

Volume 30
Number 8
January 2, 2013
Pages 141 - 172

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
V. Glenn Coffee,
Secretary of State
Peggy Coe, Editor-in-Chief

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The *Oklahoma Register* and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library

Alva - Northwestern Oklahoma State University,
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

Goodwell - Oklahoma Panhandle State University

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library System

Tulsa - University of Tulsa, McFarlin Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 30 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 2300 N. Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Room 220, Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 53 copies have been prepared and distributed at a cost of \$160.24. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Notices of Rulemaking Intent	
Employment Security Commission, Oklahoma (Title 240)	141
Health, Oklahoma State Department of (Title 310)	141, 143, 145, 146
Human Services, Department of (Title 340)	147, 148, 149, 150, 151, 152, 153
Labor, Department of (Title 380)	154, 155, 156, 157
Lottery Commission, Oklahoma (Title 429)	157
Rehabilitation Services, State Department of (Title 612)	158, 159, 160
Tax Commission, Oklahoma (Title 710)	160, 161, 162, 163, 164, 166, 167, 168
Executive Orders (Title 1)	171

Agency/Action/Subject Index

EMPLOYMENT Security Commission, Oklahoma (Title 240)

Notices of Rulemaking Intent

Unemployment Insurance Program (Chapter 10) 141

GOVERNOR

Executive Orders

Ordering flags at half-staff in recognition of Pearl Harbor Remembrance Day (12-29) 171
Ordering flags at half-staff to honor victims of school shooting in Connecticut (12-30) 171
Amending EO 2012-30, ordering flags at half-staff to honor victims of school shooting in Connecticut (12-30A) ... 171

HEALTH, Oklahoma State Department of (Title 310)

Notices of Rulemaking Intent

Licensed Marital and Family Therapists (Chapter 400) ... 141
Licensed Professional Counselors (Chapter 405) 143
Fire Extinguisher Industry (Chapter 451) 145
Hospital Standards (Chapter 667) 146

HUMAN Services, Department of (Title 340)

Notices of Rulemaking Intent

Administrative Components (Chapter 2) 147
Adult Protective Services (Chapter 5) 148
Temporary Assistance for Needy Families (TANF) (Chapter 10) 148
Oklahoma Child Support Services (Chapter 25) 149
Child Care Subsidy Program (Chapter 40) 150
Supplemental Nutrition Assistance Program (Chapter 50) 151
Public Assistance Procedures (Chapter 65) 152
Social Services (Chapter 70) 153
Field Operations Division [REVOKED] (Chapter 115) ... 153

LABOR, Department of (Title 380)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 154

LABOR, Department of – continued

Notices of Rulemaking Intent – continued

Boiler and Pressure Vessel Rules (Chapter 25) 154
Abatement of Friable Asbestos Materials Rules (Chapter 50) 155
Workers' Compensation Enforcement Rules (Chapter 60) 156
Elevator Safety Act (Chapter 70) 156
Alarm and Locksmith Industry Rules (Chapter 75) 157

LOTTERY Commission, Oklahoma (Title 429)

Notices of Rulemaking Intent

Retailer Provisions (Chapter 10) 157

REHABILITATION Services, State Department of (Title 612)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 158
Vocational Rehabilitation and Visual Services (Chapter 10) 159
Special Schools (Chapter 20) 160

TAX Commission, Oklahoma (Title 710)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 160
Ad Valorem (Chapter 10) 161
Alcohol, Mixed Beverages, and Low-Point Beer (Chapter 20) 162
Boats and Motors (Chapter 22) 163
Income (Chapter 50) 163
Motor Vehicles (Chapter 60) 164
Sales and Use Tax (Chapter 65) 166
Tobacco, Tobacco Products, and Cigarettes (Chapter 70) 167
Miscellaneous Areas of Regulatory and Administrative Authority (Chapter 95) 168

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
150:140-1-1. [NEW] (E)	101	710:1-5-112. [NEW] (E)	104
150:140-1-2. [NEW] (E)	101	710:1-5-113. [NEW] (E)	104
150:140-1-3. [NEW] (E)	101	710:1-5-114. [NEW] (E)	104
150:140-1-4. [NEW] (E)	102	710:1-5-115. [NEW] (E)	105
150:140-1-5. [NEW] (E)	102	710:1-5-116. [NEW] (E)	105
150:140-1-6. [NEW] (E)	103	710:1-5-117. [NEW] (E)	105
330:30-2-8.1. [AMENDED] (E)	23	710:1-5-118. [NEW] (E)	105
377:3-11-2. [AMENDED] (E)	137	710:1-5-119. [NEW] (E)	105
377:3-11-5. [AMENDED] (E)	137	710:1-5-120. [NEW] (E)	105
377:3-11-10. [AMENDED] (E)	138	710:1-5-121. [NEW] (E)	105
377:3-11-11. [AMENDED] (E)	138	710:1-5-122. [NEW] (E)	106
377:35-9-8. [AMENDED] (E)	139	715:10-17-6. [AMENDED] (E)	73
710:1-5-110. [NEW] (E)	104	748:3-1-2. [AMENDED] (E)	106
710:1-5-111. [NEW] (E)	104	748:5-3-1. [AMENDED] (E)	107

Agency/Title Index

[Assigned as of 1-2-13]

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: Oklahoma State Board of Examiners</i>		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: Board of Examiners for SPEECH</i>	
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: STATE Agency</i>	
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: Committee on Purchases of Products</i>	
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: Oklahoma State Board of Examiners</i>		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: Oklahoma</i>	
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: Office of PUBLIC</i>		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: Oklahoma Department of VOCATIONAL and</i>	
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 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #12-1061]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 5. Contributions

Part 3. Rates

240:10-5-11. Subject employer acquiring the experience rating account of another employer [AMENDED]

240:10-5-12. ~~Non-subject~~Non-subject entity acquiring the experience rating account of an employer [AMENDED]

240:10-5-15. Successor acquiring the experience rating account of predecessor [AMENDED]

SUMMARY:

The amendments to these rules are in the form of cleanup. When these rules refer to experience rating accounts, they sometimes used different names such as "compensation experience" and "experience history". Amendments are being made to change all references to "experience rating account." Further, when referring to a contribution rate, sometimes the phrase "experience rating" would be used. Amendments are being made to change all these references to "contribution rate". Finally, the correction to a cite of a statute in the Employment Security Act of 1980 is being corrected in 240:10-5-15 (d).

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 February 3, 2013, 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 February 3, 2013.

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 #12-1061; filed 12-7-12]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS

[OAR Docket #12-1048]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:400-1-3. Definitions [AMENDED]

Subchapter 5. Rules of Professional Conduct

310:400-5-3. Professional competence and integrity [AMENDED]

Subchapter 9. Licensure Examinations

310:400-9-2. Format [AMENDED]

310:400-9-4. Application [AMENDED]

Subchapter 15. Issuance and Maintenance of License

310:400-15-3. License renewal [AMENDED]

310:400-15-4. Continuing education. [AMENDED]

310:400-15-8. Licensure by endorsement [AMENDED]

310:400-15-9. Temporary license [REVOKED]

SUMMARY:

The proposed rules address those individuals who are a Licensed Marital and Family Therapist (LMFT), those persons who are LMFT candidates, and those individuals holding a license from another jurisdiction who wish to

Notices of Rulemaking Intent

become an LMFT in the State of Oklahoma. The proposed rule modifications would more closely align the state program with national standards; provide professional standards for forensic services; remove the oral examination component thereby removing subjectivity from the scoring of results; simplify provisions for reporting continuing education; and revise requirements for licensure by endorsement, offering new avenues for licensure.

310:400-1-3. This rule provides definitions in support of this Chapter. The proposed change adds a definition for "Forensic services" which means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law. A definition for the acronym OAC, which means the Oklahoma Administrative Code, is added.

310:400-5-3. This rule addresses standards of professional competence and integrity. The proposed modifications are prescribed for in Title 59 of the Oklahoma Statutes in Section 1925.5, which authorizes the Department, with regard to the recommendations of the Oklahoma Licensed Marital and Family Therapist Advisory Board, to adopt and establish rules of professional conduct. These proposed rule modifications are to notify LMFT and LMFT Candidates of the requirements that must be met when performing forensic services. These requirements will make clear the relationship between the LMFT or LMFT candidate and the client during the time forensic services are being provided. This will allow clients to make informed decisions concerning their lives. The language removed from (n)(2) covered activities that were not within the control of the LMFT or LMFT Candidate or the agency, but under the control of the court and handled by court order.

310:400-9-2 and 310:400-9-4. These rules address the examination format and the process for applying for the examination, respectively. The proposed modifications are prescribed for in Title 59 of the Oklahoma Statutes in Section 1925.7. These proposed rule modification will remove the oral part of the Oklahoma exam and give the exam a title. The exam is changing from an oral exam to a written exam which removes the subjectivity from the scoring of the results of the exam. Over the past two years, the OSDH has reviewed the scores of the oral exams and have found wide variations of the scoring reports between examiners.

310:400-15-3. This rule addresses requirements for license renewal. The proposed new rule implements Title 59 of the Oklahoma Statutes in Section 1925.8. The Department proposes to amend this section to require the submission of a Continuing Education Roster on an official Department form when a licensee is submitting an application for renewal of his or her license. The Department will gather all required information on the Continuing Education Roster needed to renew the license. This proposed rule modification will allow the Department to better utilize its limited resources by expediting the licensure renewal review process.

310:400-15-4. This rule addresses requirements for continuing education. The proposed modification implements

Title 59 of the Oklahoma Statutes in Section 1925.8 and seeks to recognize the number of hours contributed by the members of the LMFT Advisory Board. The proposed changes would allow the hours contributed by the LMFT Advisory Board Members to be counted for compliance with the continuing education requirements required by both state statute and state regulations. Other licensure organizations in the State of Oklahoma, such as the Oklahoma State Board of Examiners of Psychologists, also contain a similar allowance in their continuing education scheme.

310:400-15-8. This rule addresses requirements for licensure by endorsement. The proposed modifications implement Title 59 of the Oklahoma Statutes in Sections 1925.8 and 1925.9 by removing provisions for a temporary license and requirements for licensure endorsement that were not contained in Section 1925.9. The remaining changes specify the requirements for an individual who is licensed in another state to obtain a license from the State of Oklahoma. The proposed rule modifications will allow an increase in the number of potential applicants to be accepted for licensure by endorsement. The rule modifications allow the Department to look at experience as an alternative to educational requirements that are currently required but may not have been applicable at the time the applicant for licensure by endorsement received their education. The Department has denied applicants for licensure by endorsement who would otherwise be qualified, but do not meet the current educational requirements as contained in statute or regulation that were not required at the time the applicant received his or her education.

310:400-15-9. This rule addressed requirements for temporary licenses. The proposed modification implements Title 59 of the Oklahoma Statutes in Sections 1925.8 and 1925.9 by revoking the rule authorizing a temporary license which was not authorized in Section 1925.8 or 1925.9. The rule allowed a temporary license without clear standards for their issuance while a license by endorsement was pending. In some cases the temporary license existed for an extended period while candidates sought to pass the test or exhaustion of appeals. The revoked rule ensures those applying for a license by endorsement meet those requirements before practicing in the State of Oklahoma.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1925.5 *et seq.*

COMMENT PERIOD:

January 2, 2013, through February 6, 2013. Interested persons may informally discuss the proposed rules with Mr. Don Maisch, General Counsel, Office of General Counsel, before February 6, 2013. Submit written comment to Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 6, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before February 6, 2013, to Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov; or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov, telephone 405-271-6017.

[OAR Docket #12-1048; filed 12-7-12]

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS**

[OAR Docket #12-1049]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:405-1-2.1. Definitions [AMENDED]

- Subchapter 3. Rules of Professional Conduct
- 310:405-3-2. Competence [AMENDED]
- Subchapter 9. Academic Requirements
- 310:405-9-2. Knowledge area required [AMENDED]
- Subchapter 17. Continuing Education Requirements
- 310:405-17-2. Number of hours required [AMENDED]
- 310:405-17-3. Acceptable continuing education [AMENDED]
- 310:405-17-4.1. Continuing education accrual from home-study or technology-assisted distance learning courses [AMENDED]
- Subchapter 21. License and Speciality Renewal
- 310:405-21-5. Requirements for renewal [AMENDED]
- Subchapter 27. Licensure by endorsement
- 310:405-27-3. License by endorsement [AMENDED]

SUMMARY:

The proposed rules address those individuals who are a Licensed Professional Counselor (LPC), those persons who are LPC candidates, and those individuals holding a license from another jurisdiction who wish to become an LPC in the State of Oklahoma. The proposed rule modifications would more closely align the state program with national standards; provide professional standards for forensic services; remove the oral examination component thereby removing subjectivity from the scoring of results; simplify provisions for reporting continuing education; and revise requirements for licensure by endorsement, offering new avenues for licensure.

OAC 310:405-1-2.1. This rule provides definitions in support of this Chapter. The proposed change adds a definition for "Forensic services" which means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law. Revises the definition for "Home-study or technology-assisted distance learning" and adds a definition for the acronym OAC, which means the Oklahoma Administrative Code. These proposed rule modifications support the rule modifications for forensic services in OAC 310:405-3-2(i) and in the proposed rule modifications for continuing education accrual located at OAC 310:405-17-4.1. The public health purpose for the addition of the definition of the term "forensic services" is to provide a description of what constitutes a forensic service so that the regulated community can properly inform and provide quality care to the public that they serve. The public health purpose for the modification to the definition of "home-study or technology-assisted distance learning" is to provide parameters and updates to the regulated community concerning how the delivery of graduate course work or continuing education may be obtained through means other than direct contact with the educator. The proposed modifications to Oklahoma Administrative Code (OAC) 310:405-1-2.1 are prescribed for in Title 59 of the Oklahoma Statutes in Section 1905 and in Title 59 of the Oklahoma Statutes in Section 1902.

OAC 310:405-3-2. This rule addresses standards of professional competence regarding counseling, testing, specialties, diagnosis of mental disorders, impairment; and

Notices of Rulemaking Intent

evaluations. The proposed modifications are prescribed in Title 59 of the Oklahoma Statutes in Section 1905 (A). These proposed rule modifications will govern the competency of the practice of an LPC. The public health purpose of the proposed modifications in paragraphs (a) through new (h) is to align the State of Oklahoma regulations concerning LPCs with the national model proposals from the American Counseling Association (ACA). These modifications will allow individual receiving services to either come into the state of Oklahoma or leave the state of Oklahoma and have the ability to have a continuation of care or receive consistent treatment. The public health purposes of the proposed modifications in new paragraph (i) are to notify LPC and LPC Candidates of the requirements that must be met when performing forensic services. These requirements will make clear the relationship between the LPC or LPC candidate and the client during the time forensic services are being provided. This will allow clients to make informed decisions concerning their lives. The language removed from new paragraph (i) covered activities that were not within the control of the LPC or LPC Candidate or the agency, but under the control of the court and handled by court order.

OAC 310:405-9-2. This rule addresses required knowledge areas for an LPC. The proposed modifications are prescribed in Title 59 of the Oklahoma Statutes in Section 1906 (C). These proposed rule modifications provide definitions of the elective course knowledge areas required for licensure. The definitions will provide clarity concerning the information required for an evaluation of the elective course work. The clarity of the definitions will provide direction to the applicant concerning what information to submit to the Department. This information will allow the Department to review the application without repeated requests for more information concerning elective course work. The additional information will allow the Department to more expeditiously review application materials and save the Department's limited resources. Each year the Department receives between 500 and 600 new applications per year. Approximately 25% or between 125 and 150 of these applications are delayed due to inadequate information concerning elective course work. These changes should reduce the number of applications per year that are incomplete due to lack of complete descriptions of elective course work.

OAC 310:405-17-2 and 310:405-17-3. These rules address the number of continuing education hours required and acceptable continuing education, respectively. The proposed modifications implement Title 59 of the Oklahoma Statutes in Section 1908. These proposed rule modifications recognize the number of hours contributed by the members of the LPC Advisory Board. These proposed rule changes would allow the hours contributed by the LPC Advisory Board Members to be counted for compliance with the continuing education requirements required by both state statute and state regulations. Other licensure organizations in the State of Oklahoma, such as the Oklahoma State Board of Examiners

of Psychologists, also contain a similar allowance in their continuing education scheme.

OAC 310:405-17-4.1. This rule addresses home-study or technology-assisted learning programs for continuing education. The proposed modifications implement Title 59 of the Oklahoma Statutes in Sections 1906 and 1908. These proposed rule modifications include distance learning in reference to home-study and technology-assisted learning to make consistent with rules for Licensed Marital and Family Therapists (LMFT) and Licensed Behavioral Practitioners (LBP) concerning distance learning. The changes to the LMFT and LBP rules were completed a few years ago, but the LPC Rules were not updated. These proposed rule modifications will allow the Department to better utilize its limited resources by making all programs consistent, thereby assisting in expediting the licensure process.

OAC 310:405-21-5. This rule pertains to requirements for license renewal. The proposed modifications implement Title 59 of the Oklahoma Statutes in Section 1908. The Department proposes to amend this section to require the submission of a Continuing Education Roster on an official Department form when a licensee is submitting an application for renewal of his or her license. The Department will gather all required information on the Continuing Education Roster needed to renew the license. This proposed rule modification will allow the Department to better utilize its limited resources by expediting the licensure renewal review process.

OAC 310:405-27-3. This rule pertains to requirements for licensure by endorsement. The proposed modifications implement Title 59 of the Oklahoma Statutes in Section 1909. These proposed rule modifications remove requirements for licensure by endorsement that were not contained in Section 1909. The remaining changes specify the requirements for an individual who is licensed in another state to obtain a license from the State of Oklahoma. The proposed rule modifications will allow an increase in the number of potential applicants to be accepted for licensure by endorsement. The rule modifications allow the Department to look at experience as an alternative to educational requirements that are currently required but may not have been applicable at the time the applicant for licensure by endorsement received their education. The Department has denied applicants for licensure by endorsement who would otherwise be qualified, but do not meet the current educational requirements as contained in statute or regulation that were not required at the time the applicant received his or her education.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1905 *et seq.*

COMMENT PERIOD:

January 2, 2013, through February 6, 2013. Interested persons may informally discuss the proposed rules with Mr. Don Maisch, General Counsel, Office of General Counsel, before February 6, 2013. Submit written comment to Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th

Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 6, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before February 6, 2013, to Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov; or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Mr. Don Maisch, General Counsel, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; via e-mail to DonM@health.ok.gov, telephone 405-271-6017.

[OAR Docket #12-1049; filed 12-7-12]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 451. FIRE EXTINGUISHER
INDUSTRY**

[OAR Docket #12-1050]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:451-1-3. Adopted references [AMENDED]

SUMMARY:

The current rule references building and fire safety codes that are incorporated by reference as the minimum standard of installation for the fire extinguisher industry in Oklahoma. These codes are consensus standards adopted by the International Code Council, the Oklahoma Uniform Building Code Commission, and the National Fire Protection Association with the participation of state, county and municipal code officials and fire officials, architects, engineers, builders, contractors, elected officials, manufacturers and others in the construction industry. These codes are updated by these bodies periodically. The proposed change would update the references to more recent versions of the codes. The result of this change will be to apply current building and fire codes to the fire extinguisher industry.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1820.19.

COMMENT PERIOD:

January 2, 2013, through February 6, 2013. Interested persons may informally discuss the proposed rules with Mr. K.C. Ely, Chief, Consumer Health Services, before February 6, 2013, submit written comment to Mr. K.C. Ely, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 6, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before February 6, 2013, to Mr. K.C. Ely, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to Kcely@health.ok.gov.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Occupational Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to Kcely@health.ok.gov, or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Mr. K.C. Ely, Chief, Consumer Health Services, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-5243, e-mail Kcely@health.ok.gov.

[OAR Docket #12-1050; filed 12-7-12]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS

[OAR Docket #12-1051]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 15. Nursing Service

310:667-15-6 [AMENDED]

Subchapter 19. Medical Records Department

310:667-19-2 [AMENDED]

Subchapter 21. Drug Distribution

310:667-21-8 [AMENDED]

Subchapter 39. Critical Access Hospital

310:667-39-9 [AMENDED]

Subchapter 40. Emergency Hospital

310:667-40-9 [AMENDED]

310:667-40-11 [AMENDED]

SUMMARY:

This proposal removes the 48 hour time limit for authentication of certain verbal orders given by physicians and practitioners. The current rule requires signatures by physicians or practitioners within 48 hours after giving verbal orders for medications, treatments and tests. After the change, verbal orders will be authenticated pursuant to each hospital's medical staff bylaws. The proposal will enable hospitals to implement recent changes in federal rules governing Medicare certification of hospitals at Title 42 of the Code of Federal Regulations, Section 482.24(c) with the purpose of reducing a regulatory and financial burden on hospitals.

The new federal regulation authorizes authentication of verbal orders by either the ordering practitioner or another practitioner who is responsible for the care of the patient as specified under 42 CFR § 482.12(c) and authorized to write orders by hospital policy in accordance with State law. The

new federal rule strikes the 48-hour timeframe requirement for authentication of orders and instead defers to hospital policy and State law for establishment of any timeframe. The new federal rules provide that if there is no State law establishing such a timeframe, then a hospital would be allowed to establish their own time frame for authentication of orders, including verbal orders.

The federal register published to announce the new rules noted that allowing for orders to be authenticated by another practitioner who is responsible for the care of the patient, in accordance with hospital policy and State law, will result in a burden reduction. The Federal Register noted at page 29071, "We would expect a registered nurse or compliance officer to be responsible for checking medical records and flagging orders needing authentication, particularly those verbal orders nearing the current 48-hr timeframe. Based on our experience with hospitals and feedback from stakeholders on this issue, we believe that hospitals will save one hour of a nurse's time every day for 365 burden hours for each hospital annually." For all 153 licensed hospitals in Oklahoma, this would result in a reduction of 55,845 burden hours, valued at \$45 per hour for a savings of \$2,513,025. See, "Medicare and Medicaid Programs; Reform of Hospital and Critical Access Hospital Conditions of Participation," *Federal Register* 77:95 (16 May 2012), p. 29034.

310:667-15-6. This rule pertains to evaluation and review of nursing care and requires signatures by physicians or practitioners within 48 hours after giving verbal orders for medications. This proposal removes the 48 hour time limit. Current rule language at OAC 310:667-19-2(c)(4) authorizes authentication of verbal orders as provided in medical staff bylaws.

310:667-19-2. This rule pertains to reports and records and requires that all orders taken from a physician or practitioner for entry by persons other than the a physician or practitioner be countersigned within 48 hours. This proposal removes the 48 hour time limit. Current rule language at OAC 310:667-19-2(c)(4) authorizes authentication of verbal orders as provided in medical staff bylaws

310:667-21-8. This rule pertains to drug handling and requires that verbal orders, when necessary, shall be written by an authorized employee and signed by the person legally authorized to write a prescription within 48 hours or meet the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders). This proposal removes the 48 hour time limit and requires meeting the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders).

310:667-39-9. This rule pertains to delivery of care in a critical access hospital and requires that when telephone or verbal orders for drugs or biologicals are used, they shall be given only to a practitioner authorized by administration to receive these orders and signed by the prescribing practitioner as soon as possible within forty-eight (48) hours or meet the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders). This proposal

removes the 48 hour time limit and requires meeting the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders).

310:667-40-9. This rule pertains to delivery of care in emergency hospitals and requires that when telephone or verbal orders for drugs or biologicals are used, they shall be given only to a practitioner authorized by administration to receive these orders and signed by the prescribing physician or practitioner as soon as possible within forty-eight (48) hours or meet the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders). This proposal removes the 48 hour time limit and requires meeting the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders).

310:667-40-11. This rule pertains to the medical record in emergency hospitals and requires that telephone and verbal orders shall be authenticated by the physician or practitioner giving the order as soon as possible within forty-eight (48) hours or meet the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders). This proposal removes the 48 hour time limit and requires meeting the requirements at OAC 310:667-19-2(c)(4) (relating to policies for authentication of verbal orders).

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Sections 1-104 and 1-705

COMMENT PERIOD:

January 2, 2013, through February 6, 2013. Interested persons may informally discuss the proposed rules with Ms. Karla Cason, Director, Director, Facility Services Division of the Medical Facilities Service, or may, before February 6, 2013, submit written comment to Ms. Karla Cason, Director, Facility Services Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 6, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by

a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before February 6, 2013, to Ms. Karla Cason, Director, Facility Services Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to KarlaC@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Facility Services Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to KarlaC@health.ok.gov, or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Ms. Karla Cason, Director, Facility Services Division, Medical Facilities Service, phone (405) 271-6576, e-mail KarlaC@health.ok.gov.

[OAR Docket #12-1051; filed 12-7-12]

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

[OAR Docket #12-1062]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 7. Office of Inspector General
Part 3. ~~Single Audit Guide~~ Audits of Grant Recipients and Subrecipients

340:2-7-25 through 340:2-7-30 [AMENDED]

(Reference WF 12-11)

SUMMARY:

The proposed revisions to Subchapter 7 of Chapter 2 amend the rules to: (1) align rules with current practices of the Office of Inspector General (OIG); (2) add clarifying language; and (3) remove unnecessary and outdated language.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Section 7501 et seq. of Title 31 of the United States Code.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Molly Green, Oklahoma Department of Human Services, OIG, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-522-0541.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1062; filed 12-7-12]

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

[OAR Docket #12-1063]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

340:5-1-3 [AMENDED]

340:5-1-8 [AMENDED]

Subchapter 3. Reports of Maltreatment of Vulnerable Adults

340:5-3-4 [AMENDED]

340:5-3-6 [AMENDED]

Subchapter 5. Investigation of Adult Protective Services Referrals

340:5-5-3 through 340:5-5-4 [AMENDED]

340:5-5-6 [AMENDED]

(Reference APA WF 12-16)

SUMMARY:

The proposed revisions to Subchapters 1, 3 and 5 of Chapter 5 amend the rules to: (1) change the division name and line of authority staff titles due to the reorganization of the Oklahoma Department of Human Services (OKDHS); (2) update terminology; (3) change timely completion of Adult Protective Services (APS) investigative reports for self-neglect referrals from 30 to 60 calendar days; and (4) add a notification requirement upon substantiated findings involving an administrator of a facility.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 43A O.S. §§ 10-105 and 10-108.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1063; filed 12-7-12]

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

[OAR Docket #12-1064]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

340:10-2-3 [AMENDED]

340:10-2-6 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 3. Income

340:10-3-33 [AMENDED]

340:10-3-40 [AMENDED]

Part 5. Assistance Payments

340:10-3-56 through 340:10-3-57 [AMENDED]

Subchapter 4. Mandatory Drug Screening [NEW]

340:10-4-1 [NEW]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-3 [AMENDED]

(Reference APA WF 12-15 and 12-20)

SUMMARY:

The proposed revisions to Subchapters 2, 3, 4, and 10 of Chapter 10 amend the rules to: (1) add substance abuse screening requirement for adult parents or needy caretakers that apply for or receive Temporary Assistance For Needy Families (TANF) cash assistance; (2) change terminology for clarification; (3) make substance abuse treatment a mandatory part of employability planning when recommended by a treatment provider for alcohol or prescription drug abuse; (4) correct a policy citation; (5) remove outdated language regarding earned income; (6) reword excluded federally funded grants and workforce training program income; (7) state when a child living with an ineligible parent may receive a TANF benefit; (8) exclude a parent or needy caretaker from inclusion in a TANF benefit when he or she screens positive for the illegal use of a controlled substance or substances; (9) explain how the income of an ineligible parent is counted in determining eligibility for child only TANF benefits; (10) define the term "living in the home with" when used regarding a person acting in the role of spouse; (11) describe reasonable cause indicators of illegal use of controlled substance or substances; (12) describe screening methods; (13) describe procedures to follow when the adult refuses to comply or fails to follow through with screening, or complies and screens positive for the use of an illegal controlled substance or substances; (14) require one parent to participate in 35 hours of work activities when the other parent is ineligible due to a positive drug screen for the use of a controlled substance; and (15) add option of receiving child only TANF benefits when both parents are ineligible due to a positive drug screen for the use of a controlled substance.

AUTHORITY:

Director of Human Services; Sections 162 and 230.52 in Title 56 of Oklahoma Statutes; House Bill (HB) 2388 effective November 1, 2012; Sections 667.272(c) and 672.535 of Title 20 of the Code of Federal Regulations; and Section 2008 of Title XX of the Social Security Act.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1064; filed 12-7-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 25. OKLAHOMA CHILD SUPPORT SERVICES**

[OAR Docket #12-1065]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Scope and Applicability
 - 340:25-1-2.1 [AMENDED]
 - 340:25-1-3.1 [AMENDED]
- Subchapter 3. Commissioned Peace Officers
 - 340:25-3-3 [AMENDED]
- Subchapter 5. Operational Policies
 - Part 9. Disclosure of Information
 - 340:25-5-67 through 340:25-5-67.1 [AMENDED]
 - Part 15. Case Initiation, Case Management, and Case Closure
 - 340:25-5-114 [AMENDED]
 - 340:25-5-123 [AMENDED]
 - 340:25-5-133 [AMENDED]
 - Part 17. Past Support
 - 340:25-5-140 through 340:25-5-140.1 [AMENDED]
 - Part 21. Establishment
 - 340:25-5-176.1 [AMENDED]
 - 340:25-5-179.1 [AMENDED]
 - Part 23. Enforcement
 - 340:25-5-213 [AMENDED]
 - Part 37. Recovery
 - 340:25-5-305 [AMENDED]
 - Part 39. Accounting and Distribution
 - 340:25-5-345.2 [AMENDED]
 - 340:25-5-350.1 [AMENDED]
 - 340:25-5-350.3 [AMENDED]
 - 340:25-5-351 through 340:25-5-352 [AMENDED]

(Reference WF 12-12)

SUMMARY:

The proposed amendments to Chapter 25 Subchapter 1 and Subchapter 5 amend the rules to: (1) implement policy changes recommended during the annual Oklahoma Child Support Services (OCSS) policy review process; and (2) make non-substantive housekeeping changes to improve rule clarity.

Notices of Rulemaking Intent

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Social Security Act (SSA), codified at Chapter 7 of Title 42 of the United States Code (42 U.S.C. §§ 301- 1397mm); Child Support Performance and Incentive Act of 1998, Public Law (Pub. L.)105-200; 42 U.S.C. § 657; 42 U.S.C. § 653-654; 42 U.S.C. § 608; 42 U.S.C. § 654b; 42 U.S.C. §663; Section 264.30 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 264.30); 45 C.F.R. § 303.5; 45 C.F.R. § 303.21; 45 C.F.R. § 307.11; 45 C.F.R. § 303.11; 45 C.F.R. § 302.51-302.52; 45 C.F.R. § 303.100 45 C.F.R. §§ 302.32- 302.33; 45 C.F.R. § 303.5; 42 C.F.R. § 433.146; 43 O.S. §§ 601-601-614; 43 O.S. § 109.5 56 O.S. § 237; 12 O.S. § 2004; 43 O.S. § 137; 43 O.S. § 114; 43 O.S. § 410; 43 O.S. § 413; 56 O.S. § 237A; 56 O.S. § 171; 56 O.S. § 185; 56 O.S. §§ 231-244; 10 O.S. §§ 7700-301-307; 43 O.S. §§ 118-119; 56 O.S. § 238.1; 56 O.S. § 183; 43 O.S. § 112A; 43 O.S. § 112; 10 O.S. § 7700-637; Rule 31 of the Rules for District Courts of Oklahoma.

COMMENT PERIOD:

Written and oral comments are accepted January 2, 2013, through February 1, 2013, during regular business hours by contacting Tammy Hall, Oklahoma Department of Human Services, OCSS, PO Box 25352, Oklahoma City, OK 73125, 405-522-0022.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., February 1, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1065; filed 12-7-12]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 40. CHILD CARE SUBSIDY PROGRAM

[OAR Docket #12-1066]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Initial Application

340:40-3-1 [AMENDED]

Subchapter 7. Eligibility

340:40-7-3.1 [AMENDED]

340:40-7-6 through 340:40-7-8 [AMENDED]

340:40-7-11 through 340:40-7-12 [AMENDED]

Subchapter 9. Procedures Relating to Case Changes

340:40-9-1 [AMENDED]

340:40-9-3 [AMENDED]

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-2 through 340:40-13-3 [AMENDED]

Subchapter 16. Improper ~~Authorization Initiative~~ Payments

Error Rate Review Process

340:40-16-1 [AMENDED]

(Reference APA WF 12-13 and 12-21)

SUMMARY:

The proposed revisions to Subchapter 3 of Chapter 40 amend the rules to: (1) clarify and remove outdated and unnecessary language regarding the application process; (2) update division name and terminology due to reorganization and OKDHS Live; and (3) change a form name and number.

The proposed revisions to Subchapter 7 of Chapter 40 amend the rules to: (1) clarify the special needs approval process for children with disabilities; (2) update division name; (3) add the definition of an adult non-relative opposite sex individual (ANROSI) to the rule; (4) clarify who must meet a need factor and apply for benefits when someone is temporarily absent from the home; (5) clarify that foster parents must meet Child Welfare Services (CWS) rules regarding the need factor and child care eligibility; (6) update terminology; (7) add new types of excluded income to match Supplemental Nutrition Assistance Program rules; and (8) include substance abuse treatment as a Temporary Assistance for Needy Families (TANF) related need factor when the child receives TANF and the parent is ineligible due to illegal use of a controlled substance or substances.

The proposed revisions to Subchapter 9 of Chapter 40 amend the rules to: (1) update terminology; and (2) change a form name and number.

The proposed revisions to Subchapter 13 of Chapter 40 amend the rules to: (1) update procedures and forms used in the approval process for in-home child care; (2) update the division name; (3) reference the appendix containing descriptions of child care provider rates; (4) update age requirement terminology to match age requirement rules per OAC 340:40-7-3; and (5) remove unnecessary blended rate information.

The proposed revisions to Subchapter 16 of Chapter 40 amend the rules to: (1) change the name of the subchapter; and (2) update and clarify terminology.

AUTHORITY:

Director of Human Services; Sections 162 and 230.52 of Title 56 of the Oklahoma Statutes; House Bill (HB) 2388 effective November 1, 2012; and Title 45 of the Code of Federal Regulations (CFR) Parts 98 and 99.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1066; filed 12-7-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

[OAR Docket #12-1067]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Application Process
340:50-3-1 through 340:50-3-3 [AMENDED]
- Subchapter 5. Non-Financial Eligibility Criteria
Part 1. Household Definition
340:50-5-7 [AMENDED]
- Subchapter 7. Financial Eligibility Criteria
Part 3. Income
340:50-7-22 [AMENDED]
- Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-3 through 340:50-9-6 [AMENDED]
- Subchapter 11. Special Procedures
Part 1. Households Entitled to Expedited Service
340:50-11-3 through 340:50-11-6 [AMENDED]
- Part 3. Simplified Supplemental Nutrition Assistance Program (SSNAP) for Temporary Assistance For Needy Families (TANF) and Companion State Supplemental Payment (SSP) Recipient(s)

- 340:50-11-22 [AMENDED]
- 340:50-11-27 [AMENDED]
- Part 7. Replacement When Food Purchased with Food Benefits Is Destroyed
340:50-11-64 [AMENDED]
- Subchapter 15. Overpayments and Fraud
Part 1. Overpayments
340:50-15-7 [AMENDED]
- 340:50-15-9 [AMENDED]
- (Reference WF 12-19)**

SUMMARY:

The proposed revisions to Subchapter 3 of Chapter 50 amend the rules to: (1) update division name and terminology due to agency reorganization; (2) add clarifying language regarding the authorized representatives role regarding use of food benefits; and (3) add new form names and numbers used to schedule interviews when the type of verification needed is unknown and when an eligibility determination is delayed.

The proposed revisions to Subchapter 5 of Chapter 50 amend the rules to update procedures used by the food distribution programs (FDP) and the Oklahoma Department of Human Services (OKDHS) to prevent dual participation or participation by disqualified individuals in Supplemental Nutrition Assistance Program (SNAP) food benefits.

The proposed revisions to Subchapter 7 of Chapter 50 amend the rules to: (1) add Cobell settlement income as a new type of excluded income; and (2) reword excluded federally funded grants and workforce training program income to clarify how to determine whether to exclude the income instead of narrowing the language to specific sources.

The proposed revisions to Subchapter 9 of Chapter 50 amend the rules to: (1) remove obsolete terminology; (2) update language to reflect current processes used to generate certification and denial notices; (3) update form name and number used when an eligibility determination is delayed; (4) update division name and terminology; (5) add clarifying language regarding procedures for reopening benefits; (6) update information regarding when an advance notice of an adverse action is not needed; and (7) update certification renewal notification and procedures.

The proposed revisions to Subchapter 11 of Chapter 50 amend the rules to: (1) remove distinction between expedited processing for migrant and seasonal farm laborers and other households; (2) remove duplicative language included in another rule section; (3) rearrange information for clarity; (4) add language regarding the need to explore how the household is meeting its needs with little or no income for expedited service determination; (5) clarify the certification periods when issuing benefits to expedited eligible households; (6) update language regarding SNAP application processing when the household simultaneously applies for Temporary Assistance for Needy Families (TANF) and is denied; (7) add language regarding changes in TANF, how it effects the SNAP benefits, and reasons for a conversion of food benefits from a Simplified SNAP (SSNAP) case to a non-public assistance (non-PA) case; (8) clarify how reported changes affect food

Notices of Rulemaking Intent

benefits during a transitional food benefit (TFB) certification period; (9) clarify notifications given to TANF applicants with SNAP benefits; and (10) clarify when loss of electricity qualifies for a destroyed food replacement to address field questions.

The proposed revisions to Subchapter 15 of Chapter 50 amend the rules to: (1) update division name and terminology due to agency reorganization; (2) clarify household responsibility for overpayments; and (3) add language regarding when it is appropriate to terminate and write off SNAP overpayments.

AUTHORITY:

Director of Human Services; Sections 162 and 230.52 of Title 56 of the Oklahoma Statutes; Section 4211 of Title 4 of the 2008 Farm Bill; Public Law 111-291§101(f)(2); and Sections 273.2, 273.10, 273.13, 273.14, 273.18(e)(8), 273.25, and 273.30 of Title 7 of the Code of Federal Regulations (CFR).

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1067; filed 12-7-12]

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

[OAR Docket #12-1068]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Eligibility for Benefits

340:65-3-1 [AMENDED]

340:65-3-2.1 [AMENDED]

340:65-3-5 [AMENDED]

340:65-3-7 through 340:65-3-9 [AMENDED]

Subchapter 5. Procedures Relating to Case Changes

Part 1. General Provisions

340:65-5-1 [AMENDED]

Subchapter 11. Voter Registration [NEW]

340:65-11-1 through 340:65-11-4 [NEW]

(Reference APA WF 12-14)

SUMMARY:

The proposed revisions to Subchapter 3 of Chapter 65 amend the rules to: (1) add information regarding case assignment of online applications; (2) remove the Qualified Medicare Beneficiary (QMB) program from interview requirements; (3) make rules less restrictive regarding setting interview dates; (4) add information regarding expedited eligibility; (5) rearrange information for greater clarity; (6) remove information regarding obsolete SoonerCare (Medicaid) and Diversion Assistance application time frames; (7) add eligibility determination information following denial of an application; (8) add information regarding benefit renewal notification; (9) include mandatory drug screening of adult parent or needy caretaker Temporary Assistance for Needy Families (TANF) applicants as a variable condition of eligibility; (10) update terminology; and (11) add clarifying language.

The proposed revisions to Subchapter 5 of Chapter 65 amend the rules to: (1) update reasons when advance notice is not required; and (2) clarify worker action when a change occurs while a fair hearing is pending.

Subchapter 11 of Chapter 65 is issued as Voter Registration Act rules previously included in Subchapter 1 of Chapter 115 are revoked.

AUTHORITY:

Director of Human Services; Sections 161, 162, 164, 168, and 230.52(14) of Title 56 of the Oklahoma Statutes; and Section 1973gg of Title 42 of the United States Code.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1068; filed 12-7-12]

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

[OAR Docket #12-1069]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 10. Acquired Immune Deficiency Syndrome (AIDS) Coordination and Information Services (ACIS) [NEW]
340:70-10-1 through 70-10-3 [NEW]
(Reference WF 12-17)

SUMMARY:

The proposed revisions to add Subchapter 10 to Chapter 70 are made to issue rules regarding Acquired Immune Deficiency Syndrome (AIDS) coordination and information services as these rules are revoked in Chapter 340:115 due to the elimination of the Field Operations Division in the agency reorganization.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 2604 of Public Law 101-381; and House Bill (HB) 3134.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1069; filed 12-7-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 115. FIELD OPERATIONS DIVISION [REVOKED]**

[OAR Docket #12-1070]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]
340:115-1-1 [REVOKED]
340:115:1-3 [REVOKED]
Part 3. Voter Registration [REVOKED]
340:115-1-21 through 340:115-1-22 [REVOKED]
340:115-1-24 [REVOKED]
340:115-1-27 [REVOKED]
Subchapter 5. Acquired Immune Deficiency Syndrome (AIDS) Coordination and Information Services (ACIS) [REVOKED]
340:115-5-1 [REVOKED]
340:115-5-3 [REVOKED]
(Reference WF 12-18)

SUMMARY:

Chapter 115 is revoked due to agency reorganization and the elimination of the Field Operations Division.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and House Bill (HB) 3134.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2013 through February 1, 2013 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 1, 2013 at 5:00 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #12-1070; filed 12-7-12]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-1075]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Licensing Procedures
380:1-9-1. [AMENDED]

SUMMARY:

The proposed rule amendments will clarify general licensing requirements applicable to all licenses issued by the Department. These requirements have been a part of the Department's licensing procedures for several years and are added to the administrative rules to ensure public awareness. For those licenses which expire at the end of the applicant's birth month, the initial license fee will be prorated. References to specific license application requirements have been amended to include programs recently added to the Department's jurisdiction and to correct omission of a program area.

AUTHORITY:

Department of Labor; 75 O.S. §§ 301, *et seq.*
Administrative Procedures Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., February 4, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Bettye Finch, Statistical, Asbestos and Licensing Director, (405) 521-6855 or bettye.finch@labor.ok.gov.

[OAR Docket #12-1075; filed 12-7-12]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 25. BOILER AND PRESSURE VESSEL RULES

[OAR Docket #12-1073]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration
380:25-3-5. [AMENDED]
380:25-3-15. [AMENDED]
Subchapter 19. Boiler Operator Licensing
380:25-19-1. [AMENDED]

SUMMARY:

In an effort to create consistent licensing requirements among the occupations regulated by the Department, the proposed rule amendment will change the expiration date for boiler operator licenses to the last day of the licensee's birth month and require the license fee to be prorated. The Department's responsibility to provide questionnaires has been clarified and unnecessary language has been deleted.

AUTHORITY:

Department of Labor; 40 O.S. §141.3, Boiler and Pressure Vessel Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 5, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:30 p.m., February 5, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 5, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Rick Flanigan, Safety Standards Director, (405) 521-2612 or rick.flanigan@labor.ok.gov.

[OAR Docket #12-1073; filed 12-7-12]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 50. ABATEMENT OF FRIABLE
ASBESTOS MATERIALS RULES**

[OAR Docket #12-1072]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Contractor, Supervisor, and Worker Licensing and Requirements

380:50-5-5. [AMENDED]

Subchapter 6. Training Requirements

380:50-6-2. [AMENDED]

380:50-6-3. [AMENDED]

380:50-6-4. [AMENDED]

380:50-6-5. [AMENDED]

380:50-6-6. [AMENDED]

SUMMARY:

The proposed rule amendment will allow licensees to obtain training from EPA or DOL accredited training providers which are not affiliated with educational institutions, labor unions, government agencies, or private vocational education providers. The administrative rules have also been amended to require asbestos abatement contractor applicants to provide all required documentation within the 120 day waiting period.

AUTHORITY:

Department of Labor; 40 O.S. §453, Oklahoma Asbestos Control Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:30 p.m., February 4, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Bettye Finch, Statistical, Asbestos and Licensing Director, (405) 521-6855 or bettye.finch@labor.ok.gov.

[OAR Docket #12-1072; filed 12-7-12]

Notices of Rulemaking Intent

TITLE 380. DEPARTMENT OF LABOR CHAPTER 60. WORKERS' COMPENSATION ENFORCEMENT RULES

[OAR Docket #12-1076]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

380:60-1-7. [AMENDED]

380:60-1-8. [AMENDED]

380:60-1-9. [AMENDED]

SUMMARY:

In 2005, the statute authorizing the Department to issue Certificates of Non-Coverage was repealed. The proposed rules delete two sections relating to Certificates of Non-Coverage as well as clarify language which erroneously implies that the Department may only cite an employer for failure to carry workers' compensation insurance if an employee illness, injury or death has occurred.

AUTHORITY:

Department of Labor; 85 O.S. § 352, Workers' Compensation Code

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., February 4, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 4, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Ray Andrews, Employment Standards Director, (405) 521-6600 or ray.andrews@labor.ok.gov.

[OAR Docket #12-1076; filed 12-7-12]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 70. ELEVATOR SAFETY ACT

[OAR Docket #12-1074]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration

380:70-3-5. [AMENDED]

Subchapter 5. Licenses

380:70-5-1. [AMENDED]

380:70-5-2. [AMENDED]

380:70-5-3. [AMENDED]

380:70-5-4. [AMENDED]

Subchapter 11. General Requirements

380:70-11-1. [AMENDED]

SUMMARY:

Title 59 O.S. Section 3023 was amended in 2008 to allow third party inspectors to conduct elevator inspections for the purpose of recommending the issuance of Certificates of Operation. These proposed rule amendments will clarify and redefine the requirements to obtain each type of inspector license and requires certificate inspectors to submit inspection reports within 30 days of inspection. The requirement that the Department personally notify each licensee prior to the expiration of the license has been removed. Provisions regarding temporary and emergency mechanic licenses have been revised to match statutory language.

AUTHORITY:

Department of Labor; 59 O.S. § 3023, Elevator Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 5, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., February 5, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 5, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Rick Flanigan, Safety Standards Director, (405) 521-2612 or rick.flanigan@labor.ok.gov.

[OAR Docket #12-1074; filed 12-7-12]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 75. ALARM AND LOCKSMITH
INDUSTRY RULES**

[OAR Docket #12-1071]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- Subchapter 3. License Requirements [NEW]
- Subchapter 5. Special Provisions [NEW]
- Subchapter 7. Enforcement [NEW]

SUMMARY:

Jurisdiction over the Alarm and Locksmith Industry Act was transferred from the Department of Health to the Department of Labor on November 1, 2012. These proposed rules will transfer the Alarm and Locksmith Industry Rules currently in OAC 310:205 to a new chapter within the Department of Labor's rules. Some changes from the previous rules have been proposed in areas including, but not limited to the following: manager, salesperson and marketing definitions; adopted national standards; fire sprinkler technician trainee license fees; background verification fees; license expiration dates; inactive licenses for federal contractors; photographs of license applicants; rescheduling of examinations; license numbers on advertisements, websites and vehicles; providing contract information in electronic format; grace period for licensing new trainees; number of licensed managers per company rather than per office; background verifications for fire sprinkler license applicants; and the number of fire sprinkler technician trainees per job site. Interested parties are encouraged to

review the full text of the proposed rules for all proposed rule language.

AUTHORITY:

Department of Labor; 59 O.S. §§ 1800.1, *et seq.*, Alarm and Locksmith Industry Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 6, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., February 6, 2013, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., February 6, 2013, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 16, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Rick Flanigan, Safety Standards Director, (405) 521-2612 or rick.flanigan@labor.ok.gov.

[OAR Docket #12-1071; filed 12-7-12]

**TITLE 429. OKLAHOMA LOTTERY
COMMISSION
CHAPTER 10. RETAILER PROVISIONS**

[OAR Docket #12-1047]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

- 429:10-1-3 [AMENDED]
- 429:10-1-9 [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed rule amendment in 429:10-1-3 - Under existing rules, retailers are paid a six percent (6%) commission on sales, including sales of lottery tickets through vending equipment provided by the OLC; and a three quarters of one-percent (.75%) cashing bonus for prizes paid up to \$600, which is the general cap on prizes that can be paid at retail locations. In addition, the law allows the creation of a limited number of retail locations that are authorized to pay prizes up to \$5,000. Those retailers receive the three quarters of one-percent (.75%) cashing bonus for paying those prizes and they receive a \$10 commission for processing paperwork related to the payment of prizes greater than \$5,000. The proposed rule amendment modifies the existing retailer ticket sales earnings from six percent (6%) to five and one-half percent (5.5%). The three quarters of one-percent (.75%) cashing bonus for payment of prizes up to and including \$600 is removed. Language is added to clarify that the \$10 processing fee for each prize claim processed and forwarded to OLC for payment applies only to prizes greater than \$5,000.

The proposed change to rule 429:10-1-9 is to clarify the intent of the rule. All retailers are currently required to sell both instant and online games. Retailers sell all online games currently offered by the Lottery, and they sell instant games based on an analysis of location, historic sales or other factors. The language change clarifies this intent and removes the misinterpretation that retailers are to sell "all" instant games.

AUTHORITY

Oklahoma Lottery Commission, 3A O.S., Section 710.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 11:00 a.m. on Friday, February 4, 2013 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Okla. City, OK 73118. Comments may be emailed to: Rollo.Redburn@lottery.ok.gov.

PUBLIC HEARING:

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Monday, February 4, 2013 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission 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 from January 2, 2013 until 11:00 a.m. on February 4, 2013 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Rollo Redburn.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Rollo Redburn at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they

can be obtained on the Oklahoma Lottery Commission web site at www.lottery.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after January 17, 2013, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

CONTACT PERSON:

Rollo Redburn, Administrative Rules Liaison, 522-7700.

[OAR Docket #12-1047; filed 12-6-12]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-1043]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Components of the Department

612:1-3-2. The Director of Rehabilitation Services [AMENDED]

612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]

612:1-3-8.1. Executive Officers [AMENDED]

Subchapter 11. Compliance with the Americans with Disabilities Act of 1990

Part 1. Purpose and Legal Basis

612:1-11-2. Definitions [AMENDED]

Subchapter 17. Availability of Information, Scope and Description of Open Meetings

612:1-17-3. News media contacts [AMENDED]

SUMMARY:

Changes to Chapter 1 include updating the definition of intellectual disability and to reflect the change of title from Public Information Office to Communications Office.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2013 through February 6, 2013 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 4, 2013,

4:00 P.M. - 6:00 P.M.,

Department of Rehabilitation Services

2nd Floor Conference Room,

3535 N.W. 58th

Oklahoma City, Oklahoma

Tuesday, February 5, 2013,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference room
Tulsa, Oklahoma
Wednesday, February 6, 2013,
1:00 P.M. - 3:00 P.M.,
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 600, Room 656
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Ray Leard, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3406 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2013, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Rulemaking Liaison, (405) 951-3406

[OAR Docket #12-1043; filed 11-30-12]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES**

[OAR Docket #12-1044]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:10-1-2. Definitions [AMENDED]
- 612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]
- 612:10-1-8. Vendor contracts [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Visual Services
- Part 3. Case Processing Requirements

- 612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
- Part 23. Self-Employment Programs and Other Services
- 612:10-7-230.4. Agency financial contribution to self-employment/purchasing [AMENDED]
- 612:10-7-232. Placement [AMENDED]

SUMMARY:

Changes to Chapter 10 align policy with state law, clarifying terms, and updating language to reflect current use of terms.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2013 through February 6, 2013 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 4, 2013,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 5, 2013,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference room
Tulsa, Oklahoma
Wednesday, February 6, 2013,
1:00 P.M. - 3:00 P.M.,
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 600, Room 656
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Ray Leard, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3406 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2013, at

Notices of Rulemaking Intent

the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Rulemaking Liaison, (405) 951-3406

[OAR Docket #12-1044; filed 11-30-12]

**TITLE 612. STATE DEPARTMENT OF
REHABILITATION SERVICES
CHAPTER 20. SPECIAL SCHOOLS**

[OAR Docket #12-1045]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:20-1-4. Information for School Districts [NEW]

SUMMARY:

Changes to Chapter 20 are to align policy with state law {70 O.S. 13-112.1} and Senate Bill 1119 requiring the agency to issue rules prescribing the content and form of information on the Oklahoma School for the Blind and the Oklahoma School for the Deaf programs to be supplied to public school districts.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2013 through February 6, 2013 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 4, 2013,

4:00 P.M. - 6:00 P.M.,

Department of Rehabilitation Services

2nd Floor Conference Room,

3535 N.W. 58th

Oklahoma City, Oklahoma

Tuesday, February 5, 2013,

1:00 P.M. - 3:00 P.M.,

Total Source for Hearing-loss and Access

8740 E. 11th St., Conference room

Tulsa, Oklahoma

Wednesday, February 6, 2013,

1:00 P.M. - 3:00 P.M.,

Great Plains Technology Center

4500 W. Lee Blvd., Bldg. 600, Room 656

Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees,

and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Ray Leard, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3406 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2013, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Rulemaking Liaison, (405) 951-3406

[OAR Docket #12-1045; filed 11-30-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #12-1052]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Administration Operations rules have been made.

Section **710:1-5-27** has been amended to clarify existing policy that no party to a protest shall conduct ex parte communications with the Administrative Law Judge assigned to the protest.

Section **710:1-5-38** has been amended and new Section **710:1-5-38.1** has been added for the purpose of separating Submission of Case on Briefs and Motion for Summary Disposition into two separate rules.

New **Part 10, "Business Closure Proceedings"** has been added to reflect the provisions of SB 1984 (53rd Legislature, Second Regular Session) which sets out definitions, business closure procedures, notice requirements and hearing and appeal procedures.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 6, 2013, 2:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1052; filed 12-7-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 10. AD VALOREM**

[OAR Docket #12-1053]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 10. AD Valorem [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing AD Valorem rules have been made.

Subchapter 4, "Annual Valuation Audit" has been revoked to comply with the new performance audit procedures mandated by the State Board of Equalization.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 6, 2013, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Notices of Rulemaking Intent

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1053; filed 12-7-12]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 20. ALCOHOL, MIXED BEVERAGES, AND LOW-POINT BEER

[OAR Docket #12-1054]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 2. Low-Point Beer

Part 1. General Provisions

710:20-2-5 [AMENDED]

Subchapter 3. Alcoholic Beverages

710:20-3-4 [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 53rd Legislature (2012) unless otherwise indicated.

Section **710:20-2-5** has been amended to conform with the provisions of Section 1 of House Bill 2576 which changed the

due date for beverage tax from the 10th to the 20th day of the month for the preceding calendar month. [37:163.5]

Section **710:20-3-4** has been amended in accordance with the provisions of Section 2 of House Bill 2576 which modified the due date for alcoholic beverage tax from the 10th to the 20th day of the month immediately succeeding the month the alcoholic beverage tax was incurred and to reflect Commission policy regarding the due date for the reporting and remittance of alcoholic beverage tax that falls on a date that the Federal Reserve banks are closed. [37:553]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 7, 2013, 10:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1054; filed 12-7-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #12-1055]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 22. Boats and Motors [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Boats and Motors rules have been made.

Section **710:22-1-3** has been amended to reflect the provisions of House Bill 3093, Second Regular Session of the 53rd Legislature (2012), which exempts canoes and paddleboats from the title and registration requirements of the Oklahoma Vessel and Motor Registration Act and the imposition of the vessel excise tax.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 63 O.S. § 4004

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 6, 2013, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make

oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1055; filed 12-7-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #12-1056]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 50. Income [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Income tax rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 53rd Legislature (2012) unless otherwise indicated.

Sections **710:50-11-6**, **710:50-11-7**, **710:50-11-9** through **710:50-11-11** have been amended to implement the provisions of Senate Bill 1471 and Senate Bill 1019, Second Regular Session of the 53rd Legislature (2012) to include debt owed to a public housing authority operating under 63 O.S. Section 1062 in the claims that may be made against a state income tax refund. Also, the Tax Commission is required to provide in an agreed electronic format to the Department of Human Services the amount withheld from an individual's tax refund, the home address and social security number of the taxpayer. A claim filed by the Department of Human Services for the collection of child support and spousal support shall have priority over all others except the Tax Commission. **[68:205.2]**

Section **710:50-15-74** has been amended to correct a scrivener's error.

Section **710:50-15-94** has been amended to reflect the provisions of House Bill 1835 relating to the income tax credit for volunteer firefighter training by changing the annual continuing education, training and certification requirements. **[68:2358.7]**

Section **710:50-17-51** has been amended to remove language allowing a deduction for Oklahoma Accrued Income Tax because there is no statutory basis for this deduction.

Appendix A has been revoked as no longer necessary as a result of the revisions to Section 710:50-17-51.

Section **710:50-19-1** has been amended to define which partners are eligible to be included in a composite partnership return, and further explains how the partners' share of income and tax will be calculated. **[68:2368]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203; 205.2; and 2368; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 6, 2013, 10:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement

on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1056; filed 12-7-12]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #12-1057]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the Second Regular Session of the 53rd Legislature (2012) unless otherwise indicated.

Section **710:60-3-37** has been amended to reflect the provisions of Senate Bill 1983 which removes the ability for taxpayers to receive a waiver of delinquent vehicle registration penalties pursuant to specific conditions, with the exception of Oklahoma resident armed forces personnel stationed out of state.

Section **710:60-3-54** has been amended to allow Oklahoma used vehicle dealers to reassign ownership of vehicles acquired from out of state on an out of state dealer reassignment sheet and to clarify existing policy relating to notarization of out of state documents.

Section **710:60-3-91** has been amended to reflect the provisions of House Bill 2242 providing that the commercial license fee of wrecker or tow vehicles shall be based on the gross weight of the wrecker or tow vehicle alone without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle.

Section **710:60-3-97** has been amended to reflect the provisions of Senate Bill 1935, which creates an annual license fee of Sixty Dollars (\$60.00) for each motor vehicle used for the purpose of transporting cotton modules from the point of production to the first point of delivery or cotton gin and the provisions of House Bill 2242, which provides that the commercial license fee of wrecker or tow vehicles shall be based on the gross weight of the wrecker or tow vehicle alone without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle.

Section **710:60-3-202** has been amended to reflect change in policy regarding the issuance of special mobilized machinery qualification certificates by a motor license agency.

New Section **710:60-5-65** has been added to implement the provisions of Senate Bill 1439 which provides that when an applicant for a certificate of title or salvage certificate presents to the Oklahoma Tax Commission proof that the applicant purchased or acquired an item at a public sale and the fact is attested to by the seizing agency, the Oklahoma Tax Commission shall issue the appropriate certificate of title upon receipt of the statutory fee and properly executed application for a certificate of title.

Section **710:60-5-71** has been amended to clarify policy relating to notary requirements of Oklahoma certificates of title. Assignments of Oklahoma certificates of title to, or by, out of state dealers located in non-notary states are not required to be notarized.

Section **710:60-5-91** has been amended to clarify policy regarding the definition of a "major component" for a motorcycle.

New Section **710:60-5-97** has been added to implement the provisions of House Bill 2575, which allows an insurer to go directly to a salvage or junk title in the insurance company's

name, following payment of a loss, without having to first obtain a duplicate title in the insured's name. This rule facilitates the processing of insurance company applications for salvage or junk vehicle titles under the applicable statutory provisions.

New Section **710:60-5-98** has been added to implement the provisions of House Bill 2575, which authorizes insurance companies to obtain a proper salvage title in their name, should they encounter difficulty in obtaining the title from their insured following settlement of a total loss claim. This rule facilitates the processing of insurance company applications for salvage vehicle titles under the applicable statutory provisions.

Section **710:60-9-137** has been amended to reflect the title change of the administrator of the Tax Commission to Executive Director.

New Section **710:60-9-138** has been added to allow the Executive Director to order a temporary suspension in a motor license agent's operation, when continued operation poses a potential threat to the public interest.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

47 O.S. §§ 1140, 1146, 1149 and 1151; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 6, 2013, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1057; filed 12-7-12]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX

[OAR Docket #12-1058]

RULEMAKING ACTION:

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

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales Tax rules have been made to implement recent legislation. All legislative references are to the 53rd Legislature, 2nd Regular Session (2012).

Section **710:65-3-8** has been revoked as obsolete and unnecessary.

Sections **710:65-7-17**, **710:65-7-17.1** and **710:65-13-275** have been amended to implement the provisions of Senate Bill 46 which expands the sales tax exemption for 100% disabled veterans to include sales to the surviving spouse of a deceased qualifying veteran if the surviving spouse has not remarried. **[68:1357(34)]**

Section **710:65-9-10** has been amended to reflect the provisions of Section 1 of Senate Bill 1465 which provides

that sales made to direct payment permit holders of tangible personal property intended solely for use in other states, but which is stored in Oklahoma pending shipment to other states or which is temporarily retained in Oklahoma for the purpose of fabrication, repair, testing, alteration, maintenance, or other service are not subject to Oklahoma sales tax. **[68:1361]**

New Section **710:65-21-5.1** has been added for purposes of Oklahoma's compliance as a member state with the Streamlined Sales and Use Tax Agreement.

Sections **710:65-9-6** and **710:65-19-263** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 and 1354.18

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 7, 2013, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1058; filed 12-7-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 70. TOBACCO, TOBACCO
PRODUCTS, AND CIGARETTES**

[OAR Docket #12-1059]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 2. Cigarette Stamp Tax
 - Part 1. General Provisions
 - 710:70-2-5 [AMENDED]
- Subchapter 5. Excise on Tobacco Products
 - 710:70-5-2 [AMENDED]
 - 710:70-5-3 [AMENDED]
 - 710:70-5-5 [AMENDED]
 - 710:70-5-8 [AMENDED]
 - 710:70-5-10 [REPEALED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 53rd Legislature (2012) unless otherwise indicated.

Section **710:70-2-5** has been amended to reflect the provisions of Section 6 of House Bill 2576 which changes the due date for cigarette tax reports required of licensed cigarette wholesalers from the 10th to the 20th day of the month for the previous calendar month. [68:317.5]

Sections **710:70-5-2** and **710:70-5-3** have been amended to outline the statutory reporting and excise tax payment requirements for tobacco retailers who receive tobacco products upon which tax has not been paid.

Section **710:70-5-5** has been amended to reflect Commission policy regarding the due date for the reporting and remittance of tobacco products tax that falls on a date that the Federal Reserve banks are closed.

Section **710:70-5-8** has been amended to conform to the statutory amendments made pursuant to Section 7 of House Bill 2576 which changed the due date for the report required of wholesalers of tobacco products pursuant to Section 413 of Title 68 from the 15th to the 20th of the month. [68:413]

Section **710:70-5-10** has been repealed as superfluous.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 & 403.1

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 7, 2013, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard,

Notices of Rulemaking Intent

Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1059; filed 12-7-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS
OF REGULATORY AND ADMINISTRATIVE
AUTHORITY**

[OAR Docket #12-1060]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Telecommunication for the
Hearing-Impaired Surcharge

710:95-3-3 [AMENDED]

Subchapter 4. Rental Tax on Motor Vehicle Rentals [NEW]

710:95-4-1 [NEW]

710:95-4-2 [NEW]

710:95-4-3 [NEW]

710:95-4-4 [NEW]

710:95-4-5 [NEW]

710:95-4-6 [NEW]

Subchapter 5. Used Tire Recycling

710:95-5-3 [AMENDED]

710:95-5-8 [AMENDED]

710:95-5-9 [AMENDED]

Subchapter 22. Registration Requirements for Resident and
Nonresident Contractors [NEW]

710:95-22-1 [NEW]

710:95-22-2 [NEW]

710:95-22-3 [NEW]

710:95-22-4 [NEW]

710:95-22-5 [NEW]

10:95-22-6 [NEW]

710:95-22-7 [NEW]

710:95-22-8 [NEW]

710:95-22-9 [NEW]

SUMMARY:

The 2011-2012 Legislative Session enacted statutory changes which require additions, revocations, and amendments to the existing rules in the following areas.

Subchapter 3 has been amended to conform to the provisions of Section 3 of House Bill 2576 which changed

the due date for the telephone surcharge from 15 to 20 days following the end of each quarter. [63:2418]

New Subchapter 4 and the new sections contained therein have been added to outline the application of rental tax on certain rentals of motor vehicles with durations of ninety days or less. [68:2110]

Subchapter 5 has been amended in accordance with Senate Bill 441 [2010] which related to the imposition of the used tire recycling fee on tires to be used on implements of husbandry and agricultural equipment.

New Subchapter 22 has been added to implement the provisions of House Bill 2258 which provides for imposition of fines for contractors violating certain registration requirements and misclassifying employees as independent contractors with the intent to affect tax payments. [68:1708]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 27A O.S. § 2-11-401.6; 68 O.S. §§ 203, 1709 & 2110

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 5, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 7, 2013, 2:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide

the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #12-1060; filed 12-7-12]

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

1:2012-29.

EXECUTIVE ORDER 2012-29

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Oklahoma Pearl Harbor Remembrance Day and those who died or were injured in World War II, 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 Friday, December 7, 2012, to honor the many Oklahoma and United States citizens who died on December 7, 1941, as a result of the attack by the Japanese on Pearl Harbor, Hawaii.

This executive order shall be forwarded to the Department of Capital Assets Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 3rd day of December, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day
Assistant Secretary of State

[OAR Docket #12-1046; filed 12-4-12]

1:2012-30.

EXECUTIVE ORDER 2012-30

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff starting Friday, December 14, 2012 at 5:00 p.m. until sunset on Tuesday, December 18, 2012 to honor those who were killed and injured on Friday, December 14, 2012 in the tragic shooting in Newton, Connecticut.

The flying of the flags at half-staff is a symbol that allows the people of Oklahoma to express their sympathy and support to the families and friends of the many innocent victims of this heinous attack.

This executive order shall be forwarded to the Division of Capital Assets Management who shall cause the provisions of this order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 14th day of December, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michael D. Starchman
Acting Assistant Secretary of State

[OAR Docket #12-1083; filed 12-14-12]

1:2012-30A.

AMENDED EXECUTIVE ORDER 2012-30

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff starting Friday, December 14, 2012 at 5:00 p.m. until sunset on Tuesday, December 18, 2012 to honor those who were killed and injured on Friday, December 14, 2012 in the tragic shooting in Newtown, Connecticut.

The flying of the flags at half-staff is a symbol that allows the people of Oklahoma to express their sympathy and support to the families and friends of the many innocent victims of this heinous attack.

This executive order shall be forwarded to the Division of Capital Assets Management who shall cause the provisions of this order to be implemented by all appropriate agencies of State government.

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 14th day of December, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michael D. Starchman
Acting Assistant Secretary of State

[OAR Docket #12-1084; filed 12-14-12]
