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

[OAR Docket #08-300]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

- Subchapter 1. General Provisions
 - 10:15-1-2. [AMENDED]
- Subchapter 3. Requirements to Practice Public Accountancy
 - 10:15-3-4. [AMENDED]
 - 10:15-3-5. [NEW]
- Subchapter 18. Computer-Based Examination
 - 10:15-18-1. [AMENDED]
 - 10:15-18-4. [AMENDED]
- Subchapter 21. Reciprocity
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- Subchapter 22. Substantial Equivalency
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 - 10:15-24-1. [NEW]
 - 10:15-24-2. [NEW]
- Subchapter 25. Permits
 - 10:15-25-2. [AMENDED]
 - 10:15-25-3. [AMENDED]
 - 10:15-25-5. [AMENDED]
- Subchapter 27. Fees
 - 10:15-27-14. [AMENDED]
- Subchapter 30. Continuing Professional Education
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 - 10:15-30-5. [AMENDED]
 - 10:15-30-6. [AMENDED]
 - 10:15-30-9. [AMENDED]
- Subchapter 33. Peer Review
 - 10:15-33-2. [AMENDED]
 - 10:15-33-3.1. [REVOKED]
 - 10:15-33-4. [AMENDED]
 - 10:15-33-5. [AMENDED]
 - 10:15-33-6. [AMENDED]
 - 10:15-33-7. [AMENDED]
- Subchapter 37. Enforcement Procedures
 - 10:15-37-7. [AMENDED]
- Subchapter 39. Rules of Professional Conduct
 - 10:15-39-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #08-300; filed 2-28-08]

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

[OAR Docket #08-279]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Fee Schedules
 - 35:2-3-2.1 [AMENDED]
 - 35:2-3-2.2 through 35:2-3-2.4 [AMENDED]
 - 35:2-3-2.6 [AMENDED]
 - 35:2-3-2.8 [AMENDED]

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[OAR Docket #08-279; filed 2-25-08]

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

[OAR Docket #08-280]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. Fine Schedules
 - Part 11. Livestock Market Violations
 - 35:3-1-11 [NEW]
 - 35:3-1-12 [NEW]

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Submissions for Review

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[OAR Docket #08-280; filed 2-25-08]

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

[OAR Docket #08-281]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 40. Bovine Tuberculosis

Part 1. Definitions.

35:15-40-1 [AMENDED]

Part 7. Import Requirements

35:15-40-92 [AMENDED]

35:15-40-93 [NEW]

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[OAR Docket #08-281; filed 2-25-08]

**TITLE 140. BOARD OF CHIROPRACTIC
EXAMINERS
CHAPTER 1. ADMINISTRATIVE
ORGANIZATION AND OPERATIONS**

[OAR Docket #08-301]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

Subchapter 1. General Provisions

140:1-1-2 [AMENDED]

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[OAR Docket #08-301; filed 2-29-08]

**TITLE 140. BOARD OF CHIROPRACTIC
EXAMINERS
CHAPTER 3. DISCIPLINARY
PROCEDURES**

[OAR Docket #08-302]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

Subchapter 1. General Provisions

140:3-1-2 [AMENDED]

Subchapter 3. Filing and Disposition of Complaints

140:3-3-2 [AMENDED]

140:3-3-3 [AMENDED]

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

[OAR Docket #08-303]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

140:10-1-1 [AMENDED]

140:10-1-2 [AMENDED]

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

[OAR Docket #08-304]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

- Subchapter 1. General Provisions
140:15-1-2 [AMENDED]
- Subchapter 5. Certificates for Injectables
140:15-5-1 [AMENDED]
140:15-5-2 [AMENDED]
140:15-5-3 [AMENDED]
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- Subchapter 8. Animal Chiropractic Diagnosis and Treatment
140:15-8-2 [AMENDED]
- Subchapter 9. Chiropractic Specialties
140:15-9-1 [AMENDED]
140:15-9-2 [AMENDED]
140:15-9-3 [AMENDED]
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140:15-9-6 [AMENDED]
- Subchapter 10. Acupuncture [NEW]
140:15-10-1 [NEW]
140:15-10-2 [NEW]
140:15-10-3 [NEW]
140:15-10-4 [NEW]

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[OAR Docket #08-304; filed 2-29-08]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 20. ADVISORY COMMITTEE**

[OAR Docket #08-305]

RULEMAKING ACTION:

Submission for gubernatorial and Legislative Review

RULES:

140:20-1-1 [AMENDED]

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[OAR Docket #08-305; filed 2-29-08]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 65. OKLAHOMA QUALITY JOBS PROGRAM**

[OAR Docket #08-316]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Quality Jobs Program

150:65-1-2 [AMENDED]

150:65-1-3 [AMENDED]

150:65-1-4 [AMENDED]

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[OAR Docket #08-316; filed 3-7-08]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 110. OKLAHOMA SPECIALIZED QUALITY INVESTMENT ACT**

[OAR Docket #08-317]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

150:110-1-1 [AMENDED]

150:110-1-2 [AMENDED]

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[OAR Docket #08-317; filed 3-7-08]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 130. OKLAHOMA QUALITY INVESTMENT ACT**

[OAR Docket #08-314]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

150:130-1-1 [NEW]

Submissions for Review

150:130-1-2 [NEW]
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150:130-1-4 [NEW]
150:130-1-5 [NEW]
150:130-1-6 [NEW]
150:130-1-7 [NEW]
150:130-1-8 [NEW]

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[OAR Docket #08-314; filed 3-7-08]

**TITLE 150. OKLAHOMA DEPARTMENT OF
COMMERCE
CHAPTER 135. OKLAHOMA BIOENERGY
CENTER ACT**

[OAR Docket #08-315]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

150:135-1-1 [NEW]
150:135-1-2 [NEW]
150:135-1-3 [NEW]
150:135-1-4 [NEW]
150:135-1-5 [NEW]
150:135-1-6 [NEW]
150:135-1-7 [NEW]
150:135-1-8 [NEW]
150:135-1-9 [NEW]

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March 7, 2008

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[OAR Docket #08-315; filed 3-7-08]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 20. GAS AND HAZARDOUS
LIQUID PIPELINE SAFETY**

[OAR Docket #08-282]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Pipeline Assessments
165:20-3-1. Pipeline assessments [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

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[OAR Docket #08-282; filed 2-26-08]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 25. UNDERGROUND STORAGE
RULES TANKS**

[OAR Docket #08-283]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 25. Underground Storage Rules Tanks
[AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

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[OAR Docket #08-283; filed 2-26-08]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #08-287]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 1. Administrative Operations [AMENDED]

SUBMITTED TO GOVERNOR:

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February 25, 2008

[OAR Docket #08-287; filed 2-27-08]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 10. CRIME VICTIMS
COMPENSATION PROGRAM**

[OAR Docket #08-288]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 10. Crime Victims Compensation Program
[AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #08-288; filed 2-27-08]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 15. SEXUAL ASSAULT
EXAMINATION FUND**

[OAR Docket #08-289]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 10. Sexual Assault Examination Fund
[AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #08-289; filed 2-27-08]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #08-294]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information
317:30-3-57. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-2. [AMENDED]
317:30-5-18. [AMENDED]
317:30-5-22. [AMENDED]
317:30-5-22.1. [NEW]
Part 3. Hospitals
317:30-5-44. [AMENDED]
Part 5. ~~Pharmacists~~ Pharmacies
317:30-5-86.1. [REVOKED]
Part 6. Inpatient Psychiatric Hospitals
317:30-5-95. [AMENDED]
317:30-5-95.7. [AMENDED]
317:30-5-95.16. through 317:30-5-95.17. [AMENDED]
317:30-5-95.19. [AMENDED]
317:30-5-95.22. [AMENDED]
317:30-5-95.24. [AMENDED]
317:30-5-95.31. [AMENDED]
317:30-5-95.33. through 317:30-5-95.36. [AMENDED]
317:30-5-95.39. [AMENDED]
317:30-5-95.41. through 317:30-5-95.42. [AMENDED]
317:30-5-96.2. [AMENDED]
Part 16. Maternal and Infant Health Licensed Clinical
Social Workers [NEW]
317:30-5-204. through 317:30-5-209. [NEW]
Part 17. Medical Suppliers
317:30-5-210. [AMENDED]
317:30-5-211. [REVOKED]
317:30-5-211.1. through 317:30-5-211.16. [NEW]
317:30-5-212. [AMENDED]
317:30-5-215. [REVOKED]
317:30-5-216. [NEW]
317:30-5-217. through 317:30-5-218. [AMENDED]
Part 18. Genetic Counselors [NEW]
317:30-5-219. through 317:30-5-223. [NEW]
Part 61. Home Health Agencies
317:30-5-547. [AMENDED]
Part 63. Ambulatory Surgical Centers
317:30-5-568. [AMENDED]
(Reference APA WF # 07-01, 07-02, 07-11, 07-22, 07-38,
07-40, 07-41, 07-47, 07-48, 07-51, 07-65)

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Submissions for Review

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #08-295]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-59. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-9. [AMENDED]
317:30-5-20. [AMENDED]
Part 5. ~~Pharmacists~~ Pharmacies
317:30-5-70.2. [AMENDED]
317:30-5-72.1. [AMENDED]
Part 8. Rehabilitation Hospitals
317:30-5-111. [AMENDED]
Part 27. ~~Registered Independent~~ Licensed Physical
Therapists
317:30-5-290. [REVOKED]
317:30-5-290.1. [NEW]
317:30-5-291. [AMENDED]
317:30-5-291.1. through 317:30-5-291.2. [NEW]
Part 28. Occupational Therapy Services [NEW]
317:30-5-295. through 317:30-5-298. [NEW]
Part 43. ~~Adult Agency~~ Companion, Specialized Foster
Care, Daily Living Supports, Group Homes, and
Community Transition Services
317:30-5-420. through 317:30-5-424. [AMENDED]
(Reference APA WF # 07-06, 07-15, 07-23, 07-28, 07-30
and 07-44)

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TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #08-296]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-123. [AMENDED]

317:30-5-131. [AMENDED]

317:30-5-133. [AMENDED]

Part 21. Outpatient Behavioral Health Services

317:30-5-240. [AMENDED]

317:30-5-248. [AMENDED]

Part 65. Case Management Services for Over 21

317:30-5-585. through 317:30-5-586.1. [AMENDED]

317:30-5-587. through 317:30-5-588. [REVOKED]

317:30-5-589. [AMENDED]

Part 67. Behavioral Health Case Management Services for
Individuals Under 21 Years of Age

317:30-5-595. through 317:30-5-596.1. [AMENDED]

317:30-5-599. [AMENDED]

Part 83. Residential Behavior Management Services in
Foster Care Settings

317:30-5-740.1. [AMENDED]

317:30-5-742. through 317:30-5-742.2. [AMENDED]

317:30-5-743.1. [AMENDED]

317:30-5-746. [AMENDED]

Part 105. Residential Behavioral Management Services
in Group Settings and Non-Secure Diagnostic and
Evaluation Centers

317:30-5-1043. [AMENDED]

317:30-5-1046. [AMENDED]

(Reference APA WF # 07-07A, 07-09, 07-10, 07-12,
07-13, 07-14, and 07-17)

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[OAR Docket #08-296; filed 2-28-08]

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

[OAR Docket #08-297]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical
Relationships

317:35-5-2. [AMENDED]

317:35-5-6.1. [NEW]

317:35-5-8. [AMENDED]

Part 3. Non-Medical Eligibility Requirements

317:35-5-25. [AMENDED]

317:35-5-26. [AMENDED]
 Part 5. Countable Income and Resources
 317:35-5-41.9. [NEW]
 Subchapter 6. SoonerCare Health Benefits for
 Categorically Needy Pregnant Women and Families
 with Children
 Part 3. Application Procedures
 317:35-6-15. [AMENDED]
 Subchapter 7. Medical Services
 Part 3. Application Procedures
 317:35-7-15. [AMENDED]
 Part 5. Determination of Eligibility for Medical Services
 317:35-7-48. [AMENDED]
 Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age
 65 or Older in Mental Health Hospitals
 Part 2. Medicaid Recovery Program
 317:35-9-15. [AMENDED]
 Part 5. Determination of Medical Eligibility for ICF/MR,
 HCBW/MR, and Individuals Age 65 or Older in Mental
 Health Hospitals
 317:35-9-45. [AMENDED]
 Part 7. Determination of Financial Eligibility
 317:35-9-67. [AMENDED]
 Subchapter 17. ADvantage Waiver Services
 317:35-17-10. [AMENDED]
 Subchapter 19. Nursing Facility Services
 317:35-19-4. [AMENDED]
 317:35-19-9. [AMENDED]
 317:35-19-14. [AMENDED]
 317:35-19-16. [AMENDED]
 317:35-19-18. [AMENDED]
 317:35-19-20. [AMENDED]
 Subchapter 22. Pregnancy Related Benefits Covered under
 Title XXI [NEW]
 317:35-22-1. through OAC 317:35-22-11. [NEW]
 (Reference APA WF # 07-07B, 07-25, 07-46, 07-50, 07-57
 and 07-58)

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

[OAR Docket #08-299]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Eligibility and Countable Income
 Part 5. Countable Income and Resources
 317:35-5-41. [AMENDED]
 317:35-5-41.1. through 317:35-5-41.8. [NEW]
 317: 35-5-41.10. through 317:35-5-41.11. [NEW]
 317:35-5-45. through 317:35-5-47. [AMENDED]
 317:35-5-49. [AMENDED]
 Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age
 65 or Older in Mental Health Hospitals
 Part 5. Determination of Medical Eligibility for ICF/MR,
 HCBW/MR, and Individuals Age 65 and Older in Mental
 Health Hospitals
 317:35-9-48.1. [NEW]
 Part 7. Determination of Financial Eligibility
 317:35-9-65. [AMENDED]
 317:35-9-68. [AMENDED]
 Subchapter 17. ADvantage Waiver Services
 317:35-17-9. [AMENDED]
 Subchapter 19. Nursing Facility Services
 317:35-19-19. [AMENDED]
 317:35-19-21. [AMENDED]
 (Reference APA WF # 07-21 and 07-24)

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**TITLE 317. OKLAHOMA HEALTH CARE
 AUTHORITY
 CHAPTER 45. OKLAHOMA EMPLOYER
 AND EMPLOYEE PARTNERSHIP FOR
 INSURANCE COVERAGE**

[OAR Docket #08-298]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 9. O-EPIC PA Employee Eligibility
 317:45-9-1. [AMENDED]
 Subchapter 11. O-EPIC IP
 Part 3. O-EPIC IP MEMBER HEALTH CARE BENEFITS
 317:45-11-11. [AMENDED]
 Part 5. O-EPIC Individual Plan Member Eligibility
 317:45-11-20. [AMENDED]
 317:45-11-21.1. [NEW]
 (Reference APA WF # 07-19, 07-39 AND 07-53)

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Submissions for Review

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[OAR Docket #08-298; filed 2-28-08]

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

[OAR Docket #08-290]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 1. General Provisions

340:2-1-5 [AMENDED]

340:2-1-8 [AMENDED]

Part 3. Internal Human Resources

340:2-1-25 through 340:2-1-29 [AMENDED]

Part 7. Recruitment, Selection, and Placement

340:2-1-76 through 340:2-1-79 [AMENDED]

340:2-1-81 through 340:2-1-82 [AMENDED]

340:2-1-84 through 340:2-1-86 [AMENDED]

(Reference APA WF 07-38)

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[OAR Docket #08-290; filed 2-27-08]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

[OAR Docket #08-291]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-3 through 340:20-1-4 [AMENDED]

340:20-1-7 through 340:20-1-8 [AMENDED]

340:20-1-11 [AMENDED]

340:20-1-13 [AMENDED]

340:20-1-15 [AMENDED]

340:20-1-17 [AMENDED]

(Reference APA WF 07-20 and 07-39)

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[OAR Docket #08-291; filed 2-27-08]

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

[OAR Docket #08-293]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments

340:50-15-1 through 340:50-15-7 [AMENDED]

340:50-15-9 [AMENDED]

Part 3. Fraud

340:50-15-25 [AMENDED]

340:50-15-27 [AMENDED]

(Reference APA WF 07-40)

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

[OAR Docket #08-292]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 9. Health Related Services

340:70-9-3 through 340:70-9-4 [REVOKED]

(Reference APA WF 07-36)

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[OAR Docket #08-292; filed 2-27-08]

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

[OAR Docket #08-284]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

360:1-1-2. [AMENDED]

360:1-1-3. [AMENDED]

Subchapter 3. The Board

360:1-3-8. [AMENDED]

360:1-3-13. [NEW]

Subchapter 5. Hearing Procedures

360:1-5-2. [AMENDED]

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

[OAR Docket #08-285]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

360:10-1-2. [AMENDED]

Subchapter 3. Administration of Plans

360:10-3-3. [AMENDED]

360:10-3-3.5. [AMENDED]

360:10-3-20. [AMENDED]

360:10-3-22. [AMENDED]

360:10-3-23. [AMENDED]

360:10-3-24. [AMENDED]

360:10-3-25. [AMENDED]

360:10-3-26. [AMENDED]

360:10-3-27. [AMENDED]

360:10-3-27.1. [AMENDED]

Subchapter 5. Coverage and Limitations

Part 1. Policy Provisions

360:10-5-2. [AMENDED]

360:10-5-3. [AMENDED]

Part 3. The Plans

360:10-5-16. [AMENDED]

360:10-5-17. [AMENDED]

360:10-5-20. [AMENDED]

Part 5. Life Benefits

360:10-5-33. [AMENDED]

Part 15. Subrogation

360:10-5-100. [AMENDED]

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[OAR Docket #08-285; filed 2-26-08]

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

[OAR Docket #08-286]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

360:15-1-2. [AMENDED]

360:15-1-11. [AMENDED]

360:15-1-14.1. [NEW]

360:15-1-31. [AMENDED]

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[OAR Docket #08-286; filed 2-26-08]

**TITLE 730. DEPARTMENT OF
TRANSPORTATION
CHAPTER 25. HIGHWAY CONTRACTORS**

[OAR Docket #08-308]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

Submissions for Review

RULES:

Subchapter 3. Contractor Prequalification and Proposals

730:25-3-1 [AMENDED]

730:25-3-4 [AMENDED]

730:25-3-4.1 [NEW]

730:25-3-5 [AMENDED]

SUBMITTED TO GOVERNOR:

March 4, 2008

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March 4, 2008

SUBMITTED TO SENATE:

March 4, 2008

[OAR Docket #08-308; filed 3-4-08]

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 #08-310]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 45. Brucellosis in Cervidae
Part 13. Certified Brucellosis-Free Cervid Herds
35:15-45-131 [AMENDED]
35:15-45-132 [AMENDED]

GUBERNATORIAL APPROVAL:

March 1, 2008

[OAR Docket #08-310; filed 3-5-08]

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

[OAR Docket #08-311]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 11. Eucha-Spavinaw Management Act [NEW]
35:17-11-1 [NEW]
35:17-11-2 [RESERVED]
35:17-11-3 [NEW]
Appendix A. Eucha-Spavinaw Phosphorus Index [NEW]

GUBERNATORIAL APPROVAL:

March 1, 2008

[OAR Docket #08-311; filed 3-5-08]

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

[OAR Docket #08-312]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Combined Pesticide
35:30-17-21 [AMENDED]

GUBERNATORIAL APPROVAL:

March 1, 2008

[OAR Docket #08-312; filed 3-5-08]

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

[OAR Docket #08-313]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Meat Inspection
Part 1. General Provisions
35:37-3-1 [AMENDED]
35:37-3-3 [AMENDED]
Subchapter 5. Poultry Products Inspection
Part 1. General Provisions
35:37-5-1 [AMENDED]
35:37-5-2 [AMENDED]
Subchapter 13. Milk and Milk Products
35:37-13-3 [REVOKED]
Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [REVOKED]
Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [NEW]

GUBERNATORIAL APPROVAL:

March 1, 2008

[OAR Docket #08-313; filed 3-5-08]

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

[OAR Docket #08-318]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Instructors
450:21-1-1. Purpose and applicability [AMENDED]
450:21-1-2. Statutory authority [AMENDED]

- 450:21-1-3. Definitions [AMENDED]
- 450:21-1-4. Meaning of verbs in rules [AMENDED]
- 450:21-1-5. Compliance with laws, rules [AMENDED]
- 450:21-1-6. Applications [AMENDED]
- 450:21-1-7. Minimum curriculum requirements, ten (10) hour courses [AMENDED]
- 450:21-1-7.2. Minimum curriculum requirements, twenty-four (24) hour courses [AMENDED]
- 450:21-1-7.4. Critical Incidents [NEW]
- 450:21-1-7.5. Participant record system [NEW]
- 450:21-1-7.6. Participant records, basic requirements [NEW]
- 450:21-1-7.7. Participant record storage, retention and disposition [NEW]
- 450:21-1-7.8. Confidentiality of participant information [NEW]
- 450:21-1-7.9. Notes [NEW]
- 450:21-1-8. Administrative responsibilities, institutions or organizations conducting ADSAC [AMENDED]
- 450:21-1-9. Facilities, equipment and instructional material [AMENDED]
- 450:21-1-9.1. Physical facility environment and safety [NEW]
- 450:21-1-9.2. Hygiene and sanitation [NEW]
- 450:21-1-10. ~~Ten~~ or ~~24~~ hour ADSAC facilitator certification, qualification and disqualification [AMENDED]
- 450:21-1-10.1. Inactive status/closure [NEW]
- 450:21-1-11. Facilitator training [AMENDED]
- 450:21-1-13. Consumers with disabilities [AMENDED]
- 450:21-1-14. State and federal statutes and regulations [AMENDED]
- Subchapter 3. Certification Denial or Sanctions and Participant Grievance
- 450:21-3-1. Administrative denial, suspension, or revocation of certification [AMENDED]
- 450:21-3-1.1. Fitness of applicants [AMENDED]
- 450:21-3-2. Grounds for reprimand, suspension or revocation of certification, organizations, institutions and facilitators [AMENDED]
- 450:21-3-3. Sanctions and hearings [AMENDED]
- 450:21-3-4. Participant rights and grievance policy [NEW]
- 450:21-3-5. ODMHSAS advocate general [NEW]
- Subchapter 5. Course Attendance and Completion
- 450:21-5-1. ~~Student~~ Participant attendance and completion of ADSAC [AMENDED]
- 450:21-5-2. ADSAC reporting of completions [AMENDED]

GUBERNATORIAL APPROVAL:

February 15, 2008

[OAR Docket #08-318; filed 3-7-08]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATIONS RELATED TO DRIVER'S LICENSE REVOCATION

[OAR Docket #08-319]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 450:22-1-1. Purpose and applicability [AMENDED]
- 450:22-1-1.1. Certification duration [AMENDED]
- 450:22-1-3. Definitions [AMENDED]
- 450:22-1-5. General statement [AMENDED]
- 450:22-1-6. ADSAC Driver offender assessors and assessment agencies [AMENDED]
- 450:22-1-6.1. Institutional and organizational description, assessment agencies [NEW]
- 450:22-1-7. ODMHSAS responsibilities [AMENDED]
- 450:22-1-9. Certified approved sites [AMENDED]
- 450:22-1-10. ~~Offender~~ Participant evaluation [AMENDED]
- 450:22-1-11. Standardized evaluation instruments [AMENDED]
- 450:22-1-11.1. Critical incidents, assessors and assessment agencies [NEW]
- 450:22-1-11.2. Participant record system [NEW]
- 450:22-1-11.3. Participant records, basic requirement assessors, assessment agencies [NEW]
- 450:22-1-11.4. Participant record storage, retention and disposition [NEW]
- 450:22-1-11.5. Confidentiality of drug or alcohol abuse treatment information [NEW]
- 450:22-1-11.6. Note [NEW]
- 450:22-1-11.7. Biopsychsocial assessment [NEW]
- 450:22-1-12. Assessor applicants ~~Assessment personnel~~ [AMENDED]
- 450:22-1-15. Assessor responsibilities [AMENDED]
- 450:22-1-15.1. Fitness of applicants [AMENDED]
- 450:22-1-16. Denial or revocation of assessment certification [AMENDED]
- 450:22-1-17. Physical facility environment and safety, assessors and assessment agencies [NEW]
- 450:22-1-18. Hygiene and sanitation, assessors and assessment agencies [NEW]
- 450:22-1-19. State and federal statutes and regulations [NEW]
- 450:22-1-20. Inactive status and closure [NEW]
- 450:22-1-21. Participant rights and grievance policy [NEW]
- 450:22-1-22. ODMHSAS advocate general [NEW]

GUBERNATORIAL APPROVAL:

February 15, 2008

[OAR Docket #08-319; filed 3-7-08]

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

[OAR Docket #08-320]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

450:23-1-2. Definitions [AMENDED]

Subchapter 3. CBSCC Services

450:23-3-2. Crisis stabilization [AMENDED]

450:23-3-3. Crisis stabilization, triage response
[AMENDED]

450:23-3-4. Crisis stabilization services, psychiatric
services [REVOKED]

450:23-3-5. Crisis stabilization, ~~drug and alcohol~~
psychiatric, substance abuse, and co-occurring services
[AMENDED]

450:23-3-6. Mechanical restraints for adult consumers only
[AMENDED]

450:23-3-6.1. Mechanical restraints will not be used for
minors in treatment [NEW]

450:23-3-7. ~~Referrals to inpatient psychiatric hospitals~~
Linkage Services to higher or lower levels of care, or
longer term placement [AMENDED]

450:23-3-8. Services to homeless individuals
[AMENDED]

Subchapter 5. CBSCC Clinical Records

450:23-5-4. Clinical record content, intake and assessment
[AMENDED]

450:23-5-5. Health, mental health, substance abuse, and
drug history [AMENDED]

450:23-5-8. Aftercare and discharge summary
[AMENDED]

Subchapter 7 Confidentiality

450:23-7-1.1. Confidentiality of mental health and drug or
alcohol abuse treatment information [AMENDED]

Subchapter 19. Staff Development and Training

450:23-19-3. Inservice [AMENDED]

GUBERNATORIAL APPROVAL:

February 15, 2008

[OAR Docket #08-320; filed 3-7-08]

Withdrawn Rules

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

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

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

**TITLE 505. BOARD OF EXAMINERS IN
OPTOMETRY
CHAPTER 10. LICENSURE AND
REGULATION OF OPTOMETRISTS**

[OAR Docket #08-307]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 3. Licensing Procedures
505:10-3-2 [AMENDED]

DATES:

ADOPTION:

January 12, 2008

SUBMITTED TO GOVERNOR:

January 14, 2008

SUBMITTED TO HOUSE:

January 14, 2008

SUBMITTED TO SENATE:

January 14, 2008

WITHDRAWN:

February 26, 2008

[OAR Docket #08-307; filed 3-3-08]

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 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 10. ADMINISTRATION OF ABSTRACTORS LAW

[OAR Docket #08-309]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions [NEW]

5:10-1-1 through 5:10-1-3 [NEW]

Subchapter 3. Abstract Licenses, Certificates of Authority, and Permits [NEW]

5:10-3-1 through 5:10-3-9 [NEW]

Subchapter 5. Regulation of Licensees, Certificate Holders and Permit Holders [NEW]

5:10-5-1 through 5:10-5-4 [NEW]

AUTHORITY:

Title 1, Oklahoma Statutes, Sections 22 *et seq.*, "Oklahoma Abstractors Act"

DATES:

Adoption:

February 5, 2008

Approved by Governor:

February 19, 2008

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2009, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

None.

INCORPORATIONS BY REFERENCE:

None.

FINDING OF EMERGENCY:

Imminent peril exists to the preservation of the public health, safety, or welfare and a compelling public interest requires these emergency rules to be adopted, for the reason that these rules provide for fees to be collected and forms and procedures to be established to supplement and complete the Oklahoma Abstractors Act. Without such emergency rules, the Board cannot effectively and efficiently embark upon the regulation, licensure, and administration of those holders of Certificates of Authority, applicants for Permits, and Licensees, including the collection of fees and payment of obligations.

ANALYSIS:

The proposed rules provide for key definition of terms covered under the statute. It further defines who may hold a license and how such license may be obtained, including testing procedures and application fees. The rules further define the requirements for bonds, errors and omissions policies and other securities required by statute. The emergency rules set fees (not to exceed those fees authorized by statute) and further details the application and renewal processes. The rules further provide for the compliance requirements for an abstract, an abstract plant, indexes, and other components of the abstracting process and certification. It further clearly sets forth the requirements for a

holder of a Certificate of Authority and a licensed abstractor to be in good standing and in compliance with the Oklahoma Abstractors Act. These emergency rules are necessary to establish minimum standards and uniformity within the abstracting industry in the State of Oklahoma.

CONTACT PERSON:

Monica Wittrock, Chairman (405) 232-3258

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. §253(D):

SUBCHAPTER 1. GENERAL PROVISIONS

5:10-1-1. Purpose

The rules of this chapter have been adopted for the purpose of implementing the Oklahoma Abstractors Act, Title 1, of the Oklahoma Statutes. These rules have been promulgated in order to establish criteria, fees, and procedures for the granting of certificates, permits, and licenses.

5:10-1-2. Definitions

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

"Abstractor" means the holder of a certificate of authority, temporary certificate of authority, permit, or abstract license.

"Act" means the Oklahoma Abstractors Act.

"Board" means the Oklahoma Abstractors Board.

"Licensee" means a person who holds a current abstract license.

5:10-1-3. Authority, interpretation, and severability of rules

The rules in this Chapter are adopted pursuant to the provisions the Oklahoma Abstractors Act, Title 1 of the Oklahoma Statutes, and the Administrative Procedures Act. Should a court having jurisdiction or the Attorney General of Oklahoma find any part of the rules of this Chapter to be inconsistent with the provisions of law as they presently exist or are hereafter amended, they shall be interpreted to comply with the statutes

Emergency Adoptions

as they presently exist or are hereafter amended and the partial or total invalidity of any section or sections of this Chapter shall not affect the valid sections.

SUBCHAPTER 3. ABSTRACT LICENSES, CERTIFICATES OF AUTHORITY, AND PERMITS

5:10-3-1. Who must hold abstract license

(a) A holder of a certificate of authority or permit who is an individual or partner actively engaged in the process of preparing abstracts, shall also be required to have an individual abstract license.

(b) Any person employed by a holder of a certificate of authority or permit for the purpose of searching county records for compiling abstracts shall hold an abstract license. An employee whose sole function is to put the work product of others into typewritten or other readable form shall not be required to hold an abstract license.

(c) For all or any part of calendar year 2008 and for the following calendar years each initial application for an individual abstract license shall be accompanied by a fee of One Hundred Fifty Dollars (\$150.00).

(d) For all or any part of calendar year 2008 and for the following calendar years each renewal application for an individual abstract license shall be accompanied by a fee of One Hundred Fifty Dollars (\$150.00).

5:10-3-2. Examinations for abstract license

(a) The test for an abstract license shall be given at least quarterly and at such other times as and at such locations as designated by the Board. The Board shall set the test dates for the calendar year at the first regular meeting of the Board of each calendar year.

(b) Tests shall be graded either pass or fail. Seventy per cent (70%) of the questions must be answered correctly to pass. If failed, the test can be taken again in thirty (30) days, not to exceed three times in a calendar year.

5:10-3-3. Bonds required for permits and certificates of authority

(a) County records bond.

(1) Each application for a certificate of authority shall be accompanied by a bond concerning county records only.

(2) Each application for a permit shall be accompanied by a bond concerning county records only.

(3) The bond shall be valid for one (1) year and extend coverage to the various county offices for damages by reason of mutilation, injury, or destruction of any record or records of the several county offices to which the applicant may have access.

(4) If a surety bond is provided it shall be issued by a surety company licensed to do business in the State of Oklahoma.

(5) The original bond shall be filed in the office of the Board. The Board or a person designated by the Board to perform such duties shall mail a certified copy of the bond to the County Clerk's office for filing.

(b) Errors and omissions bond or insurance.

(1) Each application for a certificate of authority shall be accompanied by a bond or insurance to pay damages for possible errors in abstracts prepared by the holder of the certificate of authority.

(2) If coverage for damages for possible errors in abstracts prepared by the holder of a certificate of authority will be by bond, then the bonds shall be on forms either prescribed by, or approved in advance by the Board.

(3) Upon compliance with the provisions of Section 27 of Title 1 of the Oklahoma Statutes and the rules set out in this Chapter the Board shall accept either a personal or surety bond by issuing a written statement of acceptance.

(4) A personal bond must provide that the certificate of authority or permit holder be the obligor and that the Board be the obligee. The personal bond, conditioned on the obligor performing its duties without error, must be accompanied by either cash or a Certificate of Deposit delivered to the Board.

(5) A Certificate of Deposit must be issued by a federally insured financial institution in the State of Oklahoma and must have a maturity term of a minimum of one year.

(A) The Certificate of Deposit shall on its face show either the Board as its holder or it shall be endorsed in favor of the Board.

(B) The original Certificate of Deposit shall be delivered to the Board with an executed personal bond form.

(6) Interest on such Certificate of Deposit shall be paid to the obligor. Payment to a third party will be allowed on a personal bond upon presentation of either a final order of a District Court of the State of Oklahoma finding that the conditions of the bond have not been met, or upon written settlement with the obligor. Prior to payment unless the obligor presents to the Board either a surety bond or an alternative method of securing the personal bond equal to the amount of the claim against the bond the Board shall take action to suspend the certificate of authority of the obligor.

(7) The personal bond and a facsimile of the Certificate of Deposit become part of the file of the holder of the certificate of authority or permit for whom they are given. These documents are available for examination and copying by the public.

5:10-3-4. Application fees for permits, certificates of authority, and renewals

For all or any part of calendar year 2008 and for the following calendar years a separate application and fee shall be submitted for each certificate of authority and permit, or renewal thereof, for each county in which the applicant desires to do business. The fee shall be as follows:

(1) County Population of less than 10,000 - \$400.00

- (2) County Population of 10,000 but less than 30,000 - \$800.00
- (3) County Population of 30,000 but less than 60,000 - \$1,200.00
- (4) County Population of 60,000 but less than 100,000 - \$1,600.00
- (5) County Population of 100,000 but less than 200,000 - \$2,400.00
- (6) County Population of 200,000 or more - \$3,200.00

5:10-3-5. Licensing associations, corporations, partnerships

An applicant for permit or certificate of authority issued to an association, partnership, corporation or other entity shall be required to comply with the same laws, rules, regulations, and orders as individuals. Such entities shall designate in writing an individual as service agent to receive service of summons and notice of hearings or state on the application form that it will accept service at its business address on the application form.

5:10-3-6. Transfer of certificate of authority

An applicant for a transfer of a certificate of authority by an individual, association, partnership, corporation, or other entity shall be required to comply with the same laws, rules, regulations, and orders applicable to the previous holder of the certificate of authority. The applicant shall also provide an affidavit as to due diligence efforts made to determined that the abstract plant acquired meets all the requirements of the Act.

5:10-3-7. Licensing nonresidents

(a) Anyone who is not a resident of the State of Oklahoma but who obtains a certificate of authority, permit or abstract license shall:

- (1) give written consent that actions, suits at law and administrative proceedings may be commenced against such nonresident in any county in this state where any cause of action may arise or be claimed to have arisen out of any actions occurring as a result of alleged activities under the Act. Such consent shall be applicable to a non-resident, his agents or employees; and
- (2) appoint, in writing, a service agent in the State of Oklahoma to receive service of summons or notice of hearing.

(b) A nonresident shall designate a service agent in accordance with provisions of Section 2004 of Title 12 of the Oklahoma Statutes.

5:10-3-8. Filings prior to effective date of rule

Any application for renewal of a certificate or license received prior to the effective date of these rules shall be considered timely filed and the certificate or license for which renewal is being applied for shall continue in full force and effect until revoked or renewed by the Board.

5:10-3-9. Forms

(a) Certificate of authority.

- (1) The Board shall prescribe the initial application form for a certificate of authority to be used when an entity applies for a certificate of authority for the first time.
- (2) The Board shall prescribe the form to be used for a temporary certificate of authority.
- (3) The Board shall prescribe the renewal form to be used for the annual renewal of the certificate of authority.
- (4) The Board shall prescribe the transfer form to be used when the ownership of holder of a certificate of authority changes.

(b) Permit.

- (1) An application for a permit prescribed by the Board shall be used when an applicant desires to engage in the business of abstracting and does not hold a current certificate of authority in the appropriate county.
- (2) When applying for a permit the applicant must include an affidavit on a form prescribed by the Board prepared by the appropriate District Court Clerk and County Clerk certifying the completeness or incompleteness of the county records.
- (3) A general statement of the law, and instructions directing how the forms should be completed shall be included with each application for a permit.
- (4) If the affidavits of the District Court Clerk or the County Clerk filed with the application for permit indicate that the records in either office are incomplete or if after an administrative hearing, it is determined that the records in those offices are incomplete; then the applicant shall obtain all those records otherwise unavailable from the offices of the District Court Clerk and County Clerk prior to the issuance of the permit.
- (5) The applicant for a permit shall provide the Board with proof that each person engaged in the search of county records for the purpose of establishing a plant is a holder of an abstract license.

(c) **License.** An application for an abstract license is used when an individual applies for an abstract license for the first time. A renewal form is used for the annual renewal of an abstract license.

(d) **Renewal.** An application for renewal shall be submitted on an application for renewal form prescribed by the Board with the appropriate fee.

(e) **Bonds.** A certificate of authority holder wishing to take advantage of the alternative pursuant to rule 5:10-3-3 of this Chapter, must use the Board bond form unless prior approval is received from the Board for the use of another form.

(f) **Other forms.** The Board shall provide such other forms as necessary to implement the provisions of the Act.

SUBCHAPTER 5. REGULATION OF LICENSEES, CERTIFICATE HOLDERS, AND PERMIT HOLDERS

Emergency Adoptions

5:10-5-1. Inspections

(a) The Board shall cause inspections of records and premises of all permit holders and certificate holders at the discretion of the Board.

(b) Upon request from the Board, a permit holder or certificate holder shall provide access to the records and premises of their business. Failure to do so in a timely manner shall constitute an offense subject to fine, suspension, revocation or such other sanction as may be determined by law.

(c) Certificate holders shall maintain for five (5) years a copy of the certificate page of such abstract, evidence of research, the certificate page of any abstract used for duplication, and billing information.

5:10-5-2. Penalties for failure to pay renewal fees

The Board shall assess and collect penalties against licensees and certificate holders for the failure to pay renewal fees. Such penalties shall be posted in the Board office. If the amount of the penalty is changed, thirty (30) days notice shall be given before the change shall be effective.

5:10-5-3. Preparation of abstracts

(a) **Type of abstract.** A certificate of authority holder shall cause the preparation of an abstract which shall cover a fee simple estate, or upon the request of a customer, a fee simple estate less and except oil, gas, coal, and other mineral interests. The abstract certificate, caption sheet, or both shall reflect the nature of the abstract along with an appropriate disclaimer regarding that which is excluded.

(b) **Contents of abstract.** For the time period covered by the certification, an abstract shall include the following:

(1) all instruments that have been filed for record or have been recorded in the Office of the County Clerk which legally impart constructive notice of matters affecting title to the subject property, any interest therein or encumbrances thereon;

(2) the records of the District Court Clerk and the County Clerk that disclose executions, court proceedings, pending suits, liens of any kind affecting the title to said real estate;

(3) judgments or transcripts of judgments against any of the parties appearing within the chain of title of the abstract, either indexed and docketed prior to October 1,

1978, on the judgment docket of the District Court Clerk or filed for record or recorded on or after October 1, 1978, in the Office of the County Clerk of said county; and

(4) all ad valorem tax liens due and unpaid against said real estate, tax sales thereof unredeemed, tax deeds, unpaid special assessments certified to the Office of the County Treasurer, due and unpaid, tax sales thereof unredeemed, and tax deeds given thereon and unpaid personal taxes which are a lien on said real estate.

(c) **Federal court records.** For property located in Muskogee, Okmulgee, Oklahoma, and Tulsa counties, for the time period covered by the certification, an abstract or special certificate shall include the records of the Clerk of the United States District Court and the records of the Clerk of the United States Bankruptcy Court in Muskogee, Okmulgee, Oklahoma, and Tulsa counties, respectively, that disclose:

(1) executions, court proceedings, pending suits and bankruptcy proceedings in said courts affecting title to the subject property;

(2) judgments or transcripts of judgments against any of the parties appearing within the chain of title of the abstract, either indexed and docketed prior to October 1, 1978 on the judgment docket of the Clerk of the respective United States District Court or filed for record or recorded on or after October 1, 1978 in the office of the County Clerk of the respective county, affecting title to said real estate.

(d) **Other services.** Any service performed by the holder of a certificate of authority that does not meet the standard established in the Act and the rules of the Board shall not be designated an "abstract" and shall not include an abstract certificate.

5:10-5-4. Minimum standards for preparation of abstracts

Copies of documents included in an abstract of title prepared by a holder of a Certificate of Authority shall be as legible as the source document on file in the offices of the County Clerk or the District Court Clerk except for source documents larger than 8 $\frac{1}{2}$ " x 14".

[OAR Docket #08-309; filed 3-4-08]

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

1:2008-9.

EXECUTIVE ORDER 2008-9

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Tuesday, March 4, 2008 to honor Specialist Michael E. Phillips an Oklahoma resident, who died on Sunday, February 24, 2008, at age 19 while serving in Iraq.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 28th day of February, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #08-306; filed 3-3-08]
