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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vi
Notices of Rulemaking Intent	
Conservation Commission, Oklahoma (Title 155)	129, 130, 131, 132
Construction Industries Board (Title 158)	133, 134, 135, 136, 137, 138
Environmental Quality, Department of (Title 252)	139, 140, 141, 142
Medical Licensure and Supervision, State Board of (Title 435)	143
Mental Health and Substance Abuse Services, Department of (Title 450)	144, 145
Nursing, Oklahoma Board of (Title 485)	146
Optometry, Board of Examiners in (Title 505)	146
Regents for Higher Education, State (Title 610)	147, 148, 149, 150
Veterinary Medical Examiners, Board of (Title 775)	151, 152, 153
Water Resources Board, Oklahoma (Title 785)	153, 154, 155, 157
Wildlife Conservation, Department of (Title 800)	157, 158, 159, 160, 161
Emergency Adoptions	
Abstractors Board, Oklahoma (Title 5)	163
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	165
Consumer Credit, Department of (Title 160)	166
Human Services, Department of (Title 340)	168, 178, 179
Insurance Department (Title 365)	180
Labor, Department of (Title 380)	198
Medical Licensure and Supervision, State Board of (Title 435)	200
Regents for Higher Education, State (Title 610)	201
Wildlife Conservation, Department of (Title 800)	203, 206
Executive Orders (Title 1)	209

Agency/Action/Subject Index

<p>ABSTRACTORS Board, Oklahoma (Title 5) <i>Emergency Adoptions</i> <u>Administration of Abstractors Law</u> (Chapter 10) 163</p> <p>AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35) <i>Emergency Adoptions</i> Animal Industry (Chapter 15) 165</p> <p>CONSERVATION Commission, Oklahoma (Title 155) <i>Notices of Rulemaking Intent</i> Operation of the Commission (Chapter 1) 129 Conservation Districts (Chapter 10) 129 Conservation Cost-Share Program (Chapter 20) 130 <u>Carbon Sequestration Verification Program</u> (Chapter 30) 131 <u>Coordination of Oklahoma's Geographic Information</u> (Chapter 35) 131 <u>Water Quality Programs</u> (Chapter 40) 132</p> <p>CONSTRUCTION Industries Board (Title 158) <i>Notices of Rulemaking Intent</i> Fine Schedule (Chapter 10) 133 Plumbing Industry Regulations (Chapter 30) 134, 135 Electrical Industry Regulations (Chapter 40) 135, 136 Mechanical Industry Regulations (Chapter 50) 137 Inspectors Regulations (Chapter 60) 138</p> <p>CONSUMER Credit, Department of (Title 160) <i>Emergency Adoptions</i> Procedure (Chapter 3) 166 Truth in Lending Rules (Chapter 45) 166</p> <p>ENVIRONMENTAL Quality, Department of (Title 252) <i>Notices of Rulemaking Intent</i> Oklahoma Pollutant Discharge Elimination System (OPDES) Standards (Chapter 606) 139 Industrial Wastewater Systems (Chapter 616) 140 Pretreatment for Central Treatment Trusts (Chapter 623) 140 Public Water Supply Operation (Chapter 631) 141 Individual and Small Public On-Site Sewage Treatment Systems (Chapter 641) 142 Water Quality Standards Implementation (Chapter 690) 142</p> <p>GOVERNOR <i>Executive Orders</i> Directing OPM and other necessary agencies to develop total compensation "report cards" for state employees and to conduct survey to determine value of benefits (08-47) 209 Ordering flags at half-staff in observation of Veterans' Day (08-48) 209</p> <p>HUMAN Services, Department of (Title 340) <i>Emergency Adoptions</i> Temporary Assistance for Needy Families (TANF) (Chapter 10) 168 Child Care Services (Chapter 40) 178 Refugee Resettlement Program (Chapter 60) 179</p> <p>INSURANCE Department (Title 365) <i>Emergency Adoptions</i> Licensure of Producers, Adjusters, Bail Bondsmen, Companies, Prepaid Funeral Benefits, and Viatical and Life Settlements Providers and Brokers (Chapter 25) 180</p> <p>LABOR, Department of (Title 380) <i>Emergency Adoptions</i> Welding Rules (Chapter 20) 198</p>	<p>MEDICAL Licensure and Supervision, State Board of (Title 435) <i>Notices of Rulemaking Intent</i> Physical Therapists and Assistants (Chapter 20) 143</p> <p><i>Emergency Adoptions</i> <u>Anesthesiologist Assistants</u> (Chapter 65) 200</p> <p>MENTAL Health and Substance Abuse Services, Department of (Title 450) <i>Notices of Rulemaking Intent</i> Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Facilitators (Chapter 21) 144 Certification of Alcohol and Drug Assessment and Evaluations Related to Driver's License Revocation (Chapter 22) 145 Standards and Criteria for Opioid Substitution Treatment Programs (Chapter 70) 145</p> <p>NURSING, Oklahoma Board of (Title 485) <i>Notices of Rulemaking Intent</i> Licensure of Practical and Registered Nurses (Chapter 10) 146</p> <p>OPTOMETRY, Board of Examiners in (Title 505) <i>Notices of Rulemaking Intent</i> Licensure and Regulation of Optometrists (Chapter 10) ... 146</p> <p>REGENTS for Higher Education, State (Title 610) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 147 Student Financial Aid and Scholarships (Chapter 25) 148, 149, 150</p> <p><i>Emergency Adoptions</i> Student Financial Aid and Scholarships (Chapter 25) 201</p> <p>VETERINARY Medical Examiners, Board of (Title 775) <i>Notices of Rulemaking Intent</i> Licensure of Veterinarians, Veterinary Technicians and Animal Euthanasia Technicians (Chapter 10) 151 Investigations and Disciplinary Actions (Chapter 15) 152 Recordkeeping and Supervision Requirements (Chapter 25) 152 Wholesaler/Distributor of Veterinary Prescription Drugs (Chapter 26) 153</p> <p>WATER Resources Board, Oklahoma (Title 785) <i>Notices of Rulemaking Intent</i> Fees (Chapter 5) 153 Appropriation and Use of Stream Water (Chapter 20) 154 Well Driller and Pump Installer Licensing (Chapter 35) ... 155 Financial Assistance (Chapter 50) 155 Development on State Owned or Operated Property Within Floodplains and Floodplain Administrator Accreditation (Chapter 55) 157</p> <p>WILDLIFE Conservation, Department of (Title 800) <i>Notices of Rulemaking Intent</i> Operations and Procedures (Chapter 1) 157 Sport Fishing Rules (Chapter 10) 158 Commercial Harvest Rules; Aquatic Species (Chapter 15) 159 Restrictions on Aquatic Species Introductions (Chapter 20) 159 Wildlife Rules (Chapter 25) 160 Department of Wildlife Lands Management (Chapter 30) 161</p> <p><i>Emergency Adoptions</i> Sport Fishing Rules (Chapter 10) 203 Wildlife Rules (Chapter 25) 206</p>
---	---

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
5:10-7-1.	[NEW] (E) 163	365:25-3-19.	[NEW] (E) 16
5:10-9-1.	[NEW] (E) 164	365:25-11-1.	[AMENDED] (E) 180
35:15-40-90.	[AMENDED] (E) 165	365:25-11-2.	[REVOKED] (E) 181
35:15-40-90.1.	[NEW] (E) 165	365:25-11-2.1.	[NEW] (E) 181
87:10-1-2.	[AMENDED] (E) 5	365:25-11-3.	[AMENDED] (E) 181
87:10-26-1.	[NEW] (E) 7	365:25-11-4.	[REVOKED] (E) 182
87:10-26-2.	[NEW] (E) 7	365:25-11-5.	[AMENDED] (E) 182
87:10-26-3.	[NEW] (E) 7	365:25-11-6.	[AMENDED] (E) 183
87:10-26-4.	[NEW] (E) 7	365:25-11-7.	[NEW] (E) 184
87:10-26-5.	[NEW] (E) 7	365:25-11-8.	[NEW] (E) 184
87:10-26-6.	[NEW] (E) 7	365:25-11-9.	[NEW] (E) 184
87:10-26-7.	[NEW] (E) 7	365:25-11-10.	[NEW] (E) 184
87:10-26-8.	[NEW] (E) 7	365:25-11-11.	[NEW] (E) 184
87:10-26-9.	[NEW] (E) 8	365:25-13-1.	[REVOKED] (E) 184
87:10-26-10.	[NEW] (E) 8	365:25-13-2.	[REVOKED] (E) 185
87:10-26-11.	[NEW] (E) 8	365:25-13-3.	[REVOKED] (E) 185
150:105-1-2.	[AMENDED] (E) 87	365:25-13-4.	[REVOKED] (E) 185
150:105-1-3.	[AMENDED] (E) 90	365:25-13-5.	[REVOKED] (E) 185
150:105-1-4.	[AMENDED] (E) 91	365:25-13-6.	[REVOKED] (E) 185
160:3-1-1.1.	[AMENDED] (E) 166	365:25-13-7.	[REVOKED] (E) 186
160:45-9-2.	[AMENDED] (E) 167	365:25, App. U.	[NEW] (E) 189
160:55-9-10.	[NEW] (E) 8	365:25, App. V.	[NEW] (E) 193
210:10-13-4.	[AMENDED] (E) 91	365:25, App. W.	[NEW] (E) 197
210:10-13-10.	[AMENDED] (E) 94	380:20-1-3.	[AMENDED] (E) 198
210:10-13-11.	[AMENDED] (E) 94	380:20-1-14.	[AMENDED] (E) 199
210:10-13-18.	[AMENDED] (E) 95	380:20-1-15.	[NEW] (E) 200
210:15-3-114.2.	[AMENDED] (E) 35	435:65-1-1.	[NEW] (E) 200
210:15-3-115.	[AMENDED] (E) 39	435:65-1-2.	[NEW] (E) 200
210:15-3-116.	[AMENDED] (E) 40	435:65-1-3.	[NEW] (E) 200
210:15-3-117.	[AMENDED] (E) 41	435:65-1-4.	[NEW] (E) 200
210:15-3-118.	[AMENDED] (E) 42	435:65-1-5.	[NEW] (E) 201
210:15-3-119.	[AMENDED] (E) 44	435:65-1-6.	[NEW] (E) 201
210:15-3-120.	[AMENDED] (E) 46	435:65-1-7.	[NEW] (E) 201
210:15-3-121.	[AMENDED] (E) 49	435:65-1-8.	[NEW] (E) 201
210:15-3-122.	[AMENDED] (E) 51	590:1-1-7.	[REVOKED] (E) 120
210:15-31-2.	[AMENDED] (E) 97	590:10-3-14.	[NEW] (E) 121
210:15-33-2.	[AMENDED] (E) 54	590:10-7-18.	[AMENDED] (E) 121
210:20-9-99.1.	[AMENDED] (E) 98	610:25-23-5.	[AMENDED] (E) 202
210:30-5-1.	[AMENDED] (E) 55	610:25-23-6.	[AMENDED] (E) 202
210:35-3-201.	[AMENDED] (E) 99	650:18-1-1.	[NEW] (E) 122
210:35-9-31.	[AMENDED] (E) 10	650:18-1-2.	[NEW] (E) 123
317:30-3-5.1.	[AMENDED] (E) 100	650:18-1-3.	[NEW] (E) 123
317:30-5-22.	[AMENDED] (E) 101	650:18-1-4.	[NEW] (E) 123
317:30-5-22.1.	[AMENDED] (E) 102	650:18-1-5.	[NEW] (E) 123
317:30-5-24.1.	[AMENDED] (E) 103	650:18-1-6.	[NEW] (E) 123
317:30-5-356.	[AMENDED] (E) 114	650:18-1-7.	[NEW] (E) 123
317:35-5-25.	[AMENDED] (E) 115	650:18-1-8.	[NEW] (E) 123
317:35-5-45.	[AMENDED] (E) 119	650:18-1-9.	[NEW] (E) 123
317:35-5-46.	[AMENDED] (E) 119	650:18-1-10.	[NEW] (E) 124
340:10-2-1.	[AMENDED] (E) 169	650:18-1-11.	[NEW] (E) 124
340:10-2-5.	[AMENDED] (E) 170	650:18-1-12.	[NEW] (E) 124
340:10-2-6.	[AMENDED] (E) 171	650:18-1-13.	[NEW] (E) 124
340:10-2-6.1.	[AMENDED] (E) 171	650:18-1-14.	[NEW] (E) 125
340:10-2-7.	[AMENDED] (E) 171	650:18-1-15.	[NEW] (E) 125
340:10-3-5.	[AMENDED] (E) 174	710:1-9-1.	[NEW] (E) 17
340:10-15-1.	[AMENDED] (E) 177	710:1-9-2.	[NEW] (E) 17
340:40-7-5.	[AMENDED] (E) 178	710:1-9-3.	[NEW] (E) 17
340:50-7-2.	[AMENDED] (E) 12	710:1-9-4.	[NEW] (E) 18
340:50-7-3.	[AMENDED] (E) 15	710:1-9-5.	[NEW] (E) 18
340:60-1-3.	[AMENDED] (E) 179	710:1-9-6.	[NEW] (E) 18
365:10-11-4.1.	[NEW] (E) 182	710:1-9-7.	[NEW] (E) 18

710:1-9-8. [NEW] (E)	18	730:30-5-1. [AMENDED] (E)	19
710:1-9-9. [NEW] (E)	18	800:10-3-5. [AMENDED] (E)	203
710:1-9-10. [NEW] (E)	19	800:25-7-132.1. [NEW] (E)	207

Agency/Title Index

[Assigned as of 12-1-08]

Agency	Title	Agency	Title
Oklahoma ACCOUNTANCY Board	10	Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of	
State ACCREDITING Agency	15	EMBALMERS and Funeral Directors)	235
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma Department of EMERGENCY Management	
Oklahoma AERONAUTICS Commission	25	(<i>Formerly:</i> Department of CIVIL Emergency Management) -	
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical		<i>See</i> Title 145	
Colleges	30	Oklahoma EMPLOYMENT Security Commission	240
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma ENERGY Resources Board	243
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	State Board of Licensure for Professional ENGINEERS and Land	
Board of Tests for ALCOHOL and Drug Influence	40	Surveyors (<i>Formerly:</i> State Board of Registration for Professional	
ALCOHOLIC Beverage Laws Enforcement Commission	45	ENGINEERS and Land Surveyors)	245
ANATOMICAL Board of the State of Oklahoma	50	Board of Trustees for the ENID Higher	
Board of Governors of the Licensed ARCHITECTS , Landscape		Education Program	250
Architects and Interior Designers of Oklahoma	55	Department of ENVIRONMENTAL Quality	252
ARCHIVES and Records Commission	60	State Board of EQUALIZATION	255
Board of Trustees for the ARDMORE Higher		ETHICS Commission (<i>Title revoked</i>)	257
Education Program	65	ETHICS Commission	258
Oklahoma ARTS Council	70	Office of State FINANCE	260
Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma		State FIRE Marshal Commission	265
Professional BOXING Commission) - <i>See</i> Title 92		Oklahoma Council on FIREFIGHTER Training	268
ATTORNEY General	75	Oklahoma FIREFIGHTERS Pension and Retirement System	270
State AUDITOR and Inspector	80	[RESERVED]	275
State BANKING Department	85	State Board of Registration for FORESTERS	280
Oklahoma State Employees BENEFITS Council	87	FOSTER Care Review Advisory Board	285
Council of BOND Oversight	90	Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of	
Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma		Embalmers and Funeral Directors) - <i>See</i> Title 235	
Professional BOXING Commission)	92	Oklahoma FUTURES	290
State BURIAL Board (<i>abolished 7-1-92</i>)	95	GOVERNOR	295
[RESERVED]	100	GRAND River Dam Authority	300
Oklahoma CAPITAL Investment Board	105	Group Self-Insurance Association GUARANTY Fund Board	302
Oklahoma CAPITOL Improvement Authority	110	Individual Self-Insured GUARANTY Fund Board	303
State CAPITOL Preservation Commission	115	STATE Use Committee (<i>Formerly:</i> Committee on Purchases of Products	
CAPITOL-MEDICAL Center Improvement and Zoning		and Services of the Severely HANDICAPPED)	304
Commission	120	Office of DISABILITY Concerns (<i>Formerly:</i> Office of	
Oklahoma Department of CAREER and Technology Education		HANDICAPPED Concerns)	305
(<i>Formerly:</i> Oklahoma Department of VOCATIONAL and		Oklahoma State Department of HEALTH	310
Technical Education) - <i>See</i> Title 780		Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Board of Regents of CARL Albert State College	125	Oklahoma HEALTH Care Authority	317
Department of CENTRAL Services (<i>Formerly:</i> Office of PUBLIC		HIGHWAY Construction Materials Technician Certification	
Affairs) - <i>See</i> Title 580		Board	318
CEREBRAL Palsy Commission	130	Oklahoma HISTORICAL Society	320
Commission on CHILDREN and Youth	135	Oklahoma HORSE Racing Commission	325
Board of CHIROPRACTIC Examiners	140	Oklahoma HOUSING Finance Agency	330
Oklahoma Department of EMERGENCY Management		Oklahoma HUMAN Rights Commission	335
(<i>Formerly:</i> Department of CIVIL Emergency Management)	145	Department of HUMAN Services	340
Oklahoma Department of COMMERCE	150	Committee for INCENTIVE Awards for State Employees	345
COMMUNITY Hospitals Authority	152	Oklahoma INDIAN Affairs Commission	350
COMPSOURCE Oklahoma (<i>Formerly:</i> State INSURANCE		Oklahoma INDIGENT Defense System	352
Fund) - <i>See</i> Title 370		Oklahoma INDUSTRIAL Finance Authority	355
Oklahoma CONSERVATION Commission	155	INJURY Review Board	357
CONSTRUCTION Industries Board	158	Oklahoma State and Education Employees Group INSURANCE	
Department of CONSUMER Credit	160	Board	360
CORPORATION Commission	165	INSURANCE Department	365
Department of CORRECTIONS	170	COMPSOURCE Oklahoma	
State Board of COSMETOLOGY	175	(<i>Formerly:</i> State INSURANCE Fund)	370
Oklahoma State CREDIT Union Board	180	Oklahoma State Bureau of INVESTIGATION	375
CRIME Victims Compensation Board	185	Council on JUDICIAL Complaints	376
Joint CRIMINAL Justice System Task Force Committee	190	Office of JUVENILE Affairs	377
Board of DENTISTRY	195	Department of LABOR	380
Oklahoma DEVELOPMENT Finance Authority	200	Department of the Commissioners of the LAND Office	385
Office of DISABILITY Concerns (<i>Formerly:</i> Office of		Council on LAW Enforcement Education and Training	390
HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma LAW Enforcement Retirement System	395
Board of Regents of EASTERN Oklahoma State College	205	Board on LEGISLATIVE Compensation	400
EDGE Fund Policy Board	208	Oklahoma Department of LIBRARIES	405
State Department of EDUCATION	210	LIEUTENANT Governor	410
EDUCATION Oversight Board	215	Oklahoma LINKED Deposit Review Board	415
Oklahoma EDUCATIONAL Television Authority	220	Oklahoma LIQUEFIED Petroleum Gas Board	420
[RESERVED]	225	Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety	
State ELECTION Board	230	Commission	422
		LITERACY Initiatives Commission	425

Agency	Title	Agency	Title
LONG-RANGE Capital Planning Commission	428	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly</i> : Oklahoma State Board of Examiners for NURSING Home Administrators) - <i>See</i> Title 490		Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
LOTTERY Commission, Oklahoma	429	The Oklahoma School of SCIENCE and Mathematics	645
Board of Trustees for the MCCURTAIN County Higher Education Program	430	Oklahoma Center for the Advancement of SCIENCE and Technology	650
Commission on MARGINALLY Producing Oil and Gas Wells	432	SECRETARY of State	655
State Board of MEDICAL Licensure and Supervision	435	Department of SECURITIES	660
MEDICAL Technology and Research Authority of Oklahoma	440	Board of Regents of SEMINOLE State College	665
Board of MEDICOLEGAL Investigations	445	SHEEP and Wool Commission	670
Department of MENTAL Health and Substance Abuse Services	450	State Board of Licensed SOCIAL Workers	675
MERIT Protection Commission	455	SOUTHERN Growth Policies Board	680
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Department of MINES	460	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
Oklahoma MOTOR Vehicle Commission	465	STATE Employee Charitable Contributions, Oversight Committee for (<i>Formerly</i> : STATE Agency Review Committee)	695
Board of Regents of MURRAY State College	470	STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED) – <i>See</i> Title 304	
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Oklahoma STUDENT Loan Authority	700
Board of Regents of NORTHERN Oklahoma College	480	TASK Force 2000	705
Oklahoma Board of NURSING	485	Oklahoma TAX Commission	710
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly</i> : Oklahoma State Board of Examiners for NURSING Home Administrators)	490	Oklahoma Commission for TEACHER Preparation	712
Board of Regents of OKLAHOMA City Community College	495	TEACHERS' Retirement System	715
Board of Regents of OKLAHOMA Colleges	500	State TEXTBOOK Committee	720
Board of Examiners in OPTOMETRY	505	Oklahoma TOURISM and Recreation Department	725
State Board of OSTEOPATHIC Examiners	510	Department of TRANSPORTATION	730
PARDON and Parole Board	515	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i>) - <i>See</i> Title 731	
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Formerly</i> : Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority) - <i>See</i> also Title 745	731
Oklahoma State PENSION Commission	525	State TREASURER	735
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of TULSA Community College	740
Office of PERSONNEL Management	530	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - no rules enacted in this Title - See</i> Title 731)	745
Oklahoma State Board of PHARMACY	535	Board of Trustees for the UNIVERSITY Center at Tulsa	750
PHYSICIAN Manpower Training Commission	540	UNIVERSITY Hospitals Authority	752
Board of PODIATRIC Medical Examiners	545	UNIVERSITY Hospitals Trust	753
Oklahoma POLICE Pension and Retirement System	550	Board of Regents of the UNIVERSITY of Oklahoma	755
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
POLYGRAPH Examiners Board	560	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma Department of VETERANS Affairs	770
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of VETERINARY Medical Examiners	775
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education)	780
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs)	580	Oklahoma WATER Resources Board	785
PUBLIC Employees Relations Board	585	Board of Regents of WESTERN Oklahoma State College	790
Oklahoma PUBLIC Employees Retirement System	590	Oklahoma WHEAT Commission	795
Department of PUBLIC Safety	595	Department of WILDLIFE Conservation	800
REAL Estate Appraiser Board	600	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College	615		
Board of Regents of ROSE State College	620		
Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625		
SCENIC Rivers Commission	630		

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 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 1. OPERATION OF THE COMMISSION

[OAR Docket #08-1326]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operation of the Commission [AMENDED]

SUMMARY:

The staff of the Oklahoma Conservation Commission ("OCC") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 155:1 as follows:

155:1-1-1. Amended to update statutory citation.

155:1-1-2. Revoked as duplicative of 27A O.S. § 3-1-103 or unnecessary in rule.

155:1-1-3. Amended to reflect name changes to conservation districts.

155:1-1-4. Amended to update language as gender neutral.

155:1-1-5. Amended to delete reference to meeting procedures.

155:1-1-6. through 155:1-1-9. Revoked as duplicative of Title 27A O.S.

155:1-1-10. Amended to include availability of records and office location and hours into one section.

155:1-1-11. through 155:1-1-14. Revoked as unnecessary in rule.

AUTHORITY:

Oklahoma Conservation Commission; 27A O.S. § 3-1-101 through 3-2-100.

COMMENT PERIOD:

Persons may submit oral or written comments to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail to ben.pollard@conservation.ok.gov, during the period from December 1, 2008 to December 31, 2008.

PUBLIC HEARING:

A public hearing on the proposed amendments has not been scheduled, however, pursuant to 75 O.S. Supp. 2006, § 303(B)(9), "persons may demand a hearing" by contacting Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov no later than 4:30 p.m. on December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from December 1, 2008 to December 31, 2008, to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Ben Pollard at the Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp. 2006, § 303(D), a rule impact statement will be prepared and will be available on and after December 16, 2008, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Regina Switzer, Assistant Attorney General, (405) 522-3657 or at regina.switzer@oag.ok.gov.

[OAR Docket #08-1326; filed 11-3-08]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 10. CONSERVATION DISTRICTS

[OAR Docket #08-1327]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Conservation Districts [AMENDED]

SUMMARY:

155:10-1-1. Amended to update statutory citation.

155:10-1-2. Revoked as duplicative of statute.

155:10-1-3. Revoked as unnecessary in rule.

155:10-1-4. Revoked as duplicative of statute.

155:10-1-5. Amended to reflect statutory changes.

155:10-1-6. Amended to reflect statutory changes.

155:10-1-7. Revoked as defined in statute.

Notices of Rulemaking Intent

155:10-1-8. Amended to revise district employment requirements.

155:10-1-9. Revoked as unnecessary in rule.

155:10-1-10. Amended to reflect current law.

155:10-1-11. Amended to reflect current law.

155:10-1-12. Amended to revise submission of annual audit requirements.

155:10-1-13. Revoked as unnecessary in rule.

155:10-1-14. Revoked as unnecessary in rule.

155:10-1-16. Revoked as unnecessary in rule.

155:10-1-17. Revoked as unnecessary in rule.

155:10-1-18. Revoked as unnecessary in rule.

155:10-1-19. Amended to revise requirements for conservation districts in submitting their annual reports

155:10-1-20. Amended to revise requirements for conservation districts in developing Resource Conservation Program.

155:10-1-21. Amended to update language regarding zoning ordinances.

AUTHORITY:

Oklahoma Conservation Commission; 27A O.S. § 3-1-101 et. seq. and 27A O.S. § 3-3-101 et. seq.

COMMENT PERIOD:

Persons may submit oral or written comments to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail to ben.pollard@conservation.ok.gov, during the period from December 1, 2008 to December 31, 2008.

PUBLIC HEARING:

A public hearing on the proposed amendments has not been scheduled, however, pursuant to 75 O.S. Supp. 2006, § 303(B)(9), "persons may demand a hearing" by contacting Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov no later than 4:30 p.m. on December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from December 1, 2008 to December 31, 2008, to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Ben Pollard at the Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp. 2006, § 303(D), a rule impact statement will be prepared and will be available on and after December 16, 2008, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Regina Switzer, Assistant Attorney General, (405) 522-3657 or at regina.switzer@oag.ok.gov.

[OAR Docket #08-1327; filed 11-3-08]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 20. CONSERVATION COST-SHARE PROGRAM

[OAR Docket #08-1328]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Conservation Cost-Share Program
[AMENDED]

SUMMARY:

The Oklahoma Conservation Commission has the statutory authority to administer a conservation cost-share program. The conservation cost-share program shall provide funding to eligible persons for the purpose of implementing conservation practices or best management practices on eligible lands. These conservation practices must improve or protect water quality and/or reduce soil erosion. These amended rules outline the administration of the conservation cost-share program.

AUTHORITY:

Oklahoma Conservation Commission; Authority: 27A O.S., § 3-1-101 et seq.

COMMENT PERIOD:

Persons may submit oral or written comments to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail to ben.pollard@conservation.ok.gov, during the period from December 1, 2008, to December 31, 2008.

PUBLIC HEARING:

A public hearing on the proposed amendments has not been scheduled, however, pursuant to 75 O.S. Supp. 2006, § 303(B)(9), "persons may demand a hearing" by contacting Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov no later than 4:30 p.m. on December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from December 1, 2008 to December 31, 2008, to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Ben Pollard at the Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 .

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp. 2006, § 303(D), a rule impact statement will be prepared and will be available on and after December 16, 2008, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Regina Switzer, Assistant Attorney General, (405) 522-3657 or at regina.switzer@oag.ok.gov.

[OAR Docket #08-1328; filed 11-3-08]

**TITLE 155. OKLAHOMA CONSERVATION COMMISSION
CHAPTER 30. CARBON SEQUESTRATION VERIFICATION PROGRAM**

[OAR Docket #08-1357]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking **PROPOSED RULES:**

- Subchapter 1. General Provisions [NEW]
- Subchapter 3. Soil Carbon Sequestration [NEW]
- Subchapter 5. Forest Carbon Sequestration [NEW]
- Subchapter 7. Geologic Carbon Sequestration (Injection and Storage) [NEW]

SUMMARY:

These proposed rules are to assist in the implementation of the Oklahoma Carbon Sequestration Act. The purpose of the proposed rules is to provide the structure of the Carbon Sequestration Verification Program and outline the requirements for voluntary participation in this program by carbon offset providers, offset aggregators, offset verifiers, and companies requesting verification of carbon dioxide stored as a result of downhole injection. Verification of offsets is necessary to ensure that each offset is a true representation of the quantity of stored carbon that it claims to represent. Verification of carbon offsets is fundamental in a trading program where carbon offsets are tradable commodities with monetary value.

AUTHORITY:

Oklahoma Conservation Commission and the Conservation District Act contained in 27A O.S. 2001 §§ 3-1-101 et seq.; fee language contained at 27A O.S. (Supp 2008) § 3-1-106 (33); and the Oklahoma Carbon Sequestration Enhancement Act contained in 27A O.S. (Supp 2007) §§ 3-4-101 et seq.

COMMENT PERIOD:

Persons may submit written comments to Stacy Hansen at 2800 North Lincoln Boulevard, Suite 160, Oklahoma City, Oklahoma 73105-4210, stacy.hansen@conservation.ok.gov during the period from December 1, 2008 to January 16, 2009.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 16, 2009, in the Board 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 Stacy Hansen at the above address during the period from December 1, 2008 to January 16, 2009.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.conservation.ok.gov or by contacting Stacy Hansen, Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, Oklahoma 73105-4210, (405) 522-4739, stacy.hansen@conservation.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Stacy Hansen, (405) 522-4739, e-mail address: stacy.hansen@conservation.ok.gov

[OAR Docket #08-1357; filed 11-7-08]

**TITLE 155. OKLAHOMA CONSERVATION COMMISSION
CHAPTER 35. COORDINATION OF OKLAHOMA'S GEOGRAPHIC INFORMATION**

[OAR Docket #08-1329]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking **PROPOSED RULES:**

- Chapter 35. Coordination of Oklahoma's Geographic Information [NEW]

Notices of Rulemaking Intent

SUMMARY:

The proposed new Chapter provides for collaboration and sharing of geographic information, elimination of duplication of efforts and insuring the consistency of geographic information data elements through the adoption of applicable standards and procedures. It also provides for coordination of the state's pollution complaint data.

AUTHORITY:

Oklahoma Conservation Commission; 27A O.S. 2001, § 3-2-107 and 82 O.S. Supp. 2007, § 1501-205.1 et. seq.

COMMENT PERIOD:

Persons may submit oral or written comments to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail to ben.pollard@conservation.ok.gov, during the period from December 1, 2008, to December 31, 2008.

PUBLIC HEARING:

A public hearing on the proposed amendments has not been scheduled, however, pursuant to 75 O.S. Supp. 2006, § 303(B)(9), "persons may demand a hearing" by contacting Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov no later than 4:30 p.m. on December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from December 1, 2008 to December 31, 2008, to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Ben Pollard at the Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp. 2006, § 303(D), a rule impact statement will be prepared and will be available on and after December 16, 2008, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Regina Switzer, Assistant Attorney General, (405) 522-3657 or at regina.switzer@oag.ok.gov.

[OAR Docket #08-1329; filed 11-3-08]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 40. WATER QUALITY PROGRAMS

[OAR Docket #08-1330]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 40. Water Quality Programs [NEW]

SUMMARY:

The Oklahoma Conservation Commission has been designated in statute as the technical lead agency with responsibility for the state's nonpoint source water quality programs. These programs are carried out under the authority of Section 319 of the federal Clean Water Act. These new rules outline agency responsibilities in three program areas: the Water Quality Standards Implementation Plan, the Nonpoint Source Management Plan, and the Blue Thumb Program.

AUTHORITY:

Oklahoma Conservation Commission; 27A O.S. 2001, § 1-1-202

COMMENT PERIOD:

Persons may submit oral or written comments to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail to ben.pollard@conservation.ok.gov, during the period from December 1, 2008, to December 31, 2008.

PUBLIC HEARING:

A public hearing on the proposed amendments has not been scheduled, however, pursuant to 75 O.S. Supp. 2006, § 303(B)(9), "persons may demand a hearing" by contacting Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov no later than 4:30 p.m. on December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or others costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from December 1, 2008 to December 31, 2008, to Ben Pollard, Assistant Director, Oklahoma Conservation Commission, 2800 N. Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686 or via electronic mail at ben.pollard@conservation.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Ben Pollard at the Oklahoma Conservation Commission, 2800 N.

Lincoln, Suite 160, Oklahoma City, Oklahoma 73105, (405) 521-2384, FAX (405) 521-6686.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp. 2006, § 303(D), a rule impact statement will be prepared and will be available on and after December 16, 2008, at the same location above listed for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Regina Switzer, Assistant Attorney General, (405) 522-3657 or at regina.switzer@oag.ok.gov.

[OAR Docket #08-1330; filed 11-3-08]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 10. FINE SCHEDULE**

[OAR Docket #08-1339]

RULEMAKING ACTION:

Notice of PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Fine Schedule
158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act and the Plumbing License Law of 1955. (Addition of the Home Inspectors Licensing Act pursuant to SB 2131.)

[AMENDED]

SUMMARY:

The purpose of these rules is to exercise the Board's authority in O.S. 59 §1000.9 (C) which states any order issued pursuant to this section shall state with specificity the nature of the violation. Any penalty assessed in the order shall not exceed One Thousand Dollars (\$1,000.00) per day of noncompliance with the order. In assessing such a penalty, the Board shall consider the seriousness of the violation and any efforts to comply with applicable requirements. The board has determined that these fees originally established have not been changed since July 2002, and the existing penalties have not compelled compliance to the laws at such a low cost. The Board is asking for increase in the fees within the legislative authority already granted to the Board by the Statute.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4.; and O.S. Section 1000.9.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5,

Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1339; filed 11-5-08]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 10. FINE SCHEDULE**

[OAR Docket #08-1340]

RULEMAKING ACTION:

Notice of PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Fine Schedule
158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act and the Plumbing License Law of 1955. (Addition of the Home Inspectors Licensing Act pursuant to SB 2131.)
[AMENDED]

SUMMARY:

The purpose of these rules is to implement O.S. 59 section 1000.5 (F) (amended by laws 2008, SB45, Section 4 § 1 effective November 1, 2008) to provide a fee for dishonored checks not to exceed amount pursuant to the provisions of Section 1121 of Title 47 of the Oklahoma Statutes. The fees and administrative costs established in 158:10-3-5 rules were previously promulgated by permanent rules and justified by the Oklahoma State Department of Health with the assistance of the Committee of Home Inspector Examiners.

Notices of Rulemaking Intent

The Construction Industries Board will evaluate said fees and costs in the context of its administration of the Home Inspection Licensing Act and propose changes if necessary in a subsequent permanent rule making proceeding. For the term of these rules, the Construction Industries Board is satisfied that the current fees and costs set forth herein are adequate to administer the Home Inspection Licensing Act for the interim.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4.; and O.S. Section 1000.9.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1340; filed 11-5-08]

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

[OAR Docket #08-1341]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
158:30-9-2. Fee schedule for contractors, journeymen, and apprentices [AMENDED]

SUMMARY:

The purpose of these rules is to exercise the Board's authority in O.S. 59 §1000.5 Fees-Licenses and permits - Issuance and renewal to establish a system of fees to be charged for the application for licenses, for the issuance and renewal of licenses and permits, for administration of examinations and for formal project reviews under the Board's authority. The board has determined that these fees have not been changed since July 2002 and the cost of administration of this industry has increased over the years. The Board is asking for increase in the fees within the legislative authority already granted to the Board by the Statute.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.5.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1341; filed 11-5-08]

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

[OAR Docket #08-1342]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
158:30-9-2. Fee schedule for contractors, journeymen, and apprentices [AMENDED]

SUMMARY:

The rule change gives the Construction Industries Board the authority to collect fees for dishonored check which affects the licensing requirements of the agency. Until the check clears the bank the licensee does not have a valid or current license to perform services to the public. In 158:39-9-2(f) the language for birth date renewal is obsolete and needs to be stricken from the rules.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.5.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period

set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1342; filed 11-5-08]

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

[OAR Docket #08-1343]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. examination Applications, Examinations and License and Registration Fees and Renewals
158:40-9-3. License and registration fees and renewals [AMENDED]

SUMMARY:

The purpose of these rules is to exercise the Board's authority in O.S. 59 §1000.5 Fees-Licenses and permits - Issuance and renewal to establish a system of fees to be charged for the application for licenses, for the issuance and renewal of licenses and permits, for administration of examinations and for formal project reviews under the Board's authority. These fees have not been changed since July 2002 and the cost of administration of this industry has increased over the years. The Board is asking for increase in the fees within the legislative authority already granted to the Board by the Statute.

AUTHORITY:

Construction Industries Board; O.S. 59 §1000.5; and 59 O.S. § 1680 through §1697 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular

Notices of Rulemaking Intent

business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1343; filed 11-5-08]

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

[OAR Docket #08-1344]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

158:40-5-1. Apprentice requirements [AMENDED]

158:40-5-2. Journeyman requirements [AMENDED]

158:40-5-3. Contractor requirements [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

158:40-9-3. License and registration fees and renewals [AMENDED]

SUMMARY:

The purpose of these rules is to implement 59 O.S. §1685(3) amended by laws 2008, SB45, C.4§ 7 effective November 1, 2008, for licensed electricians working in the alarm industry to provide such documents, statements or other information as may be necessary to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

These rules will also effectuate O.S. 59 section 1000.5 (F) to provide a fee for dishonored checks not to exceed amount pursuant to the provisions of Section 1121 of Title 47 of the Oklahoma Statutes. This rule will eliminate obsolete language in In 158:39-9-2(f) the language for birth date renewal is obsolete and needs to be stricken from the rules.

AUTHORITY:

Construction Industries Board; O.S. 59 §1000.5; and 59 O.S. § 1680 through §1697 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1344; filed 11-5-08]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

[OAR Docket #08-1345]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

158:50-9-2. License and registration fees and renewals [AMENDED]

SUMMARY:

The purpose of these rules is to exercise the Board's authority in O.S. 59 §1000.5 Fees-Licenses and permits - Issuance and renewal to establish a system of fees to be charged for the application for licenses, for the issuance and renewal of licenses and permits. These fees have not been changed since July 2002 and the cost of administration of this industry has increased over the years. The Board is asking for increase in the fees within the legislative authority already granted to the Board by the Statute. This will generate revenue for the administration of the laws under the jurisdiction of CIB.

AUTHORITY:

Construction Industries Board; 59 O.S. 1000.5; 59 O.S. § 1850.1 through § 1860 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping,

equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1345; filed 11-5-08]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

[OAR Docket #08-1346]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2. Definitions [AMENDED]

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

158:50-5-1. License types [AMENDED]

158:50-5-2. Limitations of licenses [AMENDED]

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

158:50-9-2 License and registration fees and renewals [AMENDED]

SUMMARY:

This rule change implements the requirements of Section 1850.17 (added by laws 2008, SB2131, Section 405, §12, emergency effective June 3, 2008 of Title 59 to offer examinations for a petroleum refinery mechanical journeyman license. The Board shall promulgate rules to implement the provisions of this section. This rule provides definitions under 158:50-1-2; and provides a petroleum refinery process piping journeyman license under 158:50-5-1. The purpose of these rules is to implement O.S. 59 section 1000.5 (F) (amended by laws 2008, SB45, Section 4 § 1 effective November 1, 2008) to provide a fee for dishonored checks not to exceed amount

Notices of Rulemaking Intent

pursuant to the provisions of Section 1121 of Title 47 of the Oklahoma Statutes. These rules will eliminate birth date renewal obsolete language in Subchapter 9. 158:50-9-2. (c).

AUTHORITY:

Construction Industries Board; O.S. Section 1000.5 (F); 59 O.S. § 1850.1 through § 1860 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1346; filed 11-5-08]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

[OAR Docket #08-1347]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-5. Continuing education courses [AMENDED]

SUMMARY:

This rule change implements the requirements of the committee and rules adopted by the Board shall provide requirements for continuing education for building and construction inspectors. The five hours continuing education requirement will be changed to seven hours continuing education.

AUTHORITY:

Construction Industries Board; O.S. Title 59. O.S. Sections 1031 through 1044; O.S. §1032. Rules - Promulgation by Construction Industries Board.

COMMENT PERIOD:

Written and oral comments will be accepted between December 1, 2008 through January 2, 2009 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 11, 2009, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 2, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 2, 2009.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to December 10, 2008, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #08-1347; filed 11-5-08]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

[OAR Docket #08-1362]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:606-1-2. Definitions [AMENDED]
- 252:606-1-4. Date of federal regulations incorporated [AMENDED]
- Subchapter 7. Biosolids Permit Requirements [REVOKED]
- 252:606-7-1. Permit required [REVOKED]
- 252:606-7-2. Permit applications [REVOKED]
- 252:606-7-3. Certification required [REVOKED]
- 252:606-7-4. Sludge (biosolids) management plan [REVOKED]
- 252:606-7-5. Permit modifications [REVOKED]
- 252:606-7-6. Restrictions applicable to all land application [REVOKED]
- 252:606-7-7. Laboratory analyses [REVOKED]
- 252:606-7-8. Compliance required [REVOKED]
- 252:606-7-9. Monitoring wells [REVOKED]
- Subchapter 8. Biosolids Requirements [NEW]
- 252:606-8-1. Permits and prohibitions [NEW]
- 252:606-8-2. Permit applications [NEW]
- 252:606-8-3. Sludge (biosolids) management plan [NEW]
- 252:606-8-4. Class A biosolid production [NEW]
- 252:606-8-5. Class B biosolid production [NEW]
- 252:606-8-6. Land application of biosolids [NEW]
- Subchapter 9. Land Application of Biosolids [REVOKED]
- 252:606-9-1. Prohibitions [REVOKED]
- 252:606-9-2. Land application exceptions and alternatives [REVOKED]
- 252:606-9-3. Site use for land application [REVOKED]
- 252:606-9-4. pH and nutrient limits [REVOKED]
- 252:606-9-5. Soil sampling [REVOKED]

SUMMARY:

The Department proposes to combine its two subchapters concerning biosolids into one subchapter. The rules modifications will create rules to govern facilities that wish to create Class A Biosolids pursuant to federal requirements. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S., § 2-2-201; and Water Quality, 27A O.S., §§ 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 13, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2009, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 27, 2009, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.ok.gov (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1362; filed 11-7-08]

Notices of Rulemaking Intent

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS

[OAR Docket #08-1363]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:616-1-1. Purpose [AMENDED]
- 252:616-1-2. Definitions [AMENDED]
- Subchapter 3. Permit Procedures
- 252:616-3-4. Applications [AMENDED]
- Subchapter 9. Tank System Standards
- 252:616-9-3. Tank system requirements [AMENDED]
- Subchapter 13. Closure Standards
- 252:616-13-1. Termination of activities [AMENDED]
- Appendix A. Application for Permit to Discharge and/or Treat Industrial Wastewater of Sludge General Information [REVOKED]
- Appendix B. Application for Permit to Discharge and/or Treat Industrial Wastewater or Sludge Surface Impoundments and Septic Tanks [REVOKED]
- Appendix C. Application for Permit to Land Apply Industrial Wastewater and/or Sludge [REVOKED]
- Appendix C. Table of Rainfall and Evaporation Data [NEW]
- Appendix D. Class III Surface Impoundment Design [REVOKED]
- Appendix D. Class III Surface Impoundment Design [NEW]

SUMMARY:

The Department proposes to modify its rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter. Additionally, the rules propose to tighten the closure requirements for industrial wastewater systems, propose to revoke the Appendices A, B and C that contain the permit forms and Appendix D. Appendices A and B will not be replaced, while Appendix C is replaced with a rainfall and evaporation data chart previously located in another section and Appendix D is replaced concerning Class III Surface Impoundments to make clean up changes.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S., § 2-2-201; and Water Quality, 27A O.S., §§ 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 13, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2009, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 27, 2009, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.ok.gov (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1363; filed 11-7-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 623. PRETREATMENT FOR CENTRAL TREATMENT TRUSTS

[OAR Docket #08-1364]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 252:623-1-7 [AMENDED]

SUMMARY:

The Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S., § 2-2-201; and Water Quality, 27A O.S., §§ 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 13, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2009, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 27, 2009, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.ok.gov (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For

hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1364; filed 11-7-08]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY
OPERATION**

[OAR Docket #08-1365]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction
252:631-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

SUMMARY:

The Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations, except for the federal rules previously exempted. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S., § 2-2-201; and Water Quality, 27A O.S., §§ 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 13, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2008, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 27, 2008, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental

Notices of Rulemaking Intent

Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.ok.gov (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1365; filed 11-7-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS

[OAR Docket #08-1366]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix H. Size Charts for On-Site Sewage Treatment Systems [REVOKED]

Appendix H. Size Charts for On-Site Sewage Treatment Systems [NEW]

SUMMARY:

Based on feedback from installers in Delaware County, DEQ staff discovered that Delaware County had been mistakenly categorized as being in Net Evaporation Zone 1 instead of 2 in Appendix H, Figure 25. This rulemaking re-categorizes Delaware County as being in Net Evaporation Zone 2.

AUTHORITY:

Environmental Quality Board and Water Quality Management Advisory Council powers and duties; 27A O.S., §§ 2-2-101, 2-2-201 and 2-6-402

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 2, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2009, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 27, 2009, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

CONTACT PERSON:

The contact person is Robert Huber. He can be reached at Robert.Huber@deq.ok.gov (e-mail), (405) 702-6100 (phone) or (405) 702-6226 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1366; filed 11-7-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION

[OAR Docket #08-1367]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:690-1-1. Purpose and applicability [AMENDED]

252:690-1-2. Definitions [AMENDED]

- 252:690-1-4. Incorporation of USEPA regulations by reference [AMENDED]
- Subchapter 3. Point Source Discharges
- 252:690-3-19. TRES, TIEs and WET limits [AMENDED]
- 252:690-3-27. Intermittent lethality—~~or~~—~~persistent~~ ~~sublethality~~ [AMENDED]
- 252:690-3-31. WET test requirements [AMENDED]
- 252:690-3-34. Test duration for WET tests [AMENDED]
- 252:690-3-37. ~~Dilution~~—WET test dilution water for discharges to perennial streams and lakes [AMENDED]
- 252:690-3-39. Endpoint and test failure criteria for acute tests [AMENDED]
- 252:690-3-40. Endpoint and test failure criteria for chronic tests [AMENDED]
- 252:690-3-42. WET testing frequency reductions after WET testing trial period [AMENDED]
- 252:690-3-75. Wasteload allocations for implementation of human health and raw water criteria for toxic substances to protect the Public and Private Water Supply beneficial use [AMENDED]
- 252:690-3-93. Monitoring for a nutrient limited watershed [NEW]
- Appendix A. Water Quality Standards Implementation Plan Department of Environmental Quality [REVOKED]
- Appendix A. Water Quality Standards Implementation Plan Department of Environmental Quality [NEW]

SUMMARY:

The Department proposes to amend this Chapter of rules to require a failure of toxicity testing for sublethal effects to be treated the same as a failure of toxicity testing for lethal effects, as required by EPA and pursuant to approved changes in Oklahoma's Water Quality Standards. Additionally, the amendments propose to specifically state when the Department will consider an organism change for biomonitoring from *Ceriodaphnia dubia* or *Daphnia pulex* to *Daphnia magna* and to add a new rule to require monitoring in a nutrient limited watershed and that there can be no monitoring frequency reductions for WET limits. Finally, the Department proposes to revoke and reissue Appendix A to this chapter of rules to make some clean up language changes and to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S., § 2-2-201; and Water Quality, 27A O.S., §§ 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2008, through January 13, 2009. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2009, and at the Environmental Quality Board meeting on February 27, 2009.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2009, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 27, 2009, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.ok.gov (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1367; filed 11-7-08]

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

[OAR Docket #08-1355]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 435:20-1-1.1. Definitions [AMENDED]
- Subchapter 7. Supervision of Physical Therapist Assistants

Notices of Rulemaking Intent

435:20-7-1. Supervision of Physical Therapist Assistants
[AMENDED]

SUMMARY:

The sections on definitions and supervision of physical therapist assistants were amended to clarify the relationship between the supervising physical therapist (PT) and the physical therapist assistant (PTA), as well as address the delegation and supervision responsibilities required from the PT while supervising a PTA.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from December 15, 2008 to January 16, 2009. 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 January 22, 2009, 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 January 16, 2009.

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 after December 15, 2008.

RULE IMPACT STATEMENT:

A rule impact statement is available 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 #08-1355; filed 11-6-08]

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 #08-1359]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Course Attendance and Completion

450:21-5-2. ADSAC reporting of completions
[AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the ADSAC course process.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-451 through 3-453.1; 47 O.S. §§ 6-212.2, 11-902 and 761(D); 22 O.S. §§ 991a and 991c.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 31, 2008, to the attention of Stephanie Kennedy, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

PUBLIC HEARING:

The Department will conduct a public hearing on December 31, 2008 at 9:00 a.m. in Conference Room A of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Stephanie Kennedy, at the above address, before the close of the comment period on December 31, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning December 15, 2008. Copies may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

CONTACT PERSON:

Stephanie Kennedy, Administrative Rules Liaison, (405) 522-3871.

[OAR Docket #08-1359; filed 11-7-08]

**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 #08-1360]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

450:22-1-15. Assessor responsibilities [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-453 and 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. §§ 991a and 991c.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 31, 2008, to the attention of Stephanie Kennedy, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

PUBLIC HEARING:

The Department will conduct a public hearing on December 31, 2008 at 10:00 a.m. in Conference Room A of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Stephanie Kennedy, at the above address, before the close of the comment period on December 31, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning December 15, 2008. Copies may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

CONTACT PERSON:

Stephanie Kennedy, Administrative Rules Liaison, (405) 522-3871.

[OAR Docket #08-1360; filed 11-7-08]

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

[OAR Docket #08-1361]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 450:70-1-2. Definitions [AMENDED]
- Subchapter 3. Facility Record System
- Part 3. Intake and Admission Assessment
- 450:70-3-5. Intake assessment and record content [AMENDED]
- Part 7. Treatment Planning
- 450:70-3-8. Individualized treatment planning [AMENDED]
- Subchapter 4. Services Support and Enhancement
- Part 3. Organizational and Facility Management
- 450:70-4-5. Service support and enhancement [AMENDED]
- 450:70-4-7. Operations [AMENDED]
- Subchapter 6. Substance Abuse Treatment Services
- Part 2. Levels of Treatment
- 450:70-6-7. Short term withdrawal (detoxification) [AMENDED]
- 450:70-6-8. Long term withdrawal (detoxification) [AMENDED]
- Part 3. Phases of Treatment
- 450:70-6-17. Treatment phases [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the Opioid Substitution Treatment Programs.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. § 3-601 et. seq.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 31, 2008, to the attention of Stephanie Kennedy, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at

Notices of Rulemaking Intent

1200 N.E. 13th Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

PUBLIC HEARING:

The Department will conduct a public hearing on December 31, 2008, 11:00 a.m., in Conference Room C of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Stephanie Kennedy, at the above address, before the close of the comment period on December 31, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning December 15, 2008. Copies may be obtained from Stephanie Kennedy, Administrative Rules Liaison, at the above address.

CONTACT PERSON:

Stephanie Kennedy, Administrative Rules Liaison, (405) 522-3871.

[OAR Docket #08-1361; filed 11-7-08]

TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #08-1356]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

485:10-1-2. [AMENDED]

Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Nurses

485:10-16-1. Definitions

SUMMARY:

The purpose of the proposed amendments to the rules are to clarify the definitions for a distance learning program and for continuing education equivalencies.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §567.12.A, 567.12.B, 567.2.A.3, 567.4.F, 567.4.a

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 23, 2009 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, R.N., Ed.D.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 27, 2009, at 5:30 p.m. at the Holiday Inn Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 27, 2009.

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 January 23, 2009, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, R.N., Ed.D.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2008. The rule impact statement may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

CONTACT PERSON:

Gayle McNish, R.N., Ed.D., (405) 962-1800

[OAR Docket #08-1356; filed 11-7-08]

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

[OAR Docket #08-1358]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Regulation of Licensees

505:10-5-11 [AMENDED]

505:10-5-18 [NEW]

SUMMARY:

This proposed rulemaking amends 505:10-5-11 to increase the number of continuing education hours required annually for optometrists to 25, and revises the list of approved continuing education providers to delete certain providers and add others. Circumstances creating the need for the rule include, but are not limited to, a perception on the part of many optometrists, and the Board, that an increase in continuing education would benefit both patients and practitioners of optometry and advance the professionalism of doctors of optometry.

The proposed rulemaking also adds a new section 505:10-5-18 to provide requirements for optometrists making examinations or providing care or treatment to patients in a nursing home setting. Circumstances creating the need for the rule include, but are not limited to, a need to establish standards and procedures to ensure that patients living in a nursing home setting receive care consistent with appropriate clinical and professional standards.

AUTHORITY:

Oklahoma Optometry Act; 59 O.S. § 583.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 5, 2009 at the following address: 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker.

PUBLIC HEARING:

The Board of Examiners will hold a public hearing at 10:00 a.m. on Saturday, January 10, 2009 at 14701 N. Santa Fe, Edmond, OK 73013. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board office for the Board of Examiners in Optometry at. 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately from the office for the Board of Examiners in Optometry at 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker.

CONTACT PERSON:

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

[OAR Docket #08-1358; filed 11-7-08]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #08-1336]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Student Advisory Board

610:1-3-1. Purpose [AMENDED]

610:1-3-2. Membership [AMENDED]

610:1-3-3. Duties [AMENDED]

610:1-3-6. Amendments [AMENDED]

SUMMARY:

Over the years the SAB has experienced varying success with member attendance and participation. The proposed policy changes clearly delineate meeting requirements and afford the SAB a method of ensuring full representation and active participation. Additional proposed policy changes are to: clarify member responsibility; formalize the position of vice-chair and its duties, which is already in practice; increase the approval level from a majority to two-thirds, that is required for amendments to the Oklahoma Administrative Code policy; and update references.

The recommended changes were vigorously discussed and debated by the 2007-2008 Student Advisory Board (SAB), and the members were amenable to incorporating modifications suggested by the State Regents staff. As a result, the proposed changes were recommended:

Set reasonable attendance requirements, with a disincentive to accepting appointment without good intent.

Provide a clear standard for removal from office.

Enhance the SAB's involvement with the annual Student Leadership Retreat.

Provide a mechanism to conduct meetings in the chair's absence.

Ensure greater unanimity on future recommended policy modifications.

The proposed changes should strengthen the ability of the SAB to function and enhance its work in keeping with the intent of its statutory provisions and policy.

AUTHORITY:

70 O.S. §3205.5 and 3205.6; Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2008.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655

Notices of Rulemaking Intent

Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2008.

CONTACT PERSON:

David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #08-1336; filed 11-5-08]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #08-1334]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 35. Oklahoma Money Matters Americorps Education Award Program [REVOKED]

610:25-35-1. Purpose [REVOKED]

610:25-23-2. Definitions [REVOKED]

610:25-35-3. Program information [REVOKED]

610:25-35-4. Field site selection [REVOKED]

610:25-35-5. Member candidacy [REVOKED]

610:25-35-6. Grievance procedures [REVOKED]

610:25-35-7. Program capacity [REVOKED]

SUMMARY:

It is proposed that the rules be revoked for the following reasons. Oklahoma Money Matters (OKMM) is the State Regents' financial literacy initiative, developed under the auspices of the Oklahoma Guaranteed Student Loan Program. OKMM serves as an information clearinghouse and develops outreach programs and community partnerships to increase public awareness of the need for financial education and understanding of sound fiscal principles and practices.

In May 2004, OKMM staff submitted a proposal to offer an AmeriCorps Educational Award Program, which was accepted for funding by the governing federal agency, the Corporation for National and Community Service. Through this grant program, OKMM placed AmeriCorps members in host sites around the state to educate youth and adults about money management, consumer credit and student financial aid.

OKMM AmeriCorps members who successfully completed 300 hours of service within one calendar year were eligible to receive a \$1,000 Education Award from the National Service Trust.

Enrollment in the OKMM AmeriCorps Education Award Program commenced February 11, 2005 and concluded July 31, 2008, the closing date of the final grant year. During the grant cycle, OKMM AmeriCorps members earned a total of 45 Education Awards. Member enrollment in the OKMM AmeriCorps program never reached forecasted levels. Additionally, grant provisions limited the scope of acceptable financial education activities, which proved challenging for field sites in communities with specialized educational needs. After careful consideration of the program's viability, OKMM elected not to compete for an AmeriCorps grant in 2008-09.

The administrative rule for the OKMM AmeriCorps program defined operational parameters for program information, field site selection, member candidacy, grievance procedures, and program capacity. As the OKMM AmeriCorps program has fulfilled the grant cycle, the APA rule for the program is no longer required.

AUTHORITY:

70 O.S. §623; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2008.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2008.

CONTACT PERSON:

David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #08-1334; filed 11-5-08]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #08-1335]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 31. Oklahoma Tuition Equalization Grant
- 610:25-31-2. Definitions [AMENDED]
- 610:25-31-4. Fiscal policies [AMENDED]
- 610:25-31-5. Refunds and insitutional liability [NEW]

SUMMARY:

Two of the proposed changes are due to statutory amendments to the OTEG program in Senate Bill 1038 of the 2008 Oklahoma legislative session.

The definition of an eligible institution was amended to include institutions that are accredited by a national accrediting body recognized by the United States Department of Education. Prior to the enactment of Senate Bill 1038, only institutions accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools were eligible to participate in the OTEG program. Based on the amended statute, Hillsdale Free Will Baptist College and Family of Faith College are now eligible. Data provided by these two institutions indicate an estimated 70 additional students could qualify for OTEG awards in 2008-09.

A requirement that limited student eligibility to no more than five years after the student's first semester of postsecondary enrollment was amended to read "no more than five years after the student's first grant is received." This amendment will provide eligibility for adult students returning to college who were previously excluded from OTEG award eligibility. Data provided by institutions indicate that an estimated 580 additional students could qualify for OTEG awards in 2008-09.

The third proposed change was recommended by the State Regents' System Auditor. The language is similar to existing policy for the OTAG program and would provide direction for situations when a student is found to be ineligible after an institution has awarded and disbursed OTEG funds to the student.

AUTHORITY:

70 O.S. §§ 2630-2632; 70 O.S. §3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2008.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General

Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2008.

CONTACT PERSON:

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #08-1335; filed 11-5-08]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #08-1337]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 23. Oklahoma Higher Learning Access Program (OHLAP)
- 610-25-23-2. Eligibility of participants [AMENDED]
- 610:25-23-5. Securing OHLAP program benefits [AMENDED]
- 610:25-23-6. Retaining eligibility in postsecondary education [AMENDED]

SUMMARY:

The proposed rule amendments address four statutory changes from the 2008 legislative session.

Delaying implementation of a new second income limit requirement from 2009-10 to 2010-11. Based on SB 1038, Oklahoma's Promise college students receiving the scholarship for the first time in 2010-11 (primarily high school graduates of 2010 and thereafter) will be subject to a second family income limit requirement. Previously, the new limit was scheduled to go into effect for 2009 graduates. Students will not receive the scholarship if their parents' income exceeds \$100,000 at the time the student goes to college (if the student is independent, the student's income may not exceed \$100,000). To enroll in the program in the 8th, 9th or 10th grade, a student's family income still must be under \$50,000 at the time of application.

The one-year delay in the new second income limit requirement reduces the number of students who will be

Notices of Rulemaking Intent

subject to the new limit but who had already enrolled in the program before the new limit was legislated. The delay reduces the number of students in this circumstance from about 18,000 (9,000 in the 2009 graduating class, 6,000 in the 2010 graduating class and 3,000 in the 2011 graduating class) to 9,000 (6,000 in the 2010 graduating class and 3,000 in the 2011 graduating class).

Modifying and delaying implementation of a new statutory college GPA requirement. SB 1038 also delayed implementation of a new college GPA requirement from 2009-10 to 2010-11. The bill also changed the GPA requirement slightly to a minimum cumulative college GPA of 2.0 for courses taken *through* the sophomore year and a minimum 2.5 GPA for courses taken *during* the junior year and thereafter.

Exempting students in the military from the requirement that they begin college within three years of graduating from high school. Prior to this amendment in SB 1038, all students were required to start college within three years of high school graduation to receive the Oklahoma's Promise benefit. The statute did not allow any exceptions. For some students joining the military immediately after high school graduation, the normal enlistment requirement of four years of active duty could possibly prevent them from receiving their Oklahoma's Promise benefit. The statutory amendment now provides an exception for students serving in the military

Modified income eligibility requirements for certain adopted students. HB 2446 provides expanded income criteria for students adopted while in the custody of the Department of Human Services, a licensed private nonprofit child-placing agency, or federally recognized Indian tribe. First, these students will not be subject to an income limit at the time they apply for participation in the program in the 8th, 9th, or 10th grade. Second, if and when the second income limit becomes effective, these students would be subject to higher income limits than other participants. Students adopted between birth and the age of twelve years would be subject to a \$150,000 second income limit. Those adopted between the ages of thirteen and seventeen would be subject to a \$200,000 second income limit.

SB 1038 also created a Task Force on Oklahoma's Promise that will meet during Fall 2008 to review the program's income requirements and college scholarship-retention requirements. One of the purposes of the delays in implementing the new second income limit and college GPA requirements was to provide time for the Task Force to examine these issues and make recommendations to the 2009 Legislature.

AUTHORITY:

70 O.S. §2601 *et seq.*; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2008.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2008.

CONTACT PERSON:

David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #08-1337; filed 11-5-08]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION

CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #08-1338]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Teacher Shortage Employment Incentive Program

610:25-27-3. Application procedure [AMENDED]

610:25-27-5. Educational loan obligations for participants(s) with outstanding student loan debt [AMENDED]

610:25-27-6. Participant eligibility for benefits of the TSEIP [AMENDED]

610:25-27-7. Benefits to be disbursed under the program [AMENDED]

610:25-27-9. Verification and notification requirements [AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

Section 610:25-27-3 currently requires that the deadline for application to the program is while a student is enrolled in a mathematics or science education major at the undergraduate or graduate level. It is possible that a student might graduate in one of these majors without completing an application. Subparagraph (g) of the section will allow for the option

of a one-year waiver for students who meet all of the requirements of TSEIP but fail to enroll because of extenuating circumstances.

Section 610:25-27-5, sub-paragraph (2) is amended to delete the timeline for notifying the Oklahoma State Regents for Higher Education ("OSRHE") as the timeline too narrowly limits the participants. In sub-paragraph (3), the wording is changed to allow for more flexibility in considering the merits of each case.

Section 610:25-27-6 is amended to remove directions which are irrelevant and to correctly identify the source of the rule. In subparagraph (4), clarifying language is added. Sub-paragraph (5) allows for the possibility of unexpected and unavoidable actions of the school district.

Section 610:25-27-7 is amended by adding the words "Participant" and "participants" which is consistent with other sections of the rules. The deletion of the words "lenders/services of" reflects the necessity of allowing the participant to make the loan payments as many have already completely paid the loans and are allowed to keep the TSEIP payment. The addition of "by the Participant" in sub-paragraph (e) clarifies whose responsibility it is to repay the loans.

Section 610:25-27-9 is amended by deleting the deadline for submitting forms. Depending on a spring or fall semester graduation, Participants are eligible for the incentive payment at different times of the year. In sub-paragraph (c), deleting the deadline allows participants to make changes to their name and address information at the same time as submitting the Employment Compliance Form.

AUTHORITY:

70 O.S. § 698.3; 70 O.S. § 3206(i)

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2008.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2008.

CONTACT PERSON:

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #08-1338; filed 11-5-08]

**TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TECHNICIANS**

[OAR Docket #08-1348]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Veterinarians [AMENDED]

Subchapter 7. Certification of Veterinary Technicians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10, includes language that would allow out of state licensed veterinarians to practice with a temporary license in the event the state has a declared emergency or disaster. Increase the veterinary license renewal for veterinarians to \$225.00 annually; impose a \$100.00 fee for those licensees that request an extension for the continuing education requirements with an exemption for active military. Also, expansion of duties for registered veterinary technicians if directed by the veterinarian.

AUTHORITY:

59 O.S. Supp.2007, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 1, 2008 through January 5, 2009 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on January 9, 2009, 4:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

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 Cathy Kirkpatrick at the above address during the period from December 1, 2008, through January 5, 2009.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #08-1348; filed 11-5-08]

TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 15. INVESTIGATIONS AND DISCIPLINARY ACTIONS

[OAR Docket #08-1349]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose and Definitions [AMENDED]

SUMMARY:

The proposed revisions to chapter 15 will be a change in the definition of Complaint; deletion of the words person licensed or certified by the Board and inserts any persons.

AUTHORITY:

59 O.S. Supp.2007, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 1, 2008 through January 5, 2009 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on January 9, 2009, 4:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

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 Cathy Kirkpatrick at the above address during the period from December 1, 2008, through January 5, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #08-1349; filed 11-5-08]

TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 25. RECORDKEEPING AND SUPERVISION REQUIREMENTS

[OAR Docket #08-1351]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

775:25-1-4. Supervision Requirements [AMENDED]

SUMMARY:

The proposed revisions for Subchapter 1 Supervision requirements, modifying and deletion of specific duties for an employed assistant and/or Registered veterinary technician.

AUTHORITY:

59 O.S. Supp.2007, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 1, 2008 through January 5, 2009 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on January 9, 2009, 4:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

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 Cathy Kirkpatrick at the above address during the period from December 1, 2008, through January 5, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #08-1351; filed 11-5-08]

**TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 26.
WHOLESALE/DISTRIBUTOR OF VETERINARY PRESCRIPTION DRUGS**

[OAR Docket #08-1350]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 26. Wholesaler/Distributor of Veterinary Prescription Drugs [AMENDED]

SUMMARY:

The proposed revision to Chapter 26 defines a Wholesaler or Distributor

AUTHORITY:

59 O.S. Supp.2007, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 1, 2008 through January 5, 2009 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on January 9, 2009, 4:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

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 Cathy Kirkpatrick at the above address during the period from December 1, 2008, through January 5, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #08-1350; filed 11-5-08]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 5. FEES**

[OAR Docket #08-1320]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:5-1-3. Board to charge and collect fees; Consumer Price Index [AMENDED]

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785: 5-1-10. Groundwater application fees [AMENDED]

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

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Replace the existing application fees for filing an application for a permit to use stream water and a permit to use groundwater with fees authorized by House Joint Resolution 1105 approved by the Governor on May 8, 2008. Additionally, the existing annual stream water file maintenance fee is proposed to be replaced with an annual water rights administration fee authorized by HJR 1105.

Additionally, a general provision of the chapter on rules would be added to provide for the use of the Consumer Price Index to adjust fees on an annual basis.

The fee to request a variance from minimum standards for well or borehole construction would be amended to provide a separate fee of \$150.00 for variance requests involving monitoring wells and geotechnical borings.

The circumstances creating the need for the rule is the approval of HJR 1105 and the ongoing deficit in funding to fully administer water use and well driller licensing programs. An intended purpose of the rule is to make the fees in the rules consistent with those specified in HJR 11055, which fees will

Notices of Rulemaking Intent

be used to make funds available to conduct the some of the required studies and proceedings for the programs until such funds are otherwise made available through appropriations by the Legislature.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2(9) to determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits; and duty to prepare and change a schedule of reasonable fees for services rendered pursuant to 82 O.S. Section 1085.4; House Joint Resolution 1105 of the Second Regular Session of the 51st Legislature.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

PUBLIC HEARING:

A public hearing is scheduled for January 6, 2009, beginning at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 17, 2008 through January 6, 2009, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, www.owrb.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.ok.gov.

CONTACT PERSON:

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

[OAR Docket #08-1320; filed 10-31-08]

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

[OAR Docket #08-1321]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Notice, Hearings and Board Actions

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

785:20-5-6. Approval of application for out-of-stream system use [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Amend the rule concerning information needed to show that the applicant has a present or future need for the water to cross-reference 785:20-5-6 relating to applications to transport water out of the area of origin. Amend the rule concerning the transportation of water out of the area of origin to provide that water supplies within the area of use are considered along with the existing and proposed uses and needs within the area of origin. The circumstances creating the need for the rule include applications for large volumes of water to be transported out of the basins of origin. The intended purpose of the rule is to provide clearer policy and guidance for area of origin protection.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; stream water use law in 82 O.S. Section 105.1 and following.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

PUBLIC HEARING:

A public hearing is scheduled for January 6, 2009, beginning at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 17, 2008 through January 6, 2009, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the

proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, www.owrb.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.ok.gov.

CONTACT PERSON:

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

[OAR Docket #08-1321; filed 10-31-08]

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

[OAR Docket #08-1322]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General provisions
- 785:35-1-4. Violations and penalties [AMENDED]
- 785:35-1-5. Indemnity Fund [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

To reflect amendments made to the statutes by House Bill 3135, the rule concerning violations and penalties and the maximum amount that can be used from the Indemnity Fund to plug an abandoned well will be amended. The intended purpose of the rule is to provide consistent guidance and policy with the statutes.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Oklahoma Groundwater Law in 82 O.S. Section 1020.1 and following, particularly Section 1020.16 on well driller and pump installer licensing.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

PUBLIC HEARING:

A public hearing is scheduled for January 6, 2009, beginning at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 17, 2008 through January 6, 2009, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kent Wilkins at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, www.owrb.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.ok.gov.

CONTACT PERSON:

Kent Wilkins, Well Driller Licensing Administrator, 405-530-8800.

[OAR Docket #08-1322; filed 10-31-08]

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

[OAR Docket #08-1323]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures
- 785:50-7-5. Emergency grant priority point system [AMENDED]
- 785:50-7-7. Disbursement of funds [AMENDED]
- Subchapter 9. Clean Water State Revolving Fund Regulations
- Part 1. General Provisions
- 785:50-9-9. Definitions [AMENDED]
- Part 3. General Program Requirements

Notices of Rulemaking Intent

- 785:50-9-38. Construction phase [AMENDED]
Part 7. SRF Environmental Review Process
785:50-9-60. Requirement of environmental review [AMENDED]
785:50-9-61. Environmental information required by the Board [AMENDED]
785:50-9-62. Environmental review by the Board [AMENDED]
Subchapter 13. Oklahoma Water Conservation Grant Program [NEW]
785:50-13-1. Purpose [NEW]
785:50-13-3. Definitions [NEW]
785:50-13-5. Eligible entities [NEW]
785:50-13-7. Pilot project criteria [NEW]
785:50-13-9. Process for consideration of proposals [NEW]
785:50-13-11. Requirements for operation of projects [NEW]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code as follows:

Section 785:50-7-5 is proposed to be amended with respect to two different subjects. First, one set of amendments is proposed to modify language to include water or sewer systems that are extended to serve areas where residents are without sewer service or without water service. These amendments are needed to extend the Category 3 emergency grant criteria to include existing systems or systems that may only treat either water or sewer. The other proposed amendment is to restore language to the priority points for school districts, which was inadvertently changed in a previous rulemaking. The intended effect of the amendments is to create a balanced priority system for applicants for emergency grants and to restore language to properly calculate priority points for school districts.

Section 785:50-7-7 is proposed to be amended to include language that would allow for applicants who have been approved for an emergency grant to be able to request an extension of time for circumstances outside their control that prevent them from completing the construction process. The intended effect of the amendments is to accommodate emergency grant applicants that have an unexpected delay with construction requirements to be able to request an extension in order to still receive the emergency grant funding.

Sections 785:50-9-9 and 785:50-9-38 are proposed to be amended to change terminology from "minority and women owned business enterprise" to "disadvantaged business enterprise". These amendments are needed because the U.S. Environmental Protection Agency ("EPA") has changed its terminology and guidelines on how to include disadvantaged business enterprises in the State Revolving Fund ("SRF") program. The intended effect of the proposed amendments is to make the rules consistent with state and federal law and EPA requirements for the SRF program.

Sections 785:50-9-60, 785:50-9-61, and 785:50-9-62 are proposed to be amended to provide for greater flexibility in

environmental requirements of loans for the Clean Water SRF projects. These amendments will correspond to changes made by the EPA. The intended effect of the proposed amendments is to make the rules consistent with the environmental process and other loan terms allowed by state and federal law.

A new subchapter and sections are proposed to implement a new provision of law enacted by House Bill 3135 that established the Oklahoma Water Conservation Grant Program Act to be codified in the Oklahoma Statutes as Section 1088.1 of Title 82. The intended effect of the new rules are to provide guidance and policy to implement the new law. Initial proposals are scheduled to be presented to the Board as emergency rules on November 12, 2008, before this notice of permanent rulemaking is to be published.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§ 1085.51, et seq.; 62 O.S. § 2003.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

PUBLIC HEARING:

A public hearing is scheduled for January 6, 2009, beginning at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 17, 2008 through January 6, 2009, 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 by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at www.owrb.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.ok.gov.

CONTACT PERSON:

Kate Burum, Staff Attorney and Funds Manager,
405-530-8800.

[OAR Docket #08-1323; filed 10-31-08]

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

[OAR Docket #08-1324]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Development on State Owned or Operated
Property Within the Floodplains
785:55-3-10. Oil and gas well drilling and associated
development [NEW]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB")
proposes to amend this Chapter of the Oklahoma
Administrative Code ("OAC") as follows:

A new section is proposed to specifically provide guidance
and policy regarding oil and gas well drilling type of
development on state owned and operated property. The
intended effect of the rule is to provide consistent and
streamlined guidance for oil and gas well drilling activities
that may occur in many areas of the state.

Other amendments may be considered as a result of public
comments.

AUTHORITY:

82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S.
§§1601 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally
or in writing may do so at 3800 North Classen, Oklahoma City,
Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

PUBLIC HEARING:

A public hearing is scheduled for January 6, 2009,
beginning at 10:00 A.M. in the Board Room of the OWRB's
offices located at 3800 North Classen, Oklahoma City,
Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS
ENTITIES:**

The OWRB requests that any business entities affected
by these proposed rules provide to the OWRB, within the
Comment Period from November 17, 2008 through January
6, 2009, in dollar amounts if possible, the increase in the
level of direct costs such as fees, and indirect costs such as
reporting, recordkeeping, equipment, construction, labor,
professional services, revenue loss, or other costs expected to
be incurred by a particular entity due to compliance with the

proposed rules. Business entities may submit this information
in writing to Gavin Brady at 3800 North Classen, Oklahoma
City, Oklahoma 73118 before 5:00 P.M. on January 6, 2009.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the
Oklahoma Water Resources Board, 3800 North Classen
Boulevard, Oklahoma City, Oklahoma 73118, upon
prepayment of the copying charge, or on the OWRB's web
site, www.owrb.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is
available for review at the OWRB's office, 3800 North Classen,
Oklahoma City, Oklahoma. The Rule Impact Statement may
also be viewed on the OWRB web site at www.owrb.ok.gov.

CONTACT PERSON:

Gavin Brady, 405-530-8800

[OAR Docket #08-1324; filed 10-31-08]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #08-1313]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [AMENDED]

SUMMARY:

Establish new rules for Aquatic Education and bring Hunter
Education rules in line with state law.

AUTHORITY:

Title 29 O.S., Sections 3-103, 4-112A and 5-401; Article
XXVI, Sections 1 and 3 of the Constitution of Oklahoma;
Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do
so on or before 4:30 p.m., January 16, 2009, at the following
address: Oklahoma Department of Wildlife Conservation,
Room 221, 1801 North Lincoln Boulevard, Oklahoma City,
Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott

Jenks - Tulsa Technology Center, 801 East 91st Street

Oklahoma City - OK Dept. Of Wildlife Conservation
Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N.
Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Notices of Rulemaking Intent

Ada - Pontotoc Technology Center, 601 West 33rd
Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259
Lawton - Lawton Public Library, 110 SW 4th
Muskogee - Muskogee Public Library, 801 W. Okmulgee
Ponca City - Pioneer Vo-Tech, 21-1 N. Ash
Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Nels Rodefeld, Chief of Information & Education Division, 405/521-3855 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1313; filed 10-30-08]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES

[OAR Docket #08-1314]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Sport Fishing Rules [AMENDED]

SUMMARY:

Eliminate creel limits on northern pike and muskellunge statewide; eliminate creel limits on hybrids and white bass on Optima; eliminate 14-inch length limit on black bass at Optima; eliminate size and creel limits on striped bass in Great Salt Plains; eliminate size and creel limits on hybrids and white bass on Great Salt Plains and Ft. Supply; restrict harvest of blue catfish to one fish greater than or equal to 30 inches statewide; add 14-inch minimum length limit for walleye, sauger and saugeye in tailwaters of Altus-Lugert, Ellsworth, Fort Cobb, Foss, Lawtonka, and Murray; add 14-inch minimum length limit on largemouth bass at Lone Chimney; restrict fishing on the Cimarron Bluff Wildlife Management Area to catch and release only; add seining and minnow traps to the list of legal means of collecting bait for

personal use; allow cast netting for shad in the Lower Illinois River designated trout area from the south boundary of the Marval trout camp downstream to the highway 64 bridge; add definitions for artificial lures and flies, barbless hooks, and glass beverage containers; prohibit the possession of glass beverage containers at Department owned lakes, access areas and designated trout areas except in designated camp sites and parking lots.

AUTHORITY:

Title 29 O.S., Sections 3-103, 4-101, 4-110, 5-401, 6-301, 6-302, 6-303; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2009, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott

Jenks - Tulsa Technology Center, 801 East 91st Street

Oklahoma City - OK Dept. Of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N. Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Ada - Pontotoc Technology Center, 601 West 33rd

Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259

Lawton - Lawton Public Library, 110 SW 4th

Muskogee - Muskogee Public Library, 801 W. Okmulgee

Ponca City - Pioneer Vo-Tech, 21-1 N. Ash

Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1314; filed 10-30-08]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 15. COMMERCIAL HARVEST RULES; AQUATIC SPECIES**

[OAR Docket #08-1315]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Commercial Harvest Rules; Aquatic Species [AMENDED]

SUMMARY:

Add R.S. Kerr (Pool 15) of the McClellan-Kerr Arkansas River Navigation System to the list of mussel sanctuaries; add painted turtles (western and southern) and the razor-back musk turtle to list of prohibited species for commercial harvest.

AUTHORITY:

Title 29 O.S., Sections 3-103, 4-101, 4-103, 4-103A, 4-103B, 4-104A, 4-129, 6-204; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2009, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott

Jenks - Tulsa Technology Center, 801 East 91st Street

Oklahoma City - OK Dept. Of Wildlife Conservation

Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N.

Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Ada - Pontotoc Technology Center, 601 West 33rd

Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259

Lawton - Lawton Public Library, 110 SW 4th

Muskogee - Muskogee Public Library, 801 W. Okmulgee

Ponca City - Pioneer Vo-Tech, 21-1 N. Ash

Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1315; filed 10-30-08]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 20. RESTRICTIONS ON AQUATIC SPECIES INTRODUCTIONS**

[OAR Docket #08-1316]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Restrictions on Aquatic Species Introductions [AMENDED]

SUMMARY:

Create a subchapter dealing specifically with aquatic nuisance species regulations. Restrict movement of aquatic plants between waters of this state. Prohibit possession of zebra and quagga mussels. Allow stocking of triploid grass carp only in private waters.

AUTHORITY:

Title 29 O.S., Sections 3-103, 6-601, 7-401; 7-801 Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2009, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott

Notices of Rulemaking Intent

Jenks - Tulsa Technology Center, 801 East 91st Street
Oklahoma City - OK Dept. Of Wildlife Conservation
Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N.
Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Ada - Pontotoc Technology Center, 601 West 33rd

Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259

Lawton - Lawton Public Library, 110 SW 4th

Muskogee - Muskogee Public Library, 801 W. Okmulgee

Ponca City - Pioneer Vo-Tech, 21-1 N. Ash

Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional
Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1316; filed 10-30-08]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

[OAR Docket #08-1317]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wildlife Rules [AMENDED]

SUMMARY:

The proposed rule amendments are designed to simplify broadhead requirements, establish emergency rules for a new Wildlife Management Area (WMA), provide additional hunting opportunity on several WMA's, increase pheasant bag limit in the panhandle, reflect name change of a WMA, incorporate new rules outlined in MOU on timber company

lands, create new archery antelope season in panhandle and on a WMA, allow antlerless harvest during muzzleloader on several WMA's, clarify landowner private land antelope controlled hunt procedures and qualifications, simplify elk regs and allow additional harvest opportunities, clarify camping restrictions, remove incorrect language and typos, allow duck blind drawings when needed, establish rules for a black bear season in southeast oklahoma, adjust state falconry rules to match new federal rules, and make emergency rules permanent.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-206 and 5-401; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2009, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott

Jenks - Tulsa Technology Center, 801 East 91st Street

Oklahoma City - OK Dept. Of Wildlife Conservation
Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N.
Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Ada - Pontotoc Technology Center, 601 West 33rd

Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259

Lawton - Lawton Public Library, 110 SW 4th

Muskogee - Muskogee Public Library, 801 W. Okmulgee

Ponca City - Pioneer Vo-Tech, 21-1 N. Ash

Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional
Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1317; filed 10-30-08]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 30. DEPARTMENT OF WILDLIFE LANDS MANAGEMENT**

[OAR Docket #08-1318]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Department of Wildlife Lands Management [AMENDED]

SUMMARY:

The proposed rule amendments are designed to update and clarify camping regulations for the Wildlife Management Areas, and increase hog hunting opportunities and clarify ATV use on timber lands managed by the Department and add specific oil and gas exploration and development requirements for Department areas with commercial or municipal fresh water production.

AUTHORITY:

Title 29 O.S., Sections 3-103, 3-304 and 5-401; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2009, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

Date: January 12, 2009

Time: 7:00 p.m.

Clinton - City Hall, 415 Gary Blvd

Enid - Central Fire Stations, 410 W. Garriott
Jenks - Tulsa Technology Center, 801 East 91st Street
Oklahoma City - OK Dept. Of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd

Okmulgee - Green County Technology Center, 1100 N. Loop 56, Seminar Room B

Poteau - Kiamichi Vo-Tech, 1509 S. McKenna

Date: January 13, 2009

Time: 7:00 p.m.

Ada - Pontotoc Technology Center, 601 West 33rd

Idabel - Kiamichi Ve-Tech, Intersection of Hwy 70 & 259

Lawton - Lawton Public Library, 110 SW 4th

Muskogee - Muskogee Public Library, 801 W. Okmulgee

Ponca City - Pioneer Vo-Tech, 21-1 N. Ash

Woodward - Northwest Electric - 2925 Williams Ave.

Date: January 15, 2009

Time: 7:00 p.m.

Durant - Durant State Fish Hatchery/Caddo Regional Office, 2021 Caddo Hwy

Guymon - OSU Extension Center, 301 N. Main

Hugo - Kiamichi Tech Center, 107 South 15th St.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2008 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #08-1318; filed 10-30-08]

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 #08-1310]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Application for Permit to Develop Abstract Plant [NEW]

5:10-7-1 [NEW]

Subchapter 9. Application for Certificate of Authority [NEW]

5:10-9-1 [NEW]

AUTHORITY:

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

DATES:

Adoption:

September 26, 2008

Approved by Governor:

October 17, 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 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.

ANALYSIS:

The proposed rules provide for the process by which an interested party may apply to the Oklahoma Abstractors Board for a permit to develop an abstract plant and a certificate of authority. These proposed rules also provide for the process by which an interested party may protest such application(s). These emergency rules are necessary to establish minimum standards and uniformity within the abstracting industry in the State of Oklahoma and to provide the public with clear and concise rules for the application and protest process.

CONTACT PERSON:

Monica Wittrock, Rules Committee 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 7. APPLICATION FOR PERMIT TO DEVELOP ABSTRACT PLANT

5:10-7-1. Application for permit to develop abstract plant

(a) **Form.** The application shall be on a form prescribed by the Board.

(b) **Notice and review.** The chairman or designee shall review the application for compliance with applicable laws and rules. Additional information from the applicant or other persons may be requested by the reviewer as deemed appropriate. Within ten (10) days of receipt of the application, the Board shall:

(1) notify the court clerk, the county clerk, and all holders of a certificate of authority in the county wherein such business is to be conducted;

(2) post notice of the receipt of the application for a permit on the official website of the Board and provide an address where written information relative to the application can be sent.

(c) **Comment period.** Any person desiring to provide information pertaining to the application shall submit the information in writing to the Board within twenty (20) days of the notice provided for in subsection (b) of this section. Additional information may be received upon approval of the Board or the Chairman. Comments shall include specific facts and specific legal authority, if known, supporting the request for approval or disapproval of the application.

(d) **Board action on application.** The application for a permit to develop an abstract plant shall be considered by the Board at the next meeting after completion of the review provided for in subparagraph (b) of this section.

(1) In the event an adverse comment is filed, the applicant and any person providing adverse comments shall be notified of the receipt of the adverse comment not more than ten (10) days from the date of receipt of such comment. Notice of the date, time, and place of the meeting at which the application and information will be considered by the Board shall be provided to all interested parties not

Emergency Adoptions

less than ten (10) days before the consideration meeting is to be held.

(2) Presentation before the board.

(A) At the meeting where the application is being considered the applicant shall be limited to thirty (30) minutes to present information in support of the application. All persons opposing such application collectively shall be limited to thirty (30) minutes to present adverse comment or information. Additional time may be granted by the chairman upon good cause shown.

(B) The order of presentation of information regarding the application and opposition shall be established by the chairman.

(3) Criteria.

(A) The Board shall consider the following factors in arriving at its decision:

(i) compliance with the Oklahoma Abstractors Act and Rules of the Oklahoma Abstractors Board;

(ii) payment of applicable fees; and

(iii) adequacy of county records bond.

(B) The Board may consider other factors deemed relative to the consideration of the application including, but not limited to, additional information not obtained during the review.

(4) Decision of the Board. After consideration and action by the board on an application, the chairman shall issue an order reflecting the decision of the Board. A copy of the order shall be mailed to the applicant and any person submitting adverse comments.

SUBCHAPTER 9. APPLICATION FOR CERTIFICATE OF AUTHORITY

5:10-9-1. Application for certificate of authority

(a) **Form.** The application shall be on a form prescribed by the Board.

(b) **Notice and review.** The chairman or designee shall review the application for compliance with applicable laws and rules. Additional information from the applicant or other persons may be requested by the reviewer as deemed appropriate. Within ten (10) days of receipt of the application, the Board shall:

(1) notify the court clerk, the county clerk, and all holders of a certificate of authority in the county wherein such business is to be conducted;

(2) post notice of the receipt of the application for the certificate of authority on the official website of the Board and provide an address where written information relative to the application can be sent.

(c) **Comment period.** Any Person desiring to provide information pertaining to the application shall submit the information in writing to the Board within twenty (20) days of the

notice provided for in subsection (b) of this section. Additional information may be received upon approval of the Board or the Chairman. Comments shall include specific facts and specific legal authority, if known, supporting the request for approval or disapproval of the application.

(d) **Board action on application.** The application for a certificate of authority shall be considered by the Board at the next meeting after completion of the review provided for in subparagraph (b) of this section.

(1) In the event an adverse comment is filed, the applicant and any person providing adverse comments shall be notified of the receipt of the adverse comment not more than ten (10) days from the date of receipt of such comment. Notice of the date, time, and place of the meeting at which the application and information will be considered by the Board shall be provided to all interested parties not less than ten (10) days before the consideration meeting is to be held.

(2) Presentation before the board.

(A) At the meeting where the application is being considered the applicant shall be limited to thirty (30) minutes to present information in support of the application. All persons opposing such application collectively shall be limited to thirty (30) minutes to present adverse comment or information. Additional time may be granted by the chairman upon good cause shown.

(B) The order of presentation of information regarding the application and opposition shall be established by the chairman.

(3) Criteria.

(A) The Board shall consider the following factors in arriving at its decision:

(i) compliance with the Oklahoma Abstractors Act and Rules of the Oklahoma Abstractors Board;

(ii) payment of applicable fees;

(iii) adequacy of errors and omissions insurance, corporate surety, or personal bond for possible errors in abstracts prepared by the applicant;

(iv) adequacy of county records bond; and

(v) adequacy of abstract plant available for use.

(B) The Board may consider any other factors deemed relative to the consideration of the application including, but not limited to, additional information not obtained during the review or inspections.

(4) **Decision of the Board.** After consideration and action by the Board on an application, the chairman shall issue an order reflecting the decision of the Board. A copy of the order shall be mailed to the applicant and any person submitting adverse comments.

[OAR Docket #08-1310; filed 10-28-08]

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

[OAR Docket #08-1369]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 40. Bovine Tuberculosis
Part 7. Import Requirements
35:15-40-90 [AMENDED]
35:15-40-90.1 [NEW]

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29); 6-2; and 6-141 et seq.

DATES:

Adoption:

September 15, 2008

Approved by Governor:

September 15, 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:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

A compelling public interest exists to protect cattle and bison producers of the state of Oklahoma.

ANALYSIS:

These emergency rules prepare Oklahoma for the impending downgrade of the cattle and bison Tuberculosis status of several states from Tuberculosis free to Modified Accredited Advanced. These rules are necessary to ensure that Oklahoma does not lose its current Tuberculosis free status, and to protect Oklahoma producers from more onerous import requirements to other states. These rules require import permits for movement to Oklahoma from a Modified Accredited Advanced state or zone, and individual identification or a premise identification number for those imported cattle and bison. The states of Minnesota and Michigan have already lost their Tuberculosis free status, and others are in danger of losing it.

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 40. BOVINE TUBERCULOSIS

PART 7. IMPORT REQUIREMENTS

35:15-40-90. Requirements for cattle entering Oklahoma from a tuberculosis free state or zone

- (a) Cattle that test positive for tuberculosis shall not enter Oklahoma.
- (b) Cattle from herds quarantined for tuberculosis shall not enter Oklahoma.

- (c) All dairy steers and spayed heifers shall be accompanied by a certificate of veterinary inspection.
- (d) All sexually intact dairy cattle under six (6) months of age shall be individually identified by an official ear tag and accompanied by a certificate of veterinary inspection.
- (e) All sexually intact dairy cattle six (6) months of age and older shall be accompanied by a certificate of veterinary inspection that individually identifies each animal and shall meet one of the following:
 - (1) Originate from a tuberculosis free herd; or
 - (2) Test negative no more than sixty (60) days prior to entry with the results recorded on the certificate of veterinary inspection.
- (f) Beef cattle under the age of eighteen (18) months and all spayed heifers or steers shall be accompanied by a certificate of veterinary inspection.
- (g) All other beef cattle eighteen (18) months or older shall be accompanied by a certificate of veterinary inspection that individually identifies each animal and shall meet one of the following:
 - (1) Originate from a tuberculosis free state;
 - (2) Originate from a tuberculosis free herd; or
 - (3) Test negative no more than sixty (60) days prior to entry with the results recorded on the certificate of veterinary inspection.
- (h) Any cattle that do not meet these testing requirements shall be tagged as slaughter-only and sent either directly to slaughter or to a designated feedlot.

35:15-40-90.1. Requirements for cattle entering Oklahoma from a modified accredited advanced state or zone

- (a) Cattle that test positive for tuberculosis shall not enter Oklahoma.
- (b) Cattle from herds quarantined for tuberculosis shall not enter Oklahoma.
- (c) All cattle shall be accompanied by a permit number and a certificate of veterinary inspection that was approved by the Oklahoma State Veterinarian prior to entry into Oklahoma.
- (d) Cattle or bison may move directly to slaughter at an approved slaughtering facility.
- (e) Sexually intact heifers may move to an approved feedlot.
- (f) Steers or spayed heifers may move into Oklahoma so long as they meet one of the following:
 - (1) Cattle or bison are individually identified by an official ear tag and the cattle or bison:
 - (A) are accompanied by the original certificate of veterinary inspection at all times;
 - (B) are placed at a single location for grazing; and
 - (C) are only removed from the single location directly to an approved feedlot or directly to slaughter;
 - (2) Cattle or bison enter on a NAIS Premise Identification Number for the premise of origin and premise of destination with an approved Group Lot Number and the group lot:
 - (A) is accompanied by the original certificate of veterinary inspection at all times;
 - (B) is placed at a single location for grazing;

Emergency Adoptions

- (C) remains as a group lot;
- (D) does not commingle with other cattle or bison;
- and
- (E) is only removed from the single location directly to an approved feedlot or directly to slaughter;

or

- (3) Cattle or bison are individually identified by an official eartag and test negative to an official tuberculosis test conducted within sixty (60) days prior to movement into Oklahoma.

(g) Cattle or bison from an accredited herd may enter Oklahoma with a certificate of veterinary inspection that includes complete herd tuberculosis negative test results within one (1) year prior to entry.

(h) Sexually intact cattle or bison, not from an accredited herd, shall be individually identified and accompanied by a certificate of veterinarian stating the cattle or bison tested negative to an official tuberculin test conducted within sixty (60) days prior to the date of movement.

[OAR Docket #08-1369; filed 11-7-08]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 3. PROCEDURE

[OAR Docket #08-1352]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

160:3-1-1.1 [AMENDED]

AUTHORITY:

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and 75 O.S., §302(A)(1)

DATES:

Adoption:

September 10, 2008

Approved by Governor:

October 17, 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:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Administrator of Consumer Credit finds that there is a compelling public interest requiring emergency amendments to an existing rule. The compelling public interest is the maintenance of correct information about the Department of Consumer Credit.

ANALYSIS:

The amended rule removes specific information about the Department of Consumer Credit, because the Department is relocating. With these amendments, the Department of Consumer Credit will not have to make future amendments whenever the specific information changes.

CONTACT PERSON:

Roy John Martin, Legal Counsel, Department of Consumer Credit, 4545 N. Lincoln Boulevard, Suite 164, Oklahoma City, OK 73105, 405-521-3653.

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):

160:3-1-1.1. Requests for information

(a) Requests for information may be made electronically, by telephone, by facsimile, by mail, or by personal appearance at the Office of the Department of Consumer Credit.

(1) ~~The Department's web page address is www.okdoce.state.ok.us.~~

(2) ~~The Department's telephone numbers are (405) 521-3653 and (800) 448-4904.~~

(3) ~~The Department's facsimile number is (405) 521-6740.~~

(4) ~~The Department's address is 4545 N. Lincoln Boulevard, Suite 104, Oklahoma City, OK 73105.~~

(5) ~~The Department's regular business hours are 8:00 a.m. to 4:30 p.m.~~

(b) The Oklahoma Open Records Act beginning at §24A.1 of Title 51 of the Oklahoma Statutes sets forth the records that shall be open to any person for inspection, copying or mechanical reproduction.

(c) Where the request is for materials of which copies are not available and photocopying or reproduction by other means is required, such service shall be provided upon payment of the appropriate fee.

[OAR Docket #08-1352; filed 11-6-08]

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

[OAR Docket #08-1353]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

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

AUTHORITY:

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

DATES:

Adoption:

September 10, 2008

Approved by Governor:

October 17, 2008

Effective:

Effective January 1, 2009

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Administrator of Consumer Credit finds that there is a compelling public interest requiring emergency amendments to an existing rule. The compelling public interest is maintaining Oklahoma's exemption from federal regulation.

ANALYSIS:

The amended rule incorporates a federal change.

CONTACT PERSON:

Roy John Martin, Legal Counsel, Department of Consumer Credit, 4545 N. Lincoln Boulevard, Suite 164, Oklahoma City, OK 73105, 405-521-3653.

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), WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2009:

SUBCHAPTER 9. SPECIAL RULES FOR CERTAIN HOME MORTGAGE TRANSACTIONS

160:45-9-2. Requirements for certain closed-end home mortgages

(a) **Coverage.**

(1) Except as provided in paragraph (a)(2) of this section, the requirements of this section apply to a consumer credit transaction that is secured by the consumer's principal dwelling, and in which either:

(A) The annual percentage rate at consummation will exceed by more than 8 percentage points for first-lien loans, or by more than 10 percentage points for subordinate-lien loans, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

(B) The total points and fees payable by the consumer at or before loan closing will exceed the greater of 8 percent of the total loan amount **50%**, or \$400; the \$400 figure shall be adjusted annually on January 1 by the annual percentage change in the Consumer Price Index that was reported on the preceding June 1.

- (i) The dollar amount for 1996 is \$412.
- (ii) The dollar amount for 1997 is \$424.
- (iii) The dollar amount for 1998 is \$435.
- (iv) The dollar amount for 1999 is \$441.
- (v) The dollar amount for 2000 is \$451.
- (vi) The dollar amount for 2001 is \$465.
- (vii) The dollar amount for 2002 is \$480.
- (viii) The dollar amount for 2003 is \$488.
- (ix) The dollar amount for 2004 is \$499.
- (x) The dollar amount for 2005 is \$510.
- (xi) The dollar amount for 2006 is \$528.
- (xii) The dollar amount for 2007 is \$547.
- (xiii) The dollar amount for 2008 is \$561.
- (xiv) The dollar amount for 2009 is \$583.

(2) This section does not apply to the following:

- (A) A residential mortgage transaction.
- (B) A reverse-mortgage transaction subject to 160:45-9-3.
- (C) An open-end credit plan subject to subchapter 3 of this chapter.

(b) **Definitions.** For purposes of this subchapter, the following definitions apply:

(1) For purposes of paragraph (a)(1)(B) of this section, **points and fees** means:

(A) All items required to be disclosed under 160:45-1-4(a) and (b), except interest or the time-price differential;

(B) All compensation paid to mortgage brokers;

(C) All items listed in 160:45-1-4(c)(7) (other than amounts held for future payment of taxes) unless the charge is reasonable, the creditor receives no direct or indirect compensation in connection with the charge, and the charge is not paid to an affiliate of the creditor; and

(D) Premiums or other charges for credit life, accident, health, or loss-of-income insurance, or debt-cancellation coverage (whether or not the debt-cancellation coverage is insurance under applicable law) that provides for cancellation of all or part of the consumer's liability in the event of the loss of life, health, or income or in the case of accident, written in connection with the credit transaction.

(2) **Affiliate** means any company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).

(c) **Disclosures.** In addition to other disclosures required by this chapter, in a mortgage subject to this section, the creditor shall disclose the following in conspicuous type size:

(1) **Notices.** The following statement: "You are not required to complete this agreement merely because you have received these disclosures or have signed a loan application. If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan."

(2) **Annual percentage rate.** The annual percentage rate.

(3) **Regular payment; balloon payment.** The amount of the regular monthly (or other periodic) payment and the amount of any balloon payment. The regular payment disclosed under this paragraph shall be treated as accurate if it is based on an amount borrowed that is deemed accurate and is disclosed under paragraph (c)(5) of this section.

(4) **Variable-rate.** For variable-rate transactions, a statement that the interest rate and monthly payment may increase, and the amount of the single maximum monthly payment, based on the maximum interest rate required to be disclosed under 160:45-7-4.

(5) **Amount borrowed.** For a mortgage refinancing, the total amount the consumer will borrow, as reflected by the face amount of the note; and where the amount borrowed includes premiums or other charges for optional credit insurance or debt-cancellation coverage, that fact shall be stated, grouped together with the disclosure of the amount borrowed. The disclosure of the amount borrowed shall be treated as accurate if it is not more than \$100 above or below the amount required to be disclosed.

Emergency Adoptions

(d) **Limitations.** A mortgage transaction subject to this section shall not include the following terms:

(1) **Balloon payment.**

(A) For a loan with a term of less than five years, a payment schedule with regular periodic payments that when aggregated do not fully amortize the outstanding principal balance.

(B) **Exception.** The limitations in paragraph (d)(1)(A) of this section do not apply to loans with maturities of less than one year, if the purpose of the loan is a "bridge" loan connected with the acquisition or construction of a dwelling intended to become the consumer's principal dwelling.

(2) **Negative amortization.** A payment schedule with regular periodic payments that cause the principal balance to increase.

(3) **Advance payments.** A payment schedule that consolidates more than two periodic payments and pays them in advance from the proceeds.

(4) **Increased interest rate.** An increase in the interest rate after default.

(5) **Rebates.** A refund calculated by a method less favorable than the actuarial method (as defined by section 933(d) of the Housing and Community Development Act of 1992, 15 U.S.C. 1615(d)), for rebates of interest arising from a loan acceleration due to default.

(6) **Prepayment penalties.** Except as allowed under paragraph (d)(7) of this section, a penalty for paying all or part of the principal before the date on which the principal is due. A prepayment penalty includes computing a refund of unearned interest by a method that is less favorable to the consumer than the actuarial method, as defined by section 933(d) of the Housing and Community Development Act of 1992.

(7) **Prepayment-penalty exception.** A mortgage transaction subject to this section may provide for a prepayment penalty otherwise permitted by law (including a refund calculated according to the rule of 78s) if:

(A) The penalty can be exercised only for the first five years following consummation;

(B) The source of the prepayment funds is not a refinancing by the creditor or an affiliate of the creditor; and

(C) At consummation, the consumer's total monthly debts (including amounts owed under the mortgage) do not exceed 50 percent of the consumer's monthly gross income, as verified by the consumer's signed financial statement, a credit report, and payment records for employment income.

(8) **Due-on-demand clause.** A demand feature that permits the creditor to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, except in the following circumstances:

(A) There is fraud or material misrepresentation by the consumer in connection with the loan;

(B) The consumer fails to meet the repayment terms of the agreement for any outstanding balance; or

(C) There is any action or inaction by the consumer that adversely affects the creditor's security for the loan, or any right of the creditor in such security.

50/ Total loan amount. For purposes of the "points and fees" test, the total loan amount is calculated by taking the amount financed, as determined according to 160:45-5-2(2), and deducting any cost listed in 160:45-9-2(b)(1)(C) and 160:45-9-2(b)(1)(D) that is both included as points and fees under 160:45-9-2(b)(1) and financed by the creditor.

[OAR Docket #08-1353; filed 11-6-08]

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

[OAR Docket #08-1331]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-1 [AMENDED]

340:10-2-5 through 340:10-2-7 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 1. Resources

340:10-3-5 [AMENDED]

Subchapter 15. Conditions of Eligibility - Citizenship and Alienage

340:10-15-1 [AMENDED]

(Reference APA WF 08-09)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 230.50, 230.52, 230.62, 230.64, 230.65, and 4000 of Title 56 of the Oklahoma Statutes; the Deficit Reduction Act of 2005; Parts 261.2, 261.60, 261.61 and 262.2 of Title 45 of the Code of Federal Regulations (CFR); Section 525 of Division G of Public Law (P.L.) 110-161 of the Consolidated Appropriations Act of 2008, Section 101(a)(27) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)]; and Section 1244 of P.L. 110-181 of the National Defense Authorization Act for Fiscal Year 2008.

DATES:

Adoption:

September 23, 2008

Approved by Governor:

October 31, 2008

Effective:

Immediately upon Governor's approval or November 1, 2008, whichever is later.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested as Oklahoma Department of Human Services (OKDHS) finds compelling public interest to amend rules to be in compliance with recent federal and state legislation and recent federal interpretation of the Deficit Reduction Act of 2005, specifically Section 262.2 of Title 45 Code of Federal Regulations (CFR) which will make the state subject to penalty and benefits TANF clients.

ANALYSIS:

The proposed revisions to Subchapter 2 of Chapter 10 amend the rules to reflect current interpretation of Temporary Assistance for Needy Families (TANF) Work activities and reporting responsibilities under the Deficit Reduction Act of 2005 to: (1) change reporting of excused absences to hours instead of days; (2) remove restriction of baccalaureate or advanced degree in relation to count as vocational training when it qualifies a person to obtain immediate employment in a specified field; (3) change the maximum amount of time spent in job search and job readiness activities from weeks to hours; (4) remove reference to job search and job readiness activities from the education section; and (5) replace outdated language with current terminology.

The proposed revisions to Subchapter 3 of Chapter 10 amend the rules to add language exempting Savings for Education, Entrepreneurship, and Downpayment (SEED) initiative accounts and certain funds in education accounts as a resource.

The proposed revisions to Subchapter 15 of Chapter 10 amend the rules to provide clarifying and updated information to: (1) add language to allow certain Iraqi and Afghan persons admitted as special immigrants to receive time-limited TANF benefits; and (2) update outdated language with current terminology.

340:10-2-1 is revised to: (1) change reporting of excused absences to hours instead of days; and (2) remove restriction of baccalaureate or advanced degree in relation to vocation training.

340:10-2-5 is revised to: (1) change the maximum amount of time spent in job search from weeks to hours; (2) remove reference to job readiness activities from this Section; and (3) replace outdated language with current terminology.

340:10-2-6 is revised to add the maximum amount of time a participant can spend in job readiness activities to this Section.

340:10-2-6.1 is revised to remove reference to job search and job readiness as they are referenced in separate sections.

340:10-2-7 is revised to allow up to 12 months of participation in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program as vocational training when it qualifies a person to obtain immediate employment in a specified field.

340:10-3-5 is revised to add SEED accounts and certain funds in education accounts as exempt resources.

340:10-15-1 is revised to: (1) add language to allow certain Iraqi and Afghan persons admitted as special immigrants to receive time-limited TANF benefits; and (2) update outdated language with current terminology.

CONTACT PERSON:

Dena Thayer at (405)521-4326

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 OR NOVEMBER 1, 2008, WHICHEVER IS LATER:

SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

340:10-2-1. Work requirements

All parents or needy caretakers who apply for or receive cash assistance from the Oklahoma are required to be engaged in a work activity. The parent(s) or needy caretaker must participate in work activities for the number of hours weekly that are necessary to move that person into employment and self-sufficiency.

(1) **Work-eligible person.** A work-eligible person is defined as an adult or minor head-of-household included in the Temporary Assistance for Needy Families (TANF) assistance unit. Excluded from this definition is a parent

providing care for a disabled family member living in the home who does not attend school on a full-time basis, provided the need for such care is supported by medical documentation.

(2) **Minimum hours of work activities.**

(A) All TANF applicants and recipients who meet the definition of a work-eligible person are required to participate the minimum hours of work activities.

(i) A work-eligible person must participate an average of 30 hours per week, with the exception of a single custodial parent with a child under age six who must participate an average of 20 hours per week.

(ii) In a two-parent family, when deprivation is based on incapacity, the non-incapacitated adult must participate in work activities an average 30 hours per week, unless required in the home to provide care for the incapacitated work-eligible parent.

(iii) In a two-parent family, when deprivation is based on unemployment, one adult must participate in work activities an average of 35 hours per week and the other adult must participate an average of 30 hours per week. If one parent is an ineligible alien, the other parent must participate an average of 35 hours per week.

(iv) To determine the average weekly countable work hours for a work-eligible person who is self-employed, the worker:

(I) determines the person's monthly countable earned self-employment income per OAC 340:10-3-32;

(II) divides that figure by the federal minimum wage; and

(III) divides that figure by 4.3 which equals weekly countable work hours.

(B) Hours missed due to holidays and a maximum of an additional ~~ten days~~ 80 hours of excused absences count as hours of participation for any unpaid scheduled work activity.

(i) Federal law establishes public holidays. State holidays are ordered observed by the Governor. If the facility where the participant is scheduled to attend is open on a designated holiday, this day is not considered a holiday for participation purposes.

(ii) Excused absences are reasonable, short-term hours missed from a scheduled work activity. There are a maximum of ~~ten days~~ 80 hours of excused absences in any 12-month period. No more than ~~two days~~ 16 hours of excused absences in a month are counted as hours of TANF Work participation. All excused absences must be approved by the worker. An excused absence is defined as:

(I) unavailability of appropriate child care;

Emergency Adoptions

- (II) illness or injury of the participant or a family member who lives in the household. The family member must meet the definition of a relative per OAC 340:10-9-1;
- (III) scheduled doctor appointments for the participant or a family member who lives in the household;
- (IV) court-required appearance by the participant;
- (V) required attendance at parent and teacher conferences by the participant;
- (VI) temporary unavailability of planned transportation when needed or inability to arrange for transportation;
- (VII) occurrence of inclement weather that prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;
- (VIII) crisis intervention needed due to domestic violence issues;
- (IX) family crisis; or
- (X) required attendance of the participant for a specific appointment by another governmental entity.

(iii) To count an excused absence or holiday as hours of participation, the person must have been scheduled to participate in an allowable work activity for the period of the absence. Participation allowances are paid for approved holidays and approved excused absences.

(3) **Work activities.** Work activities are defined as core and non-core and must be scheduled, structured, and supervised. TANF Work participants are placed in core work activities when appropriate.

(A) Core work activities are:

- (i) unsubsidized employment that is full-time or part-time employment in the public or private sector that is not subsidized by TANF or any other public program;
- (ii) subsidized private sector employment that is employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;
- (iii) subsidized public sector employment that is employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;
- (iv) Work Experience Program (WEP) that is a work activity that provides a person with an opportunity to acquire general skills, training, knowledge, and work habits necessary to obtain employment;
- (v) on-the-job training that is training in the public or private sector that a paid employee receives while he or she is engaged in productive

work and that provides knowledge and skills essential to the full and adequate performance of the job;

(vi) job search that is the act of seeking or obtaining employment and job readiness that prepares the person to seek or obtain employment, and includes life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable; and

(vii) vocational training, not to exceed 12 months, that are organized educational programs directly related to the preparation of persons for employment in current or emerging occupations requiring training ~~other than a baccalaureate or advanced degree.~~

(B) Non-core work activities are:

(i) job skills training directly related to employment that is training or education for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace;

(ii) education directly related to employment, in the case of a recipient who has not received a high school equivalency, that is education related to a specific occupation, job, or job offer; and

(iii) satisfactory school attendance at a secondary school or in a course of study leading to a General Educational Development (GED) certificate, in the case of a recipient who has not completed secondary school or received such a certificate, that is regular attendance with the requirements of the secondary school, or in a course of study leading to a GED certificate.

(4) **Limitations and special rules.** A single custodial parent who has:

(A) not attained 20 years of age and has not completed high school is determined to be in a work activity for the month if the recipient maintains satisfactory attendance at a secondary school or equivalent during the month; or

(B) a child under the age of four months is not required to participate in a work activity. The recipient can use this special rule for a lifetime limit not to exceed 12 months.

340:10-2-5. Job search activities

The primary objective of all job search activities is for applicants and recipients of Temporary Assistance for Needy Families (TANF) to obtain employment through personal contacts with employers. The worker and the individual participant jointly determine the number of employer contacts based on availability of child care, financial resources, jobs in the community, skills and abilities, and any other factors which affect or influence the individual's-participant's ability to obtain employment.

(1) An employer contact is defined as a face-to-face interview with an employer, the completion and return of

any application to an employer, or the completion of tests required for employment with the state, local, or federal government. Referrals to employers are made on Form 08TW011E, Employment Referral. The ~~individual-participant~~ records employer contacts on Form 08TW010E, Employer Contact List.

(2) Job search is defined as the ~~individual's participant's~~ job seeking efforts. ~~Individuals-Persons~~ in job search activities are eligible for participant allowances and ~~day may be eligible for child~~ care for the time they are actively looking for a job or in a group activity.

(A) The ~~individual participant~~ is given Form 08TW013E, TANF Time and Progress Report, to complete and return to the worker by the time frame shown on the form.

(i) Additional job search may be required as a part of another work activity if it would improve the ~~individual's participant's~~ employment prospects.

(ii) The number of employer contacts to be made each week is included in the employability plan.

(B) If the ~~individual participant~~ has been unsuccessful in obtaining a job after a reasonable amount of time, the worker and ~~individual the participant~~ review the employability plan to determine if another activity is more appropriate.

(C) The maximum amount of time spent in job search and ~~job readiness~~ activities cannot exceed ~~12 weeks within a federal fiscal year~~ 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period for any ~~individual person~~.

340:10-2-6. Job readiness

Job readiness activities help prepare participants for work by ensuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. The maximum amount of time spent in job readiness activities cannot exceed 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period for any person.

(1) **Orientation.** Participants are referred to orientation as the need is identified on Form 08TW002E, TANF Work/Personal Responsibility Agreement. Orientation consists of individual or group meetings designed to present information about:

- (A) self-esteem building;
- (B) activities and services available through the Temporary Assistance for Needy Families (TANF) Program;
- (C) the Oklahoma Department of Human Service (OKDHS) policies; and
- (D) the employment process, including job applications, interviewing, goal-setting, and managing home and work.

(2) **Counseling or treatment.** The worker assists participants who have barriers that prevent them from obtaining or retaining a job by meeting with the participant and appropriate local partners to determine available resources to overcome barriers. Referrals may include counseling or treatment for substance abuse or mental health problems.

340:10-2-6.1. Educational services

Educational services to enhance the participant's potential for employment must be made available. Assignment is based on the criteria listed in (1) through (6) of this paragraph.

(1) Custodial parent participants under 20 years of age without a high school diploma are required to participate in educational activities directed toward the attainment of a high school diploma or its equivalent. These persons may be excused from high school attendance or courses designed to lead to a General Educational Development (GED) certificate if the employability plan includes an alternative, such as basic education or English as a second language (ESL).

(2) Participants age 20 or older that have not completed high school may participate in a basic or remedial education program.

(3) Assignment to remedial education services is appropriate for participants who read and write below high school level, even if they have a high school diploma or GED certificate. Basic and remedial education includes:

- (A) Adult Basic Education (ABE) classes;
- (B) GED classes;
- (C) Certificate of High School Equivalency;
- (D) literacy classes;
- (E) tutoring; or
- (F) remedial reading classes.

(4) Participants lacking proficiency in understanding, speaking, reading, or writing the English language are assigned to ESL classes.

(5) Participants already in attendance at an institution of higher education are considered appropriately assigned if the participant cooperates in the assessment process and development of an appropriate employability plan. ~~However, the~~ The participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1.

~~(6) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any person.~~

340:10-2-7. Training

(a) **Scope.** Job skills training includes vocational training and hands-on work experience to develop technical skills, knowledge, and abilities in specific occupational areas. All training programs must include qualitative measures, such as competency gains or proficiency levels, to evaluate a participant's progress and reasonable time limits for completion. Referrals are made to appropriate training facilities on Form 08TW003E, Interagency Referral and Information.

Emergency Adoptions

(b) **Assignments.** Any training to which the participant is assigned must meet the criteria in (1) through (4) of this subsection.

- (1) The hours of any training activity are governed by the training facility but must not exceed 40 hours per week.
- (2) The training is preparation for a job which meets the criteria for appropriate employment.
- (3) The quality and type of training must meet local employers' requirements so participants are in a competitive position with the local labor market.
- (4) Training is related to in-demand occupations which are likely to become available in Oklahoma.

(c) **Work Experience Program (WEP).** The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable ~~them~~ participants to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement.

(1) **Benefits.** Benefits of the program to participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, brush-up skills already acquired, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job.

(2) **WEP assignments.** WEP assignments are approved for an initial period of 90 calendar days.

(A) No salary is paid.

(B) With respect to injuries incurred during working hours in WEP, federal law requires medical coverage be offered under either state workers' compensation law or by the Oklahoma Department of Human Services (OKDHS). Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program.

(3) **WEP referrals.** Participants are referred to WEP slots based on their employability plan. Assignment to a WEP position is coordinated between the participant and worker. Based on the employability plan, the worker:

(A) determines which facility best meets the participant's needs;

(B) arranges for an interview between the facility and the participant; and

(C) notifies the participant of the place, time, and interviewer's name.

(4) **WEP facilities.** Facilities selected for WEP training must be capable of providing employment and have an apparent intent to hire, or be able to provide quality training. Training facilities are solicited by OKDHS staff or a contracted entity who has agreed to assist with job development and placement including WEP. Local job market conditions, opportunities for employment following completion of WEP participation as well as the ability of the facility to provide the necessary supervision and training are criteria used when soliciting a facility.

(A) Training slots are developed which meet the employment needs of the participant as determined by the employability plan. When a facility agrees to participate in WEP, the representative of the facility is requested to provide:

(i) a written description of the type of activities the participant will be involved in;

(ii) the number of participants the facility can accept;

(iii) the hours of participation; and

(iv) any special requirements.

(B) There are two types of WEP training facilities, WEP-Nonprofit (WEP-NP) and WEP-For-Profit (WEP-FP).

(i) WEP-NP placement is approved for public and private nonprofit and not-for-profit agencies, organizations, or businesses. When a participant requires additional training, the worker may approve a 60-day extension. Extensions are not granted when the primary purpose is to provide additional help to the facility. The criteria listed in ~~subunit~~ subunits (I) through (VII) of this subsection are used as a guide in determining the appropriateness of requesting an extension beyond the initial three-month period.

(I) The participant needs the additional time for skills to be acquired to meet minimum hiring requirements.

(II) The participant demonstrates a willingness to learn, but needs additional training, including the development of new skills, to be competitive in the labor market.

(III) The facility has agreed to hire the participant, but will not have funds available or a job opening until a specific date.

(IV) The facility has an opening in an area different from the one the participant was trained in and has agreed to hire the participant if additional time is granted for the additional training.

(V) The participant has shown improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting.

(VI) The participant has missed more than two weeks of training due to illness or the illness of a household member.

(VII) There are extenuating circumstances which prevented the participant from receiving full benefit of the training.

(ii) WEP-FP is approved for businesses or entities that operate for profit. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in ~~subunit~~ subunits (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

- (I) The placement matches the participant's employability plan and the career path chosen by the participant.
 - (II) The employer has committed to hire the participant on or before the completion of the three month placement.
- (5) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program -Nonprofit Training Agreement, or Form 08TW115E, Work Experience Program -For-Profit Training Agreement.
- (A) The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form 08TW013E, Time and Progress Report.
 - (B) It is the participant's responsibility to complete Form 08TW013E and submit it to the worker by the time frame shown on the form.
 - (C) Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, human services center (HSC) staff sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.
- (6) **Non-cooperation by WEP facility.** When the worker obtains information that the facility is violating the terms and conditions of Form 08TW015E, Form 08TW115E, or that participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:
- (A) suspension of subsequent assignments at the facility;
 - (B) immediate removal of current participants; or
 - (C) termination of the agreement.
- (7) **Notification to participant and facility.** Ten calendar days prior to the anticipated WEP completion date, or at any time the participant becomes ineligible for WEP, the worker notifies the participant by letter or telephone. The worker notifies the facility by letter or by telephone five calendar days prior to the termination. When a participant has been referred to WEP and an appropriate training slot cannot be provided, the worker notifies the participant of this decision.
- (8) **Changes in placements and subsequent placements.** When the facility, worker, and participant determine that placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant. When the participant fails to secure employment following successful completion of WEP training, a conference is held with the participant, worker, and supervisor to determine whether a second training placement might be beneficial. The worker reviews the employability plan prior to allowing a participant to re-enter WEP training. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:

- (A) participant's ability to secure and maintain full-time employment;
 - (B) opportunities for employment in the new field and in the area in which the participant received training;
 - (C) participant's efforts to secure employment; and
 - (D) length of time between training assignments.
- (d) **Job Corps nonresident training program (Job Corps II).** Oklahoma's four Job Corps centers provide a nonresident Job Corps program to TANF participants who can commute to their sites. Participants referred must be ages 16 through 24. Referrals are made by the worker completing Form 08MP013E, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care.
- (1) By special agreement with the Job Corps centers, Job Corps II students are provided Job Corps participant training allowances designed to meet training costs not covered by the TANF cash assistance. These allowances are not considered as income.
 - (2) The worker coordinates with the centers and other designated agencies, such as Oklahoma Employment Security Commission (OESC) and Workforce Investment Act (WIA), to ensure Job Corps II students leaving the center are placed in an appropriate work activity. When a Job Corps II student leaves the center, the worker meets with the Job Corps II student to make immediate plans for further implementation of the employability plan.
- (e) **Vocational training.** ~~Vocational training other than that described in subsection (f) of this Section include, but are not limited to, practicum placements, internships, or proprietary schools and are considered as work activities.~~ Up to 12 months of participation in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program may count as vocational training when it qualifies a person to obtain immediate employment in a specific field.
- (f) **Special programs and demonstration efforts with other agencies.** OKDHS may enter into special education, training, or employment efforts with federal, state, and local governments, and private for-profit, private not-for-profit organizations, and agencies. When this occurs, the HSCs involved are expected to comply with the terms of those agreements.
- (g) **Job skills training.** Training that is directly related to employment for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace is considered job skills training.

SUBCHAPTER 3. CONDITIONS OF ELIGIBILITY - NEED

PART 1. RESOURCES

Emergency Adoptions

340:10-3-5. Personal property

(a) This subsection describes personal property and how it is considered in determining eligibility for Temporary Assistance for Needy Families (TANF).

(1) **Household goods and equipment.** Items essential to day-to-day living such as clothing, furniture, and other similarly essential items of limited value are excluded as resources.

(2) **Livestock and equipment used in a business enterprise.** ~~The individual's~~ A person's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only if the ~~individual~~ person is not actively engaged in the business enterprise. Equity is not counted if the ~~individual~~ person actively participates in the business or is only temporarily inactive, for example, incapacitated and can reasonably expect and has plans to resume the business enterprise. Equity is established on the basis of oral or written information which the ~~individual~~ person has at hand and counsel with persons who have specialized knowledge about the particular resources.

(3) **Livestock and home produce used for home consumption.** Any livestock or produce grown and used by the assistance unit for home consumption is exempt.

(4) **Cash savings and bank accounts.** Money on hand or in a savings account is considered as a resource. ~~The individual's person's~~ statement that he or she has no money on hand or on deposit is sufficient unless there are indications to the contrary. When there is information to the contrary or when the ~~individual~~ person does not have records to verify the amount on deposit, verification is obtained from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the ~~individual~~ person or the Oklahoma Department of Human Services (OKDHS).

(A) Checking accounts may or may not represent savings. Current bank statements are evaluated with the ~~individual~~ person to establish what, if any, portion of the account represents savings. Any income deposited during the current month is not considered.

(B) Accounts owned jointly are considered available to the ~~individual~~ person unless it can be established what part of the account actually belongs to each of the owners, the money is separated, and the joint account is dissolved.

(5) **Insurance policies and prepaid funeral benefits.**

(A) **Life insurance policies.** The cash surrender value (CSV) less any loans or unpaid interest of life insurance policies owned by members included in the TANF cash assistance is counted as a resource. Dividends which accrue and remain with the insurance company increase the amount of the resource. Dividends paid to ~~an individual a person~~ are considered as income. Assignment of the face value of a life insurance policy to fund a prepaid burial contract is not counted as a resource. In this instance, the amount

of the face value of the life insurance is evaluated according to (C) ~~of this paragraph~~ or, if applicable, (D) of this paragraph.

(B) **Burial spaces.** The value of a burial space for each family member whose needs are in the cash assistance or whose income and resources are considered when computing the cash assistance is excluded from resources.

(C) **Burial funds.** Revocable burial funds not in excess of \$1500 for each ~~member~~ person included in the assistance unit are excluded as a resource if the funds are specifically set aside for the burial arrangements of the ~~individual~~ person. Any amount in excess of \$1500 for each ~~member~~ person included in the assistance unit is considered as a resource. Burial policies which require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) Burial funds means a prepaid funeral contract or burial trust with a funeral home or burial association which is for the ~~individual's~~ person's burial expenses.

(ii) The face value of a life insurance policy, when properly assigned by the owner to a funeral home or burial association, may be used for purchasing burial funds as described in (i) of this subparagraph.

(iii) The burial fund exclusion must be reduced by the face value of life insurance policies owned by the ~~individual~~ person and by the amounts in an irrevocable trust or other irrevocable arrangement.

(iv) Interest earned or appreciation on the value of any excluded burial funds is excluded if left to accumulate and become a part of the burial fund.

(v) If the ~~individual~~ person did not purchase the prepaid burial, even if the ~~individual's~~ person's money was used for the purchase, the ~~individual~~ person is not the owner and the prepaid burial funds cannot be considered a resource to the ~~individual~~ person.

(D) **Irrevocable burial contract.** Oklahoma law provides that a purchaser of a prepaid funeral contract may elect to make the contract irrevocable. Irrevocability becomes effective 30 days after the contract is signed.

(i) If the irrevocable election was made prior to July 1, 1986, and the ~~individual~~ person received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only if the ~~individual~~ person does not add to the amount of the contract. Interest accrued on the contract is not considered as added. Any break in assistance requires that the contract be evaluated at the time of reapplication.

(ii) If the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an

irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life insurance policies cannot exceed \$7500. When the principal amount exceeds \$7500, the ~~individual~~ person is ineligible for assistance. Accrued interest is not counted as a part of the \$7500 limit, regardless of when it is accrued.

(iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or ~~an individual~~ a person with power of attorney for the purchaser.

(E) **Medical insurance.** When ~~an individual~~ a person has medical insurance whether directly purchased or available in conjunction with employment, the available benefits are applied toward the medical expense for which the benefits are paid. If an assignment of the insurance is not made to the vendor and payment is made directly to the ~~individual~~ person, the payment must be applied to the cost of medical services. Any amount remaining after payment for medical services is considered a resource.

(6) **Stocks, bonds, mortgages, and notes.** The ~~individual's~~ person's equity in stocks and bonds, including United States Savings Bonds, Series A through EE, is considered a resource. The current market value less encumbrances is the equity. Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached. If the bond has been held beyond maturity date, it has continued to draw interest. The amount which can be realized from notes, mortgages, and similar instruments, if offered for immediate sale, constitutes a resource.

(7) **Non-negotiable resources.** Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found, are considered as monthly income.

(8) **Automobiles, pickups, and trucks.** The market value of each year's make and model is established on the basis of the average trade-in value. In the event the ~~individual~~ person and worker cannot agree on the value of the vehicle, the ~~individual~~ person secures written appraisals by two persons familiar with current values. If there is substantial unexplained divergence between these appraisals or between the blue book value and one or more of these appraisals, the worker and the ~~individual~~ person jointly arrange for the market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the ~~individual~~ person and worker.

(A) **Exempt automobiles.** One automobile, pickup, truck, or other vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of \$5,000 is exempted. The amount of the equity in excess of \$5,000 is considered against the resource limit.

(B) **Other vehicles.** The equity in other automobiles, pickups, and trucks as well as other personal property including boats, travel trailers, motorcycles, motor homes, campers, and similar items is considered a resource. The current market value less encumbrances on the vehicle is the equity. Only encumbrances that can be verified are considered in computing equity.

(9) **Lump sum payments.** A lump sum settlement which compensates for the loss of a resource such as an automobile may be disregarded in the amount used to replace the loss. The ~~individual~~ person is given a reasonable amount of time to replace the loss not to exceed 30 days. Extension beyond 30 days may be justified in special instances when completion of the transaction is beyond the ~~individual's~~ person's control. Any amount remaining after the replacement of the loss is considered as income. Income tax refunds, except for the portion that represents an earned income tax credit (EITC), must be treated as a resource and considered available to the ~~recipient~~ person upon receipt. Retirement benefits received as a lump sum payment at termination of employment are considered a resource. These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) **Individual Development Accounts (IDAs).** IDAs are dedicated savings accounts that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity. IDAs are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by ~~an individual~~ a person in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility. The account deposits must be made from earned income, ~~earned income tax credits~~ EITCs, or tax refunds. 7

(11) Saving For Education, Entrepreneurship, and Downpayment (SEED) Initiative accounts. SEED accounts are dedicated savings accounts for persons age 13 through 18 that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the administrative entity. SEED accounts are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in a SEED account up to \$2,000 are not considered as income or resources in determining TANF eligibility.

(b) This subsection describes resources disregarded in determining need. Disregarded resources are:

- (1) food ~~stamp~~ benefit allotments under the Food Stamp Act of 1977;
- (2) any payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

Emergency Adoptions

(3) education grants, including work study, scholarships, and similar grants, if receipt is contingent upon the student regularly attending school. The student's classification, graduate or undergraduate, is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form ~~ADM-103~~ 08AD103E, Loan Verification, is completed by the borrower attesting the loan is bona fide and signed by the lender verifying the date and amount of loan;

(5) Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed per capita by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;

(6) special allowances for school expenses made available upon petition, in writing, from funds held in trust for the student;

(7) trusts of a child(ren) included in a TANF benefit if it is determined by the worker the funds are to be used for educational purposes for the child(ren). Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child(ren)'s educational purposes;

(8) any accounts, stocks, bonds, or other resources held under the control of a third party if the funds are designated for educational purposes for a child(ren) eligible for TANF, even if the child(ren)'s name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V are disregarded. Both Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000;

(10) unearned income received by a child(ren) eligible for TANF, such as needs based payments, cash assistance, compensation in lieu of wages, or allowances from programs funded by the Workforce Investment Act (WIA), including Job Corps income. This includes WIA

earned income received as wages when the child(ren) is a full-time student;

(11) payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and any other programs pursuant to the National and Community Service Trust Act of 1993 (NCSTA);

(12) payments to volunteers under the NCSTA, unless the gross amount of AmeriCorps*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

(13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(14) any portion of payments made under the Alaska Native Claims Settlement Act to an Alaska Native which are exempt from taxation under the Settlement Act;

(15) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;

(16) advance payments of EITC or refunds of EITC, as a result of filing a federal income tax return, in the month received and the following month;

(17) refunds of the state EITC, as a result of filing a state income tax return, in the month received and the following month;

(18) payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(19) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(20) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.), and comparable disaster assistance provided by state, local governments, and disaster assistance organizations;

(21) interests of individual Indians in trust or restricted lands. However, any disbursements from the trust or restricted lands are considered as income;

(22) a migratory farm worker's out-of-state homestead if the farm worker's intent is to return to the homestead after the temporary absence;

(23) a non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a TANF recipient, in the month paid and the next following month. The amount remaining in the second month after the month of receipt is a countable resource;

(24) payments received under the Civil Liberties Act of 1988. These payments are made to ~~individuals~~ persons of

Japanese ancestry who were detained in internment camps during World War II;

(25) payments made to ~~individuals~~ persons because of their status as victims of Nazi persecution;

(26) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;

(27) reimbursements made to a foster care parent(s); and

(28) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain ~~individuals~~ persons who are children of Vietnam War veterans; and

(29) funds in education accounts established under Section 529 and 530 of the Internal Revenue Code or exempted by Section 4000 of Title 56 of the Oklahoma State Statutes.

SUBCHAPTER 15. CONDITIONS OF ELIGIBILITY - CITIZENSHIP AND ALIENAGE

340:10-15-1. Citizenship and alien status

(a) ~~An individual~~ A person eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

- (1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. ~~An individual~~ A person may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or
- (2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of INA as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of INA;

(E) a refugee who is admitted to the U.S. under Section 207 of INA;

(F) an alien whose deportation is withheld under ~~Section 243(h)~~ or Section 241(b)(3) of INA;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; or [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to

Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003.

(J) an Iraqi admitted under special immigrant status pursuant to Section 525 of Division G of Public Law (P.L.) 110-161 of the Consolidated Appropriations Act of 2008, Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)], and Section 1244 of P.L. 110-181 of the National Defense Authorization Act for Fiscal Year 2008. An Iraqi must be treated as a refugee for a time-limited period and may be eligible for benefits for up to eight months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Iraqi is ineligible for a TANF benefit for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status.

(K) an Afghan admitted under special immigrant status pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act of 2008 and Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)]. The person must be treated as a refugee for a time-limited period and may be eligible for benefits for up to six months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Afghan is ineligible for a TANF benefit for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status.

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee;
- (2) granted asylum;
- (3) one whose deportation is being withheld;
- (4) a Cuban or Haitian entrant;
- (5) admitted to the U.S. as an Amerasian immigrant;
- (6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or
- (7) is a victim of a severe form of trafficking.

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance unit completes and signs the application or review form attesting to the citizenship and alien status for all members of the assistance unit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility redetermination.

Emergency Adoptions

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation.

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of ~~individuals~~ persons from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document.

[OAR Docket #08-1331; filed 11-5-08]

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

[OAR Docket #08-1332]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Eligibility
340:40-7-5 [AMENDED]
(Reference APA WF 08-10)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 45 Code of Federal Regulations (CFR) Parts 98 and 99; Sections 203(a)(7), 207, 208, 212(d)(5), and 241(b)(3) of the Immigration and Nationality Act (INA) or [8 U.S.C. 1182, 1153, and 1157]; Section 501(e) of the Refugee Education Assistance Act of 1980; Personal Responsibility and Work Opportunity Reconciliation Act or [8 U.S.C.1641(c)]; Trafficking Victims Protection Act of 2003; and Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

DATES:

Adoption:

September 23, 2008

Approved by Governor:

October 31, 2008

Effective:

Immediately upon Governor's approval or November 1, 2008, whichever is later.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested as OKDHS finds an imminent peril to the preservation of the public health, safety, or welfare for qualified alien children who may be inappropriately denied child care benefits. If this rule is not implemented, the Oklahoma Department of Human Services (OKDHS) will not be in compliance with federal law.

ANALYSIS:

The proposed revisions to Subchapter 7 of Chapter 40 amend rules to add language regarding citizenship for subsidized child care assistance. Previously the rule referenced OAC 340:10-15, Temporary Assistance for Needy Families (TANF) rules regarding citizenship. The TANF rules include a five-year ban on eligibility for qualified aliens. The Child Care Development Fund (CCDF) does not have the same ban for recipients of child care assistance.

CONTACT PERSON:

Dena Thayer at (405)521-4326

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 OR NOVEMBER 1, 2008, WHICHEVER IS LATER:

SUBCHAPTER 7. ELIGIBILITY

340:40-7-5. Resources, residence, and citizenship

(a) Resources are not considered in determining eligibility for subsidized child care.

(b) A parent or caretaker's statement that he or she lives in Oklahoma meets the residence requirement for child care.

(c) Only the ~~child(ren)~~ child for whom child care is requested must meet the citizenship and alienage requirements listed in OAC 340:10-15. For eligible children age 14 or older, see OAC 340:65-3-1 for additional citizenship requirements.

(1) A child eligible to be included in a child care benefit must be either a:

(A) citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands. The child may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS), a bureau of the Department of Homeland Security; or

(B) qualified alien:

(i) who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(ii) who is paroled into the U.S. under Section 212(d)(5) of INA [8 United States Code (U.S.C.) 1182] for a period of at least one year;

(iii) who is granted conditional entry pursuant to Section 203(a)(7) of INA [8 U.S.C. 1153] as in effect prior to April 1, 1980;

(iv) who is granted asylum under Section 208 of INA;

(v) who is admitted to the U.S. as a refugee under Section 207 of INA [8 U.S.C. 1157];

(vi) whose deportation is withheld under Section 241(b)(3) of INA;

(vii) who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(viii) who was battered or whose parent or caretaker was battered as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended [8 U.S.C.1641(c)];

or

(ix) who was a victim or whose parent or caretaker was a victim of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victim's Protection Reauthorization Act of 2003.

(2) A declaration of citizenship and alien status is required for all children included in the child care benefit. This requirement is met when an adult member of the household completes and signs the application or review form attesting to the citizenship and alien status for all children included in the benefit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(3) An alien child determined to have satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation.

[OAR Docket #08-1332; filed 11-5-08]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 60. REFUGEE RESETTLEMENT PROGRAM**

[OAR Docket #08-1333]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

340:60-1-3 [AMENDED]
(Reference APA WF 08-08)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; the Personal Responsibility and Work Opportunity Act of 1996 (Public Law (P.L.) 104-193); 45 Code of Federal Regulations Part 400, 62 Federal Register 61345-61350; Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act of 2008; Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)]; and Section 1244 of P.L. 110-181 of the National Defense Authorization Act for Fiscal Year 2008.

DATES:

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Immediately upon Governor's approval or November 1, 2008, whichever is later.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested as the Oklahoma Department of Human Services (OKDHS) finds compelling public interest to amend rules to be in compliance with recent federal legislation.

ANALYSIS:

The proposed revisions to Chapter 60 amend the rules to: (1) add language to allow certain Iraqi and Afghan persons admitted as special immigrants to be eligible for the Refugee Resettlement Program; (2) change language regarding the form used to declare alien status; and (3) change language to reflect current usage.

CONTACT PERSON:

Dena Thayer at (405)521-4326

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 OR NOVEMBER 1, 2008, WHICHEVER IS LATER:

340:60-1-3. Refugee Resettlement Program (RRP)

(a) **The Refugee Act of 1980.** The Oklahoma Department of Human Services (OKDHS) RRP uses the international definition of refugee adopted under the Refugee Act of 1980.

(b) **Refugee documentation.** An applicant for assistance under the ~~RRP~~ RRP must provide documentation issued by the United States Citizenship and Immigration Services (USCIS). Acceptable documentation includes, but is not limited to:

- (1) Form I-94, Departure Record;
- (2) Form I-551, Legal Permanent Resident Card;
- (3) a passport stamped with the classification status;
- (4) a T-Visa; or
- (5) a letter or order from the USCIS or court granting asylum.

(c) **Refugee status.** Documentation from USCIS provided by the applicant must show the applicant's status is:

- (1) paroled as a refugee or asylee under Section 212(d)(5) of the Immigration and Nationality Act (~~Aet INA~~);
- (2) admitted as a refugee under Section 207 of the ~~Aet INA~~;
- (3) granted asylum under Section 208 of the ~~Aet INA~~;
- (4) admitted as an Amerasian immigrant from Vietnam under Section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1989, as amended;
- (5) admitted for permanent residence, provided the ~~individual person~~ previously held one of the statuses identified in this Section;
- (6) a Cuban or Haitian entrant; ~~or~~
- (7) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003;
- (8) an Iraqi admitted under special immigrant status pursuant to Section 525 of Division G of Public Law (P.L.) 110-161 of the Consolidated Appropriations Act of 2008, Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)], and Section 1244 of P.L. 110-181 of the National Defense Authorization Act for Fiscal Year 2008; or

Emergency Adoptions

(9) an Afghan admitted under special immigrant status pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act of 2008 and Section 101(a)(27) of the INA [8 U.S.C. 1101 (a)(27)].

(d) Verification of alien status. Form PS 4, Declaration of Citizenship Status, is a required part of the application process. A declaration of alien status is required at application for all persons applying for RRP.

(1) Under penalty of perjury, Form PS 4 must be signed attesting to citizenship or lawful alien status by:

- (A) each adult included in the case; and
- (B) an adult included in the case for all individuals under 18 years of age. In the absence of an adult in the case, the applicant, payee, or responsible adult acting in behalf of minor individuals signs Form PS 4 the applicant declares the alien status of all persons applying for RRP benefits on the application form and signs the application. After certification, this declaration is made on Form 08MP022E, Declaration of Citizenship Status, before additional persons are added to the benefit.

(2) The Systematic Alien Verification for Entitlement (SAVE) process is used to verify alien status per OAC 340:65-3-4(a)(5).

(e) **Exclusions from RRP.** Persons excluded from participation in RRP are:

- (1) resident aliens who did not previously have the status of refugee or asylee; or
- (2) any applicant for asylum who has not been granted asylum status.

[OAR Docket #08-1333; filed 11-5-08]

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

[OAR Docket #08-1325]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 11. Viatical Settlements Regulation
- 365:25-11-1. Approval of viatical settlement contracts by Commissioner pursuant to 36 O.S. ~~Section 4045.5~~ 4055.5 [AMENDED]
- 365:25-11-2. License requirements for viatical settlement providers [REVOKED]
- 365:25-11-2.1. Definitions [NEW]
- 365:25-11-3. License requirements for ~~viatical settlement brokers~~ [AMENDED]
- 365:25-11-4. Other requirements for brokers [REVOKED]
- 365:25-11-4.1. Standards for evaluation of reasonable payments for terminally ill insureds [NEW]
- 365:25-11-5. Reporting requirement [AMENDED]
- 365:25-11-6. General rules [AMENDED]
- 365:25-11-7. Requirement to file advertising [NEW]
- 365:25-11-8. Prohibited practices [NEW]
- 365:25-11-9. Insurance company practices [NEW]

- 365:25-11-10. Transition period for existing licenses [NEW]
- 365:25-11-11. Effective date [NEW]
- Subchapter 13. Life Settlements Regulation [REVOKED]
- 365:25-13-1. Approval of life settlement contracts by commissioner pursuant to 36 O.S. § 4089 [REVOKED]
- 365:25-13-2. License requirements for life settlement providers [REVOKED]
- 365:25-13-3. License requirements for life settlement brokers [REVOKED]
- 365:25-13-4. Other requirements for brokers [REVOKED]
- 365:25-13-5. Reporting requirement [REVOKED]
- 365:25-13-6. General rules [REVOKED]
- 365:25-13-7. Advertising [REVOKED]
- Appendix U. Informational Brochure To Be Provided To A Prospective Viator at First Contact Pursuant To O.A.C. 365:25-11-6(a) [NEW]
- Appendix V. Verification of Coverage For Life Insurance Policies [NEW]
- Appendix W. Payouts For Insureds Who Are Terminally Ill [NEW]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 4055.16

DATES:

Adoption:

September 15, 2008

Approved by Governor:

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Expiration:

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SUPERSEDED EMERGENCY RULES:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A compelling public interest requires emergency rules due to the necessity of providing by rule a means for compliance with HB 2122 that enacted the new Viatical Settlements Act of 2008, 36 O.S. § 4055.1, et seq., and repealed the Viatical Settlements Act, 36 O.S. § 4041, and the Life Settlements Act, 36 O.S. § 4085, said bill being effective on November 1, 2008.

ANALYSIS:

The proposed amendments to the Viatical Settlements Regulation and the proposed revocation of the Life Settlements Regulation implement the Viatical Settlements Act of 2008, 36 O.S. § 4055.1, et seq., which is effective on November 1, 2008, pursuant to HB 2122. Viatical and Life Settlements are now addressed in one Act, the Viatical Settlements Act of 2008, and the Viatical Settlements Regulation as proposed herein. The amendments to the regulation are taken primarily from the National Association of Insurance Commissioners' Viatical Settlements Model Regulation.

CONTACT PERSON:

Karl F. Kramer, Oklahoma Insurance Department, (405) 521-2746

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), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2008:

SUBCHAPTER 11. VIATICAL SETTLEMENTS REGULATION

365:25-11-1. Approval of viatical settlement contracts by Commissioner pursuant to 36 O.S. Section 4045.5

Viatical settlement contracts filings pursuant to 36 O.S. § 4045.5 shall be filed with the Rate and Form Compliance Life and Health Division of the Insurance Department.

365:25-11-2. License requirements for viatical settlement providers [REVOKED]

A viatical settlement provider, as defined in 36 O.S. § 4042 of the Oklahoma Viatical Settlement Act, shall not enter into or solicit a viatical settlement contract without first obtaining a license from the Commissioner.

- (1) The Commissioner may ask for such additional information as is necessary to determine whether the applicant complies with the requirements of Section 4043 of Title 36 of the Oklahoma Viatical Settlement Act.
- (2) Viatical settlement providers shall acquire and maintain a surety in the amount of \$50,000.00. A copy of the executed bond shall be filed with the Commissioner at the time of application for a license.

365:25-11-2.1. Definitions

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

"Act" means the Viatical Settlements Act of 2008.

"Insured" means the person covered under the policy being considered for viatication.

"Life expectancy" means the mean of the number of months the individual insured under the life insurance policy to be viaticated can be expected to live as determined by the viatical settlement provider considering medical records and appropriate experiential data.

"Net death benefit" means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or liens.

"Patient identifying information" means an insured's address, telephone number, facsimile number, electronic mail address, photograph or likeness, employer, employment status, social security number, or any other information that is likely to lead to the identification of the insured.

365:25-11-3. License requirements for viatical settlement brokers

A viatical settlement broker shall not solicit a viatical settlement contract without first obtaining a license from the Commissioner.

- (1) A viatical settlement broker shall make application on a form required by the Commissioner.
- (2) The application shall be accompanied by a fee of \$500.00. The license may be renewed yearly by payment of a fee of \$500.00. Failure to pay the renewal fee within the time prescribed shall result in automatic revocation of the license.
- (3) The Commissioner shall have the right to suspend, revoke or refuse to renew the license of any viatical settlement broker if the Commissioner finds that:
 - (A) There was any misrepresentation in the application for a license;
 - (B) The broker has been found guilty of fraudulent or dishonest practices, has been found guilty of a felony or any misdemeanor of which criminal fraud

is an element, or is otherwise shown to be untrustworthy or incompetent;

(C) The licensee has placed or attempted to place a viatical settlement with a viatical settlement provider not licensed in this state; or

(D) The licensee has violated any of the provisions of the Viatical Settlement Act, 36 O.S. § 4041, et seq., or this regulation.

(4) A person shall be deemed to meet the licensing requirements of this section and of the Viatical Settlement Act, 36 O.S. § 4041, et seq., and shall be permitted to operate as a viatical settlement broker, as defined in Section 4042(2) of the Viatical Settlement Act, if that person is licensed as a resident or nonresident insurance producer with a life insurance line of authority pursuant to the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1, et seq., for at least one year. Not later than thirty (30) days from the first day of operating as a viatical settlement broker, the producer shall notify the Insurance Department that he or she is acting as a viatical settlement broker on a form or in a manner that may be prescribed by the Insurance Department, and shall pay the fee as set out in this section. The notification shall include an acknowledgment by the producer that he or she will operate as a viatical settlement broker in accordance with the Viatical Settlement Act and this regulation.

(a) In addition to the information required in Section 4055.3 of Title 36 of this state's statutes, the Commissioner may ask for other information necessary to determine whether the applicant for a license as a viatical settlement provider or viatical settlement broker complies with the requirements of that section.

(b) Applicants must complete an application form specified by the Commissioner for the license they seek.

(c) The application shall be accompanied by a fee of \$500.00. The license may be renewed yearly by payment of \$500.00 and a current copy of a letter of good standing obtained from the filing officer of the applicant's state of domicile. If a viatical settlement provider or viatical settlement broker fails to pay the renewal fee within the time prescribed, or a viatical settlement provider or broker fails to submit the reports required in O.A.C. 365:25-11-5, the nonpayment or failure to submit the required reports shall, after notice and opportunity for hearing, result in lapse of the license. If a viatical settlement provider has, at the time of renewal, viatical settlements where the insured has not died, it shall do one of the following:

(1) Renew or maintain its current license status until the earlier of the following events:

(A) The date the viatical settlement provider properly assigns, sells or otherwise transfers the viatical settlements where the insured has not died; or

(B) The date that the last insured covered by viatical settlement transaction has died.

(2) Appoint, in writing, either the viatical settlement provider that entered into the viatical settlement, the broker who received commissions from the viatical settlement, if applicable, or any other viatical settlement

Emergency Adoptions

provider or broker licensed in this state to make all inquiries to the viator, or the viator's designee, regarding health status of the insured or any other matters.

(d) An individual licensed as a viatical settlement broker or authorized to act under a license issued to a licensed entity as a viatical settlement broker shall complete 4 hours of department-approved continuing education during each renewal period.

(1) The required continuing education hours shall include a minimum of:

(A) Three (3) hours in life insurance and viaticals; and

(B) One (1) hours in ethics.

(2) A life insurance producer who is operating as a viatical settlement broker pursuant to Section 4055.3(A)(2) of the Act shall not be subject to the continuing education requirements of this subsection (d).

(3) The license of an individual who fails to comply with this continuing education requirement shall terminate at the end of its current term and may not be renewed until the continuing education requirement for the prior license term has been satisfied.

(e) A viatical settlement broker or viatical settlement provider shall file with the Commissioner, and thereafter for as long as the license remains in effect shall keep in force, evidence of financial responsibility in the sum of not less than Fifty Thousand Dollars (\$ 50,000.00).

(1) This evidence shall be in the form of an errors and omissions insurance policy issued in accordance with Oklahoma law by an insurer authorized to do business in Oklahoma, a surety executed and issued by an insurer authorized to issue surety bonds in Oklahoma, or a deposit of cash, certificates of deposits, or securities, or any combination of these evidences of financial responsibility. The policy, bond, deposit or combination thereof shall not be terminated without thirty (30) days prior written notice to the licensee and the commissioner.

(2) The Commissioner may also accept as evidence of financial responsibility proof that a financial instrument in accordance with the requirements in Paragraph (1) has been filed with the Commissioner of any other state where the viatical settlement broker or viatical settlement provider is licensed as a viatical settlement broker or viatical settlement provider.

(f) A person shall be deemed to meet the licensing requirements of this section and Section 4055.3 of the Act and shall be permitted to operate as a viatical settlement broker, as defined in Section 4055.2 of Title 36 of the Act, if that person is licensed as a resident or nonresident insurance producer with a life insurance line of authority pursuant to the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1, et seq., for at least one year. Not later than thirty (30) days from the first day of operating as a viatical settlement broker, the producer shall notify the department that he or she is acting as a viatical settlement broker on a form or in a manner that may be prescribed by the department, and shall pay any applicable fees to be determined by the department. The notification shall include an acknowledgment by the producer that he or she will operate as a viatical

settlement broker in accordance with the Act and this regulation.

365:25-11-4. Other requirements for brokers [REVOKED]

~~(a) Viatical settlement brokers shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.~~

~~(b) Broker shall disclose to the viator any contractual arrangement or agreement for compensation that may exist between the viatical settlement provider and the broker.~~

365:10-11-4.1. Standards for evaluation of reasonable payments for terminally ill insureds

In order to assure that viators receive a reasonable return for viaticating an insurance policy, the return for viaticating a policy shall be no less than the payouts set out in Appendix W of this chapter for insureds who are terminally ill.

365:25-11-5. Reporting requirement

(a) On or before March 1 of each calendar year, each viatical settlement provider licensed in this state shall ~~make a report containing the following information~~ submit the following information related to the licensee's activities for the previous calendar year:

(1) For each policy viaticated:

(A) Date viatical settlement entered into;

(B) Life expectancy of viator at time of contract;

(C) Face amount of policy; and

(D) Amount paid by the viatical settlement provider to viaticate the policy; ~~A report of the viatical settlement transactions in all states and territories, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSP 001;~~

(2) For each deceased viator:

(A) Date viatical settlement entered into;

(B) Life expectancy of viator at time of contract;

(C) Face amount of policy;

(D) Amount paid by the viatical settlement provider to viaticate the policy;

(E) Date of death of viator; and

(F) Total insurance premiums paid by viatical settlement provider to maintain the policy in force. ~~A report of the viatical settlement transactions related to Oklahoma viators, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSP 002;~~

(3) ~~Breakdown of applications received, accepted and rejected, by disease category;~~ ~~A report of the individual mortality of Oklahoma insureds, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSP 003; and~~

(4) ~~Breakdown of policies viaticated by issuer and policy type;~~ ~~A certification of the information contained in the reports, which shall be submitted on a form provided~~

by the Insurance Commissioner and referred to as Form VSPB 001 and shall be filed with the reports.

(5) ~~Number of secondary market as compared to primary market transactions;~~

(6) ~~Portfolio size; and~~

(7) ~~Amount of outside borrowings.~~

(b) On or before March 1 of each calendar year, a licensed viatical settlement broker shall submit the following related to the licensee's activities for the previous calendar year:

(1) A report of the viatical settlement transactions in all states and territories, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSB 001; and

(2) A report of the viatical settlement transactions related to Oklahoma viators, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSB 002;

(3) A certification of the information contained in the reports, which shall be submitted on a form provided by the Insurance Commissioner and referred to as Form VSPB 001 and shall be filed with the reports.

365:25-11-6. General rules

(a) Viatical settlement brokers, at the time of their first contact with a prospective viator, shall provide an informational brochure. Such brochure shall use the language and format set out in Appendix U.

(b) With respect to policies containing a provision for double or additional indemnity for accidental death, the additional payment shall remain payable to the beneficiary last named by the viator prior to entering into the viatical settlement agreement, or to such other beneficiary, other than the viatical settlement provider, as the viator may thereafter designate, or in the absence of a designation, to the estate of the viator.

(~~b~~c) Payment of the proceeds of a viatical settlement pursuant to ~~36 O.S. § 4049(D)~~ 4055.9(D) of the ~~Oklahoma Viatical Settlement Act~~ shall be by means of wire transfer to ~~the~~ an account of designated by the viator or by certified check or cashier's check.

(~~e~~d) Payment of the proceeds pursuant to a viatical settlement shall be made in a lump sum ~~except where the viatical settlement provider has purchased an annuity or similar financial instrument issued by a licensed insurance company or bank, or an affiliate of either.~~ Retention of a portion of the proceeds ~~not disclosed or described in the viatical settlement contract by the viatical settlement provider or escrow agent is not permissible without written consent of the viator.~~

(d) Installment payments shall not be made unless the viatical settlement company has purchased an annuity or similar financial instrument issued by a licensed insurance company or bank. The amount used to purchase an annuity shall not be less than the viatical settlement proceeds paid in a lump sum.

(e) A viatical settlement provider or broker shall not discriminate in the making ~~or soliciting~~ of viatical settlements on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status or sexual orientation, or discriminate between viators with dependents and without.

(f) A viatical settlement provider or broker shall not pay or offer to pay any finder's fee, commission or other compensation to any ~~viator's insured's~~ physician, attorney, accountant or other person providing medical, legal or financial planning services to the viator, or to any other person acting as an agent of the viator, ~~other than a viatical settlement broker,~~ with respect to the viatical settlement.

(g) Contacts for the purpose of determining the health status of the viator by the viatical settlement provider or broker after the viatical settlement has occurred shall be limited to once every three (3) months for viators with a life expectancy of more than one year, and to no more than one per month for viators with a life expectancy of one year or less. The provider or broker shall provide a written explanation of the procedure for these contacts at the time the viatical settlement contract is entered into. A viatical settlement provider shall not knowingly solicit purchasers who have treated or have been asked to treat the illness of the insured whose coverage would be the subject of the investment.

(h) Viatical settlement providers and brokers shall not solicit investors who could influence the treatment of the illness of the viators whose coverage would be the subject of the investment. If a viatical settlement provider enters into a viatical settlement that allows the viator to retain an interest in the policy, the viatical settlement contract shall contain the following provisions:

(1) A provision that the viatical settlement provider will effect the transfer of the amount of the death benefit only to the extent or portion of the amount viaticated. Benefits in excess of the amount viaticated shall be paid directly to the viator's beneficiary by the insurance company;

(2) A provision that the viatical settlement provider will, upon acknowledgment of the perfection of the transfer, either:

(A) Advise the insured, in writing, that the insurance company has confirmed the viator's interest in the policy; or

(B) Send a copy of the instrument sent from the insurance company to the viatical settlement provider that acknowledges the viator's interest in the policy; and

(3) A provision that apportions the premiums to be paid by the viatical settlement provider and the viator, provided that the contract provides premium payment terms and nonforfeiture options no less favorable, on a proportional basis, than those included in the policy.

(i) Advertising standards:

(1) Advertising should be truthful and not misleading by fact or implication.

(2) If the advertiser mentions the speed with which the vatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.

(3) If the advertising mentions the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the advertiser during the past

Emergency Adoptions

six (6) months. In all cases where the insured is a minor child, disclosures to and permission of a parent or legal guardian satisfy the requirements of the Act and this regulation.

365:25-11-7. Requirement to file advertising

A viatical settlement licensee shall provide a copy of any advertisement intended for use in this state whether through written, radio, or television medium to the Commissioner for review and approval before the advertisement is disseminated within this state.

365:25-11-8. Prohibited practices

(a) A viatical settlement provider or viatical settlement broker shall obtain from a person that is provided with patient identifying information a signed affirmation that the person or entity will not further divulge the information without procuring the express, written consent of the insured for the disclosure. Notwithstanding the foregoing, if a viatical settlement provider or viatical settlement broker is served with a subpoena and, therefore, compelled to produce records containing patient identifying information, it shall notify the viator and the insured in writing at their last known addresses within five (5) business days after receiving notice of the subpoena.

(b) A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

(c) A viatical settlement broker shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

365:25-11-9. Insurance company practices

(a) Life insurance companies authorized to do business in this state shall respond to a request for verification of coverage from a viatical settlement provider or a viatical settlement broker within thirty (30) calendar days of the date a request is received, subject to the following conditions:

(1) A current authorization consistent with applicable law, signed by the policy owner or certificate holder, accompanies the request;

(2) In the case of an individual policy or group insurance coverage where details with respect to the certificate holder's coverage are maintained by the insurer, submission of a form substantially similar to Appendix V, which has been completed by the viatical settlement provider or the viatical settlement broker in accordance with the instructions on the form.

(b) Nothing in this section shall prohibit a life insurance company and a viatical settlement provider or a viatical settlement broker from using another verification of coverage form that has been mutually agreed upon in writing in advance of submission of the request.

(c) A life insurance company may not charge a fee for responding to a request for information from a viatical settlement provider or viatical settlement broker in compliance with

this section in excess of any usual and customary charges to contract holders, certificate holders or insureds for similar services.

(d) The life insurance company may send an acknowledgment of receipt of the request for verification of coverage to the policy owner or certificate holder and, where the policy owner or certificate owner is other than the insured, to the insured. The acknowledgment may contain a general description of any accelerated death benefit that is available under a provision of or rider to the life insurance contract.

(e) A life insurance company shall not require the viator or insured to sign any request for change in a policy or a group certificate from a viatical settlement provider that is the owner or assignee of the insured's insurance coverage, unless the viator or insured has ownership, assignment or irrevocable beneficiary rights under the policy. In such a situation, the viatical settlement provider shall provide timely notice to the insured that a settlement transaction on the policy has occurred. Timely notice shall be provided within fifteen (15) calendar days of the change in a policy or group certificate.

365:25-11-10. Transition period for existing licenses

(a) A viatical settlement provider, a viatical settlement broker, a life settlement provider, or a life settlement broker lawfully transacting business in this state pursuant to Sections 4045 and/or 4085 of Title 36 of the laws of this state on the effective date of this regulation may continue to transact such business if said provider's or broker's license was active prior to November 1, 2008, and the licensee submits a complete application as specified in O.A.C. 365-25-11-3 for a license pursuant to the Viatical Settlements Act of 2008, 36 O.S. § 1455.1, et seq., on or before December 31, 2008.

(b) If an existing licensee's application pursuant to this subsection is approved, the new license will replace the prior license issued by the Commissioner pursuant to Sections 4045 and/or 4085 and will remain in force for the balance of the term of the prior license.

(c) If an existing licensee's application for licensure pursuant to the Act and this section is denied, the prior license of the licensee issued pursuant to Sections 4045 and/or 4085 of Title 36 is no longer valid and shall be immediately surrendered to the Commissioner.

365:25-11-11. Effective date

This regulation is effective November 1, 2008.

SUBCHAPTER 13. LIFE SETTLEMENTS REGULATION [REVOKED]

365:25-13-1. Approval of life settlement contracts by commissioner pursuant to 36 O.S. [REVOKED]

Life settlement contracts filings pursuant to 36 O.S. § 4089 shall be filed with the Life and Health Division of the Insurance Department.

365:25-13-2. License requirements for life settlement providers [REVOKED]

A life settlement provider, as defined in 36 O.S. § 4086 of the Oklahoma Life Settlement Act, shall not enter into or solicit a life settlement contract without first obtaining a license from the Commissioner.

- (1) The Commissioner may ask for such additional information as is necessary to determine whether the applicant complies with the requirements of Section 4087 of Title 36 of the Oklahoma Life Settlement Act.
- (2) Life settlement providers shall acquire and maintain a surety in the amount of \$100,000.00. A copy of the executed bond shall be filed with the Commissioner at the time of application for a license.

365:25-13-3. License requirements for life settlement brokers [REVOKED]

A life settlement broker shall not solicit a life settlement contract without first obtaining a license from the Commissioner.

- (1) A life settlement broker shall make application on a form required by the Commissioner.
- (2) The application shall be accompanied by a fee of \$500.00. The license may be renewed yearly by payment of a fee of \$500.00. Failure to pay the renewal fee within the time prescribed shall result in automatic revocation of the license.
- (3) The Commissioner shall have the right to suspend, revoke or refuse to renew the license of any life settlement broker if the Commissioner finds that:
 - (A) There was any misrepresentation in the application for a license;
 - (B) The broker has been found guilty of fraudulent or dishonest practices, has been found guilty of a felony or any misdemeanor of which criminal fraud is an element, or is otherwise shown to be untrustworthy or incompetent;
 - (C) The licensee has placed or attempted to place a life settlement with a life settlement provider not licensed in this state; or
 - (D) The licensee has violated any of the provisions of the Life Settlement Act, 36 O.S. § 4085, et seq., or this regulation.
- (4) A person shall be deemed to meet the licensing requirements of this section and of the Life Settlement Act, 36 O.S. § 4085, et seq., and shall be permitted to operate as a life settlement broker, as defined in Section 4086(3) of the Life Settlement Act, if that person is licensed as a resident or nonresident insurance producer with a life insurance line of authority pursuant to the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1, et seq., for at least one year. Not later than thirty (30) days from the first day of operating as a life settlement broker, the producer shall notify the Insurance Department that he or she is acting as a life settlement broker on a form or in a manner that may be prescribed by the Insurance Department, and shall pay the fee as set out in this section. The notification shall include an acknowledgment by the producer that he or she

will operate as a life settlement broker in accordance with the Life Settlement Act and this regulation.

365:25-13-4. Other requirements for brokers [REVOKED]

- (a) Life settlement brokers shall not, without the written agreement of the owner of a life insurance policy obtained prior to performing any services in connection with a life settlement, seek or obtain any compensation from the owner of a life insurance policy.
- (b) Broker shall disclose to the owner any contractual arrangement or agreement for compensation that may exist between the life settlement provider and the broker.

365:25-13-5. Reporting requirement [REVOKED]

On March 1 of each calendar year, each life settlement provider licensed in this state shall file with the Life and Health Division of the Oklahoma Insurance Department a report containing the following information for the previous calendar year:

- (1) For each policy purchased:
 - (A) Date life settlement entered into;
 - (B) Life expectancy of insured at time of contract;
 - (C) Face amount of policy; and
 - (D) Amount paid by the life settlement provider to purchase the policy;
- (2) For each deceased insured:
 - (A) Date life settlement entered into;
 - (B) Life expectancy of insured at time of contract;
 - (C) Face amount of policy;
 - (D) Amount paid by the life settlement provider to purchase the policy;
 - (E) Date of death of insured; and
 - (F) Total insurance premiums paid by life settlement provider to maintain the policy in force.
- (3) Breakdown of applications received, accepted and rejected, by age category;
- (4) Breakdown of policies involved in life settlement transactions by issuer and policy type;
- (5) Number of secondary market as compared to primary market transactions;
- (6) Portfolio size; and
- (7) Amount of outside borrowings.

365:25-13-6. General rules [REVOKED]

- (a) With respect to policies containing a provision for double or additional indemnity for accidental death, the additional payment shall remain payable to the beneficiary last named by the owner prior to entering into the life settlement agreement, or to such other beneficiary, other than the life settlement provider, as the owner may thereafter designate, or in the absence of a designation, to the estate of the owner.
- (b) Payment of the proceeds of a life settlement pursuant to 36 O.S. § 4093(D) of the Oklahoma Life Settlement Act shall be by means of wire transfer to the account of the owner or by certified check.

Emergency Adoptions

(c) Payment of the proceeds pursuant to a life settlement shall be made in a lump sum. Retention of a portion of the proceeds by the life settlement provider or escrow agent is not permissible.

(d) Installment payments shall not be made unless the life settlement provider has purchased an annuity or similar financial instrument issued by a licensed insurance company or bank. The amount used to purchase an annuity shall not be less than the life settlement proceeds paid in a lump sum.

(e) A life settlement provider or broker shall not discriminate in the making of life settlements on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status or sexual orientation, or discriminate between viators with dependents and without.

(f) A life settlement provider or broker shall not pay or offer to pay any finder's fee, commission or other compensation to any owner or insured's physician, attorney, accountant or other person providing medical, legal or financial planning services to the owner, or to any other person acting as an agent of the owner with respect to the life settlement.

(g) Contacts for the purpose of determining the health status of the insured by the life settlement provider or broker after the life settlement has occurred shall be limited to once every three (3) months for insureds with a life expectancy of more than one year, and to no more than one per month for insureds with a life expectancy of one year or less. The provider or broker shall provide a written explanation of the procedure for these contacts at the time the life settlement contract is entered into.

(h) Life settlement providers and brokers shall not solicit investors who could influence the treatment of the illness of the insured whose coverage would be the subject of the investment.

365:25-13-7. Advertising [REVOKED]

(a) This section shall apply to any advertising of life settlement contracts, or related products or services intended for dissemination in this state, including Internet advertising viewed by persons located in this state. Where disclosure requirements are established pursuant to federal regulation, this section shall be interpreted so as to minimize or eliminate conflict with federal regulation wherever possible.

(b) Every life settlement licensee shall establish and at all times maintain a system of control over the content, form and method of dissemination of all advertisements of its contracts, products and services. All advertisements, regardless of by whom written, created, designed or presented, shall be the responsibility of the life settlement licensee, as well as the individual who created or presented the advertisement. A system of control shall include regular routine notification, at least once a year, to agents and others authorized by the viatical settlement licensee who disseminate advertisements of the requirements and procedures for approval prior to the use of any advertisements not furnished by the life settlement licensee.

(c) Advertisements shall be truthful and not misleading in fact or by implication. The form and content of an advertisement of a life settlement contract (or life settlement purchase agreement, product or service) shall be sufficiently complete and clear so as to avoid deception. It shall not have the capacity

or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the commissioner from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(d) Certain life settlement advertisements are deemed false and misleading on their face and are prohibited. False and misleading life settlement advertisements include, but are not limited to, the following representations:

(1) "Guaranteed," "fully secured," "100 percent secured," "fully insured," "secure," "safe," "backed by rated insurance companies," "backed by federal law," "backed by state law," or "state guaranty funds," or similar representations;

(2) "No risk," "minimal risk," "low risk," "no speculation," "no fluctuation," or similar representations;

(3) "Qualified or approved for individual retirement accounts (IRAs), Roth IRAs, 401(k) plans, simplified employee pensions (SEP), 403(b), Keogh plans, TSA, other retirement account rollovers," "tax deferred," or similar representations;

(4) Utilization of the word "guaranteed" to describe the fixed return, annual return, principal, earnings, profits, investment, or similar representations;

(5) "No sales charges or fees" or similar representations;

(6) "High yield," "superior return," "excellent return," "high return," "quick profit," or similar representations;

(7) Purported favorable representations or testimonials about the benefits of life settlement contracts or life settlement purchase agreements as an investment, taken out of context from newspapers, trade papers, journals, radio and television programs, and all other forms of printed and electronic media.

(e) The information required to be disclosed under this section shall not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

(1) An advertisement shall not omit material information or use words, phrases, statements, references or illustrations if the omission or use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of any benefit, loss covered, premium payable, or state or federal tax consequence. The fact that the life settlement contract or purchase agreement offered is made available for inspection prior to consummation of the sale, or an offer is made to refund the payment if the parties to the sale or purchase agreement are not satisfied includes a "free look" period that satisfies or exceeds legal requirements, does not remedy misleading statements.

(2) An advertisement shall not use the name or title of a life insurance company or a life insurance policy unless the advertisement has been approved by the insurer.

(3) An advertisement shall not represent that premium payments will not be required to be paid on the life insurance policy that is the subject of a life settlement contract

or life settlement purchase agreement in order to maintain that policy, unless that is the fact.

(4) An advertisement shall not state or imply that interest charged on an accelerated death benefit or a policy loan is unfair, inequitable or in any manner an incorrect or improper practice.

(5) The words "free," "no Cost," "without cost," "no additional cost," "at no extra cost," or words of similar import shall not be used with respect to any benefit or service unless true. An advertisement may specify the charge for a benefit or a service or may state that a charge is included in the payment or use other appropriate language.

(6) Testimonials, appraisals or analysis used in advertisements must be genuine; represent the current opinion of the author; be applicable to the life settlement contract or life settlement purchase agreement, product or service advertised, if any; and be accurately reproduced with sufficient completeness to avoid misleading or deceiving any person or prospective purchasers as to the nature or scope of the testimonials, appraisal, analysis or endorsement. In using testimonials, appraisals or analysis, the life settlement licensee makes as its own all the statements contained therein, and the statements are subject to all the provisions of this section.

(A) If the individual making a testimonial, appraisal, analysis or an endorsement has a financial interest in the life settlement provider or related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, that fact shall be prominently disclosed in the advertisement.

(B) An advertisement shall not state or imply that a life settlement contract or life settlement purchase agreement, benefit or service has been approved or endorsed by a group of individuals, society, association or other organization unless that is the fact and unless any relationship between an organization and the life settlement licensee is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the life settlement licensee, or receives any payment or other consideration from the life settlement licensee for making an endorsement or testimonial, that fact shall be disclosed in the advertisement.

(C) When an endorsement refers to benefits received under a life settlement contract or life settlement purchase agreement, all pertinent information shall be retained for a period of five (5) years after its use.

(f) An advertisement shall not contain statistical information unless it accurately reflects recent and relevant facts. The source of all statistics used in an advertisement shall be identified.

(g) An advertisement shall not disparage insurers, life settlement providers, life settlement brokers, life settlement investment agents, insurance producers, policies, services or methods of marketing.

(h) The name of the life settlement licensee shall be clearly identified in all advertisements about the licensee or its life settlement contract or life settlement purchase agreements, products or services, and if any specific life settlement contract or life settlement purchase agreement is advertised, the life settlement contract or life settlement purchase agreement shall be identified by form number. If an application is part of the advertisement, the name of the life settlement provider shall be shown on the application.

(i) An advertisement shall not use a trade name, group designation, name of the parent company of a life settlement licensee, name of a particular division of the life settlement licensee, service mark, slogan, symbol or other device or reference without disclosing the name of the life settlement licensee, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the life settlement licensee, or to create the impression that a company other than the life settlement licensee would have any responsibility for the financial obligation under a life settlement contract or life settlement purchase agreement.

(j) An advertisement shall not use any combination of words, symbols or physical material that by their content, phraseology, shape, color or other characteristics are so similar to a combination of words, symbols or physical materials used by a government program or agency or otherwise appear to be of such a nature that they tend to mislead prospective persons or purchasers into believing that the solicitation is in some manner connected with a government program or agency.

(k) An advertisement may state that a life settlement licensee is licensed in the state where the advertisement appears, provided it does not exaggerate that fact or suggest or imply that competing life settlement licensee may not be so licensed. The advertisement may ask the audience to consult the licensee's web site or contact the department of insurance to find out if the state requires licensing and, if so, whether the life settlement provider, life settlement broker or life settlement investment agent is licensed.

(l) An advertisement shall not create the impression that the life settlement provider, its financial condition or status, the payment of its claims or the merits, desirability, or advisability of its life settlement contracts or life settlement purchase agreement forms are recommended or endorsed by any government entity.

(m) The name of the actual licensee shall be stated in all of its advertisements. An advertisement shall not use a trade name, any group designation, name of any affiliate or controlling entity of the licensee, service mark, slogan, symbol or other device in a manner that would have the capacity or tendency to mislead or deceive as to the true identity of the actual licensee or create the false impression that an affiliate or controlling entity would have any responsibility for the financial obligation of the licensee.

(n) An advertisement shall not directly or indirectly create the impression that any division or agency of the state or of the U.S. government endorses, approves or favors:

(1) Any life settlement licensee or its business practices or methods of operations;

Emergency Adoptions

- ~~(2) The merits, desirability or advisability of any life settlement contract or life settlement purchase agreement;~~
- ~~(3) Any life settlement contract or life settlement purchase agreement; or~~
- ~~(4) Any life insurance policy or life insurance company.~~
- ~~(e) If the advertising emphasizes the dollar amounts available to persons involved in life settlement contracts, the advertising shall disclose the average purchase price as a percent of~~
- ~~face value obtained by persons involved in life settlement contracts during the past six (6) months.~~
- ~~(p) If the advertiser emphasizes the speed with which the life settlement transaction will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the person involved in the life settlement transaction.~~

APPENDIX U. INFORMATIONAL BROCHURE TO BE PROVIDED TO A PROSPECTIVE VIATOR AT FIRST CONTACT PURSUANT TO O.A.C. 365:25-11-6(A) [NEW]

Questions to Ask

- Is the principal and return on my investment guaranteed?
- How is the return on my investment calculated?
- When is the principal and return on my investment paid?
- What fees or other cost am I required to pay?
- Will I ever be required to pay the premiums on the insurance policy?
- What happens if the insured outlives me?

Your state insurance department and the National Association of Insurance Commissioners want you to have the facts about viatical settlements before you invest. This pamphlet provides some of that information, but it's only a starting point. Consult your own professional financial advisor, attorney, or accountant to help you decide if this is the most suitable investment for you.

Always Check with Your State

- Your state may have a list of viatical settlement providers and brokers licensed to do business in the state. Make sure yours are on the list.
- Ask for a copy of regulations related to viatical settlements for your financial advisors to review.

Viatical Settlements

Selling a Life Insurance Policy?

If you're interested in selling your life insurance policy, contact your state insurance department *before* you make a decision.

Buying Viaticals as Investments

OKLAHOMA INSURANCE DEPARTMENT

2401 NW 23rd Street, Suite 28
 Toll Free Phone: 800-522-0071
 Phone: 405-521-2828 Fax: 405-522-3642
 Email: feedback@oid.ok.gov
 Website: www.ok.gov/oid



Before You Decide

Vitatical settlements allow life insurance policyholders to sell their policies to investors for an immediate cash benefit. In return, the buyer of the viatical settlement becomes the new owner of the life insurance policy, pays future premiums and collects the death benefit when the insured dies.

At one time, most viatical settlements were from people with a life-threatening illness. Now, individuals who are not facing a health crisis may sell their life insurance policies to get cash.

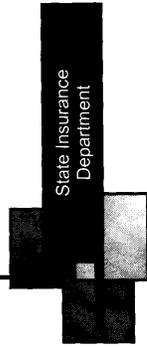
If you are asked to put your money into this type of investment, it is critical that you understand the risks involved, know how your investment will be used and know what the likely return will be. Contact your state insurance department if you need more information.

Be an Informed Investor

- A viatical settlement is not a liquid investment. You can't "cash in" your principal if you change your mind. There is no return on your investment until the insured dies and the death benefit is paid.
- There is no guaranteed annual rate of return. The rate of return depends on when the insured dies and no one can perfectly predict a person's life expectancy. You should find out the life expectancy of the insured and how that determination was made. Remember that individuals who sell their policies in a viatical settlement may not have a life-threatening illness. They may be selling the policy because they can't afford it or no longer need it.
- You are investing in a life insurance policy and premiums must be paid until the insured dies. Find out who is responsible for paying the premiums. Could you ever be responsible for paying the premiums? For example, if the insured lives longer than expected, will you have to pay the premiums? If so, this could decrease your rate of return.

Watch for These Special Risks

- **Group Insurance:** The main risk under an employer provided group policy is that the employer or the insurance company could terminate the group policy. If that happens, the insured may have the right to change to an individual policy but the premium will usually be higher. You will want to ask if there are any special rules about changing from the group policy and who will be responsible for paying any additional premiums.
- **Incontestable Clause:** Insurance companies may refuse to pay death claims for policies less than two years old. In the first two years, the death benefit could be denied for various reasons including suicide or false medical information.
- **Term Insurance:** Term life insurance is issued for a certain number of years. An insurance company won't pay the death benefit if the insured outlives the term of the policy. Find out if it is possible to change the policy to a permanent life insurance policy, such as whole life.
- **Retirement Funds:** If you will be using money from retirement funds such as a 401(k), IRA, Keogh, or another qualified retirement plan, check with your tax advisor first to make sure you won't lose any tax advantages.



Always Check with Your State

Contact your state insurance or securities departments to learn about the issues and risks of viatical settlements *if*:

- you're considering selling your life insurance policy;
- you're asked to sell your life insurance policy *and* your health hasn't changed since you bought the policy;
- you're asked to buy a new life insurance policy *and* immediately sell it for cash.

Questions to Ask

- Do I still need life insurance protection?
- If I sell my policy, how do they decide how much cash I get?
- Is this an employer or other group policy? If so, do I need permission to sell it?
- If I sell my policy, who will be the legal owner?
- Do I need the advice of a tax or estate planning advisor before I decide to sell my policy?
- Who will have specific information about me, my family or my health status?
- After I sell my policy, can it be resold by the buyer?

Your state insurance department may have a list of viatical settlement providers and brokers that are licensed to do business in the state. Contact them to make sure yours are on the list.

Selling Your Life Insurance Policy

Understanding Viatical Settlements

Buying a Life Insurance Policy?

If you're interested in buying a life insurance policy as an investment, contact your state insurance department *before* you make a decision.

OKLAHOMA INSURANCE DEPARTMENT

2401 NW 23rd Street, Suite 28
 Toll Free Phone: 800-522-0071
 Phone: 405-521-2828 Fax: 405-522-3642
 Email: feedback@oid.ok.gov
 Website: www.ok.gov/oid

What is a Viatical Settlement?

A viatical settlement is the sale of a life insurance policy to a third party. The owner (*viator*) of the life insurance policy sells the policy for an immediate cash benefit.

The buyer (the viatical settlement provider) becomes the new owner of the life insurance policy, pays future premiums, and collects the death benefit when the insured dies.

At one time, most viatical settlements were from people with a life-threatening illness. Now, individuals who are not facing a health crisis may sell their life insurance policies to get cash.

Your state insurance department and the National Association of Insurance Commissioners want you to have the facts before you sell your life insurance policy. This brochure provides some of that information, but it is only a starting point. Consult your own professional financial advisor, attorney, or accountant to help you decide if this is the most suitable arrangement for you.

Consider Your Options

If you're selling your policy to get cash to pay expenses, check all of your options. You may find a way to get more cash from your life insurance policy.

1. Ask your insurance agent or company if you have any cash value in your life insurance policy. You may be able to use some of the cash value to meet your immediate needs and keep your policy in force for your beneficiaries. You may also be able to use the cash value as security for a loan from a financial institution.
2. Find out if your life insurance policy has an *accelerated death benefit*. An accelerated death benefit typically pays some of the policy's death benefit before the insured dies. It may be a way for you to get cash from a policy without selling it to a third party.

Consumer tips

- Comparison shop. Get quotes from several companies to make sure you have a competitive offer.
- Find out the tax implications. Not all proceeds received from the sale of your life insurance policy are tax free.
- It's important to know that any of your creditors could claim your cash settlement.
- Find out if you will lose any public assistance benefits such as food stamps or Medicaid if you get a cash settlement.
- The buyer of your policy can periodically ask you about your health status. The buyer is required to give you a privacy notice outlining who will get this personal information. Be sure to read it.
- Check all application forms for accuracy, especially your medical history. All questions must be answered truthfully and completely.
- Make sure the viatical settlement provider agrees to put your settlement proceeds into an independent escrow account to protect your funds during the transfer.
- Find out if you have the right to change your mind about the settlement. AFTER you get the money. If so, how many days do you have to reconsider and return the money?

APPENDIX V. VERIFICATION OF COVERAGE FOR LIFE INSURANCE POLICIES [NEW]

VERIFICATION OF COVERAGE FOR LIFE INSURANCE POLICIES

SUBMITTED TO: _____ NAIC # _____
Name of Insurance Company

POLICY NUMBER: _____

SUBMITTED FROM: _____
Name of Viatical Settlement Broker/Provider

ADDRESS: _____

TELEPHONE NUMBER: _____

CONTACT: _____ TITLE: _____

IF INFORMATION IS CORRECT, INSURER REPRESENTATIVE MAY PLACE A CHECKMARK IN THE BOX. OTHERWISE PROVIDE CORRECTED INFORMATION THROUGHOUT THIS FORM. AN ASTERISK INDICATES INFORMATION THE VIATICAL SETTLEMENT PROVIDER/BROKER MUST PROVIDE.

POLICY OWNER'S AND INSURED'S INFORMATION

	This column to be completed by Viatical Settlement Broker/Provider	This column to be used by Insurance Company
Owner's name	*	
Address	*	
City, state, ZIP code	*	
Tax ID or social security number	*	
Insured's name	*	
Insured's date of birth	*	
Second insured's name (if applicable)	*	
Second insured's date of birth (if applicable)	*	

I hereby consent by my signature below to release of information requested by this form by the insurance company to the viatical settlement broker/provider.

 Signature of policy owner

 Date signed

Form VOC

Emergency Adoptions

IS THE POLICY IN FORCE? _____ YES _____ NO
 IF NO, SIGN, AND DATE ON PAGE 4 AND RETURN TO THE VIATICAL SETTLEMENT
 BROKER OR PROVIDER THAT SUBMITTED THE VERIFICATION OF COVERAGE.

POLICY TYPE, RIDERS & OPTIONS:

* _____ TERM _____ WHOLE LIFE _____ UNIVERSAL LIFE _____ VARIABLE LIFE

If a question is not applicable to the type of policy, write N/A in the column.

	This column to be completed by Viatical Settlement Broker/Provider	This column to be used by Insurance Company
Original issue date	*	
Maturity date of policy		
State of issue	*	
Does the policy have an irrevocable beneficiary?	*	
Is the policy currently assigned?	*	
Was the policy ever converted or reinstated?		
Is the policy in the contestability period?	*	
Is the policy in the suicide period?	*	
Please list all riders and indicate if any are in the contestable or suicide period.	*	

POLICY VALUES

	This column to be completed by Viatical Settlement Broker/Provider	This column to be used by Insurance Company
Policy values as of (insert date)		
Current face amount of policy	*	
Amount of accumulated dividends		
Current face amount of riders		
Amount of any outstanding loans	*	
Amount of outstanding interest on policy loans		
Current net death benefit	*	
Current account value	*	
Current cash surrender value	*	
Is policy participating?	*	
If yes, what is the current dividend option?		

PREMIUM INFORMATION

	This column to be completed by Viatical Settlement Broker/Provider	This column to be used by Insurance Company
Current payment mode	*	
Current modal premium	*	
Date last premium paid	*	
Date next premium due	*	
Current monthly cost of insurance as of (insert date)		
Date of last cost of insurance deduction		

TO BE COMPLETED BY VIATICAL SETTLEMENT BROKER/PROVIDER

The information submitted for verification by the viatical settlement broker/provider is correct and accurate to the best of my knowledge and has been obtained through the policy owner and/or insured.

Signature

Printed Name

Emergency Adoptions

TO BE COMPLETED BY INSURANCE COMPANY

The information provided by verification by the insurance company is correct and accurate to the best of my knowledge as of _____ (date).

Insurance company: _____ NAIC # _____

Printed name: _____ Title: _____

Telephone number: _____ Fax number: _____

Signature: _____

Please provide information about where the forms listed below should be submitted for processing.

Name: _____ Title: _____

Company Name: _____

Mailing Address: _____

City, State, ZIP: _____

Overnight Address: _____

City, State, ZIP: _____

Telephone number: _____ Fax number: _____

FORMS REQUEST

Please provide the forms checked below:

- Absolute Assignment/Change of Ownership/Viatical Assignment
- Change of Beneficiary
- Release of Irrevocable Beneficiary (if applicable)
- Waiver of Premium Claim Form
- Disability Waiver of Premium Approval Letter
- Release of Assignment
- Change of Death Benefit Option Form (if UL)
- Allocation Change Form (if Variable)
- Annual Report
- Current In Force Illustration

APPENDIX W. PAYOUTS FOR INSUREDS WHO ARE TERMINALLY ILL [NEW]

Insured's Life Expectancy	Minimum Percentage of Face Value Less Outstanding Loans Received by Viator
Less than 6 months	80%
At least 6 but less than 12 months	70%
At least 12 but less than 18 months	65%
At least 18 but less than 24 months	60%

[OAR Docket #08-1325; filed 11-3-08]

Emergency Adoptions

TITLE 380. DEPARTMENT OF LABOR CHAPTER 20. WELDING RULES

[OAR Docket #08-1309]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

380:20-1-3 [AMENDED]
380:20-1-14 [AMENDED]
380:20-1-15 [NEW]

AUTHORITY:

Department of Labor; 59 O.S. Section 1624 et seq.; Oklahoma Welding Act

DATES:

Adoption:

September 11, 2008

Approved by Governor:

October 17, 2008

Effective:

Effective November 1, 2008

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standards:

The rules incorporate by reference American Welding Society (AWS) D1.1, D1.3 and A2.1 through 2.1.3.

Incorporating rules:

380:20-1-3
380:20-1-14
380:20-1-15

Availability:

8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

FINDING OF EMERGENCY:

Pursuant to the promulgation of 59 O.S. § 1634, an imminent threat to the preservation of the public health, safety, and welfare and a compelling public interest exist to have the rules available and effective to properly advise how to execute the responsibilities of the statute. The legislature passed Senate Bill 1529 enacting changes to 59 O.S. § 1634 that will become effective November 1, 2008. However, there are no rules in place to implement these changes. Currently, structural steel welders are not licensed or inspected in the State of Oklahoma. With the large number of public facilities, schools, colleges and churches currently under construction or due to begin construction in the very near future, a compelling public interest exists to protect the safety of our children and citizens. These rules will allow the Oklahoma Department of Labor to effectuate legislative intent by ensuring welders are qualified to weld on commercial and industrial buildings at the time the act becomes effective.

ANALYSIS:

The purpose of these proposed rules is to establish administrative rules as required by the newly enacted legislation, Senate Bill 1529, codified at Oklahoma Statutes Title 59, Section 1634. The rules address the certification requirements applicable to the qualification and certification of welders performing structural welding; identify national standards applicable to structural welders; and provide definitions.

CONTACT PERSON:

Tom Monroe (405) 528-1500 ext. 242

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), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2008:

380:20-1-3. Welding inspectors

(a) The intent of Title 59 O.S. Section 1627 is that the welding inspector be physically present during the welders fusing of the test materials and that he witness the test fused material from fit up through fusion, preparation of coupons and ultimate destructive test or to the on-site nondestructive examination personnel. Therefore the welding inspectors test report must contain the following statement: "I certify that I personally witnessed all phases of the welding performance test of the above named welder and that the above data reflects a true report of the test results."

(b) The following definitions shall apply to this chapter;

(1) "ASME" means the American Society of Mechanical Engineers, Three Park Avenue, New York, NY, 10016-5990;

(2) "API" means the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005-4070;

(3) "ASTM" means American Society of Testing and Materials, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959;

(4) "AWS" means the American Welding Society, 550 N.W. LeJeune Road, Miami, Florida 33126;

(5) "Certificate," or "Certification Card" means the document issued to an applicant upon successful examination;

(6) "Destructive" means to bend or pull the weld test coupon to see if it cracks or breaks;

(7) "NDE" means a nondestructive examination;

(8) "Welding Inspector" means any person certified as a welding inspector in accordance with Section 1628 of this Act, or any person in possession of one or more of the following certifications issued by the American Welding Society:

(A) Senior Certified Welding Inspector ("SCWI");

(B) Certified Welding Inspector ("CWI")

(C) Certified Associate Welding Inspector ("CAWI")

(9) "Welding Procedure Specification" ("WPS") means a written document providing direction to the welder for making production welds in accordance with Code requirements by identifying all essential, supplemental essential, and non-essential variables.

(10) "Structure" means any commercial or industrial building where any part of the building is fabricated, constructed, altered, repaired or enlarged using weldable material found in AWS D1.1 or D1.3 in the welding process.

(11) "Continuity log" means a written record that verifies a welder has maintained their certification in every qualified process by producing sound welds at least every 6 months as may be required by the applicable ASME, API or AWS code(s).

(c) The welding inspector shall forward all welder test results properly certified showing under which qualified procedure the welder tested (as permitted by this Act) to the Department of Labor. Upon receipt of the completed application affidavit, the test results and the twenty-five dollar (\$25.00)

application affidavit fee, pursuant to 380:20-1-2(2)(C), the certification card will be mailed to the welder.

(d) All welding inspector certifications will specify with which weld-test facility the inspector is associated.

(e) Title 59 O.S. Section 1638 refers to an owner-user inspector and a certified AWS inspector as being exempt from the Act under certain conditions.

(1) For the purpose of clarifying Title 59 O.S. Section 1638, an owner-user is defined as a firm, company or organization which owns the piping which is being constructed, modified or repaired by full time company employees of the firm. This excludes high pressure steam (in excess of 15 P.S.I.) power piping (boiler external piping) falling within the scope of Section I of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the Oklahoma Boiler and Pressure Vessel Law, Title 40 O.S. Section 141.1, et seq.

(2) For the purpose of clarifying Title 59 O.S. Section 1638, an owner-user inspector is defined as an inspector working as a paid company employee inspecting welds and qualifying welders to weld only those welds on owner piping facilities. The Department of Labor will recognize owner-user inspectors for purposes of certifying their welder's qualifications only. (Any inspection required by virtue of the Oklahoma Boiler Code such as boiler repair and high-pressure steam lines shall be performed in accordance with the provisions of the Boiler and Pressure Vessel Law, Title 40 O.S. Section 141.1 et seq.)

(f) A certified welding inspector may witness welder performance qualification in the field, provided the field testing facility is equipped with the proper test equipment (destructive or NDE devices).

(g) Except for owner-user situations and organizations in possession of a valid Certificate of Authorization issued by the ASME or the National Board of Boiler and Pressure Vessel Inspector, no certified welding inspector or certified testing facility shall be affiliated with any parent or subsidiary company which builds, constructs, erects or repairs piping systems designed in accordance with the provisions of any of the Codes identified in this Act, 40 O.S. 1624, et seq.

(h) For the purpose of welder certification, no welding inspector or testing facility certified by the Department of Labor shall certify any welders in their own employ or any welders in the employment of any parent organization unless done by an employee of an owner-user organization as per 380:20-1-3(e)(2), or an organization in possession of a valid Certificate of Authorization from the ASME or the National Board of Boiler and Pressure Vessel Inspectors.

(i) For the purpose of certifying welders by the Department of Labor, all certified welding inspectors and certified test facilities shall qualify, observe and test welders under one of the procedures and specifications referred to as:

(1) D.P.-1 or;

(2) D.P.-2 or;

(3) Any welding procedure certified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code sanctioned by the welder's employer; or

(4) Any welding procedures certified in accordance with API Standard 1104 sanctioned by the welder's employer; or

(5) Any appropriate AWS standard welding procedure.

(j) The welder must successfully qualify in all respects to the selected procedure and all new test results forwarded to the Department of Labor shall so specify the welding process or processes used, and the position or positions in which welded. Test results shall remain valid for one year from the date the test weldment was performed.

380:20-1-14. Welding procedure specifications for butt weld

(a) Specifications.

(1) Number Okla. D.P.-1 (without backing ring)

(2) Number Okla. D.P.-2 (with backing ring) See Appendix C of this Chapter.

(b) Process.

(1) S.M.A.W.- Shielded Metal-Arc Welding

(2) G.M.A.W. - Gas Metal-Arc Welding

(3) G.T.A.W. - Gas Tungsten-Arc Welding

(4) O.F.G.W. - Oxyfeul Gas Welding

(c) Base Material. The base material shall conform to the specifications of the following:

(1) ASME Boiler & Pressure Vessel Code, (ASME Sect. II Part A, Ferrous & Part B, Nonferrous Sect. IX QW 422 P numbers)

(2) A.P.I. STD 1104-1.4 Materials (1.42 A through E)

(3) AWS Part A, ~~10.2 through 10.2.5~~ 2.1 through 2.1.3 as conforming to A.S.T.M. requirements

(d) Forgings. Filler metal; The filler metal shall conform to the applicable code requirements of specifications under which the welder is being qualified, and restricted to the particular welding process being utilized. Applicable codes: ASME Section IX, current Edition and addenda, and ASME B31.1, current Edition and addenda, and API 1104, current Edition and addenda.

(e) Position. The welding shall be done in test position 2G and 5G or 5G or 6G, as described in Section IX of the ASME Boiler and Pressure Vessel Code. See Appendices A, B and D of this Chapter.

(f) Preparation of base material. The edges or surfaces of the parts to be joined by welding shall be prepared by being machined, ground or gas cut to form groove design joints, as shown on the attached appendices and shall be cleaned of all oil and grease and excessive amounts of scale or rust. Fillet design joints shall not be used for welder certification.

(g) Nature of electric current. The current shall be DC, the base metal to be on the negative side of the line.

(h) Welding technique. The welding technique, electrode size and mean voltages and currents for each electrode shall be substantially as shown on attached appendices.

(i) Appearance of welding layers. The welding current and manner of depositing the weld material shall have the appearance shown on the attached appendices. There shall be practically no undercutting on the side walls or the welding groove or the adjoining material.

Emergency Adoptions

(j) **Cleaning.** All slag or flux remaining on any bead of welding shall be removed before laying down the next successive bead.

(k) **Defects.** Any cracks or blow holes that appear on the surface shall be removed by chipping, grinding or gas gouging before depositing the next successive bead of welding.

(l) **Heat treatment.** The heat treating or stress relieving of completed welds, when required, shall be performed in accordance with the requirements of the specific code under which the work is conducted.

380:20-1-15. Welding procedure specifications for structural steel welding

The welding procedure specifications for structural steel welding is that which is found in AWS D1.1 and/or D1.3.

[OAR Docket #08-1309; filed 10-27-08]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 65. ANESTHESIOLOGIST ASSISTANTS

[OAR Docket #08-1354]

RULEMAKING ACTION:

EMERGENCY adoption.

RULES:

- 435:65-1-1. Purpose [NEW]
- 435:65-1-2. Interpretation of rules and regulations [NEW]
- 435:65-1-3. License required [NEW]
- 435:65-1-4. Application for initial licensure/renewal of license [NEW]
- 435:65-1-5. Supervision [NEW]
- 435:65-1-6. Disciplinary action [NEW]
- 435:65-1-7. Student anesthesiologist assistants [NEW]
- 435:65-1-8. Fees [NEW]

AUTHORITY:

Title 59 O.S., Section 3204, Board of Medical Licensure and Supervision

DATES:

Adoption:

September 18, 2008

Approved by Governor:

October 31, 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:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

HB1577 created the Anesthesiologist Assistant Act. There is a compelling public interest which requires adoption of emergency rules for implementation of the law which requires licensure of anesthesiologist assistants.

ANALYSIS:

The rules were adopted to carry out the licensing provisions set forth in HB1577. The fees adopted are for applying for the initial license and for biennial renewal.

CONTACT PERSON:

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

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):

435:65-1-1. Purpose

The rules of this Chapter have been adopted to assist in the implementation and enforcement of the Oklahoma Anesthesiologist Assistant Act.

435:65-1-2. Interpretation of rules and regulations

If any section, sentence, clause, or phrase of this Chapter shall be held, for any reason, to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of the rules shall not be affected thereby, it being the intention of the Oklahoma State Board of Medical Licensure and Supervision in adopting the rules that no portion or provision herein shall become inoperative or fail by reasons of the unconstitutionality or invalidity of any portion or provision, and the Oklahoma State Board of Medical Licensure and Supervision does hereby declare it would have severally passed and adopted the provisions contained in this Chapter separately and apart one from another.

435:65-1-3. License required

Any person who practices as an anesthesiologist assistant or holds himself/herself out to be a Licensed Anesthesiologist Assistant or uses the title Anesthesiologist Assistant or common variants of that title must possess a valid license issued by the Board.

435:65-1-4. Application for initial licensure/renewal of license

(a) The Board directs staff to prepare and create new forms or modify existing forms to be used in the application process for licensure and renewal of license. Application forms shall require applicants to submit all information required by the Oklahoma Anesthesiologist Assistant Act.

(b) The application and forms shall be submitted to the Board accompanied by fees as set by the Board. Any incomplete or missing information, documentation or fees shall render the application incomplete. No license shall be issued unless all application requirements have been met. Incomplete applications will be considered abandoned after one year. Any applicable fees paid shall not be refunded.

(c) The applicant shall be forthright and open in the provision of information to the Board in the application process. No applicant shall be awarded a license who does not provide the Board with complete, open and honest responses to all requests for information.

(d) Any Board member, based on any response to any question or request for information on the application form, may request an applicant to provide any additional information that the Board member feels is necessary or useful to determine the applicant's ability to practice as an anesthesiologist assistant.

(e) The Board may require a criminal background check on all applicants for licensure. The fee shall be paid by the applicant.

(f) Fraud or misrepresentation in applying for or procuring a license or in connection with applying for or procuring renewal of a license may be grounds for denial or revocation by the Board.

(g) No person shall be licensed by the Board unless and until that person first fully complies with all licensure provisions of the Act and has satisfied the Board of the ability of that person to practice as an anesthesiologist assistant with reasonable skill and safety.

435:65-1-5. Supervision

(a) An anesthesiologist assistant may only perform medical services under the direct supervision of a licensed anesthesiologist.

(b) Direct supervision requires the on-site, personal supervision by the supervising anesthesiologist who is at all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

(c) A licensed anesthesiologist may supervise up to four (4) anesthesiologist assistants concurrently. The limitation on the number of anesthesiologist assistants that an anesthesiologist may supervise in no way restricts the number of other qualified anesthesia providers that an anesthesiologist may concurrently supervise.

435:65-1-6. Disciplinary action

(a) The Board may reprimand or place on probation any holder of an anesthesiologist assistant license, or may limit, suspend or revoke any license issued to an anesthesiologist assistant for unprofessional conduct as defined in the Medical Practice Act, Title 59 O.S., §509 and OAC 435:10-7-4.

(b) The Board may impose as a condition of any disciplinary action, the payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including but not limited to, staff time, salary and travel expense, witness fees and attorney fees.

435:65-1-7. Student anesthesiologist assistants

(a) A student in any anesthesiologist assistant training program shall be identified as a "Student Anesthesiologist Assistant" or as an "Anesthesiologist Assistant Student".

(b) Student anesthesiologist assistants are authorized to clinically train under the supervision of an anesthesiologist licensed by the Board provided that the student anesthesiologist assistant is participating in a training program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization.

435:65-1-8. Fees

(a) **Fee schedule.**

- (1) Application for initial licensure - \$150.00
- (2) Biennial renewal fee - \$150.00

(b) **Submission of fees.**

(1) All fees assessed by the Board shall be received prior to processing an application for licensure or renewal of licensure.

(2) All fees are non-refundable.

[OAR Docket #08-1354; filed 11-6-08]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #08-1319]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 23. Oklahoma Higher Learning Access Program
610:25-23-5. Securing Program Benefits [AMENDED]
610:25-23-6. Retaining eligibility in postsecondary education [AMENDED]

AUTHORITY:

State Regents for Higher Education; 70 O.S. §§ 2601, 2602, 2603, 2604 and 2605

DATES:

Adoption:

September 11, 2008

Approved by Governor:

October 17, 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:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The State Regents for Higher Education find that a compelling public interest requires the passage of this emergency rule. The proposed amendments to the Oklahoma's Promise rules must be addressed as soon as possible to provide appropriate formal guidance to students in the program (and their parents) and those that will graduate high school in May 2009. There are approximately 9,600 students in the 2009 graduating class.

ANALYSIS:

The emergency rule amendments address two statutory changes from SB 1038 of the 2008 legislative session.

1. Delaying implementation of a new second income limit requirement from 2009-2010 to 2010-2011.

Based on SB 1038, Oklahoma's Promise college students receiving the scholarship for the first time in 2010-2011 (primarily high school graduates of 2010 and thereafter), students will be subject to a second family income limit requirement. Previously, the new limit was scheduled to go into effect for 2009 graduates. Students will not receive the scholarship if their parents' income exceeds \$100,000 at the time the student goes to college (if the student is independent, the student's income may not exceed \$100,000). To enroll in the program in the 8th, 9th or 10th grade, a student's family income still must be under \$50,000 at the time of application.

The one-year delay in the new second income limit requirement reduces the number of students who will be subject to the new limit but who had already enrolled in the program before the new limit was legislated. The delay reduces the number of students in this circumstance from about 18,000 (9,000 in the 2009 graduating class, 6,000 in the 2010 graduating class and 3,000 in the 2011 graduating class) to 9,000 (6,000 in the 2010 graduating class and 3,000 in the 2011 graduating class).

A review of the family income data for 2007-2008 Oklahoma's Promise scholarship recipients showed the following:

Emergency Adoptions

About 84 percent of recipients reported family income by applying for federal financial aid.

Of the students with reported family incomes, about 2 percent showed incomes exceeding \$100,000.

No income data was available for the remaining 16 percent of recipients.

2. Modifying and delaying implementation of a new minimum college GPA requirement.

SB 1038 also delayed implementation of a new college GPA requirement from 2009-2010 to 2010-2011. The bill also changed the GPA requirement slightly to a minimum cumulative college GPA of 2.0 for courses taken *through* the sophomore year and a minimum 2.5 GPA for courses taken *during* the junior year and thereafter. SB 1038 also created a Task Force on Oklahoma's Promise that will meet during Fall 2008 to review the program's income requirements and college scholarship-retention requirements. One of the purposes of the delays in implementing the new second income limit and college GPA requirements was to provide time for the Task Force to examine these issues and make recommendations to the 2009 Legislature.

The amendments are sought on an emergency basis so that formal guidance can be provided to the 9,600 program participants graduating in May 2009 and the public as soon as possible. Similar permanent rule amendments will be sought later but would not become effective until after review by the Legislature during the regular 2009 legislative session.

CONTACT PERSON:

David B. Harting, Associate General Counsel, OSRHE, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104-3506, 405-225-9289.

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 23. OKLAHOMA HIGHER LEARNING ACCESS PROGRAM

610:25-23-5. Securing Program benefits

(a) To qualify for the program benefits for the first semester or other academic unit of postsecondary enrollment, the participant must:

- (1) Be a resident of this state both at the time of application to the program and at the time the student graduates from high school, or have been enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of Title 70 of the Oklahoma Statutes.
- (2) Have graduated within the previous three years from a high school or other educational program if home-schooled.
- (3) Have a record of satisfactory compliance with the agreements and program requirements described in 610:25-23-4. Students failing to comply with the agreement and program requirements shall not be eligible for awards. Compliance shall be verified by the local contact person upon a form provided by the OSRHE. Final verification of compliance shall be determined by the OSRHE. A copy of the student's final high school transcript shall be submitted by the local contact person with the student's verification form.
- (4) Have satisfied admission standards as established by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type

of institution (OSRHE Policy Statement on Admission to, Retention in and Transfer Among Colleges and Universities of the State System) or, if attending a private institution, satisfy the admission standards determined by the private institution; provided, that no student participating in the program shall be admitted into an institution of higher education by special admission standards.

(5) Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary program offered pursuant to a duly approved cooperative agreement between a public technology center and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes.

(6) Be a United States citizen or lawfully present in the United States. This provision shall not apply to any student that was enrolled in the program prior to the end of 2006-07 school year.

(b) For students receiving the program benefit award for the first time in ~~2009-10~~ 2010-11 and thereafter, at the time the student begins postsecondary education and prior to receiving any program benefit award, the income from taxable and nontaxable sources of the student's parent(s) shall not exceed \$100,000 per year. The determination of financial qualification as set forth in this paragraph shall be based on income of the student, not the income of the parent(s), if the student:

- (1) is determined to be independent of the student's parents for federal financial aid purposes,
- (2) was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- (3) was in the court-ordered custody of a federally-recognized Indian tribe, as defined by the federal Indian Child Welfare Act, at the time the student enrolled in the program.

(c) Award recipients shall apply for financial aid at the institution in which they enroll.

(d) All students eligible to receive the program benefit award for the first time in ~~2009-10~~ 2010-11 and thereafter must complete an application for federal financial aid (Free Application for Federal Student Aid or FAFSA) or its equivalent. Students not eligible to complete the FAFSA will be provided an alternate method by the OSRHE.

(e) Any person incarcerated in a state, federal, or private correctional facility shall not be eligible to receive program benefits.

610:25-23-6. Retaining eligibility in postsecondary education

(a) To retain eligibility for program benefits while pursuing a program of higher learning in an institution of The Oklahoma State System of Higher Education, the student shall maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education. Students attending an eligible private institution shall maintain good academic standing and satisfactory

academic progress according to the standards of the institution in which they are enrolled. [70 O.S. § 2603; OSRHE Policy II-2-46.3]

(b) Effective January 1, 2008, any student receiving the program benefit award that is expelled or suspended for more than one semester from an institution of higher education for conduct reasons shall permanently lose eligibility for program benefits.

(c) For students receiving the program benefit award for the first time in ~~2009-10~~ 2010-11 and thereafter, the student must achieve a minimum cumulative grade point average of 2.0 on a 4.0 scale or its equivalent for courses taken during through the student's sophomore year and achieve a minimum grade point average of 2.5 on a 4.0 scale or its equivalent for courses taken during the student's junior year and thereafter.

[OAR Docket #08-1319; filed 10-30-08]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #08-1311]

RULEMAKING ACTION:
EMERGENCY adoption

RULE:
Subchapter 3. Methods of Taking
800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting [AMENDED]

AUTHORITY:
Title 29 O.S., Section 3-103 and 5-401 and Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

DATES:
Adoption:
September 8, 2008

Approved by Governor:
October 17, 2008

Effective:
Upon Governor Approval

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

SUPERSEDED EMERGENCY ACTION:
n/a

INCORPORATED BY REFERENCE:
n/a

FINDING OF EMERGENCY:
This proposed rule would legalize the use of traps and seines to collect bait for personal use. Collecting bait for personal use has been a common practice but these rules are needed to regulate the harvest of bait.

CONTACT PERSON:
Barry Bolton, Chief, 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 3. METHODS OF TAKING

800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting

(a) **Bow and arrow.** The use of bow and arrows in bowfishing shall be lawful for taking nongame fish only in all waters of the state throughout the year, except:

(1) Illinois River and its tributaries shall be closed at all times to such fishing except, those portions above the Horseshoe Bend boat ramp on Tenkiller Reservoir which is open from December 1 through March 31 annually. Tenkiller Reservoir below Horseshoe Bend boat ramp is open to bowfishing.

(2) Black Fork Creek is closed except that portion from the old Heavener Fish Hatchery Dam downstream to the confluence with Poteau River shall be open during the period beginning December 1 and continuing through May 15 of the following year.

(3) Reservoir tailwaters, other than Eufaula, Keystone, Wister, Fort Gibson, Thunderbird and Hudson (Markham Ferry) shall be closed to fishing with bow and arrows throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.

(4) All waters defined as "Designated Trout Areas" during open season for taking trout are closed.

(5) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.

(6) Only that section of the Caney River from Hulah Dam downstream approximately 1,200 feet to the re-regulation dam is closed. Fishing with a bow and arrow is lawful in the Caney River below the re-regulation dam.

(7) The following portions of Grand River:
(A) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.
(B) The Grand River occurring below the spillway outlets of Grand River Dam downstream to the highline crossing (approximately 1/2 mile) is closed throughout the year with the next 1/2 mile downstream from the highline crossing closed during periods when the spillway gates are open and discharging water and for seven (7) days following closure of the spillway gates.

(8) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(9) "Close To Home" fishing waters and Lakes Pickens, Carl Albert and Taft and all ponds and lakes in the Ouachita National Forest are closed.

(10) The taking of paddlefish by bow and arrow is prohibited from May 16 through March 14 of the following year, statewide.

(11) Bowfishing may be used at Lakes Hefner, Overholser (including tailwaters and downstream to NW 10th St. bridge) and Draper throughout the year during daylight hours only.

Emergency Adoptions

(12) The Salt Fork of the Arkansas River from the spillway of Great Salt Plains Reservoir downstream to the State Highway 38 Bridge is closed.

(b) **Grabhooks.** Taking fish by use of a grabhook is prohibited in all state waters except, within waters of Delaware and Mayes Counties (excluding reservoir tailwaters which are closed) divers

equipped with scuba gear may use a grabhook for taking nongame fish only from June 15 through July 31.

(c) **Gigs, spears and spearguns.** The use of gigs, spears and spearguns containing not more than three (3) points with no more than two (2) barbs on each point shall be lawful for taking nongame fish only, except white bass may be taken by use of a gig. These methods are lawful in all:

(1) Rivers and streams from December 1 through March 31, except:

(A) The taking of paddlefish by use of gig, spear or speargun is prohibited from May 16 through March 14 of the following year, statewide.

(B) The Poteau and Fourche Maline Rivers and all their tributaries within LeFlore County are closed throughout the year.

(C) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.

(D) The Canadian River from Eufaula Dam downstream for a distance of one (1) mile to be so designated by buoy or other appropriate marker is closed throughout the year.

(E) The Caney River from Hulah Dam downstream to the confluence of the old and new river channels is closed.

(F) The following portions of Grand River:

(i) The main river channel of the Grand River below the turbine outlets of Grand River Dam downstream to State Park Bridge is closed throughout the year.

(ii) The Grand River occurring below the spillway outlets of Grand River Dam downstream for a distance of one (1) mile is closed throughout the year.

(G) Rivers and streams in Delaware and Mayes counties are open to the use of gigs throughout the year, unless specifically closed in other sections of this chapter.

(H) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(2) Lakes and reservoirs throughout the year, except:

(A) Waters within the boundaries of the Wichita Mountains Wildlife Refuge other than that portion of Lake Elmer Thomas are closed.

(B) Tenkiller Reservoir, below the Horseshoe Bend boat ramp, is closed throughout the year except by speargunning when used with a self-contained underwater breathing apparatus which is closed from June 15 through July 15 annually to the taking of flathead catfish only.

(C) All Department Fishing Areas, all "Close To Home" fishing waters and Lakes Carl Albert, Sooner, Lone Chimney and Taft and all ponds and lakes in the Ouachita National Forest are closed. Konawa is closed to gigging.

(D) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10th St. bridge) and Draper are closed.

(3) Reservoir tailwaters other than Hudson (Markham Ferry) shall be closed to fishing with gigs, spears and spearguns throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.

(d) **Snagging.** Snagging for nongame fish only shall be lawful in all waters of the State throughout the year, except:

(1) Reservoir tailwaters other than Fort Gibson which is open 24 hours a day, and Wister and Hudson (Markham Ferry) which are open from 10 p.m. to 6 a.m.; shall be closed to fishing by snagging throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.

(2) The following rivers, lakes, and streams:

(A) The Illinois River and its tributaries above the Horseshoe Bend boat ramp on Tenkiller Reservoir and below the dam shall be closed at all times to such fishing.

(B) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.

(C) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.

(D) The Canadian River from Eufaula Dam tailwater Downstream for a distance of one (1) mile to be so designated by buoy or other appropriate marker is closed throughout the year.

(E) The Caney River from the Hulah Dam downstream to the confluence of the old and new river channels is closed.

(F) The following portions of the Grand River:

(i) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.

(ii) That portion of the Grand River occurring below the spillway outlets of Grand River Dam downstream to the highline crossing (a distance of approximately $\frac{1}{2}$ mile) is closed throughout the year with the next $\frac{1}{2}$ mile downstream from the highline crossing closed during periods when the spillway gates are closed.

(G) The Arkansas River from the tailwaters below Keystone Dam downstream to the Interstate 44 (Skelly Drive) Bridge at Tulsa shall be closed at all times to such fishing.

(H) The Black Fork Creek within the boundaries of LeFlore County is closed throughout the year, except during the period from April 15 through May 15 each year when snagging shall be lawful.

(I) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(J) All Department Fishing Areas, all "Close To Home" fishing waters and Lakes Pickens, Carl Albert, Sooner and Konawa and all ponds and lakes in the Ouachita National Forest are closed.

(K) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10th St. bridge) and Draper are closed.

(3) When snagging for paddlefish the hook must have the barbs removed or completely closed.

(e) **Noodling.** Possession of hooks, gaffs, spears, poles with hooks attached and/or ropes with hooks attached while in the act of noodling, shall be proof of violation of the "hands only" noodling law. Noodling shall be lawful for nongame fish only throughout the year in all:

(1) Rivers and streams of the state, except:

(A) The Illinois River and its tributaries above Horseshoe Bend boat ramp on Tenkiller Reservoir and below the dam shall be closed at all times to such fishing.

(B) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.

(C) Kiamichi River from Hugo Dam downstream to the first railroad bridge is closed.

(D) The following portions of the Grand River:

(i) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.

(ii) The Grand River occurring below the spillway outlets of Grand River Dam downstream to the highline crossing is closed throughout the year except the day of and two (2) days following closure of the spillway gates when noodling will be legal.

(E) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(2) Corps of Engineers and Bureau of Reclamation Reservoirs, Grand and Hudson Lakes.

(3) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.

(4) All Department Fishing Areas, all "Close To Home" fishing waters (except noodling is allowed in the North Canadian River from the NW 10th St. bridge downstream to the MacArthur St. bridge in Oklahoma City) and Lakes Pickens, Carl Albert, Taft, and Lone Chimney, and all ponds and lakes in the Ouachita National Forest are closed.

(5) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10th St. bridge) and Draper are closed.

(f) **Netting (noncommercial).** Only nets defined as gill nets, trammel nets, hoop nets or haul seines may be used, provided:

(1) Hoop nets shall be no longer than ten (10) feet in length with mesh size no smaller than three (3) inch square, constructed of nonmetallic mesh only, having no more than seven(7) hoops three (3) feet in diameter or smaller.

(2) Mesh size for gill nets and trammel nets, or seines shall be no smaller than four (4) inch square mesh.

(3) All nets must be attended once every twenty-four (24) hours.

(4) Each license holder shall be limited to a maximum of three hundred (300) feet of net or a total of four (4) hoop nets in the water at any time.

(5) Each net shall have the name and address of the owner attached thereto, if the net is to be left unattended.

(6) It shall be unlawful to sell, barter, or trade, ship or transport from the State of Oklahoma any fish taken under the noncommercial netting provisions.

(7) Noncommercial netting is prohibited statewide during April and May annually.

(8) Only nongame fish may be taken in waters that are open for noncommercial netting.

(9) The following lakes and reservoirs are closed to all such netting for game and/or nongame fish except under commercial fishing license:

- (A) Canton;
- (B) Wister;
- (C) Fort Gibson;
- (D) Lugert;
- (E) Oologah;
- (F) Grand Lake;
- (G) Wash Hudson;
- (H) Eufaula;
- (I) Texoma;
- (J) Arbuckle;
- (K) Carl Blackwell;
- (L) Fort Cobb;
- (M) Fort Supply;
- (N) Foss;
- (O) Greenleaf;
- (P) Heyburn;
- (Q) Hulah;
- (R) Keystone;
- (S) Murray;
- (T) Salt Plains;
- (U) Tenkiller;
- (V) Thunderbird;
- (W) Broken Bow;
- (X) Pine Creek;
- (Y) Robert S. Kerr;
- (Z) Webbers Falls;
- (AA) W.D. Mayo;
- (BB) Chouteau;
- (CC) Kaw;
- (DD) Newt Graham;
- (EE) Carl Albert;

Emergency Adoptions

- (FF) Hugo;
 - (GG) Sooner;
 - (HH) Konawa;
 - (II) Ellsworth;
 - (JJ) Lawtonka;
 - (KK) Copan;
 - (LL) Sardis;
 - (MM) Optima;
 - (NN) Atoka;
 - (OO) Clayton State Park Lake;
 - (PP) Eucha;
 - (QQ) Spavinaw;
 - (RR) Arcadia;
 - (SS) McGee Creek;
 - (TT) all Department Fishing Areas and all ponds and lakes in the Ouachita National Forest;
 - (UU) all waters within the boundaries of the Wichita Mountains Wildlife Refuge; and
 - (VV) all new Federal Reservoirs.
 - (WW) all "Close To Home" fishing waters are closed.
 - (XX) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10th St. bridge) and Draper are closed.
- (10) The following rivers and streams are closed to all such netting for game and/or nongame fish except under commercial fishing license:
- (A) Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland Co.;
 - (B) Kiamichi River above Hugo Lake and from Hugo Dam downstream to the Red River;
 - (C) Caney River;
 - (D) Little River upstream from Highway 98 Bridge;
 - (E) Glover River upstream from State Highway 7;
 - (F) Mountain Fork River upstream from U.S. Highway 70 Bridge;
 - (G) Washita River upstream to U.S. Highway 77 Bridge, south of Davis;
 - (H) Red River from the Choctaw/Bryan County line upstream to Interstate 35 Bridge;
 - (I) Blue River;
 - (J) Illinois River;
 - (K) Barren Fork River;
 - (L) Pennington Creek;
 - (M) Lukfata Creek;
 - (N) Black Fork Creek;
 - (O) Lee Creek;
 - (P) Deep Fork River upstream from Lake Eufaula to Arcadia Reservoir dam;
 - (Q) Poteau and Fourche Maline Rivers in LeFlore County;
 - (R) McGee Creek;
 - (S) Sans Bois tributary of R.S. Kerr Reservoir;
 - (T) all cutoffs, oxbows, side channels and tributaries of the streams and rivers named in (A) through (S);

- (U) All the old oxbows and cutoffs of the Arkansas River in LeFlore and Sequoyah Counties;
- (V) Arkansas River;
- (W) Cimarron River and its tributaries;
- (X) Salt Creek in Osage County;
- (Y) Salt Fork River;
- (Z) the Canadian River from Eufaula Dam downstream to the confluence with Robert S. Kerr Reservoir;
- (AA) the Neosho River from the Kansas border downstream to the confluence with Webbers Falls Reservoir;
- (BB) Verdigris River; and
- (CC) Spring River.

~~(11) Cast netting, trawl netting and dip netting bait for personal use is lawful in all waters of this state unless specifically closed under 800:10-5-2, 10-5-3, 10-5-6. Cast nets shall have a mesh size no greater than three eighths (3/8) inch square mesh. Trawl nets pulled by motor driven boats may not exceed three (3) feet in diameter with no greater than three eighths (3/8) inch square mesh.~~

(g) **Collecting Bait for personal use.** Cast netting, trawl netting, dip netting, minnow traps and seining non-game fish commonly used for bait for personal use is lawful in all waters of this state unless specifically closed under 800:10-5-2, 800:10-5-3 and/or 800:10-5-6. Cast nets and dip nets shall have a mesh size no greater than three-eighths (3/8) inch square mesh. Seines shall not exceed twenty (20) feet in length, and the mesh shall be no larger than one-half ($\frac{1}{2}$) inch square unless seining for minnows then the mesh shall not exceed one-fourth ($\frac{1}{4}$) inch. Minnow traps shall have a mesh size no greater than one-half ($\frac{1}{2}$) inch, shall not be longer than three (3) feet, shall not exceed eighteen (18) inches in diameter on round traps or eighteen (18) inches on a side on square or rectangular traps. The trap entrance (throat) cannot exceed two (2) inches across the opening. No person shall fish with more than 3 minnow traps. All minnow traps must have the owner's name and address attached and the traps must be attended once every 24 hours. All game fish and non-game fish not commonly used for bait must be released immediately. Minnow traps cannot be made with glass.

[OAR Docket #08-1311; filed 10-30-08]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

[OAR Docket #08-1312]

RULEMAKING ACTION:

EMERGENCY adoption

RULE:

Subchapter 7. General Hunting Seasons

Part 19. Seasons on Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service
800:25-7-132.1. Ouachita WMA - Cucumber Creek Unit [NEW]

AUTHORITY:

Title 29 O.S., Section 3-103 and 5-401 Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

DATES:

Adoption:

September 8, 2008

Approved by Governor:

October 23, 2008

Effective:

Upon Governor Approval

Expiration:

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

SUPERSEDED EMERGENCY ACTION:

n/a

INCORPORATED BY REFERENCE:

n/a

FINDING OF EMERGENCY:

This rule will establish regulations for the new Ouachita Wildlife Management Area - Cucumber Creek Unit as a walk in only area for public use this fall. This area includes property owned by the U.S. Forest Service and The Nature Conservancy.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 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 7. GENERAL HUNTING SEASONS

PART 19. SEASONS ON AREAS OWNED OR MANAGED BY THE OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION AND THE U.S. FISH AND WILDLIFE SERVICE

800:25-7-132.1. Ouachita WMA - Cucumber Creek Unit

The following hunting and trapping seasons apply to the Ouachita WMA - Cucumber Creek Unit. Walk-in access only.

- (1) Quail: Same as statewide season dates, except closed during first nine days of deer gun season.
- (2) Pheasant: Closed season.
- (3) Prairie chicken: Closed season.
- (4) Turkey - Fall:
 - (A) Archery: Same as statewide season dates; either-sex.
 - (B) Gun: Closed season.
- (5) Turkey - Spring: Same as statewide season dates. Two tom season limit.
- (6) Squirrel: Same as statewide season dates, except closed during first nine days of deer gun season.
- (7) Rabbit: Same as statewide season dates, except closed during first nine days of deer gun season.
- (8) Crow: Same as statewide season dates.
- (9) Dove: Same as statewide season dates.
- (10) Rail and gallinule: Same as statewide season dates.
- (11) Common snipe: Same as statewide season dates, except closed during first nine days of deer gun season.
- (12) Woodcock: Same as statewide season dates, except closed during first nine days of deer gun season.
- (13) Deer-archery: Same as statewide season dates.
- (14) Deer - primitive firearms: Same as statewide season dates.
- (15) Deer - gun: Same as statewide season dates.
- (16) Trapping: Same as statewide season dates.
- (17) Pursuit with hounds: Same as statewide seasons dates, except closed during first nine days of deer gun season.
- (18) Predator/furbearer calling: Same as statewide season dates, except closed during first nine days of deer gun season.
- (19) Waterfowl: Same as statewide season dates, except closed during deer gun season.

[OAR Docket #08-1312; filed 10-30-08]

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

1:2008-47.

EXECUTIVE ORDER 2008-47

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

By Executive Order 2007-13, I established the Governor's Task Force on State Employee Compensation. The January 1, 2008 "*Report of the Governor's Task Force On State Employee Compensation*" included a recommendation for an annual total compensation statement for all state employees.

The State spends approximately \$700 million per year providing a wide array of benefits to employees, including medical benefits, dental and vision benefits, life and disability insurance, and defined benefit and defined contribution retirement plans. However, this State investment in employee total compensation has not been adequately articulated to employees by the State. The effectiveness of these benefits as recruitment and retention tools depends to a large degree on the perceived value of these benefits to the employee population. The only way to realistically determine the perceived value of a benefit plan is to conduct an employee survey. The results of such a survey can be used to ensure that the State is allocating its financial resources toward those benefits with the greatest perceived value among employees.

A total compensation communication strategy should be developed to increase employee awareness and understanding. The Office of Personnel Management, working with the Employees Benefits Council, Office of State Finance, Oklahoma Public Employees Retirement System and the other retirement systems, along with any other necessary agencies, shall develop a total compensation "report card" personalized for each employee, and a total compensation statement that accurately reflects the value of the cash compensation and benefits that State employees receive. After the "report card" has been disseminated, the Office of Personnel Management,

working with the Office of State Finance and the Employees Benefits Council, and any other necessary agencies, is directed to conduct a survey to determine the value that employees place on each benefit.

This Executive Order shall be distributed to the Office of Personnel Management which shall cause the provisions of this order to be implemented.

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 3rd day of November, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Michelle Waddell
Acting Assistant Secretary of State

[OAR Docket #08-1368; filed 11-7-08]

1:2008-48.

EXECUTIVE ORDER 2008-48

I, Brad Henry, Governor of the State of Oklahoma, in observation of Veterans' Day, 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, November 11, 2008, in appreciation for the sacrifices that Oklahoma men and women have made in defense of this great nation in all wars from the First World War to the wars in Korea and Vietnam to those we fight today.

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.

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 6th day of November, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #08-1371; filed 11-12-08]
