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Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #13-1237]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 3. Records and Inspections
- 240:1-3-3. Confidential records [AMENDED]
- 240:1-3-5. ~~Charges~~ Copying and reproductions fees [AMENDED]
- 240:1-3-6. Search fees [AMENDED]
- 240:1-3-9. Release of confidential information to specific government agencies [AMENDED]
- Subchapter 5. Local Project Funding
- 240:1-5-5. Affidavit of LPF officer [AMENDED]
- 240:1-5-6. Serial numbering of local project funding contracts [AMENDED]

SUMMARY:

The amendments to the rules in this chapter will limit the time administrative subpoenas, court orders, or notarized waivers are effective to obtain confidential information to two years from the date of the document. A ten dollar fee will be established for records that are copied to a CD or DVD. Typographical errors are being corrected, and references to the Office of State Finance is being changed to the Office of Management and Enterprise Services. The Office of Juvenile Affairs is being added to the list of agencies that may contract for access to Oklahoma Employment Security Commission (OESC) records because of legislation passed last year.

AUTHORITY:

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COMMENT PERIOD:

Written and oral comments will be accepted through December 16, 2013, during regular business hours by the contact person listed below.

PUBLIC HEARING:

A public hearing will be scheduled pursuant to 75 O.S. §303(B) (9), on December 16, 2013, at 9:00 a.m., in the 5th Floor Commission Room of the Oklahoma Employment Security Commission, 2401 North Lincoln Boulevard, Oklahoma City, OK 73105.

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 #13-1237; filed 10-15-13]

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

[OAR Docket #13-1238]

INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 240:10-1-2. Definitions [AMENDED]
- Subchapter 3. Benefits
- Part 1. General Provisions
- 240:10-3-1. Purpose [AMENDED]
- Part 5. Eligibility
- 240:10-3-20. Instructions to secure work [AMENDED]
- 240:10-3-23. Claims for unemployment benefits - general requirements [AMENDED]
- 240:10-3-27. Social Security account numbers or claim ID number [AMENDED]
- Part 11. Filing Claims - Notice

Notices of Rulemaking Intent

240:10-3-53. High volume employers and ~~Third~~ third party administrators - filing requirement [AMENDED]
240:10-3-55. E-mail communication in unemployment benefit claims - third party administrators [NEW]
Subchapter 5. Contributions
Part 1. General Provisions
240:10-5-3. Notice of change of address, organization or ownership [AMENDED]
Part 3. Rates
240:10-5-10. Payment of contributions [AMENDED]
240:10-5-15. Successor acquiring the experience rating account of predecessor [AMENDED]
Part 8. Waiver of Penalty and Interest
240:10-5-41. Filing a request for waiver [AMENDED]
Subchapter 11. Assessment Board Procedure
Part 1. General Provisions
240:10-11-1. Purpose [AMENDED]
240:10-11-3. Organization [AMENDED]
240:10-11-7. Address of Appellant [AMENDED]
Part 3. Appeals to Assessment Board
240:10-11-12. Timeliness of filing - jurisdiction [AMENDED]
Part 5. Hearings
240:10-11-20. Notice of hearings [AMENDED]
240:10-11-23. Telephone hearings [AMENDED]
Subchapter 13. Appeal Tribunal Procedure
Part 3. Appeals to the Appeal Tribunal
240:10-13-20. Filing an appeal [AMENDED]
Part 5. Hearings
240:10-13-32. Telephone hearings [AMENDED]

SUMMARY:

The amendments to these rules in this chapter will correct citations to the statutes, simplify wording of the rules, references to the name of the governing act are being corrected. The amendments will allow the Executive Director of the OESC to waive claimant work searches for good cause shown. Amendments will be made to replace wording used in the rule so that it will match the wording used in the governing statutes. The amendments will also require employers with a high volume of protests each month to file their protests and appeals by telefax. The amendments will allow third party administrators to be considered authorized agents of an employer without the need for obtaining a power of attorney. Email addresses will be added to the contact information that must be provided by the employer. The amendments will allow the Assessment Board to hear issues in all workforce system audit resolutions. The amendments will allow the Director of the Appellate Division to appoint a non-hearing officer staff member to hear benefit wage protests to speed up processing of these cases. Employers will be required to keep the Assessment Board advised of any changes in email addresses as well as mailing addresses. The amendments will insert a good cause provision in the rule on filing deadlines due to changes made in the governing statute last year. The amendments will allow notice of hearings to be sent to parties by email for those who have elected to be notified in

that manner. Amendments will require pre-registration for telephone hearings in order to speed up processing.

AUTHORITY:

40 O. S. §§1-218, 2-203, 2-204, 3-106, 3-115, 4-302 and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COMMENT PERIOD:

Written and oral comments will be accepted through December 16, 2013, during regular business hours by the contact person listed below.

PUBLIC HEARING:

A public hearing will be scheduled pursuant to 75 O.S. §303(B) (9), on December 16, 2013, at 9:00 a.m., in the 5th Floor Commission Room of the Oklahoma Employment Security Commission, 2401 North Lincoln Boulevard, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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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 #13-1238; filed 10-15-13]

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

[OAR Docket #13-1239]

INTENDED RULEMAKING ACTION:

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

Subchapter 1. General Provisions
240:21-1-1. Purpose and authority [AMENDED]
240:21-1-2. Definitions [AMENDED]
240:21-1-3. Addresses for appeals [AMENDED]

- Subchapter 7. Monitoring
 - 240:21-7-2. Monitoring report [AMENDED]
 - 240:21-7-3. Monitoring resolution [AMENDED]
 - 240:21-7-5. Appeal [AMENDED]
- Subchapter 9. Audits
 - 240:21-9-1. Audit requirements [AMENDED]
 - 240:21-9-2. Delinquent audit [AMENDED]
- Subchapter 11. Grievance Procedure
 - Part 3. Grievances Filed Directly with OESC
 - 240:21-11-10. Filing [AMENDED]
 - 240:21-11-12. Contents of a grievance [AMENDED]
 - 240:21-11-13. Referral of a grievance filed with OESC [AMENDED]
 - Part 5. Appeals to the OESC from Grievance Decisions of a Local Area
 - 240:21-11-21. Appeals with OESC [AMENDED]
 - 240:21-11-22. Time limit for filing an appeal with OESC [AMENDED]
 - Part 7. Informal and Formal Resolutions of Grievances
 - 240:21-11-30. Informal resolution [AMENDED]
 - 240:21-11-31. Hearing [AMENDED]

SUMMARY:

The amendments to the rules in this chapter will add title V of the Older Americans Act Amendments of 2006 as one of the programs that will be subject to these rules. The amendments will add a definition of "Director" to the rules so that that the Executive Director of the OESC can designate a person who will conduct monitoring and accept grievances. These amendments will strike the title of "Director of Workforce Services" from the rules because that title does not exist in the agency at this time.

AUTHORITY:

40 O.S. §4-302, the Oklahoma Employment Security Commission; and Title V of the Older Americans Act Amendments of 2006.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COMMENT PERIOD:

Written and oral comments will be accepted through December 16, 2013, during regular business hours by the contact person listed below.

PUBLIC HEARING:

A public hearing will be scheduled pursuant to 75 O.S. §303(B) (9), on December 16, 2013, at 9:00 a.m., in the 5th Floor Commission Room of the Oklahoma Employment Security Commission, 2401 North Lincoln Boulevard, Oklahoma City, OK 73105.

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 #13-1239; filed 10-15-13]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 15. SALE AND OPERATION OF OIL AND GAS LEASES**

[OAR Docket #13-1236]

RULE MAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

385:15-1-6 [AMENDED]

SUMMARY:

Amendment to OAC 385:15-1-6 is proposed to permit electronic bid submissions in addition to the existing rule requiring written bid submissions. The proposed change would make permanent the emergency rule currently in effect permitting electronic bidding at the Commissioners of the Land Office mineral lease auctions. The emergency rule became effective September 10, 2013.

OAC 385:15-1-6 [AMENDED] sets forth the public bid process for mineral lease auctions conducted by the Commissioners of the Land Office. Previously, the rule permitted only written sealed bid submissions. Due to the recent implementation of improved technology, the Commissioners of the Land Office now offer the public the option of bidding electronically. The proposed permanent rule permits both electronic and written bid submissions at mineral lease auctions. Additionally, the change would make permanent the language of the emergency rule currently in effect permitting electronic bidding at mineral lease auctions. Offering electronic bidding as an option to the public will provide a convenient alternative to written bid submissions and will serve to maximize the funds received from mineral leasing auctions to support public education.

AUTHORITY:

Commissioners of the Land Office; Title 64 O.S. §§ 1020, 1062-1063 & 1066 (2011).

COMMENT PERIOD:

Persons wishing to present oral or written comments may do so before 5 p.m. on December 15, 2013 at the

Notices of Rulemaking Intent

following address: Lisa Blodgett, General Counsel, Commissioners of the Land Office, 120 N. Robinson Street 1000W Oklahoma City, OK 73102, telephone (405)521-40 69, email lisa.blodgett@clo.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held on at 3 p.m. on December 20, 2013 at the offices of the Commissioners of the Land Office, 120 N. Robinson, Ste 1000W, Oklahoma City, OK 73102 in the Large Conference Room.

REQUEST FOR COMMENTS FROM BUSINESS:

n/a.

COPIES OF PROPOSED RULE

The proposed rule is available for public inspection at the offices of the Commissioners of the Land Office at 120 N. Robinson, Ste 1000W, Oklahoma City, OK 73072. The proposed rule may be viewed electronically on www.clo.ok.gov. Copies are will be made available on request by calling (405) 521-4076.

RULE IMPACT STATEMENT:

The rule impact statement issued by the Commissioners of the Land Office is available for public inspection at the same locations as listed above for viewing and obtaining copies of the proposed rule.

CONTACT PERSON:

Lisa Blodgett, General Counsel, (405) 521-4069.

[OAR Docket #13-1236; filed 10-11-13]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 40. REGISTERED ELECTROLOGISTS

[OAR Docket #13-1242]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 435:40-1-2. Definitions [AMENDED]
- 435:40-1-3. Advisory committee [AMENDED]
- 435:40-1- 4. Standards of practice; code of ethics [AMENDED]
- 435:40-1-4.1. Infection control standards [AMENDED]
- 435:40-1-6. Curriculum of study and internship requirements [AMENDED]
- 435:40-1-7. Application procedures [AMENDED]
- 435:40-1-8. Examination for electrology license [AMENDED]
- 435:40-1-9. License renewal and replacement [AMENDED]

SUMMARY:

These rule amendments add needed definitions and update the code of ethics, internship requirements and application procedure. The amendments also clarify the application procedure and examination process. A reference to the

Newberry degree program for continuing education credit is being removed since the program is no longer offered. Continuing education credit for certain courses also are being adjusted. References to the committee chairman maintaining records and providing notifications to licensees is being changed to the Board, since Board staff are the ones maintaining the information and sending the notifications.

AUTHORITY:

TITLE 59 O.S., Section 536.4, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from November 15, 2013 to January 3, 2014. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 6, 2014, 8:30 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than January 3, 2014.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-1242; filed 10-24-13]

TITLE 460. DEPARTMENT OF MINES CHAPTER 1. OKLAHOMA MINING COMMISSION

[OAR Docket #13-1243]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Oklahoma Mining Commission [AMENDED]

SUMMARY:

The Department is amending Subchapter 3, by correcting the address for all communications sent to the Oklahoma Mining Commission since the Department of Mines has moved to a different location. 460:1-7-1 is being amended to correct a spelling error in (a) and (d) is being amended to add that if training is done by an instructor outside OMTI, then that instructor shall notify OMTI of each person trained and other required information. Also being added is language that states

that it shall be unlawful for any instructor or student to falsify training records.

AUTHORITY:

45 O.S. Section 1 et.seq; 75 O.S. Section 302 et. seq., Oklahoma Mining Commission

COMMENT PERIOD:

From November 15, 2013 through December 17, 2013, the public may present their views, either orally or in writing, to the contact person below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Department of Mines' Wagoner Field Office, 1102 W. Cherokee, Suite D., in Wagoner, OK, starting at 6:00 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, on December 18, 2013, beginning at 2:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed amendments are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013, through December 17, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule changes may be obtained from the contact person listed below after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office , 1102 W. Cherokee, Suite. D., Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #13-1243; filed 10-24-13]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 2. RULES OF PRACTICE
AND PROCEDURE FOR THE COAL
RECLAMATION ACT OF 1979**

[OAR Docket #13-1244]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 2. Rules of Practice and Procedure for the Coal Reclamation Act of 1979 [AMENDED]

SUMMARY:

The Department of Mines is proposing two amendments to Chapter 2. In 460:2-1-10(a), the Department is deleting the old address and phone number and adding the new address

for service of initiating document, along with the new phone number. A grammar error is also being corrected and the Chief Mine Inspector is being changed to Director pursuant to Oklahoma Statues Title 45. Another address change consisting of deleting the old and adding the new address is proposed for Subchapter 8, 460:2-8-2, along with adding the new phone number.

AUTHORITY:

45 O.S. Sections 1.5, and 789, Oklahoma Mining Commission.

COMMENT PERIOD:

From November 15, 2013 through December 17, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Department of Mines' Wagoner Field Office, 1102 W. Cherokee, Suite D., in Wagoner, OK, starting at 6:15 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, starting at 2:15 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed amendments are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013, through December 17, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules changes may be obtained from the contact person listed below after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Suite D, Wagoner, Ok 74467, (918) 485-3999.

[OAR Docket #13-1244; filed 10-24-13]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 3. NON-COAL RULES OF
PRACTICE AND PROCEDURES**

[OAR Docket #13-1245]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 3. Non-Coal Rules Of Practice And Procedures [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The Department is proposing amendments to Chapter 3, Subchapter 1. In 460:3-1-2, a Subsection (e) is being added stating that in the absence of an appointed Chief Mine Inspector, the Chief Executive Officer shall be the Director of the Department of Mines. The Director shall be appointed by the Oklahoma Mining Commission who shall fix the Director's duties and compensation. The Director shall be chosen with regard to knowledge, training, experience and ability in administrating the Department's functions and shall have been a resident and an Oklahoma qualified elector for at least three (3) years preceding the appointment. A Statute citation typo is being corrected. In Section 460: 3-1-3, there is an address change for the Department's Oklahoma City Office. Since the chief executive officer is now the Director this change is proposed throughout this section. The same Director amendment within Section 460:3-1-4, and 460:3-1-4(c) has a publication change from the Oklahoma Gazette to The Daily Oklahoman and The Tulsa World, along with a grammar change. Section 460:3-1-5, also amends Chief Mine Inspector to the Director and corrects a grammar error.

AUTHORITY:

45 O.S. Sections 1.5, 721, and 732, et seq., 75 O.S. Section 302 et seq., Oklahoma Mining Commission.

COMMENT PERIOD:

From November 15, 2013, through December 18, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Wagoner Field Office, 1102 W. Cherokee, Suite. D., in Wagoner, OK starting at 6:30 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, in Oklahoma City, OK, starting at 2:30 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed amendments are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013, through December 17, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules changes may be obtained from the contact person listed below after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Suite D., Wagoner, Ok 74467, (918) 485-3999.

[OAR Docket #13-1245; filed 10-24-13]

TITLE 460. DEPARTMENT OF MINES CHAPTER 10. NON-COAL RULES AND REGULATIONS

[OAR Docket #13-1247]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Non-Coal Rules and Regulations
[AMENDED]

SUMMARY:

In Subchapter 1, 460:10-1-7, the proposed changes include a change of the former Chief Executive Officer from The Chief Mine Inspector to the Director of the Department of Mines pursuant to Oklahoma Statute Title 45. Another is an address change for the Department's Office in Oklahoma City. A petition publication notice is being changed from the Oklahoma Gazette to The Daily Oklahoman and or The Tulsa World. Another address change for the Oklahoma City office is proposed in 460:10-1-8. In 460:10-3-3 there is another change of the Chief Mine Inspector to the Director of the Department of Mines. In Subchapter 13, Non-Coal Mining Permit Applications Requirements For Information On Environmental Resources in 460:10-13-1, there is an amendment to add Sensitive basins to the governing procedures on mining areas on Oklahoma's Scenic rivers, Outstanding resource waters, High Quality waters. Section 460:13-2, defines Management plan, Pit water and Sensitive basin. Also proposed is the addition of Section 460:10-13-5 pertaining to the requirements for permitting non-coal mining within a Sensitive basin and the requirement that a management plan approved by the Oklahoma Water Resources Board (OWRB) be submitted to the Department and in (b) a possible exemption determined by the OWRB involving pit water must be submitted to the Department. Also added was 460:10-13-6(a) (b) (c) which requires in (a) that Applicants submit an approved groundwater use permit approved by ORB to the Department. In Subsection (b) mines which have lost their preexisting exemption concerning trapped water as determined by the ORB must submit a copy of the approved management plan to the Department. In Subsection (c) Applicants, issued a non-coal permit, if determined by the ORB to be in violation of its ground use permit or management plan, may be subject to enforcement action by both state agencies. In 460:10-23-5 (b) there is a Subchapter reference change pertaining to partial bond release requests. Subchapter 31 is amended by the addition of 460:10-31-11, which lists the

needed certified surface blaster qualifications. In Subchapter 35, the amendments are changes from the Chief Mine Inspector to the Director of the Department of Mines and in 460:10-35-37 there is also a change of the Oklahoma City office's address. There are a few typo and grammar changes in this section. Subchapter 37, also contains the Chief Mine Inspector to Director changes in some of its changes, along with a few typos and grammar corrections.

AUTHORITY:

45 O.S. Sections 1.5, 418, 435, and 732, et seq., 75 O.S. Section 302 et seq., Oklahoma Mining Commission.

COMMENT PERIOD:

From November 1, 2013 through December 17, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Department's Wagoner Field Office, 1102 W. Cherokee, Suite D., Wagoner OK starting at 7:15 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, starting at 3:15 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed amendment are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013 through December 15, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person listed below after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste. D, Wagoner, Ok 74467, (918) 485-3999.

[OAR Docket #13-1247; filed 10-24-13]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 15. UNDERGROUND COAL AND ASPHALT**

[OAR Docket #13-1246]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 15. Underground Coal And Asphalt [AMENDED]

SUMMARY:

The proposed amendments to this Chapter are all within Subchapter 1, General Standards. In 460:15-1-3, the Department is adding a Subsection (d), which requires each mining applications to contain a description upon which the applicant bases the legal right to enter and begin mining activities. The description shall identify those documents by type and date of execution, identify the specific lands to which the document pertains. In 460-15-1-5(a) is being amended to require a certified superintendent to be on each shift that the mine is in operation. In 460:15-1-25(k) the proposed change is to require that suitable man doors shall be provided as per the ventilation plan, but not more six hundred (600) feet apart. The Department also added a Subsection (m) that states that combustible material shall not be stockpiled or stored within 300 feet of any mine opening.

AUTHORITY:

45 O.S. Sections 1.5 et seq.; 75 O.S. Sections 302 et seq., Oklahoma Mining Commission.

COMMENT PERIOD:

From November 15, 2013, through December 17, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Department's Wagoner Field Office 1102 W. Cherokee, Suite D., Wagoner, OK, beginning at 6:45 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, beginning at 2:45 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from November 15, 2013, through December 17, 2013 to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste. D, Wagoner, OK. (918)485-3999.

[OAR Docket #13-1246; filed 10-24-13]

Notices of Rulemaking Intent

TITLE 460. DEPARTMENT OF MINES CHAPTER 20. THE PERMANENT REGULATIONS GOVERNING THE COAL RECLAMATION ACT OF 1979

[OAR Docket #13-1248]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. The Permanent Regulations Governing The coal Reclamation Act of 1979 [AMENDED]

SUMMARY:

The Department of Mines is proposing amendments to Chapter 20, including an addition in the heading. In 460:15-6.7 there was an addition of some word to simplify the reading which caused the deletion of some no longer needed language deleted and the same is true for 460:20-15-10.1 In Subchapter 17, a reference Section is being changed and a grammar error is being corrected. In 460:20-29 (4) clarifying language concerning GPS coordinates are being added. In 460:20-29-11 (5) language including the depth to be mined. In 460:20-31-9 (a)(2) the Department's Oklahoma City office is being changed. Subchapter 43, 460:20-43-7 (a)(1) the amendment is the requirement that all topsoil must be removed to a minimum of 60 feet or one pit width in advance of the active pit. In 460:20-43-23 additional blasting operations records and requirements are being added. In 460:20-43-47 (2) annual reclamation reporting requirements are being added. In 460:20-43-49 (a) the qualifications for temporary cessation are being clarified and in (c) additional information is required to be submitted if temporary cessation is continued beyond 12 months. A subsection (c) is being added to 460:20-45-5 concerning the capping of unneeded water wells and other surface openings related to the underground mining activities. A subsection (d) is being added to 460:20-47-4 to require all surface drainage be directed away from the highwall during augering operations to maintain the stability of the highwall and protect the persons conducting the augering.

AUTHORITY:

45 O.S. Sections 1.5, and 789, Oklahoma Mining Commission.

COMMENT PERIOD:

From November 15, 2013 through December 17, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on December 18, 2013, at the Department of Mines' Wagoner Field Office, 1102 W. Cherokee, Suite D., in Wagoner, OK, starting at 7:15 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, starting at 3:15 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013, through December 17, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules changes may be obtained from the contact person listed below after November 15, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Suite D, Wagoner, Ok 74467, (918) 485-3999.

[OAR Docket #13-1248; filed 10-24-13]

TITLE 460. DEPARTMENT OF MINES CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING REGULATIONS

[OAR Docket #13-1249]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Oklahoma Explosives And Blasting Regulations [AMENDED]

SUMMARY:

The proposed amendments to Subchapter 1 of this chapter are address changes of the Department of Mines Oklahoma City office. These address changes are located in 460:25-1-8 (a) and 460:25-1-9. In Subchapter 3, 460:25-3-8(b), there is a proposed change in when to file for a permit renewal. The amendment changes the filing deadline from at least 45 days before the expiration of the permit involved to a deadline of prior to the expiration of the permit involved. In Subchapter 7, there is another proposed Oklahoma City address change in 460:25-7-2. 460:25-13-22, (20) and (21) (A)(B) and (c) are added requiring that digital or video recording of each blast shot must be available upon request and that the information provided with the digital and video recordings must include that date of the recording, the GPS location and camera bearings of the recording and the name of the person recording the blast.

AUTHORITY:

63 O.S. Section 123.1 et seq., 45 O.S. Section 1.5, Oklahoma Mining Commission

COMMENT PERIOD:

From November 15, 2013, through December 17, 2013, the public may present their views, either orally or in writing, to the contact person listed below.

PUBLIC HEARINGS:

Public Hearings will be held on December 8, 2013, at the Department's Wagoner Field Office, 1102 W. Cherokee, Suite D., in Wagoner, OK starting at 7:00 p.m. and at the Oklahoma Department of Mines, 2915 N. Classen, Suite 213, Oklahoma City, OK 73106, beginning at 3:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed change 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 that business entity due to compliance with the proposed change. Business entities may submit this information in writing from November 15, 2013 through December 17, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules maybe obtained from the below listed contact person after November 1, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after November 30, 2013.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste D., Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #13-1249; filed 10-24-13]

**TITLE 545. BOARD OF PODIATRIC MEDICAL EXAMINERS
CHAPTER 15. EXAMINATION/LICENSURE**

[OAR Docket #13-1250]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 545:15-1-1.1. Definitions [NEW]
- 545:15-1-2. Examination [AMENDED]
- 545:15-1-5. License [AMENDED]
- 545:15-1-5.1. Training License [NEW]

SUMMARY:

Senate bill 302 authorized the Board of Podiatric Medical Examiners to use certain examinations for the licensing exam and permitting the issuance of a training license. These rule changes specify the National Board of Podiatric Medical Examiners' (NBPME) examination, American Podiatric Medical Licensing Examinations (APMLE), as part of the Oklahoma licensing exam, adds definitions for NBPME, APMLE, and sets out parameters for issuing the training license.

AUTHORITY:

TITLE 59 O.S., Sections 141 and 144.1, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from November 15, 2013 to December 17, 2013. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 17, 2013, 5:00 P.M. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than December 13, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-1250; filed 10-28-13]

**TITLE 545. BOARD OF PODIATRIC MEDICAL EXAMINERS
CHAPTER 20. MAINTAINING LICENSURE**

[OAR Docket #13-1251]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Renewal of Licensure
 - 545:20-1-1.1. Definitions [NEW]
 - 545:20-1-2. Qualifications [AMENDED]
 - 545:20-1-3. Fees [AMENDED]
 - 545:20-1-5. Reinstatement [AMENDED]
- Subchapter 3. Continuing Education
 - 545:20-3-1. Continuing education requirements [AMENDED]
 - 545:20-3-2. Provisions for continuing education [AMENDED]
 - 545:20-3-3. Approved continuing education programs [AMENDED]

SUMMARY:

Senate bill 302 authorized the Board of Podiatric Medical Examiners to require renewal of licensure biennially. These rule amendments facilitate the change from annual renewal to biennial renewal. The amendments double the renewal fee but since the renewal is changing from one year to two, the total amount does not change. It is the same with the continuing

Notices of Rulemaking Intent

education requirements. The number of hours is doubled but the net effect does not change.

AUTHORITY:

TITLE 59 O.S., Section 141, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from November 15, 2013 to December 17, 2013. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 17, 2013, 5:00 P.M. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than December 13, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-1251; filed 10-28-13]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 25. SUSPENSION AND
REVOCATION**

[OAR Docket #13-1252]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

545:25-1-7. Hearing [AMENDED]

545:25-1-8. Report of proceeding, expenses, preservation [AMENDED]

SUMMARY:

The amendment to **OAC545:25-1-7. Hearing**, deletes language requiring the board to either suspend or revoke a license or to dismiss the case. The Board, under Title 59 O.S. Section 147, has the authority to impose penalties other than just suspension or revocation including disapproval of an application for renewal of license, imposition of a fine, censure or reprimand, placement on probation, restriction of practice and payment of costs.

Amendments to **OAC 545:25-1-8. Report of proceeding, expenses, preservation**, deletes the requirement that a record of hearings be made by a court reporter. It adds language saying the proceedings will be recorded and transcribed upon request. It allows the defendant to hire a court reporter should they so choose.

AUTHORITY:

TITLE 59 O.S., Section 141, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from November 15, 2013 to December 17, 2013. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 17, 2013, 5:00 P.M. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than December 13, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-1252; filed 10-28-13]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 35. FEE SCHEDULE**

[OAR Docket #13-1253]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

545:35-1-2. Fees [AMENDED]

SUMMARY:

Senate bill 302 authorized the Board of Podiatric Medical Examiners to require renewal of licensure biennially. The amendments double the renewal fee but since the renewal is changing from one year to two, the total amount does not change. The reinstatement fee is also being doubled.

AUTHORITY:

TITLE 59 O.S., Section 141, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from November 15, 2013 to December 17, 2013. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 17, 2013, 5:00 P.M. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than December 13, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-1253; filed 10-28-13]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #13-1241]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Procedure in Individual Proceedings

158:1-5-3 [AMENDED]

158:1-5-5.1 [NEW]

158:1-5-7 [AMENDED]

158:1-5-12 [AMENDED]

158:1-5-13.1 [NEW]

AUTHORITY:

Oklahoma Construction Industries Board; 59 O.S. § 1000.4.

DATES:

Adoption:

September 25, 2013

Approved by Governor:

October 15, 2013

Effective:

October 15, 2013

Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

In order for the Construction Industries Board (CIB) to continue with administrative hearings on citations issued, emergency rules are required in order to avoid violation of federal and state law, and serious prejudice to the public interest. The current CIB rules do not contain language on the new statutory process regarding proposed orders or the new procedure to appeal a proposed order to the CIB. Without these rules, the CIB is at risk of noncompliance with procedural and substantive due process requirements under both the United States Constitution and the Oklahoma Constitution. The CIB has received legal advice that all administrative hearings on citations issued must be delayed until rules for implementing the new statutory provisions are in place so that federal and state laws are not violated and the public interest is not prejudiced. Also, this delay results in fines not being paid to the CIB. As a result, the CIB finds that emergency rules are required.

These emergency rules fulfill the requirements of Senate Bill 1022 of the 2013 legislative session which amended 59 O.S. § 1000.4 by promulgating rules establishing an automatic review by the Board for administrative fines, penalties and fees imposed after an administrative proceeding and an appeal process before the Board. Current Construction Industry Board (CIB) rules do not address this amended language and new hearing proceedings. The emergency rules are necessary to avoid violation of federal and state

Constitutional due process laws, as well as avoid a serious prejudice to the public interest.

ANALYSIS:

The proposed rules establish procedures for implementing amendments to 59 O.S. § 1000.4 related to the automatic review of all fines, penalties and fees assessed for any violation of law or rule imposed after an administrative proceeding, and related appeal procedures from the administrative ruling.

CONTACT PERSON:

Linda Ruckman 405-521-6550

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D):

SUBCHAPTER 5. PROCEDURE IN INDIVIDUAL PROCEEDINGS

158:1-5-3. Service of petition and notice of hearing

(a) **Service.** The Petition and notice of hearing shall be served on the Respondent by personal service or by mail or other lawful means ~~as may be provided in the Oklahoma Pleading Code.~~

(b) **Personal service.** Personal service of the petition and the notice of hearing upon an individual shall be made by delivering the Petition personally on the Respondent or by leaving a copy of the Petition at the individual's dwelling place or the usual place of abode with some person residing therein who is fifteen (15) years of age or older.

(c) **Board as petitioner.** Where the Board is the petitioner, personal service of the petition and notice of hearing may be made by a person designated by the Administrator to make such service for the Board.

(d) **Service by mail.** Service of the petition and the notice of hearing may be made by certified mail, return receipt requested, restricted delivery.

(e) **Proof of service.** The person serving the petition and the notice of hearing shall file proof of service with the hearing clerk within twenty (20) days of service or before the date of the hearing whichever is sooner. Acknowledgement in writing by the Respondent or appearing at the hearing without objection to service is equivalent to service.

(f) **Substitute service.** Substitute service in a matter against a licensee may be completed after personal and mail service are

Emergency Adoptions

attempted with the filing of an affirmation of the attempted service and that the petition and notice of hearing were mailed first class mail to the last known address of the licensee.

(g) **Service of proposed order and notice of appeal.** A person shall file an entry of appearance and agreement to allow use of regular mail for proposed orders. Issuance of proposed orders and the notice of appeal may then be sent by regular mail. If an entry of appearance or agreement is not filed, then the proposed order and notice of appeal will be sent using a certificate of mailing indicating the date of mailing and the name and address of the addressee.

158:1-5-5.1. Entry of appearance

Respondents, attorneys representing Respondents, and attorneys representing the Board in an individual proceeding shall file an entry of appearance. The entry of appearance shall include the case caption of the individual proceeding, the name, address, telephone number, and electronic mailing address of Respondent or of Respondent's attorney.

158:1-5-7. Continuances

Motions for a continuance of the hearing to another date or time shall be in writing and filed with the Hearing Clerk with a copy to the parties and the Administrative Law Judge. A motion for a continuance shall state the reasons for the request and specify the length of time requested. The Administrative Law Judge shall act upon such motion promptly and shall grant or deny such request at his discretion. If the motion is denied, it may be renewed orally by the party at the hearing. No administrative hearing case shall be delayed or continued once placed upon the Board's agenda for final review except with consent of the parties.

158:1-5-12. Order

Following the hearing, the Administrative Law Judge shall prepare a proposed final order to be as authorized by the Board. The proposed final order will be automatically reviewed by the entire Board to be affirmed, denied, or remanded to the Administrative Law Judge for further hearing, with or without instructions. A written recommendation and summary of the case will

be provided to the Board by the Administrator. The decision by the Board that is affirmed or denied will be a final order. Any decision to remand will be brought before the Board following further proceeding by the Administrative Law Judge and the new proposed order will be reviewed by the Board according to this section. The Board member attending the original or remanded trade hearing board hearing will abstain from discussion or voting when the same matter is before the Board. The Board will review proposed orders no later than the last day of the quarter the proposed order was issued.

158:1-5-13.1. Appeals

(a) Any person subject to an administrative fine, penalty or fee shall have all rights to appeal according to the Administrative Procedures Act once a final order is authorized by the Board. A person may appeal a proposed order to the Board, and any final order by the Board may be appealed to the district court of Oklahoma County.

(b) In order to appeal the Administrative Law Judge's proposed order, the person must file with the Board a Request for Appeal and brief within ten (10) business days of the issuance of the Administrative Law Judge's proposed order. The Request for Appeal and brief shall be no more than fifteen (15) pages and the person shall set forth a summary of the exceptions with the Administrative Law Judge's proposed order. The attorney for the Board may issue a brief in response. The person will then be notified of the date and time of the appropriate Board meeting regarding the appeal.

(c) A request for oral arguments shall be made at the time the Request for Appeal is filed with the Board. Oral arguments will be limited to no more than ten minutes (10) for each side. Briefs and oral arguments shall not include any new factual information.

(d) The Board may affirm the proposed order, deny the proposed order, or remand the case to the hearing officer, with or without instructions.

[OAR Docket #13-1241; filed 10-18-13]
