

(b) **Trout license requirement.** It shall be unlawful for any person, regardless of residency, age or disability, to fish in "Designated Trout Areas" during trout seasons without having secured from the Department of Wildlife Conservation or its authorized agent, a special, annual trout license. The special trout license shall be in addition to the regular fishing license requirements. The special trout license requirement shall apply only during the November 1 through March 31 special trout season on the Blue River, annually on the Illinois River and Mountain Fork River, from November 1 through March 31 on Lake Watonga, from November 1 through March 15 below Altus-Lugert Dam, from November 1 through April 30 on Lake Carl Etling, from November 1 through March 15 in the Fourche Maline River from Carlton Lake Dam downstream to the Robbers Cave State Park boundary, and from November 1 through March 31 on Lake Pawhuska. All persons possessing trout caught downstream of the Robbers Cave State Park boundary or in tributaries to the designated trout stream are also required to have a trout license during the season; no exceptions.

(c) **General; area restrictions.** The following rules apply to designated trout areas and ~~that portion of the Mountain Fork River from the mouth of Rough Branch Creek downstream to the reregulation dam~~ to specified locations within certain designated trout areas:

(1) It shall be unlawful to take or attempt to take fish from these areas during trout seasons except with rod and reel or pole and line; only one (1) rod and reel or pole and line per person is allowed.

(2) Once a trout is reduced to possession by being placed on a stringer or in the creel of any type, said trout must count toward day's limit and cannot be released.

(3) Fishing in the lower Mountain Fork River below Broken Bow dam from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the old State Park dam Dam downstream to the mouth of Rough Branch Creek reregulation dam is restricted to artificial flies and lures only and barbless hooks only.

[OAR Docket #07-101; filed 1-11-07]

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

1:2007-3.

EXECUTIVE ORDER 2007-3

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. All of the 77 counties in Oklahoma are currently under a severe winter weather watch or warning for freezing rain, ice, snow and/or flooding effective today, January 12, 2007 and continuing. The entire State is being affected.

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, and flooding in the entire State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health and safety.

4. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

5. 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.

6. 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 12 day of January, 2007.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #07-105; filed 1-17-07]

1:2007-4.

EXECUTIVE ORDER 2007-4

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power 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 the recent freezing rain and ice storms, it is necessary to assist and expedite all efforts of storm relief. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to LPG vehicles used in the support efforts:

1. The requirements contained in the Motor Carrier Safety Regulations, CFR 49, Parts 395, under the authority of CFR 49, Part 390.23;

2. All of the other regulations under CFR 49 shall apply; and,

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

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

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 17th day of January, 2007.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #07-107; filed 1-18-07]
