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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Notices of Rulemaking Intent	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	39
Employment Security Commission, Oklahoma (Title 240)	39, 40, 41
Editor's Notices	
Executive Orders (correction)	43

Agency/Action/Subject Index

**AGRICULTURE, Food, and Forestry, Oklahoma
Department of (Title 35)**

Notices of Rulemaking Intent

Water Quality (Chapter 17) 39

**EMPLOYMENT Security Commission, Oklahoma
(Title 240)**

Notices of Rulemaking Intent

General Provisions (Chapter 1) 39

Employment Service (Chapter 5) 40

**EMPLOYMENT Security Commission, Oklahoma –
*continued***

Notices of Rulemaking Intent – continued

Unemployment Insurance Program (Chapter 10) 40

Workforce Investment Act (Chapter 21) 41

EXECUTIVE Orders (correction)

Editor’s Notices

Correction to EO 2012-26 43

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
330:30-2-8.1. [AMENDED] (E)			23

Agency/Title Index

[Assigned as of 11-1-12]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	EDGE Fund Policy Board	208
Oklahoma ACCOUNTANCY Board	10	State Department of EDUCATION	210
State ACCREDITING Agency	15	EDUCATION Oversight Board	215
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma AERONAUTICS Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	State ELECTION Board	230
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma EMPLOYMENT Security Commission	240
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma ENERGY Resources Board	243
ANATOMICAL Board of the State of Oklahoma	50	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly</i> : Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Board of Trustees for the ENID Higher Education Program (<i>exempted 11-1-98</i>)	250
ARCHIVES and Records Commission	60	Department of ENVIRONMENTAL Quality	252
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	State Board of EQUALIZATION	255
Oklahoma ARTS Council	70	ETHICS Commission (<i>Title revoked</i>)	257
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		ETHICS Commission	258
ATTORNEY General	75	Office of State FINANCE	260
State AUDITOR and Inspector	80	State FIRE Marshal Commission	265
State BANKING Department	85	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State Employees BENEFITS Council	87	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Council of BOND Oversight	90	[RESERVED]	275
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	FORENSIC Review Board	277
State BURIAL Board (<i>abolished 7-1-92</i>)	95	State Board of Registration for FORESTERS	280
[RESERVED]	100	FOSTER Care Review Advisory Board	285
Oklahoma CAPITAL Investment Board	105	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUTURES	290
State CAPITOL Preservation Commission	115	GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GRAND River Dam Authority	300
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association GUARANTY Fund Board	302
Board of Regents of CARL Albert State College (<i>exempted</i> <i>11-1-98</i>)	125	Individual Self-Insured GUARANTY Fund Board	303
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
CEREBRAL Palsy Commission	130	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Commission on CHILDREN and Youth	135	Oklahoma State Department of HEALTH	310
Board of CHIROPRACTIC Examiners	140	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma HEALTH Care Authority	317
Oklahoma Department of COMMERCE	150	HIGHWAY Construction Materials Technician Certification Board	318
COMMUNITY Hospitals Authority	152	Oklahoma HISTORICAL Society	320
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		Oklahoma HORSE Racing Commission	325
Oklahoma CONSERVATION Commission	155	Oklahoma HOUSING Finance Agency	330
CONSTRUCTION Industries Board	158	Oklahoma HUMAN Rights Commission	335
Department of CONSUMER Credit	160	Department of HUMAN Services	340
CORPORATION Commission	165	Committee for INCENTIVE Awards for State Employees	345
Department of CORRECTIONS	170	Oklahoma INDIAN Affairs Commission	350
State Board of COSMETOLOGY	175	Oklahoma INDIGENT Defense System	352
Oklahoma State CREDIT Union Board	180	Oklahoma INDUSTRIAL Finance Authority	355
CRIME Victims Compensation Board	185	INJURY Review Board	357
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma State and Education Employees Group INSURANCE Board	360
Board of DENTISTRY	195	INSURANCE Department	365
Oklahoma DEVELOPMENT Finance Authority	200	COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund)	370
Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of INVESTIGATION	375
Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	205	Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377
		Department of LABOR	380
		Department of the Commissioners of the LAND Office	385
		Council on LAW Enforcement Education and Training	390
		Oklahoma LAW Enforcement Retirement System	395
		Board on LEGISLATIVE Compensation	400

Agency/Title Index – continued

Agency	Title	Agency	Title
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
LIEUTENANT Governor	410	SCENIC Rivers Commission	630
Oklahoma LINKED Deposit Review Board	415	Oklahoma Commission on SCHOOL and County Funds	
Oklahoma LIQUEFIED Petroleum Gas Board	420	Management	635
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety		Advisory Task Force on the Sale of SCHOOL Lands (<i>functions</i>	
Commission	422	<i>concluded 2-92</i>)	640
LITERACY Initiatives Commission	425	The Oklahoma School of SCIENCE and Mathematics	645
LONG-RANGE Capital Planning Commission	428	Oklahoma Center for the Advancement of SCIENCE and	
Oklahoma State Board of Examiners for LONG-TERM Care		Technology	650
Administrators (<i>Formerly</i> : Oklahoma State Board of Examiners		SECRETARY of State	655
for NURSING Home Administrators) - <i>See</i> Title 490		Department of SECURITIES	660
LOTTERY Commission, Oklahoma	429	Board of Regents of SEMINOLE State College (<i>exempted</i>	
Board of Trustees for the MCCURTAIN County Higher Education		<i>11-1-98</i>)	665
Program (<i>exempted 11-1-98</i>)	430	SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and	
Department of MENTAL Health and Substance Abuse Services	450	Audiology (<i>Formerly</i> : Board of Examiners for SPEECH	
MERIT Protection Commission	455	Pathology and Audiology)	690
MILITARY Planning Commission, Oklahoma Strategic	457	STATE Employee Charitable Contributions, Oversight	
Department of MINES	460	Committee for (<i>Formerly</i> : STATE Agency	
Oklahoma MOTOR Vehicle Commission	465	Review Committee)	695
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products	
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs		and Services of the Severely HANDICAPPED) - <i>See</i> Title 304	
Control	475	Oklahoma STUDENT Loan Authority	700
Board of Regents of NORTHERN Oklahoma College (<i>exempted</i>		TASK Force 2000	705
<i>11-1-98</i>)	480	Oklahoma TAX Commission	710
Oklahoma Board of NURSING	485	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Board of Examiners for LONG-TERM Care		TEACHERS' Retirement System	715
Administrators (<i>Formerly</i> : Oklahoma State Board of Examiners		State TEXTBOOK Committee	720
for NURSING Home Administrators)	490	TOBACCO Settlement Endowment Trust Fund	723
Board of Regents of OKLAHOMA City Community College (<i>exempted</i>		Oklahoma TOURISM and Recreation Department	725
<i>11-1-98</i>)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to</i>	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority <i>11-1-05</i>) - <i>See</i> Title 731	
State Board of OSTEOPATHIC Examiners	510	Oklahoma TURNPIKE Authority (<i>Formerly</i> : Oklahoma	
PARDON and Parole Board	515	TRANSPORTATION Authority AND Oklahoma TURNPIKE	
Oklahoma PEANUT Commission	520	Authority) - <i>See</i> also Title 745	731
Oklahoma State PENSION Commission	525	State TREASURER	735
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of TULSA Community College (<i>exempted</i>	
Office of PERSONNEL Management	530	<i>11-1-98</i>)	740
Board of Commercial PET Breeders	532	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i>	
Oklahoma State Board of PHARMACY	535	TRANSPORATION Authority <i>11-1-99</i> - <i>no rules enacted in this</i>	
PHYSICIAN Manpower Training Commission	540	<i>Title - See</i> Title 731)	745
Board of PODIATRIC Medical Examiners	545	Oklahoma UNIFORM Building Code Commission	748
Oklahoma POLICE Pension and Retirement System	550	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i>	
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	<i>11-1-98</i>)	750
POLYGRAPH Examiners Board	560	UNIVERSITY Hospitals Authority	752
Oklahoma Board of PRIVATE Vocational Schools	565	UNIVERSITY Hospitals Trust	753
State Board for PROPERTY and Casualty Rates		Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
(<i>abolished 7-1-06; see also Title 365</i>)	570	<i>11-1-98</i>)	755
State Board of Examiners of PSYCHOLOGISTS	575	Board of Regents of the UNIVERSITY of Science and Arts	
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC		of Oklahoma (<i>exempted 11-1-98</i>)	760
Affairs)	580	Oklahoma USED Motor Vehicle and Parts Commission	765
PUBLIC Employees Relations Board	585	Oklahoma Department of VETERANS Affairs	770
Oklahoma PUBLIC Employees Retirement System	590	Board of VETERINARY Medical Examiners	775
Department of PUBLIC Safety	595	Oklahoma Department of CAREER and Technology Education	
REAL Estate Appraiser Board	600	(<i>Formerly</i> : Oklahoma Department of VOCATIONAL and	
Oklahoma REAL Estate Commission	605	Technical Education)	780
Board of Regents of REDLANDS Community College (<i>exempted</i>		Oklahoma WATER Resources Board	785
<i>11-1-98</i>)	607	Board of Regents of WESTERN Oklahoma State College (<i>exempted</i>	
State REGENTS for Higher Education	610	<i>11-1-98</i>)	790
State Department of REHABILITATION Services	612	Oklahoma WHEAT Commission	795
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615	Department of WILDLIFE Conservation	800
Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620	WILL Rogers and J.M. Davis Memorials Commission	805

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #12-913]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Swine Feeding Operations

35:17-3-6 [AMENDED]

35:17-3-11 [AMENDED]

35:17-3-14 [AMENDED]

35:17-3-18 [AMENDED]

35:17-3-19 [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations

35:17-4-5 [AMENDED]

35:17-4-9 [AMENDED]

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-2 [AMENDED]

35:17-5-3 [AMENDED]

35:17-5-5 [AMENDED]

35:17-5-10.1 [AMENDED]

SUMMARY:

The proposed amendments make changes necessary for the rules comply with changes in law, specifically, 2 O.S. §20-7 as amended by HB 2353 and 2 O.S. §20-9 amended by HB 2786, make minor grammatical corrections, establish rule advisory committees to supplement existing statutory language, add a definition for "Nutrient Management Plan", and add references to "Nutrient Management Plans".

AUTHORITY:

OKLA. CONST., Art. 6, § 31; 2 O.S. §§ 2-4; 2A-1 - 2A-29; and 10-9 - 10-10.5.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 1, 2012 through December 4, 2012.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., December 4, 2012 in the Board Room, located at 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 Bennett Abbott at the above address during the period from November 1, 2012 through December 4, 2012.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott 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:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #12-913; filed 10-9-12]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

[OAR Docket #12-909]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Records and Inspections

240:1-3-6. Search fees [AMENDED]

SUMMARY:

This rule is being amended to correct typographical errors in the text.

AUTHORITY:

40 O.S. §§4-302, 4-508 and the Oklahoma Employment Security Commission.

REQUEST 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,

Notices of Rulemaking Intent

professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COMMENT PERIOD:

Written and oral comments will be accepted through December 3, 2012, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 3, 2012.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

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 #12-909; filed 9-28-12]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 5. EMPLOYMENT SERVICE

[OAR Docket #12-910]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

240:5-1-3. Registration for work [AMENDED]

Subchapter 3. Internet Use

240:5-3-2. Time limit on Internet use [REVOKED]

240:5-3-3. Internet user prohibitions [AMENDED]

SUMMARY:

The amendments to these rules will delete a reference to the Oklahoma JobLink and replace it with a generic description so that name changes to the program will not affect the rule. The rule on time limits for Internet use is being revoked because it was determined to be unnecessary. The rule concerning Internet user prohibitions is being amended to delete obsolete provisions and allow for downloading of job application information from employers.

AUTHORITY:

40 O.S. §§2-204, 4-302, 4-802 and the Oklahoma Employment Security Commission.

REQUEST 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.

COMMENT PERIOD:

Written and oral comments will be accepted through December 3, 2012, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 3, 2012.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

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 #12-910; filed 9-28-12]

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

[OAR Docket #12-911]

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 computations [AMENDED]

Subchapter 3. Benefits

Part 5. Eligibility

240:10-3-22. Filing claims for benefits [AMENDED]

240:10-3-23. Claims for ~~total~~ unemployment benefits-general requirements [AMENDED]

240:10-3-25. Payment of claim of deceased worker [REVOKED]

- 240:10-3-28. Application of payments made to repay an overpayment of benefits [AMENDED]
- Part 9. Disqualification
- 240:10-3-43. Performed service and earned remuneration; reemployed and has earned wages [AMENDED]
- Subchapter 5. Contributions
- Part 3. Rates
- 240:10-5-10. Payment of contributions [AMENDED]
- Part 7. Collection of Contributions
- 240:10-5-31. Claims for refunds - procedure [AMENDED]
- Part 19. Maintenance and Production of Work Records
- 240:10-5-90. Records [AMENDED]
- 240:10-5-91. Employer's quarterly contribution wage reports [AMENDED]
- Subchapter 11. Assessment Board Procedure
- Part 1. General Provisions
- 240:10-11-5. Jurisdiction [AMENDED]
- Subchapter 13. Appeal Tribunal Procedure
- Part 3. Appeals to Appeal Tribunal
- 240:10-13-20. Filing an appeal [AMENDED]
- Part 5. Hearings
- 240:10-13-40. Reopen [AMENDED]
- Part 9. Records of Appeal Tribunal
- 240:10-13-70. ~~Transcript~~Recording of hearings [AMENDED]
- 240:10-13-71. Requests for copies of documents entered into evidence [AMENDED]

SUMMARY:

A new definition of "working day" is being added. Typographical errors in the text of some rules are being corrected and obsolete language is being deleted. Reference to the Employment Security Act of 1980 in the rules is being amended to the correct name of the Act. The rule for processing checks that were paid on a claim of a deceased worker is being revoked because it is obsolete since the use of electronic funds transfers became the method of paying benefits. The rule concerning how overpayments are to be repaid is being amended to include the repayment of the newly established fraud penalties.

AUTHORITY:

40 O. S. §§2-202, 2-203, 2-503, 2-504, 4-302; and the Oklahoma Employment Security Commission.

REQUEST 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.

COMMENT PERIOD:

Written and oral comments will be accepted through December 3, 2012, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 3, 2012.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

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@oes.state.ok.us.

[OAR Docket #12-911; filed 9-28-12]

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

[OAR Docket #12-912]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. Audits
- 240:21-9-2. Delinquent audit [AMENDED]
- Subchapter 11. Grievance Procedure
- Part 3. Grievances Filed Directly with the OESC
- 240:21-11-10. Filing [AMENDED]
- 240:21-11-12. Contents of a grievance [AMENDED]
- 240:21-11-13. Referral of a grievance filed with OESC [AMENDED]
- Part 5. Appeals to the OESC From Grievance Decisions of a Local Area
- 240:21-11-21. Appeals with OESC [AMENDED]
- 240:21-11-22. Time limit for filing an appeal with OESC [AMENDED]
- Part 7. Informal and Formal Resolutions of Grievances
- 240:21-11-30. Informal resolution [AMENDED]
- 240:21-11-31. Hearing [AMENDED]

SUMMARY:

The rules in this chapter are being amended to change the name of the Director of Workforce Integrated Programs to the Director of Workforce Services.

Notices of Rulemaking Intent

AUTHORITY:

40 O.S. §§4-302, and the Oklahoma Employment Security Commission.

REQUEST 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.

COMMENT PERIOD:

Written and oral comments will be accepted through December 3, 2012, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a

hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 3, 2012.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

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 #12-912; filed 9-28-12]

TITLE 1. EXECUTIVE ORDERS (EO 2012-26)

[OAR Docket #12-897en]

CORRECTION TO EXECUTIVE ORDER PUBLISHED IN OCTOBER 15 ISSUE:

On page 38 in the 10-15-12 issue of the *Register*, the signature date for EO 2012-26 was incorrectly published as the "29th day of September, 2012." [30 Ok Reg 38; OAR Docket #12-897] The signature date in the last paragraph of the executive order SHOULD HAVE READ: "the 19th day of September, 2012."
