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Brad Henry, Governor
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Secretary of State
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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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 105. OKLAHOMA LOCAL DEVELOPMENT AND ENTERPRISE ZONE INCENTIVE LEVERAGE ACT

[OAR Docket #10-1199]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

150:105-1-2. Definitions [AMENDED]

150:105-1-4. Threshold and Selection Criteria
[AMENDED]

SUMMARY:

This action is to incorporate the amendments to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act contained in House Bill 1786 of the Second Session of the 52nd Oklahoma Legislature which was executed by the Governor on May 26, 2010, which were effective when executed.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act 62 O.S. §§ 840 - 847.

COMMENT PERIOD:

Written and oral comments will be accepted from October 18, 2010 through November 17, 2010 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, November 18, 2010, at Gallery 1-1, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel,

Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

Donald R. Hackler, Jr., Attorney, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #10-1199; filed 9-14-10]

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

[OAR Docket #10-1204]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

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

Subchapter 3. Records and Inspections

240:1-3-9. Release of Confidential Information to Specific Government Agencies [NEW]

SUMMARY:

The amendments to the rules in this chapter will define the term "aggregated data" and will set out the requirements for obtaining confidential information from the OESC by government agencies.

AUTHORITY:

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor,

Notices of Rulemaking Intent

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

COMMENT PERIOD:

Written and oral comments will be accepted through November 16, 2010, 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 November 16, 2010.

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 #10-1204; filed 9-24-10]

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

[OAR Docket #10-1205]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

240:10-1-2. Definitions [AMENDED]

Subchapter 3. Benefits

Part 5. Eligibility

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

240:10-3-29. Employer leave due to illness or disability [NEW]

Subchapter 5. Contributions

Part 3. Rates

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

Part 19. Maintenance and Production of Work Records

240:10-5-91. Employer's Quarterly Contribution Wage Reports [AMENDED]

240:10-5-96. Application for Oklahoma UI Tax Account Number [NEW]

Subchapter 11. Assessment Board Procedures

Part 5. Hearings

240:10-11-20. Notice of hearings [AMENDED]

240:10-11-22. Conduct of hearings [AMENDED]

240:10-11-25. Motion to reopen after failure to appear [AMENDED]

Subchapter 13. Appeal Tribunal Procedures

Part 5. Hearings

240:10-13-33. ~~Notices~~ Notice of hearing [AMENDED]

240:10-13-40. Reopen [AMENDED]

240:10-13-42. Conduct of hearings [AMENDED]

SUMMARY:

The amendments to these rules will give definitions for the terms "full-time work" and "part-time work". They will clarify the rule on the effective date of a re-opened claim. A new rule will better define when an employee is deemed job attached and not separated from employment. There will be clarification of the wording of the successorship rule will be accomplished. The rule on report filing will require large employers and third party administrators to file through the Internet while small employers can file through the Internet or on paper forms, with the provision that a small filing fee will be required for filing paper forms. A new rule will set out the requirements for obtaining an Oklahoma account number. Rules for the Assessment Board and the Appeal Tribunal will clarify when notices of hearings are required to be sent out, will standardize the formats for evidence through audio, video or electronic images, and will extend the time period to reopen a case for failure to appear from five to ten days.

AUTHORITY:

40 O. S. §§1-226, 2-210, 2-604, 3-102, 3-111, 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 November 16, 2010, 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 November 16, 2010.

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 #10-1205; filed 9-24-10]

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 15. BOARD OF REVIEW PROCEDURES**

[OAR Docket #10-1206]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Hearings
 - 240:15-5-1. Request for hearing; new additional evidence [REVOKED]
 - 240:15-5-2. Hearings; notice; Appeal Tribunal testimony; failure to appear [REVOKED]
 - 240:15-5-3. Continuances [REVOKED]
 - 240:15-5-4. Recording hearings [REVOKED]
 - 240:15-5-5. Cameras [REVOKED]
- Subchapter 7. Witnesses and Subpoenas
 - 240:15-7-1. Attendance at hearing [REVOKED]
- Suchapter 9. Records of the Board of Review
 - 240:15-9-2. Board of Review records [AMENDED]
- Subchapter 11. Appeals to District Court
 - 240:15-11-1. Board of Review decision; appeal to district court [AMENDED]

SUMMARY:

The amendments to the Board of Review rules will remove from the Board of Review the option of conducting an evidentiary hearing of its own after the Appeal Tribunal hearing on an unemployment benefit claim. In current practice, the Board of Review sits as an appellate body only. It does not conduct evidentiary hearings on its own. If a further hearing is deemed necessary, the case is remanded to the Appeal Tribunal to conduct a hearing. Since it is no longer the practice of the Board of Review to conduct evidentiary hearings, these rules are being changed or revoked.

AUTHORITY:

40 O.S. §§2-607, 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 November 16, 2010, 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 November 16, 2010.

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 #10-1206; filed 9-24-10]

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

[OAR Docket #10-1207]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. Audits
 - 240:21-9-2. Delinquent audit [AMENDED]

SUMMARY:

The amendment made in this chapter will decrease the time for an audit to be received by the Director of Internal Audit from one year to 9 months. This is being done so that that the time period will coincide with the federal audit time periods for the Workforce Investment Act.

AUTHORITY:

40 O.S. §§4-302, 4-313, 4-702, 4-704 and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor,

Notices of Rulemaking Intent

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

COMMENT PERIOD:

Written and oral comments will be accepted through November 16, 2010, 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 November 16, 2010.

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 #10-1207; filed 9-24-10]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #10-1202]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Organizational Structure

770:1-3-1 [AMENDED]

Subchapter 5. Open Records Act

770:1-5-5 [AMENDED]

SUMMARY:

The proposed revisions to Chapter will include a reference to the Claremore and Lawton ODVA facilities that were not in operation at the time the rules were originally adopted, and delete the reference found in the existing rule that indicates that the Norman ODVA facility is only for "neuropsychiatric care" and that the Talihina ODVA facility is only for "nursing care". It also deletes the references to "Child Welfare" and "Small Loan Program" two programs that the ODVA is no longer involved with. It also lists the locations of the Claims and Benefits offices. The revisions to the access to records will include the current street addresses of the seven ODVA facilities. And also updates the personnel at each facility who are authorized to release documents.

AUTHORITY:

72 OS Section 63.3; Oklahoma Department of Veterans Affairs

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 PM on November 16, 2010, at the following address: Martha Spear, Executive Director, Oklahoma Department of Veterans Affairs, 2311 N Central, Oklahoma City, OK 73105, 405.521.3684.

PUBLIC HEARING:

A public hearing is not currently scheduled, but a request for one could be made to the above listed individual by 4:30 PM on November 16, 2010.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

NA

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma Department of Veterans Affairs, 2311 N Central, Oklahoma City, OK 73105, 405.521.3684.

RULE IMPACT STATEMENT:

Pursuant to 75 OS Section 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Veterans Affairs at the above address beginning October 15, 2010.

CONTACT PERSON:

Martha Spear or Jewell Coe, 405.521.3684

[OAR Docket #10-1202; filed 9-24-10]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 10. CENTER DIVISION PROGRAM

[OAR Docket #10-1203]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

770:10-1-1 [AMENDED]

770:10-1-2 [AMENDED]

770:10-1-3 [AMENDED]

770:10-1-4 [AMENDED]

770:10-1-5 [REVOKED]

770:10-1-6 [REVOKED]

770:10-1-7 [REVOKED]

SUMMARY:

These proposed rule amendments would modify the procedure currently in place for admission to the seven facilities operated by the Oklahoma Department of Veterans Affairs. It would revoke the references to neuropsychiatric care patients in the purpose of the Chapter because it only references admitting them to the Norman ODVA facility. All

ODVA facilities have the ability to treat them at this time. It would also revoke the definitions contained that reference such care because they are no longer in use. It will also revoke the special rules for neuropsychiatric care patients since they also are not in use at this time and the special requirements that were set forth for their admission since they are no longer relevant. It would also amend the eligibility requirements for admission to the facilities that reference veterans of the First World War because there are no longer any of them left, and give priority to admission to ex prisoners of war and then to veterans suffering from service connected disability followed by veterans of subsequent wartime periods who are seeking admission.

AUTHORITY:

72 OS Section 63.3; Oklahoma Department of Veterans Affairs

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 PM on November 16, 2010, at the following address: Martha Spear, Executive Director, Oklahoma Department of Veterans Affairs, 2311 N Central, Oklahoma City, OK 73105, 405.521.3684.

PUBLIC HEARING:

A public hearing is not currently scheduled, but a request for one could be made to the above listed individual by 4:30 PM on November 16, 2010.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

NA

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma Department of Veterans Affairs, 2311 N Central, Oklahoma City, OK 73105, 405.521.3684.

RULE IMPACT STATEMENT:

Pursuant to 75 OS Section 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Veterans Affairs at the above address beginning October 15, 2010.

CONTACT PERSON:

Martha Spear or Jewell Coe, 405.521.3684

[OAR Docket #10-1203; filed 9-24-10]

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 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 5. FEES

[OAR Docket #10-1200]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

160:5-1-2 [AMENDED]

AUTHORITY:

Commission on Consumer Credit; 14A O.S. § 6-302

DATES:

Comment period:

July 15, 2010 through August 11, 2010

Public hearing:

August 11, 2010

Adoption:

August 11, 2010

Approved by Governor:

August 19, 2010

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2011, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Commission on Consumer Credit finds that there is a compelling public interest requiring emergency amendments to existing rules. The legislature specifically mandated the Commission on Consumer Credit to establish all authorized fees by emergency rule prior to July 1, 2011.

ANALYSIS:

The proposed rules establish all authorized fees collected by the Department of Consumer Credit. The proposed rules increase annual license fees by One Hundred Dollars \$100.00. The proposed rules increase examination and investigation fees by Two Hundred Dollars \$200.00.

The proposed rules establish late filing, license or registration renewal fees for supervised lenders (14A O.S. § 3-504(5)), persons filing notification (14A O.S. § 6-203), credit service organizations (24 O.S. § 144(D)), pawnbrokers (59 O.S. § 1507(H)), precious metal and gem dealers and employees (59 O.S. § 1526(C)), health spas (59 O.S. § 2002(D)), mortgage brokers, mortgage loan originators (59 O.S. § 2095.6(M)(2)) and deferred deposit lenders (59 O.S. § 3113(G)) at Ten Dollars (\$10.00) per day up to thirty (30) days for each day a license, notification or registration renewal fee is past due. The proposed emergency rule amendments establish a Fifty Dollar (\$50.00) late annual report fee for supervised lenders and deferred deposit lenders.

The proposed rules also establish the following new fees authorized by statute (fees not existing prior to July 1, 2010): Twenty-Five Dollar (\$25.00) fee for amended and duplicate licenses or registrations for credit service organizations (24 O.S. § 143(E)), pawnbrokers (59 O.S. § 1507(G)), precious metal and gem dealers and employees (59 O.S. § 1528(E)), rental purchase lessors (59 O.S. § 1953(A)), health spas (59 O.S. § 2002(C)) and deferred

deposit lenders (59 O.S. § 3113(E)); Twenty-Five Dollar (\$25.00) fee for returned checks due to insufficient bank account funds for credit service organizations (24 O.S. § 143(E)), pawnbrokers (59 O.S. § 1507(G)), precious metal and gem dealers and employees (59 O.S. § 1528(E)), rental purchase lessors (59 O.S. § 1953(A)), health spas (59 O.S. § 2002(C)) and deferred deposit lenders (59 O.S. § 3113(E)); One Hundred Dollar (\$100.00) contract review fee for rental purchase lessors (59 O.S. § 1953(B) and health spas (59 O.S. § 2002(E)); Two Hundred (\$200.00) application fee for mortgage loan originators (59 O.S. § 2095.6(M)(8)); Fifty Dollar (\$50.00) examination fee for mortgage loan originators (59 O.S. § 2095.6 (M)(7)) and a Two Hundred Dollar (\$200.00) investigation fee for rental purchase lessors (59 O.S. § 1953(A)) and health spas (59 O.S. § 2002(A)(4)).

CONTACT PERSON:

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

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

160:5-1-2. Fees

Fees charged by the Department are as follows:

(1) Supervised Lenders

(A) ~~\$190.00 annual fee for license, except that for any license granted after June 30, the fee shall be \$75.00 [14A:3-503(1)] \$290.00 annual license fee.~~

(B) ~~\$225.00 investigation fee for license [14A:3-503(1)] \$425.00 investigation fee.~~

(C) ~~\$50.00 late fee for a late application for renewal of a license received after December 1 [14A:3-504(5)] A late fee of \$10.00 per day for thirty (30) days shall be assessed for each license that is not renewed by December 1.~~

(D) ~~For any examination under one half hour, no fee. For any examination over one half hour up to eight (8) hours, \$300.00. For any examination in excess of eight (8) hours, \$300.00 plus \$50.00 per examiner per hour for each full hour, or pro rata for each partial hour for each full hour, over eight (8) hours. A \$50.00 late fee shall be imposed when the examination fee is not received within thirty (30) days of the invoice date. No licensee shall be assessed a total fee in excess of Six Hundred Fifty Dollars (\$650.00) for each licensed office in any calendar year. [14A:3-506(1)] \$500.00 examination fee that is~~

Emergency Adoptions

- payable at the time of license application or license renewal.
- (E) ~~\$25.00 fee for a duplicate or amended license [14A:3-504(5)]~~
- (F) ~~\$25.00 fee for a returned check [14A:3-506(10)]~~
- (G) ~~\$25.00 late fee for any annual report received after May 1 [14A:3-506(5)]~~ A \$50.00 late fee shall be assessed for any annual report received after May 1.
- (H) All fees are non-refundable unless the Code or these rules require otherwise.
- (2) Notifications Notification filings
- (A) ~~\$20.00 annual filing fee [14A:6-203(1)]~~ \$120.00 annual filing fee for each business location.
- (B) ~~sellers, lessors, lenders and assignees shall pay the \$20.00 annual filing fee plus \$10.00 per \$100,000.00 of business conducted in Oklahoma [14A:6-203(2) and (3)]~~ A late fee of \$10.00 per day shall be assessed for each filing that is not received by January 31.
- (C) All fees are non-refundable unless the Code or these rules require otherwise.
- (3) Pawnbrokers
- (A) ~~\$140.00 application fee for license, except that for any application filed after June 30, the fee shall be \$50.00 [59:1505(A)]~~ \$240.00 annual license fee.
- (B) ~~\$125.00 investigation fee for license [59:1505(A)]~~ \$325.00 investigation fee.
- (C) ~~\$140.00 annual renewal fee [59:1506(C)]~~ \$400.00 examination fee that is payable at the time of license application or license renewal.
- (D) ~~\$200.00 annual examination fee [59:1508(A)]~~ \$25.00 amended or duplicate license fee.
- (E) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~ \$25.00 returned check fee.
- (F) A late fee of \$10.00 per day for thirty (30) days shall be assessed for each license renewal that is not received by December 1.
- (G) All fees are non-refundable unless the Act or rules require otherwise.
- (4) ~~Rent to Own Businesses Rental purchase lessors~~
- (A) ~~\$100.00 application fee for license, except that for any application filed after June 30, the fee shall be \$50.00 [59:1953]~~ \$200.00 annual license fee.
- (B) ~~\$100.00 annual renewal fee [59:1953]~~ \$200.00 investigation fee.
- (C) ~~\$200.00 annual examination fee [59:1955(B)]~~ \$400.00 examination fee that is payable at the time of license application or license renewal.
- (D) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~ \$100.00 per contract review fee for each rental purchase agreement that is submitted to the Administrator for review and approval.
- (E) \$25.00 amended or duplicate license fee.
- (F) \$25.00 returned check fee.
- (G) All fees are non-refundable unless the Act or rules require otherwise.
- (5) Health Spas
- (A) ~~\$200.00 initial registration fee [59:2002(A)(4)]~~; this fee shall be applied without regard to the date of the filing. \$300.00 annual registration fee.
- (B) ~~\$200.00 annual renewal fee [59:2002(A)(4)]~~ \$200.00 investigation fee.
- (C) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~ \$100.00 per contract review fee for each health spa contract that is submitted to the Administrator for review and approval.
- (D) A late fee of \$10.00 per day for thirty (30) days shall be assessed for each registration renewal that is not received by December 1.
- (E) \$25.00 amended or duplicate registration fee.
- (F) \$25.00 returned check fee.
- (G) All fees are non-refundable unless the Act or rules require otherwise.
- (6) Credit Services Organizations
- (A) ~~\$100.00 application fee for license [24:143(A)]~~; this fee shall be applied without regard to the date of filing. \$200.00 annual license fee.
- (B) ~~\$100.00 investigation fee for license [24:143(A)]~~ \$300.00 investigation fee.
- (C) ~~\$100.00 annual renewal fee [24:143(A)]~~ \$25.00 amended or duplicate registration fee.
- (D) ~~\$200.00 annual examination fee [24:146(A)]~~ \$400.00 examination fee that is payable at the time of license application or license renewal.
- (E) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~ \$25.00 returned check fee.
- (F) A late fee of \$10.00 per day for thirty (30) days shall be assessed for each license renewal that is not received by December 1.
- (G) All fees are non-refundable unless the Act or these rules require otherwise.
- (7) Precious Metals and Gem Dealers
- (A) ~~\$200.00 annual license fee for dealers, \$100.00 annual license fee for each employee [59:1525(A) and (B)]~~; these fees shall be applied without regard to the date of filing. \$300.00 annual license fee for precious metal and gem dealers, \$200 annual license fee for precious metal and gem dealer employees.
- (B) ~~\$225.00 investigation fee for license [59:1525(A)]~~ \$425.00 investigation fee for precious metal dealers.
- (C) ~~\$200.00 annual renewal fee for dealers, \$100.00 annual renewal fee for each employee [59:1526(A) and (B)]~~ A late fee of \$10.00 per day for thirty (30) days shall be assessed for each precious metal and gem dealer and employee license renewal that is not received by December 1.

- (D) ~~All fees are non-refundable unless the Act or these rules require otherwise. \$25.00 amended or duplicate license fee for precious metal and gem dealers and employees.~~
- (E) ~~\$25.00 return check fee for precious metal and gem dealers and employees.~~
- (F) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~
- (8) Mortgage Brokers and Mortgage Loan Originators
- (A) ~~\$750.00 application fee for a mortgage broker license; this fee shall be applied without regard to the date of filing \$950.00 mortgage broker application fee.~~
- (B) ~~\$100.00 initial license fee for a mortgage broker license 59:2095.7(M)(1); this fee shall be applied without regard to the date of filing. \$200.00 mortgage loan originator application fee.~~
- (C) ~~\$100.00 annual renewal fee for a mortgage broker license [59:2095.7(M)(1)] \$200.00 annual license fee for mortgage brokers and mortgage loan originators.~~
- (D) ~~\$200.00 late renewal fee [59:2095.7(M)(2)] A late fee of \$10.00 per day for thirty (30) days shall be assessed for each mortgage broker or mortgage loan originator license renewal that is not received by December 1.~~
- (E) ~~\$50.00 annual license fee for a branch office license 59:2095.7(M)(3); this fee shall be applied without regard to the number of licenses sought or the date of filing. \$150.00 mortgage broker branch office annual license fee.~~
- (F) ~~\$50.00 inactive status fee for a mortgage broker license 59:2095.7(M)(4); \$150.00 inactive status fee for a mortgage broker license, mortgage broker branch office license or mortgage loan originator license.~~
- (G) ~~\$25.00 fee for each mortgage broker, mortgage broker branch or mortgage loan originator license change, duplicate license or returned check [59:2095.7(M)(5)]~~
- (H) ~~Each mortgage broker shall pay a \$50.00 fee paid into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund [59:2095.7(M)(6)] Each mortgage broker, mortgage broker branch office and mortgage loan originator shall pay a \$10.00 fee for each initial application and each license renewal to be deposited into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund.~~
- (I) ~~\$300.00 examination fee unless an additional fee is required in accordance with 59:2095.23 [59:2095.7(M)(7)] Mortgage brokers and mortgage broker branch offices shall pay a \$500.00 examination fee that is payable at the time of license application or license renewal.~~
- (J) ~~\$100.00 initial license fee for a mortgage loan originator license. [59:2095.7(M)(1)] Mortgage loan originators shall pay a \$50.00 examination fee that is payable at the time of license application and license renewal.~~
- (K) ~~\$100.00 annual renewal fee for a mortgage loan originator license.~~
- (L) ~~\$50.00 inactive status fee for a mortgage loan originator license. [59:2095.7(M)(4)]~~
- (M) ~~\$25.00 fee for each mortgage loan originator license change, duplicate license or returned check. [59:2095.7(M)(5)]~~
- (N) ~~Each mortgage loan originator shall pay \$50.00 to the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund. [59:2095.7(M)(6)]~~
- (OK) ~~All fees are non-refundable unless the Act or these rules require otherwise.~~
- (9) Deferred Deposit Lenders
- (A) ~~\$250.00 application fee for license; this fee is required for each applicant without regard to the number of licenses sought or the date of filing [59:3113(D)] \$350.00 annual license fee for each licensed location.~~
- (B) ~~\$500.00 investigation fee for license; this fee is required of each applicant without regard to the number of licenses sought or the date of filing [59:3113(D)] \$700.00 investigation fee for each license.~~
- (C) ~~\$250.00 annual renewal fee; this fee is required of each applicant without regard to the number of licenses sought [59:3113(E)] \$500.00 examination fee that is payable at the time of license application or license renewal.~~
- (D) ~~For any examination under one half hour, no fee. For any examination over one half hour up to eight (8) hours, \$300.00. For any examination in excess of eight (8) hours, \$300.00 plus \$50.00 per examiner per hour for each full hour, or pro rata for each partial hour, over eight (8) hours. A \$50.00 late fee shall be imposed when the examination fee is not received within thirty (30) days of the invoice date. [59:3114(A)] A late fee of \$10.00 per day for thirty (30) days shall be assessed for each license renewal that is not received by December 1.~~
- (E) ~~\$25.00 late fee for any annual report received after May 1 [59:3114(F)] A late fee of \$50.00 shall be assessed for any annual report received after May 1.~~
- (F) ~~All fees are non-refundable and non-abatable unless the Act or these rules require otherwise. [59:3113(D)] \$25.00 fee for each license change, duplicate license or returned check.~~
- (10) Other
- (A) ~~\$0.25 fee per page for copies [51:24A.5(3)]~~
- (B) ~~\$1.00 fee per copied page for a certified copy [51:24A.5(3)]~~
- (C) ~~Reasonable search fee of the hourly rate of lowest paid employee capable of performing search when records are requested solely for commercial purpose or the request would clearly cause excessive~~

Emergency Adoptions

disruption of the Department's essential functions
[51:24A.5(3)]

[OAR Docket #10-1200; filed 9-14-10]

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

1:2010-43.

EXECUTIVE ORDER 2010-43

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Patriot Day, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Saturday, September 11, 2010, to honor the many innocent people who perished on September 11, 2001.

On that day, more than 3,000 people lost their lives in New York City, Washington, D.C. and Pennsylvania. The flying of the flags at half-staff reflects that Oklahomans remember those killed and demonstrates our sympathy for their families.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order

to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 10th day of September, 2010.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Michelle Waddell

Acting Assistant Secretary of State

[OAR Docket #10-1201; filed 9-16-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

PUBLICATION ERROR:

In the October 1, 2010 issue of the *Register*, the Department of Environmental Quality's notice that proposed changes to Chapter 4 (Rules of Practice and Procedure) had been submitted for gubernatorial and legislative review was inadvertently published in the "Notice of Rulemaking Intent" section of the issue [see 28 Ok Reg 42] instead of the "Submissions for Review" section of the issue.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

PUBLICATION ERROR:

In the October 1, 2010 issue of the *Register*, the Department of Environmental Quality's notice that proposed new rules in Chapter 100 (Air Pollution Control) had been submitted for gubernatorial and legislative review was inadvertently published in the "Notice of Rulemaking Intent" section of the issue [see 28 Ok Reg 42] instead of the "Submissions for Review" section of the issue.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 220. BROWNFIELDS**

PUBLICATION ERROR:

In the October 1, 2010 issue of the *Register*, the Department of Environmental Quality's notice that proposed changes to Chapter 220 (Brownfields) had been submitted for gubernatorial and legislative review was inadvertently published in the "Notice of Rulemaking Intent" section of the issue [see 28 Ok Reg 42] instead of the "Submissions for Review" section of the issue.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 221. BROWNFIELDS**

PUBLICATION ERROR:

In the October 1, 2010 issue of the *Register*, the Department of Environmental Quality's notice that proposed new rules in Chapter 221 (Brownfields) had been submitted for gubernatorial and legislative review was inadvertently published in the "Notice of Rulemaking Intent" section of the issue [see 28 Ok Reg 43] instead of the "Submissions for Review" section of the issue.
