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Notices of Rulemaking Intent

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

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

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

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 20. AIRCRAFT EXCISE TAX DEDICATION PROGRAM [REVOKED]

[OAR Docket #09-1306]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

25:20-1-6. Purpose [REVOKED]

25:20-1-7. Definitions [REVOKED]

25:20-1-8. Program Participation Request and Consideration [REVOKED]

25:20-1-9. Program Administration [REVOKED]

25:20-1-10. Project Implementation [REVOKED]

SUMMARY:

Title 25 Chapter 20 deals specifically with the Aircraft Excise Tax Dedication Program. The proposed new rules will revoke Sections 1-6 through 1-10 due to passage of SB 243, which repeals the Aircraft Excise Tax Credit Program. SB 243 became effective June 1, 2009. The Aircraft Excise Tax Credit Program no longer exists and the agency's rules are being changed to reflect passage of SB 243.

AUTHORITY:

Oklahoma Aeronautics Commission, 3 O.S. Section 81-93 and repeal of 68 O.S. Section 6003.1.

COMMENT PERIOD:

Persons may submit written and oral comments to Treasure Tytenicz at the Oklahoma Aeronautics Commission at 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 2, 2009 through January 4, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, January 5, 2010 at the Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 16, 2009.

CONTACT PERSON:

Treasure Tytenicz, Government Affairs Liaison and Aviation Education Coordinator, Oklahoma Aeronautics

Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6901.

[OAR Docket #09-1306; filed 10-27-09]

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

[OAR Docket #09-1343]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules

35:2-3-2 [AMENDED]

35:2-3-2.2 [AMENDED]

35:2-3-2.3 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.5 [AMENDED]

35:2-3-2.6 [AMENDED]

35:2-3-2.7 [AMENDED]

SUMMARY:

The proposed rules amend certain fees contained in Subchapter 3 pertaining to feed and fertilizer, elemental analysis, meat chemistry, dairy, food, water, and other rules. These rules allow the Oklahoma Department of Agriculture, Food, and Forestry's Laboratory Services Division to recoup some of the costs associated with conducting the specific tests addressed by the amendments.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(20) and 14-83; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2009 through January 7, 2010.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., January 7, 2010, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from December 1, 2009 through January 7, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1343; filed 11-6-09]

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from December 1, 2009 through January 7, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1344; filed 11-6-09]

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

[OAR Docket #09-1344]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Fine Schedules
Part 15. Consumer Protection Services Violations
35:3-1-23 [AMENDED]

SUMMARY:

The purpose of the proposed rule is to amend the fine matrix for violations of the Oklahoma Standard Weights and Measures law. The rules will provide guidance to those regulated by the Department as to the potential fines and amounts if they violate the rules or statutes.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4.

COMMENT PERIOD:

Persons may submit written to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2009 through January 7, 2010.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., January 7, 2010, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

[OAR Docket #09-1345]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
35:15-1-4 [NEW]

SUMMARY:

This emergency rule requires that each person who shows at a livestock exhibition must have a Federal Premise Identification Number. A similar rule was approved earlier this year as an emergency rule that was related to swine exhibitions. Although the Novel Influenza A-H1N1 virus currently circulating in the human population is not known to be present in the U.S. or Oklahoma swine herd, the emergency rule was necessary to protect the swine industry and humans, especially youth, who could have potential exposure to the H1N1 strain. It is necessary to include all livestock exhibitions at this point in time to have a rule in place to ensure traceback in the event of any livestock disease occurring at a livestock exhibition.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 3-31.1 et seq., 3-81 et seq., 3-100 et seq., 8-21 et seq., 8-41.1 et seq., 8-77.1 et seq., and 8-80.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

COMMENT PERIOD:

Persons may submit written to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2009 through January 7, 2010.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., January 7, 2010, 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 Teena Gunter at the above address during the period from December 1, 2009 through January 7, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1345; filed 11-6-09]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. CONSUMER PROTECTION**

[OAR Docket #09-1346]

RULEMAKING ACTION:

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

- Subchapter 17. Combined Pesticide
 - Part 1. Commercial and Non-Commercial Categories of Pesticide Application
 - 35:30-17-1.2 [NEW]
- Subchapter 25. Seed
 - 35:30-25-15 [NEW]
- Subchapter 27. Feed
 - Part 1. Commercial Feed
 - 30-30-27-11 [AMENDED]
- Subchapter 29. Fertilizer
 - Part 5. Licenses and Complaints

- 35:30-29-51 [AMENDED]
- Subchapter 31. Lime
 - 35:30-31-4 [NEW]
- Subchapter 37. Nursery Stock Sales
 - 35:30-37-12 [NEW]
- Subchapter 38. Apiaries
 - 35:30-37-13 [NEW]

SUMMARY:

The proposed rules incorporate fees for these programs into the program rules. At this time, the fees are in the statute or are in Chapter 2 of the Department's rules. None of these rules result in fee increases or decreases. They are simply a copy of existing fees to ensure the public can view a program and know the fees associated with that program.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 3-31.1 et seq., 3-81 et seq., 3-100 et seq., 8-21 et seq., 8-41.1 et seq., 8-77.1 et seq., and 8-80.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

COMMENT PERIOD:

Persons may submit written to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2009 through January 7, 2010.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., January 7, 2010, 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 Teena Gunter at the above address during the period from December 1, 2009 through January 7, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1346; filed 11-6-09]

Notices of Rulemaking Intent

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #09-1327]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 240:10-1-2. Definitions [AMENDED]
- 240:10-1-3. Time computation [AMENDED]
- Subchapter 3. Benefits
- Part 3. Computations
- 240:10-3-10. Approved training [AMENDED]
- 240:10-3-12. Payment of benefits [AMENDED]
- Part 5. Eligibility
- 240:10-3-23. Claims for total unemployment benefits [AMENDED]
- Part 11. Filing Claims - Notice
- 240:10-3-51. Information to be posted [AMENDED]
- Subchapter 5. Contributions
- Part 3. Rates
- 240:10-5-18. Tax rate information-third party administrators [NEW]
- Part 19. Maintenance and Production of Work Records
- 240:10-5-90. Records [AMENDED]
- 240:10-5-91. Reports [AMENDED]
- Subchapter 11. Assessment Board Procedures
- Part 1. General Provisions
- 240:10-11-5. Jurisdiction [AMENDED]
- Part 5. Hearings
- 240:10-11-22. Conduct of hearings [AMENDED]
- 240:10-11-24. Good cause [AMENDED]
- 240:10-11-25. Motion to reopen after failure to appear [AMENDED]
- Subchapter 13. Appeal Tribunal Procedures
- Part 5. Hearings
- 240:10-13-37. Good cause [AMENDED]
- 240:10-13-40. Reopen [AMENDED]
- 240:10-13-42. Conduct of hearings [AMENDED]

SUMMARY:

The amendments to the rules in this chapter will define "commuting distance," and certain time computations, revise approved training procedures, correct policies and procedures in regard to the payment of unemployment insurance benefits by electronic fund transfers, modernize the way unemployment insurance information is posted at places of employment, allow third party administrators access to tax rate information in order to file electronic reports, clarify record keeping requirements, clarify official date of filing of unemployment insurance tax reports through electronic methods, clarify jurisdiction of the Assessment Board, clarify rules of evidence before Assessment Board and Appeal Tribunal, and clarifies

good cause and motions to reopen before the Assessment Board and Appeal Tribunal.

AUTHORITY:

40 O.S. §§2-203, 2-210, 2-404, 2-405, 2-408, 2-502, 2-503, 3-118, 4-302, 4-313, 4-502, and the Oklahoma Employment Security Commission. 75 O.S. §310; 26 U.S.C.A. §3304(a)(8); and 29 U.S.C.A. §§2801 through 2945.

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2009 through December 31, 2009, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members. Requests must be submitted by 5 pm on December 31, 2009.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below or on the agency's website.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below or on the agency's website.

CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us.

[OAR Docket #09-1327; filed 11-4-09]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 12. TRADE ACT PROGRAMS

[OAR Docket #09-1327A]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions

240:12-1-2. Definitions [AMENDED]

SUMMARY:

The rule amendment will define full-time work and part-time work for the purposes of the Trade Act Program.

AUTHORITY:

40 O.S. §§4-302, 4-313, and the Oklahoma Employment Security Commission. 20 CFR Part 617 and 29 CFR Part 90.

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2009, through December 31, 2009, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five

individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members. Requests must be submitted by 5 pm on December 31, 2009.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below or on the agency's website.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below or on the agency's website.

CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us .

[OAR Docket #09-1327A; filed 11-4-09]

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 21. WORKFORCE INVESTMENT ACT**

[OAR Docket #09-1327B]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

240:21-1-1. Purpose and authority [AMENDED]

240:21-1-2. Definitions [AMENDED]

Subchapter 5. Denial of Request for Designation as a Local Workforce Investment Area [REVOKED]

240:21-5-1. Appeal [REVOKED]

240:21-5-2. Appeal time [REVOKED]

240:21-5-3. Hearing [REVOKED]

240:21-5-4. Decision [REVOKED]

240:21-5-5. Appeal of decision [REVOKED]

Subchapter 7. Monitoring

240:21-7-1. Monitoring and exit conference [AMENDED]

240:21-7-2. Monitoring report [AMENDED]

240:21-7-3. Monitoring resolution [AMENDED]

240:21-7-4. Final monitoring determination [AMENDED]

240:21-7-5. Appeal [AMENDED]

240:21-7-6. Hearing [AMENDED]

SUMMARY:

The amendments to these rules will clarify the authority for the Commission to maintain rules for the Workforce Investment Act, define "fiscal agent", "grant", "grantee", "recipient", "subgrant", and "subrecipient", provide procedure for exit conferences, correct identification of parties in monitoring reports and resolution procedures, delete time deadlines, change time limits for final determinations, and delete obsolete rules.

AUTHORITY:

40 O. S. §§4-302, 4-313, 4-702 and the Oklahoma Employment Security Commission. 29 U.S.C.A. §§2801 through 2945.

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2009 through December 31, 2009, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members. Requests must be submitted by 5 pm on December 31, 2009.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below or on the agency's website.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below or on the agency's website.

CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us

[OAR Docket #09-1327B; filed 11-4-09]

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

[OAR Docket #09-1335]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36: Affordable Housing Tax Credit Program Rules
[AMENDED]

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before January 8, 2010. Written comments should be sent to Oklahoma Housing Finance Agency, Post

Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pam Miller.

PUBLIC HEARING:

A public hearing will be held: January 6, 2010 at 1:00 PM, at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, January 8, 2010, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at ohfa.org or are available at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before December 1, 2009 at the offices of OHFA.

CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor, 1-(405)-419-8145 or Pamela Miller, Housing Finance Analyst, 1-(405)-419-8134.

[OAR Docket #09-1335; filed 11-5-09]

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

[OAR Docket #09-1324]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 8, 2010. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112, no later than 5:00 on January 8, 2010.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1324; filed 11-3-09]

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

[OAR Docket #09-1325]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 8, 2010. Comments should be filed in the office of Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112, no later than 5:00 on January 8, 2010.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1325; filed 11-3-09]

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

[OAR Docket #09-1326]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. The Disability Plan [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 8, 2010. Comments should be filed in the office of Gary Goff,

Notices of Rulemaking Intent

Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Gary Goff, Attorney, Assistant Administrator, State and Education Employees Group Insurance Board, located at 3545 NW 58th Street, Suite 1000, Oklahoma City, Oklahoma 73112, no later than 5:00 on January 8, 2010.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1326; filed 11-3-09]

TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 1. ADMINISTRATION

[OAR Docket #09-1328]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

485:1-1-1. [AMENDED]
485:1-1-2. [AMENDED]
485:1-1-4. [AMENDED]
485:1-1-5. [AMENDED]

SUMMARY:

Revisions proposed in section 485:1-1-1. Functions, adds information regarding the budget approval and authorization for disbursement of funds.

The proposed revisions in section 485:1-1-2. Officers, aligns the duties of the Secretary to the current duties performed by the Secretary and clarifies that the three officers participate in the development of the budget.

Revisions proposed 485:1-1-4. Business meetings, includes changes to reflect the correct statute citation, the current statute

language regarding special meetings and modifies time parameters for Board members to place a special topic on the Board's agenda.

Revisions proposed in section 485:1-1-5(b) and (c) allow the Board an opportunity to study the issues related to petitions prior to moving forward with the rule promulgation process or issuing a declaratory ruling determination.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §§567.2A.3, 567.4F, 567.5, 567.6, 567.8, 567.12, 567.15, and 567.17.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 18, 2010 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 26, 2010, at 5:30 p.m. at the Wyndham Garden Hotel Conference Room, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 26, 2010.

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 18, 2010, 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, 2009. 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 #09-1328; filed 11-4-09]

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

[OAR Docket #09-1328A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
485:10-1-2 [AMENDED]
- Subchapter 5. Minimum Standards for Approved Nursing Education Programs
485:10-5-8 [AMENDED]
- Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse
485:10-7-2 [AMENDED]
- Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse
485:10-9-2 [AMENDED]
- Subchapter 10. Advanced Unlicensed Assistive Personnel
485:10-10-8 [AMENDED]
485:10-10-8.1 [AMENDED]
- Subchapter 11. Disciplinary Action
485:10-11-2 [AMENDED]
- Subchapter 13. Requirements for Employment
485:10-13-1 [AMENDED]
- Subchapter 19. Peer Assistance Program
485:10-19-4 [AMENDED]
485:10-19-5 [AMENDED]
485:10-19-8 [AMENDED]

SUMMARY:

In Chapter 10, a definition is proposed for "innovative approach" in section 485:10-1-2. This definition supports rules that are proposed for section 485:10-5-8 to describe the process by which a nursing education program may request approval to implement a learning model that departs from current rule structure.

Revisions proposed for sections 485:10-7-2 and 485:10-9-2 provide for an additional type of certificate program offered by the Commission on Graduates of Foreign Nursing Schools to be used by applicants for licensure by endorsement as a foreign educated nurse. In addition, clarification is provided to rules on issuance of temporary licenses.

In sections 485:10-10-8 and 485:10-10-8.1, requirements for recertification and reinstatement of certification as an advanced unlicensed assistive person are proposed for revision to allow the Board to implement an online recertification and reinstatement process.

In Subchapter 11, clarifying language is proposed to 485:10-11-2 to allow the Board's legal advisor to rule on admissibility of evidence, objections to evidence, and other motions during Board hearings.

In Subchapter 13, a provision is proposed to refer the nurse who holds educational credentials that allow for the use of the

term "doctor" to statutes that address this practice. In addition, grammatical changes are proposed.

The proposed revisions to 485:10-19-4 clarifies licensure or certification requirements related to membership of at least one of the Peer Assistance Committee members to reflect the statute changes related to regulation of individuals who provide alcohol and drug counseling in Oklahoma. In addition, a quorum of the Peer Assistance Committee is identified.

The proposed revisions to 485:10-19-5 clarifies applicant qualifications. The requirement for an unrestricted license is deleted as nurses referred by the Board have conditional licensure status. The requirement for residing in the state is deleted with the addition of practicing only in the State of Oklahoma while participating in the program. The revision will allow participation of applicants who are licensed in Oklahoma and reside in border states.

The proposed revisions to 485:10-19-8 further clarifies terminations from the program.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §§567.2A.3, 567.4F, 567.5, 567.6, 567.8, 567.12, 567.15, and 567.17.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 18, 2010 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 26, 2010, at 5:30 p.m. at the Wyndham Garden Hotel Conference Room, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 26, 2010.

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 18, 2010, 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, 2009. The rule impact statement may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915

Notices of Rulemaking Intent

N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

CONTACT PERSON:

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

[OAR Docket #09-1328A; filed 11-4-09]

**TITLE 505. BOARD OF EXAMINERS IN
OPTOMETRY
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #09-1309]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Board Organization and Administration
505:1-3-9 [AMENDED]

SUMMARY:

The Legislature allowed the Board to increase its yearly license fee in legislation during the 2009 session. This proposed rulemaking amends 505:1-3-9 to increase the yearly license fee from \$200 per year to \$300 per year.

AUTHORITY:

Oklahoma Optometry Act; 59 O.S. §§ 583, 587.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 4, 2010 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 6:30 p.m. on Friday, January 8, 2010 at 4850 N. Lincoln Blvd., Suite A, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 5:50 p.m.

REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from 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 at the offices of the Board 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 #09-1309; filed 10-30-09]

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

[OAR Docket #09-1308]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Procedures
505:10-3-6 [NEW]

SUMMARY:

In May, 2009, the Legislature passed and the Governor signed Enrolled House Bill 1678, which authorized eligible volunteers from medically related fields, including optometry, to receive special volunteer licenses to practice without receipt or expectation of compensation. This was done in order to care for needy and indigent persons in Oklahoma or to provide care under the Oklahoma Medical Reserve Corps. The Bill also established certain immunity from tort liability for persons so practicing. This proposed rulemaking adds a new section 505:10-3-6 that would provide requirements for eligible volunteer optometrists wishing to practice in Oklahoma pursuant to the requirements of Enrolled House Bill 1678.

AUTHORITY:

Oklahoma Optometry Act; 59 O.S. §§ 583, 587.

59 O.S. §§ 493.5, et. seq., as amended by Enrolled H.B. 1678.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 4, 2010 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 6:30 p.m. on Friday, January 8, 2010 at 4850 N. Lincoln Blvd., Suite A, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 5:50 p.m.

REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from 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 at the offices of the Board 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 #09-1308; filed 10-30-09]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #09-1336]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes may include modifying and clarifying the process of administrative review and hearings, declaratory rulings and administrative operations. These proposals are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 16, 2009, at the offices of the Oklahoma Public

Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #09-1336; filed 11-5-09]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

[OAR Docket #09-1337]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to definitions, required minimum distributions, limitation on compensation, actuarial assumptions, eligible rollover distributions, military service, Section 415 limitations, service purchases, and calculation of interest on certain payments.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement

Notices of Rulemaking Intent

System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 16, 2009, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #09-1337; filed 11-5-09]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 15. UNIFORM RETIREMENT SYSTEM FOR JUSTICES AND JUDGES

[OAR Docket #09-1338]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to required minimum distributions, conforming to federal tax code vesting requirements, limitation on compensation, actuarial assumptions, eligible rollover distributions, military service, and Section 415 limitations.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 and 20 O.S. Sections 1101.1 and 1108.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010 in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 16, 2009, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #09-1338; filed 11-5-09]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 25. DEFERRED COMPENSATION

[OAR Docket #09-1339]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Deferred Compensation [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System and the Deferred Compensation Plan more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to keeping the Deferred Compensation Plan in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, modifying general definitions, and allowing certain rollovers.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1701.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 16, 2009, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #09-1339; filed 11-5-09]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 30. QUALIFIED DOMESTIC RELATIONS ORDERS

[OAR Docket #09-1340]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Qualified Domestic Relations Orders [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Changes may include topics related to the contents of the qualified domestic relations order. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Sections 901, 909 and 923(B)(10).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees

Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after December 16, 2009, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel

[OAR Docket #09-1340; filed 11-5-09]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN

[OAR Docket #09-1341]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Deferred Savings Incentive Plan [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System and the Deferred Savings Incentive Plan more efficient and member service oriented or to ensure continued Plan qualification. Proposed changes may include topics related to keeping the Deferred Savings Incentive Plan in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, and allowing certain rollovers.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707.

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 18, 2010, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 21, 2010, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 16, 2009, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #09-1341; filed 11-5-09]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 15. EDUCATIONAL OUTREACH

[OAR Docket #09-1331]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Use of Towers, Facilities, and Communications Services

610:15-1-1. Purpose [AMENDED]

610:15-1-2. Towers and facilities use [AMENDED]

610:15-1-3. Communications services use [AMENDED]

SUMMARY:

The Oklahoma State Regents for Higher Education have consistently made available the use of the towers and facilities of OneNet, the State of Oklahoma's official telecommunications and information network, to institutions

of higher education, federal, state, and local government agencies and to private business. The towers and facilities are made available only to the extent that the proposed use does not interfere with the normal maintenance, expansion plans or operation of OneNet.

Requests to utilize the towers and facilities are reviewed on a case-by-case basis by OneNet engineering staff to determine if each is consistent with state and federal laws and regulations. The Oklahoma State Regents for Higher Education make the towers and facilities available on a monthly basis and charge entities standard rates for usage.

The proposed modifications to OneNet's tower and facilities APA rules are intended to bring them in line with current operational and industry standards. Further, the proposed modifications will provide the State Regents' office with additional flexibility to accommodate individual requests that may result in certain fees and/or monthly rates being discounted or waived if it is determined by the Chancellor or the Chancellor's designee to be in the best interest of the State.

AUTHORITY:

70 O.S. §§2166 and 2167; 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, 2009.

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, 2009.

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, 2009.

CONTACT PERSON:

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

[OAR Docket #09-1331; filed 11-5-09]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 20. FISCAL AFFAIRS**

[OAR Docket #09-1332]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Regents' Endowment Fund Program

610:20-1-3. Establishment and operation of endowment accounts [AMENDED]

610:20-1-4. Report on activities supported by Endowment Fund [AMENDED]

SUMMARY:

Senate Bill No. 1373 of the 2008 legislative session revised the state-matching commitments for private donations to the endowed chairs program received after July 1, 2008, from an across-the-board dollar for dollar match to a dollar for dollar match for private donations up to \$250,000.00 and then 25 cents for every dollar at \$250,001.00 and above.

AUTHORITY:

70 O.S. §§ 3951, 3952 and 3954; 70 O.S. §3206 (m); 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, 2009.

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, 2009.

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, 2009.

CONTACT PERSON:

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

[OAR Docket #09-1332; filed 11-5-09]

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

[OAR Docket #09-1333]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Oklahoma Higher Learning Access Program

610:25-23-1. Purpose [AMENDED]

610:25-23-2. Eligibility of participants [AMENDED]

610:25-23-5. Securing program benefits [AMENDED]

610:25-23-7. Payment of awards; policies and limitations [AMENDED]

SUMMARY:

The proposed rule changes address the following issues:

1. SB 982 of the 2009 legislative session delayed the implementation of a second income limit for participants in the Oklahoma's Promise - Oklahoma Higher Learning Access Program from the 2010-2011 academic year until the 2012-2013 academic year. The proposed rule changes implement this delay and likewise delay mandatory use of the Free Application for Federal Student Aid (FAFSA) until 2012-2013.

2. SB 982 also requires the Oklahoma's Promise award amount to be based on the nonguaranteed tuition rate at applicable state system institutions. In Fall 2008 when the new guaranteed tuition rate option became available to incoming freshmen at the state four-year universities, the Oklahoma's Promise law did not restrict the award to the nonguaranteed tuition rate.

3. For students that are subject to court-ordered joint legal custody arrangements, the proposed changes clarify that appropriate federal regulations that are used for the FAFSA will be used to determine which parent's income to consider toward meeting the program's income limit.

4. The proposed changes also include language that would provide discretion to the State Regents to allow the option of using an approved application for free/reduced school meals (and possibly other means-tested programs) to document a family's income for purposes of enrolling a student in the program. The amendment would allow the Regents to limit this option to approved pilot projects.

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, 2009.

Notices of Rulemaking Intent

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, 2009.

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, 2009.

CONTACT PERSON:

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

[OAR Docket #09-1333; filed 11-5-09]

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

[OAR Docket #09-1334]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 33. Regional University Baccalaureate Scholarship Program
610:25-33-6. Fiscal Policies [AMENDED]

SUMMARY:

The Regional University Baccalaureate Scholarship was created in 1994 to provide support for academically promising students to enroll in baccalaureate degree programs at state system regional universities. The program provides a \$3,000 annual award for up to four years and institutions also provide a tuition waiver.

Over the past several years, participation in the program has gradually increased and costs are now exceeding annual funding. The increase in program participation is due to two primary factors:

1. Regional universities have been more successful at recruiting freshmen students that meet the qualifying criteria. The number of freshmen students receiving the award increased from 81 in 2003 to an expected 115 in fall 2009.

2. Students participating in the program have been retaining the scholarship in college at higher rates. The percentage of students retaining the award from the freshman to the

sophomore year increased from about 72% in 2002 to 85% in 2007.

The proposed rule amendments address some of the fiscal policies of the program:

1. To provide clearer fiscal control, any transfer of a scholarship to another student or reallocation of unused scholarship "slots" to another institution would be subject to approval by the Chancellor and contingent upon sufficient program funding.

2. The limitation on total state aid that may be received by the student is clarified and made consistent with federal financial aid regulations.

AUTHORITY:

70 O.S. §3206 (f), (i); 70 O.S. §3903; 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, 2009.

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, 2009.

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, 2009.

CONTACT PERSON:

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

[OAR Docket #09-1334; filed 11-5-09]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 35. MAINTENANCE AND CONTROL OF STATE HIGHWAY SYSTEM

[OAR Docket #09-1307]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

- Subchapter 19. Oklahoma Traveler Information Logo Signing Program
- 730:35-19-1 [AMENDED]
- 730:35-19-2 [AMENDED]
- 730:35-19-3 [AMENDED]
- 730:35-19-6 [AMENDED]
- 730:35-19-7 [AMENDED]
- Appendix A. Urban Interstate Interchange [REVOKED]
- Appendix A. Urban Interstate Interchange [NEW]
- Appendix B. Rural Interstate Interchange [REVOKED]
- Appendix B. Rural Interstate Interchange [NEW]
- Appendix C. Rural and Urban Primary Interchange [REVOKED]
- Appendix C. Rural and Urban Primary Interchange [NEW]
- Appendix D. Preferred Guideline Criteria for Signing Traffic Generators on Freeways or Expressways [REVOKED]
- Appendix D. Preferred Guideline Criteria for Signing Traffic Generators on Freeways or Expressways [NEW]
- Appendix E. Traffic Generators that Do Not Normally Warrant Signing [REVOKED]
- Appendix E. Traffic Generators that Do Not Normally Warrant Signing [NEW]
- Appendix F. Tourist Oriented Directional Signing [REVOKED]
- Appendix F. Tourist Oriented Directional Signing (TODS) [NEW]

SUMMARY:

The proposed permanent rulemaking amendments to Subchapter 19 will provide the statutorily mandated revisions to the program. The proposed amendments will provide the addition of tourism attractions in rural areas to the types of services offered by the Oklahoma Logo signing program, a change in the definition of controlled access highways, remove certain restrictions for Logo signs based on population and establish a minimum surcharge paid for the use of the right-of-way by the Logo contractor.

The proposed revisions to the Appendices of Chapter 35 will upgrade the quality of the engineering drawings thereby allowing for clearer duplication and to revise the guidelines to reflect current AASHTO design requirements.

AUTHORITY:

Oklahoma Department of Transportation; 69 O.S. §§ 303, 4021 to 4026.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 P.M. on December 31, 2009 at the following address: Mary C. Brewington, 200 N.E. 21st Street, Room B1-7, Oklahoma City, OK 73102-3294 or mbrewington@odot.org.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), a hearing may be demanded by contacting Mary C. Brewington at (405) 522-6002 or via

email to mbrewington@odot.org, no later than 4:00 p.m. on December 31, 2009.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained on-line from the ODOT website; www.okladot.state.ok.us or by contacting Mary C. Brewington at (405) 522-6002.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. 303 (D), a rule impact state will be prepared and may be obtained on-line from the ODOT website; www.okladot.state.ok.us or by phoning Mary C. Brewington at (405) 522-6002 beginning December 15, 2009.

CONTACT PERSON:

Mary C. Brewington, Legislative Analyst, (405) 522-6002 or mbrewington@odot.org.

[OAR Docket #09-1307; filed 10-28-09]

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

[OAR Docket #09-1330]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensure of Veterinarians [AMENDED]
- Subchapter 8. Certification of Euthanasia Technicians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10 include reactivation language referring back to the statutory authority and deletion of duplicative language for the euthanasia technicians. A large portion of the existing language is written in the rules for the Bureau of Narcotics and Drugs.

AUTHORITY:

59 O.S. Supp.2009, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 3, 2009 through January 4, 2010 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 8, 2010, 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

Notices of Rulemaking Intent

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 3, 2009, through January 4, 2010.

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 #09-1330; filed 11-4-09]

TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 30. FIELD CITATION PENALTIES

[OAR Docket #09-1329]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

775:30-1-1. Classifications and administrative penalties [AMENDED]

SUMMARY:

The proposed revisions to Chapter 30 changes a Class "A" violation not to exceed \$2,500.00 for a first violation.

AUTHORITY:

59 O.S. Supp.2009, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 3, 2009 through January 4, 2010 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 8, 2010, 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 3, 2009 through January 4, 2010.

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 #09-1329; filed 11-4-09]

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

[OAR Docket #09-1318]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [AMENDED]

SUMMARY:

These rules will establish a price for the new Wildlife Management Area Atlas, which will also include a one year subscription to Outdoor Oklahoma magazine. This publication has been out of print for a long time and the maps have been available on-line but due to overwhelming public interest, this atlas is being updated and printed. Additional rule changes in this chapter will streamline the process for certification of Aquatic Education instructors.

AUTHORITY:

Title 29 O.S., Sections 3-103 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: **January 11, 2010**

Time: **7:00 p.m.**

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

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, 2009 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 #09-1318; filed 11-3-09]

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

[OAR Docket #09-1319]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Sport Fishing Rules

SUMMARY:

These rules will modify black bass length limits on Birch Lake; require paddlefish anglers to release immediately all paddlefish caught on Monday and Friday; require paddlefish anglers to immediately record date and time of harvest of all paddlefish on their paddlefish permit; close snagging on the Grand River from the Highway 412 bridge upstream to the Markham Ferry dam from 10 p.m. to 6 a.m. year-round; remove exemption on use of grabhooks for Delaware and Mayes counties and close the Spring River to paddlefish angling by all methods from the Highway 60 bridge upstream to the Kansas state line.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401, 6-302, 6-303 and 6-502 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: **January 11, 2010**

Time: **7:00 p.m.**

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

Miami B Miami Civic Center, 129 5th Ave NW, Banquet Room (Fisheries Only)

Date: **January 12, 2010**

Time: **7:00 p.m.**

Pryor B OSU Extension Office, 2200 NE 1st Street (Mayes County Fairgrounds) (Fisheries Only)

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, 2009 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 #09-1319; filed 11-3-09]

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

[OAR Docket #09-1320]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

These rules require all fishing guides to obtain a guide license unless exempt, and to outline certifications needed by operator prior to obtaining the license.

AUTHORITY:

Title 29 O.S., Sections 3-103, 4-113A 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

Notices of Rulemaking Intent

PUBLIC HEARINGS:

Date: **January 11, 2010**

Time: **7:00 p.m.**

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

Miami B Miami Civic Center, 129 5th Ave NW, Banquet Room (Fisheries Only)

Date: **January 12, 2010**

Time: **7:00 p.m.**

Pryor B OSU Extension Office, 2200 NE 1st Street (Mayes County Fairgrounds) (Fisheries Only)

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, 2009 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 #09-1320; filed 11-3-09]

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

[OAR Docket #09-1321]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Restriction on Aquatic Species Introductions
[AMENDED]

SUMMARY:

These rules would permit only triploid grass carp to be stocked in private waters. Diploid grass carp will be allowed for use by licensed aquaculture facilities for specific purposes only.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401, 7-503, 7-602 and 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: **January 11, 2010**

Time: **7:00 p.m.**

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

Miami B Miami Civic Center, 129 5th Ave NW, Banquet Room (Fisheries Only)

Date: **January 12, 2010**

Time: **7:00 p.m.**

Pryor B OSU Extension Office, 2200 NE 1st Street (Mayes County Fairgrounds) (Fisheries Only)

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, 2009 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 #09-1321; filed 11-3-09]

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

[OAR Docket #09-1322]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wildlife Rules [AMENDED]

SUMMARY:

These rules will open some additional Corps of Engineers property to hunting and correct acreage; allow hunters to use telephonic and/or internet based check stations, establish a timeline, and require the confirmation number be provided when transferring harvested big game to another individual; require hunters to add date and time to field tags for elk, deer, and turkey; open youth deer gun season for Wildlife Management Areas (WMA) as published in the hunting guide; extend furbearer season; establish seasons on the new Candy WMA; modify hunting seasons on a few WMA's; and allow buckshot to be used for feral hog hunting on private land.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401 and 5-405; 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 11, 2010

Time: 7:00 p.m.

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

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, 2009 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 #09-1322; filed 11-3-09]

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

[OAR Docket #09-1323]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Department of Wildlife Lands Management [AMENDED]

SUMMARY:

These rules will allow camping by hunters and fishermen on Chickasaw NRA and establish rules to prohibit explosive devices and fireworks on all Department lands.

AUTHORITY:

Title 29 O.S., Sections 3-103 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 15, 2010, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 11, 2010

Time: 7:00 p.m.

Oklahoma City B OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

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, 2009 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 #09-1323; filed 11-3-09]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

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

[OAR Docket #09-1316]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

35:13-1-1 [AMENDED]

35:13-1-2 [AMENDED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1316; filed 11-2-09]

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

[OAR Docket #09-1313]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 16. Contagious Equine Metritis

35:15-16-1 [AMENDED]

Subchapter 36. Scrapie

35:15-36-1 [AMENDED]

35:15-36-2 [AMENDED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1313; filed 11-2-09]

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

[OAR Docket #09-1311]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Combined Pesticide

Part 1. Commercial and Non-Commercial Categories of Pesticide Application

35:30-17-3. Categories of pesticide dealer permits [AMENDED]

35:30-17-3.1. ~~Pesticide Restricted use~~ pesticide dealer permit required [AMENDED]

35:30-17-3.3. Non-restricted use pesticide dealer permit [REVOKED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1311; filed 11-2-09]

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

[OAR Docket #09-1312]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

35:30-17-13 [AMENDED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-89.1 [AMENDED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

Submissions for Review

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1312; filed 11-2-09]

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

[OAR Docket #09-1315]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Meat Inspection

Part 1. General Provisions

35:37-3-1 [AMENDED]

35:37-3-3 [AMENDED]

Subchapter 5. Poultry Products Inspection

Part 1. General Provisions

35:37-5-1 [AMENDED]

35:37-5-2 [AMENDED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1315; filed 11-2-09]

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

[OAR Docket #09-1314]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Concentrated Animal Feeding Operations

35:44-3-3 [AMENDED]

SUBMITTED TO GOVERNOR:

October 23, 2009

SUBMITTED TO HOUSE:

October 23, 2009

SUBMITTED TO SENATE:

October 23, 2009

[OAR Docket #09-1314; filed 11-2-09]

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 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #09-1310]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions
92:10-1-7. [AMENDED]

AUTHORITY:

Oklahoma State Athletic Commission; 3A O.S. §§ 601, et seq. 75 O.S. §§ 303.1.

DATES:

Adoption:

September 2nd, 2009

Submitted to Governor:

September 11, 2009

Approved by Governor:

October 8, 2009

Effective Date:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2010, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

"The Commission finds that a compelling public interest exists in protecting the health and safety of combative sports athletes pursuant to the Commission's mandate as set forth in 3A O.S. § 611(1). The Commission further finds that an imminent peril exists to the health and safety of licensed athletes who have participated in non-sanctioned events which are not subject to the medical supervision and safety requirements in place for sanctioned events."

ANALYSIS:

This rule amendment insures the State of Oklahoma does not allow a combative sports participant to be licensed or compete in an Oklahoma State Athletic Commission sanctioned event without adequate medical clearance and to protect the athlete from possible serious injury or death. This rule applies to all boxers, mixed martial artists, and kickboxers as defined at 3A O.S. Supp. 2005 Section 602(a)(5).

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma State Athletic Commission, Room 1213, State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; Tel. (405) 271-5243.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
PROMULGATED AND EFFECTIVE UPON APPROVAL**

**BY THE GOVERNOR AS SET FORTH IN 75 O. S.,
SECTION 253 (D):**

SUBCHAPTER 1. GENERAL PROVISIONS

92:10-1-7. Denial of license or permit

(a) The Commission may deny any application for license that does not comply with the requirements of the Act or this chapter. Furthermore the Commission shall deny a license to an applicant who has competed in an event not sanctioned by a state or tribal commission for a period of 60 days from the date of the applicants last non-state or tribal commission sanctioned fight. Participants who are currently licensed by the Commission shall not be approved to compete until 60 days from the date of their last non-state or tribal commission sanctioned fight.

(b) The Commission may refuse to issue any sanctioning permit because of the unavailability of an inspector, because the location of the event is determined by the Commission to be inadequate or unsafe, because the application is incomplete, or for any other reason under the Act..

(c) The Commission may deny any type of new or renewal license or sanctioning permit to an applicant having an unpaid license fee, sanctioning permit fee, pending bond forfeiture, or assessment due the Commission, or assessment due the Oklahoma Tax Commission, pursuant to the Act or this chapter.

[OAR Docket #09-1310; filed 10-30-09]

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

[OAR Docket #09-1317]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Open-End Credit
160:45-3-1 [AMENDED]
160:45-3-7 [AMENDED]

AUTHORITY:

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

Emergency Adoptions

DATES:

Adoption:

September 9, 2009

Approved by Governor:

October 2, 2009

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2010, 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 existing rules. The Federal Reserve Board approved an interim final rule that implements the Credit Card Accountability Responsibility and Disclosure Act of 2009 that was effective on August 20, 2009. The compelling public interest is maintaining Oklahoma's exemption from federal regulation.

ANALYSIS:

The amended rules incorporate federal 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):

SUBCHAPTER 3. OPEN-END CREDIT

160:45-3-1. General disclosure requirements

(a) Form of disclosures.

(1) The creditor shall make the disclosures required by this subchapter clearly and conspicuously in writing, ~~7/~~ in a form that the consumer may keep. ~~8/~~ The disclosures required by this subchapter may be provided to the consumer in electronic form, subject to compliance with the consumer consent and other applicable provisions of the Electronic Signatures in Global and National Commerce Act (E-Sign Act) (15 U.S.C. § 7001 *et seq.*). The disclosures required by 160:45-3-2, 160:45-3-3, and 160:45-3-14 may be provided to the consumer in electronic form without regard to the consumer consent or other provisions of the E-Sign Act in the circumstances set forth in those sections.

(2) The terms "finance charge" and "annual percentage rate," when required to be disclosed with a corresponding amount or percentage rate, shall be more conspicuous than any other required disclosure. ~~9/~~

(3) Certain disclosures required under 160:45-3-2 for credit and charge card applications and solicitations must be provided in a tabular format or in a prominent location in accordance with the requirements of 160:45-3-2.

(4) For rules governing the form of disclosures for home-equity plans, see 160:45-3-3(1).

(b) Time of disclosures.

(1) **Initial disclosures.** The creditor shall furnish the initial disclosure statement required by 160:45-3-4 before the first transaction is made under the plan.

(2) Periodic statements.

(A) The creditor shall mail or deliver a periodic statement as required by 160:45-3-5 for each billing cycle at the end of which an account has a debit or credit balance of more than \$1 or on which a finance charge has been imposed. A periodic statement need not be sent for an account if the creditor deems it uncollectible, or if delinquency collection proceedings have been instituted, or if furnishing the statement would violate federal law.

~~(B) The creditor shall mail or deliver the periodic statement at least 14 days prior to any date or the end of any time period required to be disclosed under 160:45-3-5(10) in order for the consumer to avoid an additional finance or other charge. ~~10/~~ A creditor that fails to meet this requirement shall not collect any finance or other charge imposed as a result of such failure. Creditors must adopt reasonable procedures designed to ensure that periodic statements are mailed or delivered at least 21 days prior to the payment due date and the date on which any grace period expires. ~~10/~~ A creditor that fails to meet this requirement shall not treat a payment as late for any purpose or collect any finance or other charge imposed as a result of such failure. For purposes of this paragraph, "grace period" means a period within which any credit extended may be repaid without incurring a finance charge due to a periodic interest rate.~~

(3) **Credit and charge card application and solicitation disclosures.** The card issuer shall furnish the disclosures for credit and charge card applications and solicitations in accordance with the timing requirements of 160:45-3-2.

(4) **Home-equity plans.** Disclosures for home equity plans shall be made in accordance with the timing requirements of 160:45-3-3(2).

(c) **Basis of disclosures and use of estimates.** Disclosures shall reflect the terms of the legal obligation between the parties. If any information necessary for accurate disclosure is unknown to the creditor, it shall make the disclosure based on the best information reasonably available and shall state clearly that the disclosure is an estimate.

(d) **Multiple creditors; multiple consumers.** If the credit plan involves more than one creditor, only one set of disclosures shall be given, and the creditors shall agree among themselves which creditor must comply with the requirements that this chapter imposes on any or all of them. If there is more than one consumer, the disclosures may be made to any consumer who is primarily liable on the account. If the right of rescission under 160:45-3-13 is applicable, however, the disclosures required by 160:45-3-4 and 160:45-3-13(b) shall be made to each consumer having the right to rescind.

(e) **Effect of subsequent events.** If a disclosure becomes inaccurate because of an event that occurs after the creditor mails

or delivers the disclosures, the resulting inaccuracy is not a violation of this chapter, although new disclosures may be required under 160:45-3-7(c).

7/ The disclosure required by 160:45-3-7(d) when a finance charge is imposed at the time of a transaction need not be written.

8/ The disclosures required under 160:45-3-2 for credit and charge card applications and solicitations, the home-equity disclosures required under 160:45-3-3(4), the alternative summary billing-rights statement provided in accordance with federal regulations, 12 CFR §226.9(a)(2), the credit and charge card renewal disclosures required under 160:45-3-7(e), and the disclosures made in accordance with federal regulations, 12 CFR §226.10(b), about payment requirements need not be in a form that the consumer can keep.

9/ The terms need not be more conspicuous when used under 160:45-3-2 generally for credit and charge card applications and solicitations, under 160:45-3-5(4) on periodic statements, under 160:45-3-7(e) in credit and charge card renewal disclosures, and under 160:45-3-14 in advertisements. (But see special rule for annual percentage rate for purchases, 160:45-3-2(b)(1).)

10/ This timing requirement does not apply if the creditor is unable to meet the requirement because of an act of God, war, civil disorder, natural disaster, or strike. Reserved.

160:45-3-7. Subsequent disclosure requirements

(a) **Furnishing statement of billing rights.**

(1) **Annual statement.** The creditor shall mail or deliver the billing rights statement required by 160:45-3-4(4) at least once per calendar year, at intervals of not less than 6 months nor more than 18 months, either to all consumers or to each consumer entitled to receive a periodic statement under 160:45-3-1(b)(2) for any one billing cycle.

(2) **Alternative summary statement.** As an alternative to paragraph (a)(1) of this section, the creditor may mail or deliver, on or with each periodic statement, an alternative summary statement in accordance with federal regulations, 12 CFR §226.9(a)(2).

(b) **Disclosures for supplemental credit devices and additional features.**

(1) If a creditor, within 30 days after mailing or delivering the initial disclosures under 160:45-3-4(1), adds a credit feature to the consumer's account or mails or delivers to the consumer a credit device for which the finance charge terms are the same as those previously disclosed, no additional disclosures are necessary. After 30 days, if the creditor adds a credit feature or furnishes a credit device (other than as a renewal, resupply, or the original issuance of a credit card) on the same finance charge terms, the creditor shall disclose, before the consumer uses the feature or device for the first time, that it is for use in obtaining credit under the terms previously disclosed.

(2) Whenever a credit feature is added or a credit device is mailed or delivered, and the finance charge terms for the feature or device differ from disclosures previously given,

the disclosures required by 160:45-3-4(1) that are applicable to the added feature or device shall be given before the consumer uses the feature or device for the first time.

(c) **Change in terms.**

~~(1) **Written notice required.** Whenever any term required to be disclosed under 160:45-3-4 is changed or the required minimum periodic payment is increased, the creditor shall mail or deliver written notice of the change to each consumer who may be affected. The notice shall be mailed or delivered at least 15 days prior to the effective date of the change. The 15-day timing requirement does not apply if the change has been agreed to by the consumer, or if a periodic rate or other finance charge is increased because of the consumer's delinquency or default; the notice shall be given, however, before the effective date of the change.~~

~~(2) **Notice not required.** No notice under this section is required when the change involves late payment charges, charges for documentary evidence, or over the limit charges; a reduction of any component of a finance or other charge; suspension of future credit privileges or termination of an account or plan; or when the change results from an agreement involving a court proceeding, or from the consumer's default or delinquency (other than an increase in the periodic rate or other finance charge).~~

~~(3) **Notice for home equity plans.** If a creditor prohibits additional extensions of credit or reduces the credit limit applicable to a home equity plan pursuant to 160:45-3-3 (6)(C)(i) or 160:45-3-3(6)(C)(vi), the creditor shall mail or deliver written notice of the action to each consumer who will be affected. The notice must be provided not later than three business days after the action is taken and shall contain specific reasons for the action. If the creditor requires the consumer to request reinstatement of credit privileges, the notice also shall state that fact.~~

(1) Rules affecting home-equity plans and open-end plans that are not credit card accounts.

(A) **Written notice required.** For home-equity plans subject to the requirements of 160:45-3-3 and other open-end plans that are not credit card accounts, whenever any term required to be disclosed under 160:45-3-4 is changed or the required minimum periodic payment is increased, the creditor shall mail or deliver written notice of the change to each consumer who may be affected. The notice shall be mailed or delivered at least 15 days prior to the effective date of the change. The 15-day timing requirement does not apply if the change has been agreed to by the consumer, or if a periodic rate or other finance charge is increased because of the consumer's delinquency or default; the notice shall be given, however, before the effective date of the change.

(B) **Notice not required.** For home-equity plans subject to the requirements of 160:45-3-3 and other open-end plans that are not credit card accounts, no notice under this section is required when the change

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involves late payment charges, charges for documentary evidence, or over-the-limit charges; a reduction of any component of a finance or other charge; suspension of future credit privileges or termination of an account or plan; or when the change results from an agreement involving a court proceeding, or from the consumer's default or delinquency (other than an increase in the periodic rate or other finance charge).

(C) Notice for home equity plans. If a creditor prohibits additional extensions of credit or reduces the credit limit applicable to a home equity plan pursuant to 160:45-3-3(6)(C)(i) or 160:45-3-3(6)(C)(vi), the creditor shall mail or deliver written notice of the action to each consumer who will be affected. The notice must be provided not later than three business days after the action is taken and shall contain specific reasons for the action. If the creditor requires the consumer to request reinstatement of credit privileges, the notice also shall state that fact.

(2) Rules affecting credit card accounts that are not home-secured.

(A) Changes where written advance notice is required. For credit card accounts under an open-end (not home-secured) consumer credit plan, except as provided in paragraph (c)(2)(E) of this section, whenever a significant change to an account term as described in paragraph (c)(2)(B) is made or the required minimum periodic payment is increased, a creditor must provide a written notice of the change at least 45 days prior to the effective date of the change to each consumer who may be affected. The 45-day timing requirement does not apply if the consumer has agreed to a particular change; the notice shall be given, however, before the effective date of the change.

(B) Significant changes in account terms. The notice requirements of paragraph (c)(2)(A) of this section apply to changes in the following terms:

(i) Annual percentage rates. Each periodic rate that may be used to compute the finance charge on an outstanding balance for purchases, a cash advance, or a balance transfer. For purposes of this paragraph, such rates include any discounted initial rate, premium initial rate, or penalty rate that may be applied to the account.

(ii) Fees for issuance or availability. Any annual or other periodic fee that may be imposed for the issuance or availability of a credit card account under an open-end (not home-secured) consumer credit plan, including any fee based on account activity or inactivity.

(iii) Fixed finance charge; minimum interest charge. Any fixed finance charge and any minimum interest charge if it exceeds \$1.00 that could be imposed during a billing cycle. The creditor may, at its option, provide notice in accordance with paragraph (c)(2)(A) of this section for

changes in minimum interest charges below this threshold.

(iv) Transaction charges. Any transaction charge imposed by the creditor for use of the credit card account under an open-end (not home-secured) consumer credit plan for purchases.

(v) Grace period. The date by which or the period within which any credit extended may be repaid without incurring a finance charge due to a periodic interest rate and any conditions on the availability of the grace period.

(vi) Balance computation method. The balance computation method that is used to determine the balance on which the finance charge is computed for each feature.

(vii) Cash advance fee. Any fee imposed for an extension of credit in the form of cash or its equivalent.

(viii) Late payment fee. Any fee imposed for a late payment.

(ix) Over-the-limit fee. Any fee imposed for exceeding a credit limit.

(x) Balance transfer fee. Any fee imposed to transfer an outstanding balance.

(xi) Returned-payment fee. Any fee imposed by the creditor for a returned payment.

(xii) Required insurance, debt cancellation, or debt suspension coverage. A fee for insurance described in 160:45-1-4(b)(7), debt cancellation coverage described in 160:45-1-4(b)(10), or debt suspension coverage written in connection with a credit transaction, if the insurance, debt cancellation coverage, or debt suspension coverage is required as part of the plan.

(C) Charges not covered by 160:45-3-7(c)(2)(A). Except as provided in paragraph (c)(2)(E) of this section, if a creditor increases any component of a charge on a credit card account under an open-end (not home-secured) consumer credit plan, or introduces a new charge, that is not subject to the disclosure requirements under 160:45-3-7(c)(2)(A), a creditor may either, at its option:

(i) Comply with the requirements of paragraph (c)(2)(A) of this section; or

(ii) Provide notice of the amount of the charge before the consumer agrees to or becomes obligated to pay the charge, at a time and in a manner that a consumer would be likely to notice the disclosure of the charge. The notice may be provided orally or in writing.

(D) Disclosure requirements - changes to terms described in paragraph (c)(2)(A). If a creditor changes a term described in paragraph (c)(2)(B) of this section or increases the required minimum periodic payment, the creditor must provide the following information on the notice provided pursuant to paragraph (c)(2)(A) of this section:

- (i) A description of the changes made to terms described in paragraph (c)(2)(B) of this section or of any increase in the required minimum periodic payment;
 - (ii) A statement that changes are being made to the account;
 - (iii) The date the changes will become effective; and
 - (iv) Except in the case of an increase in the required minimum periodic payment:
 - (I) A statement that the consumer has the right to reject the change or changes prior to the effective date of the changes, unless the consumer fails to make a required minimum periodic payment within 60 days after the due date for that payment;
 - (II) Instructions for rejecting the change or changes, and a toll-free telephone number that the consumer may use to notify the creditor of the rejection; and
 - (III) If applicable, a statement that if the consumer rejects the change or changes, the consumer's ability to use the account for further advances will be terminated or suspended.
 - (E) **Notice not required.** For credit card accounts under an open-end (not home-secured) consumer credit plan, a creditor is not required to provide notice under this section:
 - (i) When the change involves charges for documentary evidence; a reduction of any component of a finance or other charge; suspension of future credit privileges (except as provided in paragraph (c)(2)(F) of this section) or termination of an account or plan; or when the change results from an agreement involving a court proceeding;
 - (ii) When the change is an increase in an annual percentage rate upon the expiration of a specified period of time, provided that:
 - (I) Prior to commencement of that period, the creditor disclosed in writing to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period; and
 - (II) The annual percentage rate that applies after that period does not exceed the rate disclosed pursuant to paragraph (c)(2)(E)(ii)(I) of this paragraph.
 - (iii) When the change is an increase in a variable annual percentage rate in accordance with a credit card agreement that provides for changes in the rate according to operation of an index that is not under the control of the creditor and is available to the general public; or
 - (iv) When the change is an increase in an annual percentage rate due to the completion of a workout or temporary hardship arrangement by the consumer, provided that:
 - (I) The annual percentage rate applicable to a category of transactions following any such increase does not exceed the rate that applied to that category of transactions prior to commencement of the arrangement or, if the rate that applied to a category of transactions prior to the commencement of the workout or temporary hardship arrangement was a variable rate, the rate following any such increase is a variable rate determined by the same formula (index and margin) that applied to the category of transactions prior to commencement of the workout or temporary hardship arrangement; and
 - (II) The creditor has provided the consumer, prior to the commencement of such arrangement, with a clear and conspicuous written disclosure of the terms of the arrangement (including any increases due to such completion).
 - (F) **Reduction of the credit limit.** For credit card accounts under an open-end (not home-secured) consumer credit plan, if a creditor decreases the credit limit on an account, advance notice of the decrease must be provided before an over-the-limit fee or a penalty rate can be imposed solely as a result of the consumer exceeding the newly decreased credit limit. Notice shall be provided in writing or orally at least 45 days prior to imposing the over-the-limit fee or penalty rate and shall state that the credit limit on the account has been or will be decreased.
- (d) **Finance charge imposed at time of transaction.**
 - (1) Any person, other than the card issuer, who imposes a finance charge at the time of honoring a consumer's credit card, shall disclose the amount of that finance charge prior to its imposition.
 - (2) The card issuer, if other than the person honoring the consumer's credit card, shall have no responsibility for the disclosure required by paragraph (d)(1) of this section and shall not consider any such charge for purposes of 160:45-3-2, 160:45-3-4 and 160:45-3-5.
 - (e) **Disclosures upon renewal of credit or charge card.**
 - (1) **Notice prior to renewal.** Except as provided in paragraph (e)(2) of this section, a card issuer that imposes any annual or other periodic fee to renew a credit or charge card account subject to 160:45-3-2, including any fee based on account activity or inactivity, shall mail or deliver written notice of the renewal to the cardholder. The notice shall be provided at least 30 days or one billing cycle, whichever is less, before the mailing or the delivery of the periodic statement on which the renewal fee is initially charged to the account. The notice shall contain the following information:
 - (A) The disclosures contained in 160:45-3-2(b)(1) through (7) that would apply if the account were renewed; **20a**/ and

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- (B) How and when the cardholder may terminate credit availability under the account to avoid paying the renewal fee.
- (2) **Delayed notice.** The disclosures required by paragraph (e)(1) of this section may be provided later than the time in paragraph (e)(1) of this section, but no later than the mailing or the delivery of the periodic statement on which the renewal fee is initially charged to the account, if the card issuer also discloses at that time that-
- (A) The cardholder has 30 days from the time the periodic statement is mailed or delivered to avoid paying the fee or to have the fee recredited if the cardholder terminates credit availability under the account; and
- (B) The cardholder may use the card during the interim period without having to pay the fee.
- (3) **Notification on periodic statements.** The disclosures required by this paragraph may be made on or with a periodic statement. If any of the disclosures are provided on the back of a periodic statement, the card issuer shall include a reference to those disclosures on the front of the statement.
- (f) **Change in credit card account insurance provider.**
- (1) **Notice prior to change.** If a credit card issuer plans to change the provider of insurance for repayment of all or part of the outstanding balance of an open-end credit card account subject to 160:45-3-2, the card issuer shall mail or deliver the cardholder written notice of the change not less than 30 days before the change in providers occurs. The notice shall also include the following terms, to the extent applicable:
- (A) Any increase in the rate that will result from the change;
- (B) Any substantial decrease in coverage that will result from the change; and
- (C) A statement that the cardholder may discontinue the insurance.
- (2) **Notice when change in provider occurs.** If a change described in paragraph (f)(1) of this section occurs, the card issuer shall provide the cardholder with a written notice no later than 30 days after the change, including the following items, to the extent applicable:
- (A) The name and address of the new insurance provider;
- (B) A copy of the new policy or group certificate containing the basic terms of the insurance, including the rate to be charged; and
- (C) A statement that the cardholder may discontinue the insurance.
- (3) **Substantial decrease in coverage.** For purposes of this paragraph, a substantial decrease in coverage is a decrease in a significant term of coverage that might reasonably be expected to affect the cardholder's decision to continue the insurance. Significant terms of coverage include, for example, the following:
- (A) Type of coverage provided;
- (B) Age at which coverage terminates or becomes more restrictive;
- (C) Maximum insurable loan balance, maximum periodic benefit payment, maximum number of payments, or other term affecting the dollar amount of coverage or benefits provided;
- (D) Eligibility requirements and number and identity of persons covered;
- (E) Definition of a key term of coverage, such as disability;
- (F) Exclusions from or limitations on coverage; and
- (G) Waiting periods and whether coverage is retroactive.
- (4) **Combined notification.** The notices required by paragraphs (f)(1) and (2) of this section may be combined provided the timing requirement of paragraph (f)(1) of this section is met. The notices may be provided on or with a periodic statement.
- (g) **Increase in rates due to delinquency or default or as a penalty.**
- (1) **Increases subject to this section.** For credit card accounts under an open-end (not home-secured) consumer credit plan, except as provided in paragraph (g)(4) of this section, a creditor must provide a written notice to each consumer who may be affected when:
- (A) A rate is increased due to the consumer's delinquency or default; or
- (B) A rate is increased as a penalty for one or more events specified in the account agreement, such as making a late payment or obtaining an extension of credit that exceeds the credit limit.
- (2) **Timing of written notice.** Whenever any notice is required to be given pursuant to paragraph (g)(1) of this section, the creditor shall provide written notice of the increase in rate at least 45 days prior to the effective date of the increase. The notice must be provided after the occurrence of the events described in paragraphs (g)(1)(A) and (g)(1)(B) of this section that trigger the imposition of the rate increase.
- (3) **Disclosure requirements for rate increases.** If a creditor is increasing the rate due to delinquency or default or as a penalty, the creditor must provide the following information on the notice sent pursuant to paragraph (g)(1) of this section:
- (A) A statement that the delinquency or default rate or penalty rate, as applicable, has been triggered;
- (B) The date on which the delinquency or default rate or penalty rate will apply;
- (C) The circumstances under which the delinquency or default rate or penalty rate, as applicable, will cease to apply to the consumer's account, or that the delinquency or default rate or penalty rate will remain in effect for a potentially indefinite time period;
- (D) A statement that the consumer has the right to reject the increase in the annual percentage rate prior

to the effective date of that increase, unless the consumer fails to make a required minimum periodic payment within 60 days after the due date for that payment;

(E) Instructions for rejecting the change or changes, and a toll-free telephone number that the consumer may use to notify the creditor of the rejection; and

(F) If applicable, a statement that if the consumer rejects the change or changes, the consumer's ability to use the account for further advances will be terminated or suspended.

(4) **Exceptions.**

(A) **Workout or temporary hardship arrangements.** A creditor is not required to provide a notice pursuant to paragraph (g)(1) of this section if a rate applicable to a category of transactions is increased as a result of the consumer's default, delinquency or as a penalty, in each case for failure to comply with the terms of a workout or temporary hardship arrangement between the creditor and the consumer, provided that:

(i) The rate following any such increase does not exceed the rate that applied to the category of transactions prior to commencement of the workout or temporary hardship arrangement or, if the rate that applied to a category of transactions prior to the commencement of the workout or temporary hardship arrangement was a variable rate, the rate following any such increase is a variable rate determined by the same formula (index and margin) that applied to the category of transactions prior to the commencement of the workout or temporary hardship arrangement; and

(ii) The creditor has provided the consumer, prior to the commencement of such arrangement, with a clear and conspicuous written disclosure of the terms of the arrangement (including any increases due to such failure).

(B) **Decrease in credit limit.** A creditor is not required to provide, prior to increasing the rate for obtaining an extension of credit that exceeds the credit limit, a notice pursuant to paragraph (g)(1) of this section, provided that:

(i) The creditor provides at least 45 days in advance of imposing the penalty rate a notice, in writing, that includes:

(I) A statement that the credit limit on the account has been or will be decreased;

(II) A statement indicating the date on which the penalty rate will apply, if the outstanding balance exceeds the credit limit as of that date;

(III) A statement that the penalty rate will not be imposed on the date specified in paragraph (g)(4)(B)(i)(II) of this section, if the

outstanding balance does not exceed the credit limit as of that date;

(IV) The circumstances under which the penalty rate, if applied, will cease to apply to the account, or that the penalty rate, if applied, will remain in effect for a potentially indefinite time period; and

(ii) The creditor does not increase the rate applicable to the consumer's account to the penalty rate if the outstanding balance does not exceed the credit limit on the date set forth in the notice and described in paragraph (g)(4)(B)(i)(II) of this section.

(h) **Consumer rejection of significant change in terms or increase in annual percentage rate.**

(1) **Right to reject.** If paragraph (c)(2)(D) or (g)(3) of this section requires disclosure of the consumer's right to reject a significant change to an account term or other increase in an annual percentage rate, the consumer may reject that change or increase by notifying the creditor of the rejection before the effective date of the change or increase.

(2) **Effect of rejection.** If a creditor is notified of a rejection of a significant change to an account term or other increase in an annual percentage rate as provided in paragraph (h)(1) of this section, the creditor must not:

(A) Apply the change or increase to the account;

(B) Impose a fee or charge or treat the account as in default solely as a result of the rejection; or

(C) Require repayment of the balance on the account using a method that is less beneficial to the consumer than one of the following methods:

(i) The method of repayment for the account on the date on which the creditor was notified of the rejection;

(ii) An amortization period of not less than five years, beginning no earlier than the date on which the creditor was notified of the rejection; or

(iii) A required minimum periodic payment that includes a percentage of the balance that is equal to no more than twice the percentage required on the date on which the creditor was notified of the rejection.

(3) **Exceptions.** This section does not apply:

(A) When the creditor has not received the consumer's required minimum periodic payment within 60 days after the due date for that payment; or

(B) To transactions that occur more than 14 days after provision of the notice required by paragraphs (c) or (g) of this section.

20a/ These disclosures need not be provided in tabular format or in a prominent location.

[OAR Docket #09-1317; filed 11-2-09]

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

1:2009-37.

EXECUTIVE ORDER 2009-37

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 Wednesday, November 11, 2009, 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.

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 2nd day of November, 2009.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #09-1342; filed 11-5-09]

1:2009-38.

EXECUTIVE ORDER 2009-38

I, Brad Henry, Governor of the State of Oklahoma, in honor and tribute to the victims of the tragedy at Fort Hood, Texas, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff until 5:00 p.m., Tuesday, November 10, 2009.

The thoughts and prayers of all Oklahomans are with the service members, civilians, and families affected by the tragic events at Fort Hood, Texas. During this difficult hour, we ask God to watch the fallen, the wounded, and all those who are suffering at this time.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of November, 2009.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Vickie L. McAfee
Acting Assistant Secretary of State

[OAR Docket #09-1355; filed 11-12-09]

