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Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of INVESTIGATION	375
Board of Regents of EASTERN Oklahoma State College (<i>exempted 11-1-98</i>)	205	Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377
		Department of LABOR	380
		Department of the Commissioners of the LAND Office	385
		Council on LAW Enforcement Education and Training	390
		Oklahoma LAW Enforcement Retirement System	395
		Board on LEGISLATIVE Compensation	400

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

Notices of Rulemaking Intent

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

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

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

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #10-1255]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Certification of Industrial Radiographers
252:410-5-3. DEQ certification examination [AMENDED]
- Subchapter 7. Radiation Management Authorizations; Procedures and Requirements
- Part 1. General Provisions Common to All Authorizations
252:410-7-3. General application requirements [AMENDED]
- Subchapter 10. Radioactive Materials Program
- Part 101. Radioactive Materials Programs Fees
252:410-10-101. Fee schedules [AMENDED]
252:410-10-102. Fees for special nuclear material licensing [AMENDED]
252:410-10-103. Fees for source material licensing [AMENDED]
252:410-10-104. Fees for byproduct material licensing [AMENDED]
252:410-10-105. Fees for waste disposal and processing [AMENDED]
252:410-10-106. Fees for well logging [AMENDED]
252:410-10-107. Fees for nuclear laundries [AMENDED]
252:410-10-108. Fees for human use of byproduct, source or special material licensing [AMENDED]
252:410-10-109. Fees for civil defense activities [AMENDED]
252:410-10-111. Fees for small entities [AMENDED]
252:410-10-114. Full cost fees [AMENDED]
252:410-10-118. Reciprocity fees [AMENDED]
- Subchapter 19. XRay Fluorescence Instruments Used for Lead-Based Paint Detection
252:410-19-6. LBP-XRF permit application fee [AMENDED]
- Appendix A. Application and Annual Fee Schedule for Radiation Machines [REVOKED]
- Appendix A. Application and Annual Fee Schedule for Radiation Machines [NEW]

SUMMARY:

The purpose of the proposed rule is to increase revenue to meet program costs and, thereafter, provide an annual fee

adjustment to assist in meeting rising costs to the DEQ for implementation of radiation management programs. Fees in every category for both materials licenses and permits are increased by fifteen percent (15%). A new fee is proposed for materials licensees authorizing two or more locations of use or storage. The new fee is twenty-five percent (25%) of the base fee per additional site, capped at four sites. The fee for industrial radiography certification will be changed to reflect the cost of acquiring and administering the test. The fee will be the same for both initial and renewed certifications.

The annual fee adjustment will apply to every category of licenses, permits, and industrial radiographer certification. Fees shall be automatically adjusted annually on the first day of July to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The DEQ may waive collection of an automatic increase in a given year if it determines other revenues make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

AUTHORITY:

Environmental Quality Board and Radiation Management Advisory Council powers and duties, 27A O.S. §§ 2-2-101, 2-2-104, 2-2-201, 2-9-104, and 2-9-105.

COMMENT PERIOD:

The written comments were received from May 3, 2010, through June 9, 2010. Oral comments were made at the Radiation Management Advisory Council meeting on June 10, 2010. Oral comments may also be made at the Environmental Quality Board meeting in February 25, 2011 at 9:30 am in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council meeting on June 10, 2010.

Before the Environmental Quality Board in February 25, 2011 at 9:30 am, 2011 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by this proposed rulemaking provide the DEQ, within the comment period and in dollar amounts if possible, the increase or decrease 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

Notices of Rulemaking Intent

other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPY OF PROPOSED RULE:

The proposed rule may be obtained from the contact person, reviewed in person at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at the DEQ website at www.deq.state.ok.us/LPDnew/LPPproprules.htm.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person or reviewed online at the DEQ website at www.deq.state.ok.us/LPDnew/LPPproprules.htm.

CONTACT PERSON:

Contact Mike Broderick, Environmental Programs Manager, Radiation Management Section, Land Protection Division at mike.broderick@deq.state.ok.us or (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. The TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1255; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

[OAR Docket #10-1256]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-2. Definitions [AMENDED]

252:606-1-4. Date of federal regulations incorporated [AMENDED]

Subchapter 3. Discharge Permitting Process for Regular Individual Discharge Permits

252:606-3-4. ~~Annual permit fee~~ Permit fees [AMENDED]

Subchapter 5. Discharge Permit Requirements

252:606-5-5. Stormwater discharges [AMENDED]

Subchapter 8. Biosolids Requirements.

252:606-8-2. Permit applications [AMENDED]

252:606-8-3. Sludge (biosolids) management plan [AMENDED]

252:606-8-5. Class B biosolid production [AMENDED]

252:606-8-7. Biosolid land application site closure and remediation [NEW]

Subchapter 11. Test and Reports.

252:606-11-2. Laboratory analyses and reporting [AMENDED]

252:606-11-3. Municipal laboratories [AMENDED]

252:606-11-4. Municipal operating records [AMENDED]

252:606-11-5. Industrial flow measuring and sampling [AMENDED]

Subchapter 13. Closure and Remediation [REVOKED]

252:606-13-1. Site closure and remediation [REVOKED]

Appendix A. Minimum Control Tests for Municipal Wastewater [REVOKED]

Appendix A. Minimum Control Test For Wastewater Treatment Facilities [NEW]

Appendix B. Fees for Non-Industrial Discharge Permits [REVOKED]

Appendix B. Annual Fees for Non-Industrial Discharge Permits [NEW]

Appendix C. Annual Industrial Discharge Permit Fees [REVOKED]

Appendix C. Annual Industrial Discharge Fees [NEW]

Appendix D. Fees for Stormwater Permits and Other General Permits [REVOKED]

Appendix D. Annual Fees for Stormwater Permits and Other General Permits [NEW]

Appendix E. Fees For Individual Discharge Permits for Categorical Industries [REVOKED]

Appendix E. Annual Fees For Individual Discharge Permits for Categorical Industries [NEW]

Appendix F. Fees For Land Application of Biosolids [REVOKED]

Appendix F. Annual Fees For Land Application of Biosolids [NEW]

SUMMARY:

The Department proposes to increase OPDES annual fees and establish OPDES permit application fees. Additionally, the Department proposes to modify state regulations to: (1) define categorical industries; (2) allow certain stormwater and discharge monitoring report documents to be submitted electronically, provided the submission meets federal requirements; (3) require additional information be submitted for facility generating biosolids in the watershed of an Outstanding Resource Water; (4) revoke the subchapter 13 rules for closure of a biosolids land application site and move the requirements into the biosolids subchapter (subchapter 8); (5) establish minimum control testing requirements for industrial wastewater discharging facilities which contain permit limits for oxygen demanding substances that are the same as the currently adopted control tests for municipal wastewater discharging facilities; and (6) establish stream monitoring requirements for industrial wastewater discharging facilities which contain permit limits for oxygen demanding substances that are the same as the currently adopted stream monitoring requirements for municipal wastewater discharging facilities. Finally, the Department proposes to update its rules

concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2009, to July 1, 2010.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For

hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1256; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 611. GENERAL WATER QUALITY**

[OAR Docket #10-1257]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

252:611-1-3. Adoption and incorporation by reference [AMENDED]

252:611-1-7. Planning and wasteload allocations [AMENDED]

Subchapter 3. Certifications

252:611-3-2. Requirements for certification [AMENDED]

SUMMARY:

The Department proposes to establish application fees for certifications required to be issued by the State pursuant to Section 401 of the Clean Water Act. Previously the Department was reviewing applications for and issuing these certifications at no cost to the regulated community. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2009, to July 1, 2010. Finally, the Department proposes to correct a citation from OAC 252:605 to OAC 252:606.

AUTHORITY:

Environmental Quality Board, 27A O.S. <http://www.okc.gov/courts/index.html> 2-2-101; Water Quality Management Advisory Council, 27A O.S. <http://www.okc.gov/courts/index.html> 2-2-201; and 27A O.S. <http://www.okc.gov/courts/index.html> 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1257; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS

[OAR Docket #10-1258]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Permit Procedures

252:616-3-3. Annual fees [AMENDED]

252:616-3-4. Applications [AMENDED]

SUMMARY:

The Department proposes to increase the annual fees for industrial tank systems, surface impoundments, and land application systems, and to make the annual fees applicable to all industrial wastewater systems. Additionally, the

Department proposes to establish a permit application fee for industrial tank systems, surface impoundments and land applications systems required to be permitted by the Department.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For

hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1258; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 619. OPERATION AND MAINTENANCE OF NON-INDUSTRIAL TOTAL RETENTION LAGOON SYSTEMS AND LAND APPLICATION**

[OAR Docket #10-1259]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

252:619-1-5. Annual fees for total retention lagoon systems [AMENDED]

252:619-1-6. Fee escalator based on Consumer Price Index (CPI) [NEW]

SUMMARY:

The Department proposes to increase annual fees for non-industrial total retention lagoon systems and land application sites covered by OAC 252:619 in order to compensate for the increased cost of operating the program and decreased state appropriations. This increase will help ensure that the non-industrial total retention lagoon program can continue to operate at its current level. Additionally the Department proposes to have fees increase automatically each year based on the rate of inflation.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. § 2-6-103, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record

keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

CONTACT PERSON:

The contact person is Robert Huber. He can be reached at Robert.Huber@deq.ok.gov (e-mail), (405) 702-6100 (phone) or (405) 702-6226 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1259; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 621. NON-INDUSTRIAL FLOW-THROUGH DISCHARGING AND PUBLIC WATER SUPPLY IMPOUNDMENTS LAGOONS INCLUDING LAND APPLICATION**

[OAR Docket #10-1260]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

252:621-1-1. Purpose [AMENDED]

252:621-1-2. Definitions [AMENDED]

Subchapter 3. Permit Procedures

252:621-3-1. Requirement to obtain permits [AMENDED]

252:621-3-2. Compliance required [AMENDED]

252:621-3-3. Annual permit fees for non-industrial ~~surface impoundments discharging and public water supply lagoons~~ [AMENDED]

252:621-3-4. Financial assurance [AMENDED]

Subchapter 5. Operation and Maintenance

252:621-5-1. Operation and maintenance for non-industrial ~~surface impoundments discharging and public water supply lagoons~~ [AMENDED]

Notices of Rulemaking Intent

252:621-5-2. Operation and maintenance for non-industrial land application systems [AMENDED]

Subchapter 9. Closure Requirements and Plans

252:621-9-1. Termination of activities [AMENDED]

252:621-9-3. Closure plan content requirements [AMENDED]

SUMMARY:

The Department proposes to modify its rules to reduce the maximum slope of a wastewater land application site from 10% to no more than 5%.

Senate Bill 1695 effectively eliminated one of the three current scenarios for ownership (i.e., homeowners' associations) of an individual or small public sewage treatment system. The proposed rulemaking implements this new law.

Additionally, the Department proposes to remove references to total retention lagoons as they are now covered in OAC 252:619.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1260; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 623. PRETREATMENT FOR CENTRAL TREATMENT TRUSTS

[OAR Docket #10-1261]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

252:623-1-7. Incorporation by reference [AMENDED]

Subchapter 7. Wastewater Discharge Permit Application

252:623-7-4. Permit application contents [AMENDED]

Subchapter 23. Miscellaneous Provisions

252:623-23-1. Pretreatment charges and fees [AMENDED]

SUMMARY:

The Department proposes to establish a fee for the review and issuance of permits to industries that discharge to a Central Treatment Trust. Previously, the Department was reviewing the permits at no cost to the regulated community. Additionally, the Department proposes to have fees automatically increase every year thereafter in accordance with increases in the Consumer Price Index, as previously adopted in other Chapters. Finally, the Department proposes to update its rules concerning the date of incorporation by reference of certain federal regulations from July 1, 2009, to July 1, 2010.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1261; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 624. MINOR PUBLIC WATER SUPPLY SYSTEMS**

[OAR Docket #10-1262]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:624-1-3. Authorizations and permits [AMENDED]

Subchapter 11. Fees [NEW]

252:624-11-1. Fees [NEW]

252:624-11-2. Fee escalator based on Consumer Price Index (CPI) [NEW]

SUMMARY:

The reason for the proposed rulemaking is to establish a fee schedule that will help cover some of the costs of operating the program, which has historically been supported entirely by appropriated funds. Additionally, the Department proposes to have fees automatically increase every year based on the rate of inflation.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. § 2-6-303 and 2-6-304

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

CONTACT PERSON:

The contact person is Robert Huber. He can be reached at Robert.Huber@deq.ok.gov (e-mail), (405) 702-6100 (phone) or (405) 702-6226 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

Notices of Rulemaking Intent

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1262; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

[OAR Docket #10-1263]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Permit Procedures

252:626-3-8. Variances from construction standards
[AMENDED]

252:626-3-10. Permit fees [AMENDED]

SUMMARY:

The Department proposes to increase permitting fees for public water supply construction permits. Additionally, the Department proposes to make the requirements for variances from construction standards in this Chapter consistent with the proposed variance requirements in OAC 252:656 (Water Pollution Control Facility Construction Standards) and to provide additional options in obtaining variances.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; 27A O.S. § 2-3-402 and 27A O.S. §§ 2-6-103, 2-6-303, 2-6-304 and 2-6-501

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period)

the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1263; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 631. PUBLIC WATER SUPPLY OPERATION

[OAR Docket #10-1264]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Introduction

252:631-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

Subchapter 3. Operations

252:631-3-21. Public water supply annual service fees
[AMENDED]

SUMMARY:

The Department proposes to modify the annual fees for public water supply systems. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2009, to July 1, 2010.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103 and 2-6-306

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1264; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS**

[OAR Docket #10-1266]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
 - 252:656-1-1. Purpose [AMENDED]
 - 252:656-1-2. Definitions [AMENDED]
- Subchapter 3. Permit Procedures
 - 252:656-3-1. Uniform permit process [AMENDED]
 - 252:656-3-2. Applications [AMENDED]
 - 252:656-3-4. Engineering report [AMENDED]
 - 252:656-3-5. Plans and specifications [AMENDED]
 - 252:656-3-6. Revisions [AMENDED]
 - 252:656-3-7. Variances from construction standards [AMENDED]
 - 252:656-3-8. Financial responsibility [AMENDED]
 - 252:656-3-9. Fees [AMENDED]
 - 252:656-3-10. Operation and Maintenance (O & M) Manual [NEW]
- Subchapter 5. Sanitary Sewer Standards
 - 252:656-5-2. Design standards [AMENDED]
 - 252:656-5-3. Materials [AMENDED]
 - 252:656-5-4. Construction standards [AMENDED]
 - 252:656-5-5. Tests [AMENDED]
- Subchapter 7. Pump Station Standards
 - 252:656-7-1. Pump station design [AMENDED]
 - 252:656-7-2. Suction lift pumps [AMENDED]
 - 252:656-7-4. Emergency operation [AMENDED]
- Subchapter 9. General Standards
 - 252:656-9-1. Plant location and design life [AMENDED]
 - 252:656-9-2. Essential facilities [AMENDED]
- Subchapter 11. Lagoon Standards
 - 252:656-11-2. Basis of design [AMENDED]
 - 252:656-11-3. Lagoon construction details [AMENDED]
- Subchapter 13. Preliminary Treatment Standards
 - 252:656-13-2. Grit chambers [AMENDED]
 - 252:656-13-3. Diurnal flow equalization [AMENDED]
 - 252:656-13-4. Wet weather flow equalization basins [AMENDED]
- Subchapter 16. Biological Treatment Standards
 - 252:656-16-1. Suspended growth systems [AMENDED]
 - 252:656-16-2. Attached growth systems [AMENDED]
 - 252:656-16-3. Biological nutrient removal [AMENDED]
- Subchapter 17. Clarifier Standards
 - 252:656-17-2. Clarifier design considerations [AMENDED]
 - 252:656-17-3. Sludge and scum removal [AMENDED]
- Subchapter 19. Sludge Facility Standards
 - 252:656-19-1. Design considerations [AMENDED]

Notices of Rulemaking Intent

252:656-19-2. Anaerobic sludge digestion [AMENDED]
252:656-19-3. Aerobic sludge digestion [AMENDED]
252:656-19-5. Sludge dewatering [AMENDED]
252:656-19-5.1. Lime stabilization [AMENDED]
252:656-19-6. Stabilized sludge holding facilities [AMENDED]
Subchapter 21. Disinfection Standards
252:656-21-1. Disinfection criteria [AMENDED]
252:656-21-2. Chlorine disinfection [AMENDED]
252:656-21-3. Ultraviolet radiation disinfection [AMENDED]
252:656-21-4. Ozone disinfection [REVOKED]
Subchapter 23. Supplemental Treatment Standards
252:656-23-2. ~~Submerged rock-Disc~~ filters [AMENDED]
252:656-23-3. Post-aeration [AMENDED]
Subchapter 25. Wastewater Land Application Systems
252:656-25-1. The slow rate land application process [AMENDED]
252:656-25-2. Slow rate system design [AMENDED]
Subchapter 27. Wastewater Reuse [NEW] [RESERVED]
Appendix A. Design Tables [REVOKED]
Appendix A. Design Tables [NEW]
Appendix B. Settling Tank Minimum Design Criteria [REVOKED]
Appendix B. Secondary and/or Final Clarifier Minimum Design Criteria [NEW]
Appendix C. Cascade Aeration [REVOKED]
Appendix C. Cascade Aeration [NEW]
Appendix E. Table of Rainfall and Evaporation Data by County [NEW]

SUMMARY:

The Department proposes to increase municipal wastewater construction permit application fees. In addition, the Department proposes to: (1) limit who is eligible to obtain a wastewater construction permit in accordance with the modifications to 27A O.S. 2-6-401, enacted in April of 2010; (2) have the information contained in an engineering report match what the Funding Agency Coordinating Team (FACT) requires to aid the regulated community in obtaining the necessary permits from the Department as well as aiding the regulated community in obtaining public funds for the construction of projects; (3) move Operation and Maintenance Manual development requirements into its own section; (4) make the requirements for variances from construction standards in this Chapter consistent with the proposed variance requirements in OAC 252:626 (Public Water Supply Construction Standards) and to provide additional options in obtaining variances; (5) allow for any ASTM approved material to be used for manholes (currently the rule specifies the types of materials to be used); (6) establish additional criteria for emergency operations to continue at a wastewater treatment facility in the event that the main source of electricity to operate the facility is not available; (7) require disinfection from lagoon systems that discharge to "waters of the state" where beneficial use of the receiving water body is designated

in Oklahoma's Water Quality Standards (OAC 785:45) as either "Primary Body Contact Recreational" or "Public or Private Water Supply;" (8) require written certification concerning the seal of a lagoon; (9) require grit chambers on all mechanical wastewater treatment plants; (10) establish requirement for vortex-type grit chambers; (11) require the addition of chemicals if necessary to raise alkalinity to facilitate nitrification for ammonia removal; (12) specifically limit when a rotating biological contactor may be installed; (13) to require the minimum side water depth of a primary clarifier to be 12 feet; (14) require specific temperatures be maintained during sludge decomposition; (15) allow the use of sludge boxes; (16) revoke the rules concerning ozone disinfection; (17) establish requirements for flocculation and filters; (18) restrict land application sites to those locations with slopes of 5% or less; (19) reserve a new Subchapter for wastewater reuse; (20) create Appendix E which contains a County Rainfall Table that has been revised to include additional data from the Oklahoma Geological Survey; (21) clarify other minor language modifications.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1266; filed 11-5-10]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

[OAR Docket #10-1267]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:690-1-2. Definitions [AMENDED]
- 252:690-1-3. Technical acronyms [AMENDED]
- 252:690-1-4. Incorporation of USEPA regulations by reference [AMENDED]
- 252:690-1-7. Water quality management planning [AMENDED]
- Subchapter 3. Point Source Discharges
- 252:690-3-2. Measurable levels and data characterization [AMENDED]
- 252:690-3-14. Requirements specific to numeric criteria for toxic substances for the Fish and Wildlife propagation beneficial use [AMENDED]
- 252:690-3-19. TREs, TIEs and WET limits [AMENDED]
- 252:690-3-32. Test failure notification and retesting [AMENDED]
- 252:690-3-41. WET testing frequency and trial period [AMENDED]
- 252:690-3-42. WET testing frequency reductions after WET testing trial period [AMENDED]
- 252:690-3-60. Receiving water characterization for the implementation of dissolved oxygen criteria to protect the Fish and Wildlife Propagation beneficial use [AMENDED]
- 252:690-3-62. Modeling procedures for the implementation of dissolved oxygen criteria to protect

- the Fish and Wildlife Propagation beneficial use [AMENDED]
- 252:690-3-86. Implementation of bacteriological criteria to protect the Primary Body Contact Recreation (PCBR) and the Secondary Body Contact Recreation (SBCR) beneficial use [AMENDED]
- 252:690-3-88. Effluent monitoring [AMENDED]
- 252:690-3-89. Effluent monitoring frequency where permit limitations are required [AMENDED]
- 252:690-3-91. Performance-based monitoring frequency reductions and increases [AMENDED]
- Appendix A. Water Quality Standards Implementation Plan Department of Environmental Quality [REVOKED]
- Appendix A. Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality [NEW]
- Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [REVOKED]
- Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]
- Appendix I. Performance-Based Effluent Monitoring Frequency Reductions [REVOKED]
- Appendix I. Performance-Based Effluent Monitoring Frequency Reductions [NEW]

SUMMARY:

The Department proposes to modify the requirements of this chapter to: (1) establish minimum quantification levels (MQL) in Appendix B; (2) clarify MQL data characterization; (3) require facilities to pass three consecutive retests within a six-month period following a whole effluent toxicity (WET) testing failure; (4) clarify that WET retests cannot be substituted for regularly scheduled WET testing; (5) revise the definition of "Intermittent toxicity" to include sublethal test failures as mandated by EPA; (6) clarify that quarterly WET testing will continue for the life of a permit following a sublethal test failure; (7) clarify that WET biomonitoring frequencies cannot be reduced during the first permit cycle; (8) modify this chapter to establish secondary body contact recreational parameters upon regulated entities when necessary; (9) require industries that discharge oxygen demanding substances to conduct process control tests at the same frequency currently established for municipalities; (10) require municipalities and industries to report control tests in accordance with federal regulations; (11) update the dates of the incorporation by reference of certain federal regulations from July 1, 2009, to July 1, 2010; and (12) clarify other minor language modifications.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral

Notices of Rulemaking Intent

comments may be made at the Water Quality Management Advisory Council meeting on January 11, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 11, 2011, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1267; filed 11-5-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION

[OAR Docket #10-1268]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

252:710-1-4. Definitions [AMENDED]

252:710-1-5. Application requirements [AMENDED]

252:710-1-6. Validated exams [AMENDED]

252:710-1-7. Renewals [AMENDED]

252:710-1-12. Certification fee schedule [AMENDED]

Subchapter 3. Certification

252:710-3-31. Certificate required [AMENDED]

252:710-3-34. Classes of certifications [AMENDED]

Appendix A. Classification of Community and Non-transient, Non-community Water Systems, Wastewater Systems and Laboratories (OAC 252:710-3-33) [REVOKED]

Appendix A. Classification of Community and Non-Transient, Non-Community Water Systems, Wastewater Systems and Laboratories (OAC 252:710-3-33) [NEW]

SUMMARY:

The Department proposes to increase Waterworks and Wastewater Works Operator Certification application and annual fees. Additionally, the Department proposes to do the following: (1) define "associated training class" and "DEQ proctored exam"; (2) clarify application and exam requirements; (3) clarify certification requirements; (4) moving all references to fees to one section; and (5) clarify that plumbers are required to be licensed by the Oklahoma Construction Industries Board.

AUTHORITY:

Environmental Quality Board and Waterworks and Wastewater Works Advisory Council, 27A O.S. §§ 2-2-101; and 59 O.S. §§ 1103 and 1104.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2010, through December 31, 2010. Oral comments may be made at the meeting of the Waterworks and Wastewater Works Advisory Council to be held on January 14, 2011, and at the Environmental Quality Board meeting on February 25, 2011.

PUBLIC HEARING:

Before the Waterworks and Wastewater Works Advisory Council on January 14, 2011, at 10:00 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 25, 2011, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by this rule provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULE:

The proposed rule may be obtained from the contact person or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102. Additionally, the proposed rules are available on-line at www.deq.state.ok.us/wqdnew/index.html.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. The TDD Relay Number is 1-800-522-8506, or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1268; filed 11-5-10]

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

[OAR Docket #10-1254]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits

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

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before January 11, 2011. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pam Miller

PUBLIC HEARING:

A public hearing will be held: January 6, 2011 at 1:00 PM, at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, January 6, 2011, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before December 1, 2010 at the offices of OHFA.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #10-1254; filed 11-4-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[OAR Docket #10-1270]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:1-1-2. Legal Basis [AMENDED]

377:1-1-3. Description of the Office of Juvenile Affairs (OJA) [AMENDED]

377:1-1-5. Board of Juvenile Affairs [AMENDED]

377:1-1-7. Legal Base for the Rates and Standards Committee [AMENDED]

377:1-1-11. Executive Director [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to J Lynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 J Lynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of J Lynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1270; filed 11-9-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #10-1271]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director

Part 1. Legislative Liaison

377:3-1-1. Legislative Liaison [AMENDED]

Part 3. Office of the Advocate General

377:3-1-20. Legal base and authority [AMENDED]

377:3-1-26. Advocate General procedures during an abuse, neglect, or caretaker misconduct investigation for other than OJA secure institutions [AMENDED]

377:3-1-34. Coordination with other monitoring entities [AMENDED]

Part 5. Media and Community Relations

377:3-1-46. General provisions [AMENDED]

377:3-1-47. Media access to OJA [AMENDED]

Subchapter 3. Office of General Counsel Services

Part 1. General Provisions

377:3-3-2. Legal base [AMENDED]

Subchapter 5. Office of Human Resources Management

Part 1. Overview of the Office of Human Resources Management

377:3-5-1. Purpose [AMENDED]

Subchapter 7. Finance Department

377:3-7-1. Legal basis [AMENDED]

Subchapter 9. Office of Policy

Part 7. Policy and Accreditation

377:3-9-40. Legal basis [AMENDED]

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-35. Legal basis [AMENDED]

- 377:3-13-37. Organization, administration and finances [AMENDED]
- 377:3-13-39. Admission procedure and criteria [AMENDED]
- 377:3-13-45. Program and services [AMENDED]
- Part 5. Requirements for Municipal Juvenile Facilities
- 377:3-13-60. Legal basis [AMENDED]
- 377:3-13-62. Standards [AMENDED]
- Part 7. Requirements for Community Intervention Centers (CIC)
- 377:3-13-80. Legal basis [AMENDED]
- 377:3-13-81. Structure [AMENDED]
- 377:3-13-82. General provisions [AMENDED]
- 377:3-13-88. Personnel [AMENDED]
- 377:3-13-90. Security and control[AMENDED]
- Subchapter 15. Information Technology Department
- Part 1. General Provisions
- 377:3-15-2. Legal basis [AMENDED]
- 377:3-15-3. JOLTS requirements [AMENDED]
- Subchapter 17. Federal Funds Development Unit
- Part 1. General Provisions
- 377:3-17-2. Legal basis [AMENDED]
- Subchapter 19. Contract, Procurement and Support Services
- 377:3-19-1. Purpose and legal base [AMENDED]
- 377:3-19-3. Contracting [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). In addition to the majority of the non-substantive citation changes: Rule revisions in Chapter 3, Subchapter 1, 377:3-1-1, are due to modifications to the Legislative Liaison title and responsibilities. Rule revisions in Chapter 3, Subchapter 1, 377:3-1-34 and 377:3-13-45, are due to clerical errors. Rule revisions in Chapter 3, Subchapter 1, 377:3-1-46 and 377:3-1-47, are due to modifications to the Director of Media and Community Relations title and responsibilities.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1271; filed 11-9-10]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 5. OFFICE OF THE PAROLE
BOARD RELEASE FROM INSTITUTIONAL
PLACEMENT**

[OAR Docket #10-1272]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:5-1-1. Purpose [AMENDED]
- 377:5-1-3. Legal basis [AMENDED]
- 377:5-1-4. Definitions [NEW]
- Subchapter 3. Pre-Release Planning
- 377:5-3-1. Pre-release planning [AMENDED]
- 377:5-3-2. Scheduling of the tentative targeted review date [AMENDED]
- 377:5-3-3. Parole [AMENDED]
- 377:5-3-4. Targeted review date [AMENDED]
- 377:5-3-6. Rules of Supervised Community Placement for Step-down or Reentry [NEW]
- Subchapter 5. Hearings
- 377:5-5-3. Parole revocation hearing [AMENDED]
- 377:5-5-4. Administrative Transfer Hearing—(community) [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). In addition to the majority of the non-substantive citation changes: Rule revisions in Chapter 5, heading and Subchapters 1, 3 and 5, have amendatory and/or new language pertaining to step-down or reentry programs.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1272; filed 11-9-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #10-1273]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:10-1-1.1. Definitions [AMENDED]

377:10-1-3. Discipline [AMENDED]

377:10-1-7. Confidential records [AMENDED]

377:10-1-8. Agency records [AMENDED]

377:10-1-9. Information sharing [AMENDED]

377:10-1-10. Disclosure of records pertaining to serious and habitual juvenile offenders without court order [AMENDED]

377:10-1-11. Documents and records [AMENDED]

Subchapter 3. Placement

377:10-3-1. Purpose [AMENDED]

377:10-3-2. Placement process [AMENDED]

377:10-3-3. Delinquent and youthful offender classification [AMENDED]

Subchapter 5. Agreements Between States for Placement and Transfers of Juveniles

377:10-5-2. Legal authority [AMENDED]

377:10-5-4. Interstate Compact on the Placement of Children [AMENDED]

Subchapter 7. Contract Programs and Services

Part 1. General Provisions and Foster Care

377:10-7-1. Purpose [AMENDED]

377:10-7-3. Foster care [AMENDED]

377:10-7-4. Therapeutic foster care [AMENDED]

377:10-7-5. Specialized community home [AMENDED]

377:10-7-7. Kinship foster care [AMENDED]

Part 5. Detention

377:10-7-30. Legal base [AMENDED]

Part 7. Independent and Transitional Living

377:10-7-40. General provisions [AMENDED]

377:10-7-41. Independent living programs [AMENDED]

377:10-7-42. Transitional living programs [AMENDED]

Part 9. Contracted Services

377:10-7-50. Legal base [AMENDED]

Subchapter 11. Child in Need of Mental Health Treatment [AMENDED]

377:10-11-1. Child in need of Mental Health Treatment [AMENDED]

Subchapter 13. Regimented Juvenile Training Program Standards

Part 1. General Provisions

377:10-13-1. Legal base [AMENDED]

Part 3. Personnel

377:10-13-13. Criminal record checks [AMENDED]

Part 17. Security and Control

377:10-13-89. Juvenile rights [AMENDED]

377:10-13-90. Use of force [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). In addition to the majority of the non-substantive citation changes: Rule revisions in Chapter 10, Subchapter 7, 377:10-7-3, 377:10-7-4, 377:10-7-5 and 377:10-7-7, are due to modifications to foster care, as per House Bill 2028 (2009).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1273; filed 11-9-10]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. OFFICE OF JUVENILE
AFFAIRS**

[OAR Docket #10-1274]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General provisions

377:10-1-4. Use of physical force and/or mechanical restraints [AMENDED]

377:10-1-4.1. Use of chemical agents [NEW]

377:10-1-4.2. Use of Electrical Conducted Device (ECD) [NEW]

SUMMARY:

Rule revisions in Chapter 10 are due to non-substantive citation changes, as per House Bill 2029 (2009), as well as providing for amending and new language pertaining to the use of physical force and/or mechanical restraints, as provided by House Bill 2729 (2010).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812, Attn: JLynn Hartman. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1274; filed 11-9-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[OAR Docket #10-1275]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:15-1-2. Authority, legal basis, and scope [AMENDED]

Subchapter 5. Designation of Community-based Youth Services Agencies

377:15-5-2. Application for "Youth Services Agency" designation [AMENDED]

377:15-5-4. Requirements for the Application [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1275; filed 11-9-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[OAR Docket #10-1276]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. State Plan for Shelter Services [NEW]

SUMMARY:

Rule revisions in Chapter 15 are due to the addition of a State Plan for Shelter Services.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812, Attn: JLynn Hartman. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the

comment period, in dollar amounts if possible, 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 Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1276; filed 11-9-10]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 25. JUVENILE SERVICES UNIT**

[OAR Docket #10-1277]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 377:25-1-2. Legal basis, authority, and scope [AMENDED]
- Subchapter 3. Pre-court
 - Part 1. Juvenile Detention
 - 377:25-3-1. Legal base [AMENDED]
 - 377:25-3-2. Detention recommendations [AMENDED]
 - Part 3. Services to Custody Juveniles
 - 377:25-3-15. Intake/preliminary inquiry [AMENDED]
 - Part 5. Restitution
 - 377:25-3-40. Juvenile Offender Victim Restitution Work Program [AMENDED]
- Subchapter 5. Court
 - 377:25-5-2. Probation responsibilities [AMENDED]
- Subchapter 7. Custody
 - Part 3. Services to Custody Juveniles
 - 377:25-7-17. Medical needs [AMENDED]
 - Part 9. Extended custody
 - 377:25-7-50. Retention of custody guideline [AMENDED]
- Subchapter 9. Caseworker Services
 - Part 1. Services provided by the JSU worker
 - 377:25-9-1. Financial support [AMENDED]

- 377:25-9-2. Case plan/Individual treatment and service plan (ITSP) [AMENDED]
- 377:25-9-3. Absent without official leave (AWOL) [AMENDED]
- Subchapter 11. Case Records and Reports
 - 377:25-11-3. Reports for court reviews [AMENDED]
 - 377:25-11-5. Juvenile sex offender registry [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1277; filed 11-9-10]

Notices of Rulemaking Intent

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 30. RESIDENTIAL SERVICES

[OAR Docket #10-1278]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:30-1-1. Legal basis, scope, and purpose [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to J Lynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 J Lynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of J Lynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1278; filed 11-9-10]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 35. INSTITUTIONAL SERVICES

[OAR Docket #10-1279]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:35-1-1. Legal basis [AMENDED]

Subchapter 9. Juvenile Rights

377:35-9-1. Juvenile rights [AMENDED]

377:35-9-4. Access to courts/counsel [AMENDED]

Subchapter 11. Juvenile Rules/Discipline

377:35-11-1. Juvenile rules and discipline [AMENDED]

377:35-11-6. Visitation on campus [AMENDED]

Subchapter 17. Ancillary Programs

377:35-17-1. Education [AMENDED]

SUMMARY:

Rule revisions are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). In addition to the majority of the non-substantive citation changes, Rule revisions in Chapter 35, Subchapter 17, 377:35-17-1, are due to modification to the Education Program, as provided for in House Bill 2753 (2010).

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 1, 2010 through January 2, 2011 at: Office of Juvenile Affairs, Attn: J Lynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to J Lynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 5, 2011 at the Office of Juvenile Affairs, Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, 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 JLynn Hartman at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the attention of JLynn Hartman, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #10-1279; filed 11-9-10]

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

[OAR Docket #10-1269]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 485:10-1-2. [AMENDED]
- Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse
- 485:10-7-3. [AMENDED]
- Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse
- 485:10-9-3. [AMENDED]
- Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Nurses
- 485:10-16-1. [AMENDED]
- 485:10-16-3. [AMENDED]

SUMMARY:

In Subchapter 10, definitions are proposed for "academic credit hours" and "continuing education contact hours" in section 485:10-1-2. These definitions support rules that are proposed for section 485:10-7-3 and 485:10-9-3 that establish a mechanism to evaluate continuing qualifications for practice for licensed nurses. In addition, the definitions can be used for evaluating compliance with Rules for nursing education program faculty members and advanced practice nurses with prescriptive authority.

Revisions proposed for sections 485:10-7-3 and 485:10-9-3 establish a mechanism to evaluate continuing qualifications

for practice for licensed nurses. Each licensed nurse would be required to verify that he/she was employed in a position that requires a registered nurse license with verification of at least 520 hours, or had completed at least twenty-four (24) contact hours of continuing education applicable to nursing practice, or was certified in a nursing specialty area, or had completed a Board-approved refresher course, or had completed at least six (6) academic semester credit hours of nursing coursework at the licensee's current level of licensure or higher.

In section 485:10-16-1, definitions for academic credit hours and continuing education contact hours are deleted, as they have been moved to 485:10-1-2. In section 485:10-16-3, a statement is added for clarification purposes regarding the need to hold prescriptive authority recognition for each advanced practice recognition and specialty certification.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §§567.2.A.3, 567.3a.5, 567.3a.6, 567.3a.7, 567.3a.8, 567.3a.10, 567.4.F, 567.4a.2, and 567.4a.3

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 17, 2011 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, R.N., Ed.D.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 25, 2011, at 5:30 p.m., at the Wyndham Garden Hotel Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 25, 2011.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 17, 2011, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, R.N., Ed.D.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2010. The rule impact statement may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #10-1269; filed 11-8-10]

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

[OAR Docket #10-1280]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Administrative Operations rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:1-5-40 has been amended to clarify policy and procedure regarding motions for rehearing and motions for reconsideration in an administrative proceeding.

New Subchapter 9, "Consumer Compliance Initiative" and the new sections contained therein have been added to implement the provisions of Section 5 of House Bill 2359 [2010] which authorizes the Tax Commission to establish a Consumer Compliance Initiative in order to encourage the voluntary disclosure and payment of consumer use taxes owed to the State of Oklahoma.

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

AUTHORITY:

68 O.S. §§ 203 and 1407.4; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 4, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 5, 2011, 10:30 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #10-1280; filed 11-9-10]

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

[OAR Docket #10-1281]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Ad Valorem [AMENDED]

SUMMARY:

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

Proposed amendments to **Subchapter 7**, "Manufacturing Facilities", have been made to provide for the requirement that county assessors retain a copy of all applications for the five-year ad valorem exemption and that representatives of entities applying for the five-year exemption must file an Oklahoma Power of Attorney [Form BT-129] with the Ad Valorem Division of the Tax Commission.

Proposed amendments to **Subchapter 14**, "Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate" have been made to clarify surviving spouse exemption qualification.

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

AUTHORITY:

68 O.S. §§ 203 and 2902(H); Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m. January 4, 2011, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: January 5, 2011, at 2:00 p.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #10-1281; filed 11-9-10]

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

[OAR Docket #10-1282]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 22. Boats and Motors [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Boats and Motors rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

New Section 710:22-5-11 has been added to reflect the provisions of Senate Bill 1398, Second Regular Session of the 52nd Legislature (2010), which relates to annual motor vessel and motor registration renewal notices. Taxpayers who choose to continue receiving the renewal notification via a mailed postcard will be charged an annual fee of \$0.50. Taxpayers who wish to be notified by an electronic mail type renewal notice will receive such notifications with no corresponding fee charges. Taxpayers also have the option of opting out of the notification system.

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 4, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln

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Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 5, 2011, 9:30 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #10-1282; filed 11-9-10]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 25. COIN OPERATED VENDING DEVICES

[OAR Docket #10-1283]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 25. Coin Operated Vending Devices [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Coin Operated Vending Devices rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:25-1-5 has been amended to implement Section 17 of House Bill 2359, enacted into law by the 52nd Legislature 2nd Regular Session, effective July 1, 2010, which modified Section 1503 of Title 68 of the Oklahoma Statutes, increasing the annual fee for each coin operated music device, coin operated amusement device and any coin operated vending device requiring a coin or thing valued at more than \$.25 cents or more from \$50.00 to \$150.00.

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

AUTHORITY:

68 O.S. §§ 203 and 1504; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 5, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 6, 2011, 10:00 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #10-1283; filed 11-9-10]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 35. ESTATES**

[OAR Docket #10-1284]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 35. Estates [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Estate tax rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:35-1-3 has been amended to update statutory citations.

Sections 710:35-3-21 and 710:35-3-23 have been amended to implement the provisions of Senate Bill 1895, Second Regular Session of the 52nd Legislature (2010), which provides that for deaths occurring on or after January 1, 2010, no release of estate tax liability is required. [58:635, 912, 1104]

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

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 10, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 11, 2011, 10:00.a.m. in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133,
FAX 405-522-0063, Email: LHaws@oktax.state.ok.us

[OAR Docket #10-1284; filed 11-9-10]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #10-1285]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Income Tax rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:50-3-45 has been amended to provide authorization for electronically captured signatures.

Section 710:50-9-3 has been amended to conform to current Oklahoma statutory law regarding the calculation of interest on refunds for income tax returns filed after January 1, 2010.

Sections 710:50-11-6 through 710:50-11-11 have been amended to implement the provisions of House Bill 1800, First Regular Session of the 52nd Legislature (2009) and House Bill 3166, Second Regular Session of the 52nd Legislature (2010) to include unpaid fines and cost due to a municipal court in the claims that may be made against a state income tax refund.

Section 710:50-13-9 has been amended to correct a scrivener's error.

Section 710:50-15-51 has been amended to reflect the provisions of the Military Spouses Residency Relief Act which provides for the income from services performed in Oklahoma by a nonresident spouse of a nonresident servicemember may be exempt from Oklahoma income tax under certain conditions.

Sections 710:50-15-75, 710:50-15-82 and 710:50-20-1 have been amended to update statutory citations.

Section 710:50-15-76, Oklahoma coal credits, has been amended to implement the provisions of Senate Bill 1267 which provides for an income tax credit moratorium and extends the sunset date to 2014.

New Section 710:50-15-111 has been added to implement the provisions of House Bill 2250, First Regular Session of the 52nd Legislature (2009), which provides for an income tax credit in the amount of all electronic funds transfers fees paid by an individual or entity.

New Section 710:50-15-112 has been added to implement the provisions of House Bill 3024 which provides an income

tax credit to electric vehicle manufacturers for electric vehicles manufactured after June 30, 2010

New Section 710:50-15-113 has been added to implement the provisions of Senate Bill 1919 which provides for an income tax credit for donations to a qualifying cancer research institute.

Sections 710:50-15-74, 710:50-15-81, 710:50-15-84, 710:50-15-85, 710:50-15-86, 710:50-15-87, 710:50-15-91, 710:50-15-92, 710:50-15-95, 710:50-15-97, 710:50-15-98, 710:50-15-99, 710:50-15-101, 710:50-15-103, 710:50-15-104, 710:50-15-105, 710:50-15-106, 710:50-15-107, 710:50-15-108 and 710:50-15-109 have been amended and new Section 710:50-15-110 has been added to implement the provisions of Senate Bill 1267, Senate Bill 1590 and House Bill 3024 (52nd Legislature, 2nd Regular Session), which provide for an income tax credit moratorium.

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

AUTHORITY:

68 O.S. §§203; 205.2(G); 2357.11(H); 2357.22(I); 2357.30; 2357.32A; 2357.32B; 2357.41; 2357.46; 2357.47; 2357.59; 2357.63D; 2357.66; 2357.67; 2357.74D; 2357.102; 2357.104; 2357.402; 2358; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 10, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 11, 2011, 9:00 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #10-1285; filed 11-9-10]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 55. MOTOR FUEL**

[OAR Docket #10-1286]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 55. Motor Fuel [AMENDED]

SUMMARY:

Section 710:55-1-2, *Definitions*, has been amended to add the definition of "ethanol" and "fuel grade ethanol".

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 4, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the

proposed rules. Time, Date and Place of the hearing are as follows: January 5, 2011, 10:00 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #10-1286; filed 11-9-10]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #10-1287]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Motor Vehicle rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:60-3-25 and 710:60-3-37 have been amended to clarify the delinquent registration penalty waiver process for Oklahoma resident armed forces personnel stationed outside of this state, pursuant to the provisions of Senate Bill 1816.

New Section 710:60-3-26 has been added to reflect the provisions of Senate Bill 1954 which provides for the online vehicle registration renewal process.

New Section 710:60-3-27 has been added to reflect the provisions of Senate Bill 1397 which provide for vehicle registration renewal notification options.

Section 710:60-3-111 has been amended to clarify policy that an owner's driver license number, rather than social security number, may be utilized as an identifying number when registering a farm trailer lacking a serial number.

New Section 710:60-5-63 has been added to reflect the provisions of House Bill 2730 which provides that any law enforcement agency in this state that seizes a vehicle in which a controlled dangerous substance has been manufactured and is eligible for forfeiture pursuant to 63 O.S. § 2-503 may request that the OTC brand the certificate of title with the notation "Drug Manufacture Vehicle."

Section 710:60-5-78 has been amended to clarify policy regarding certain licensed dealer vehicle sales which are dependent upon financing may be considered cancelled if said financing is not secured.

Section 710:60-5-91 has been amended to clarify policy that a major component replacement results in application of assembled vehicle policy and process.

Section 710:60-5-116 has been amended to further define certain terms used in the applicable statutes and to clarify procedures to be followed by persons claiming a possessory lien when there is no documentation that the owner has requested the furnishing of service from the applicant.

Section 710:60-9-53 has been amended to clarify policy that the Tax Commission may authorize the disposal of unissued accountable items by motor license agents.

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

AUTHORITY:

68 O.S. § 203 and 47 O.S. §§ 1105.4, 1140, 1146, 1149 and 1151; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 4, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln

Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 5, 2011, 9:00 a.m. in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: LHaws@oktax.state.ok.us

[OAR Docket #10-1287; filed 11-9-10]

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

[OAR Docket #10-1288]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales and Use Tax rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Section 710:65-3-4 has been amended in accordance with § 14 of House Bill 2359 which sets vendor sales and use tax discount/remuneration at 1%. [68:1367.1 and 1410.1]

New Section 710:65-7-17.1, in accordance with Senate Bill 1084 [2006] and Senate Bill 1321 [2010], has been added to set forth the punishment for vendors who refuse to accept qualifying 100% disabled veterans' claims for sales tax exemption. [68:1361.1]

A New Part 18, dealing with precious metals, has been added to Subchapter 13. A New Section 710:65-13-95 has been adopted to reflect the provisions of § 5 of House Bill 3166 which created a sales tax exemption for sales of gold, silver, platinum, palladium or other bullion items stored within a recognized depository facility. [68:1357(42)]

Section 710:65-13-172, relating to the sales tax exemption for certain community health centers, migrant health centers, indigent health care clinics, certain community-based health care centers, and community mental health centers, has been amended to correct a clerical error. [68:1356(22)]

Section 710:65-13-173, dealing with the sales tax exemption for medical appliances, medical devices and other medical equipment furnished to Medicare/Medicaid program recipients, has been amended to reclassify certain medical equipment. [68:1357.6]

Section 710:65-13-275 has been amended to advise qualifying 100% disabled veterans of the availability of the applicable form for complaints regarding denial of claims of sales tax exemption by vendors.

Section 710:65-18-3 has been amended consistent with § 3 of House Bill 3166 which removes the January 1, 2011 application of destination sourcing to florist sales and establishes that all sales by a florist must be sourced to its business location, and to comply with current statutory authority. [68:1354.27]

Section 710:65-19-50, "Coins and bullion" has been amended to reflect the provisions of House Bill 3166 to reference the sales tax exemption for qualifying sales of gold, silver, platinum, palladium or other bullion items.

New Section 710:65-21-8 has been added to reflect the provisions of House Bill 2359 regarding notice requirements

for certain out-of-state retailers or vendors not registered in Oklahoma

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

AUTHORITY:

68 O.S. §§ 203, 1354.18, 1406.1; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m. January 5, 2011 to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: January 6, 2011 at 10:30 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #10-1288; filed 11-9-10]

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

[OAR Docket #10-1289]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 70. Tobacco, Tobacco Products, and Cigarettes
[AMENDED]

SUMMARY:

Section 710:70-2-10 has been amended to clarify that a discount is not available to a purchaser who has an outstanding assessment or delinquent report.

Section 710:70-2-50 has been amended to implement the provisions of Senate Bill 608 [2009] which requires electronic filing by every wholesaler or manufacturer. [68:312]

Section 710:70-7-4 has been amended to implement the provisions of Senate Bill 608 [2009] to include tax-free stamps for non-compacting tribes. [68:349.1]

Section 710:70-7-5 has been revoked because it no longer complies with current statutory authority.

Sections 710:70-7-8 and 710:70-7-9 have been amended to implement the provisions of Senate Bill 608 [2009] to include tax-free stamps for non-compacting tribes sales to members and the tax stamp rate for sales by non-compacting tribes to nontribal members.

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203, 304, 322, 415 and 420

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 4, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing

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

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 5, 2011, 1:30 p.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

CONTACT PERSON:

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

[OAR Docket #10-1289; filed 11-9-10]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 85. VARIOUS TAX INCENTIVES**

[OAR Docket #10-1290]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 85. Various Tax Incentives [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Various Tax Incentive rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Sections 710:85-3-1 and 710:85-5-1 have been amended to update statutory citations.

Section 710:85-5-8 has been amended to clarify policy and eliminate confusion regarding the reporting of the total amount of gross payroll, rather than the individual amounts. [68:3905]

Section 710:85-5-15 has been amended to implement the provisions of Section 2, Senate Bill 1966, Second Regular Session of the 52nd Legislature (2010), which extends to twenty-four (24) months the period in which a Small Quality Jobs participant is allowed to meet its contractual requirements for new jobs and average annualized wages. [68:3905]

Section 710:85-7-3 has been amended to comply with current statutory law which requires a production company to either have already filed or will file an Oklahoma tax return to be eligible for a rebate payment. [68:3624]

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

AUTHORITY:

68 O.S. § 203 and 3907; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 10, 2011, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: January 11, 2011, 10:30.a.m. in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on

the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: LHaws@oktax.state.ok.us

[OAR Docket #10-1290; filed 11-9-10]

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

[OAR Docket #10-1291]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 52nd Legislature (2010) unless otherwise indicated.

Notices of Rulemaking Intent

Subchapter 5, "Waste Tire Recycling", has been amended consistent with Section 1 of Senate Bill 441 [2010] relating to the transactions and vehicles to which waste tire fees are applicable.

New Subchapter 17, "Prepaid Wireless Fee" and the new sections contained therein have been added to implement the provisions of House Bill 2556 [2010] which impose a \$0.50 fee on every retail sale of prepaid wireless telecommunication services.

New Subchapter 19, "Business Activity Tax" and the new sections contained therein have been added to implement the provisions of SJR 61 [2010] which impose a tax of \$25 per year on all non-corporate entities "doing business" in Oklahoma and an additional tax of 1% of the net revenue derived from business activity allocated to Oklahoma.

Sections 710:95-3-3, 710:95-9-2 and 710:95-9-3 have been amended to update statutory citations.

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S §§ 203 and 1221; 63 O.S. § 2843.2; 27A O.S. § 2-11-401.6

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 5, 2011, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: January 6, 2011 at 11:00 a.m. in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 15, 2010 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #10-1291; filed 11-9-10]

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

[OAR Docket #10-1248]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [AMENDED]

SUMMARY:

This rule will update the Outdoor Store publications available to the public by deleting discontinued items, adding new items and revise a section name change. All of the listed items are voluntary purchases.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 7, 2011, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 4, 2011

Time: 7:00 p.m.

McAlester - Kiamichi Vo-Tech 301 Kiamichi Dr (Sw corner of Hwy 69 and Carl Albert Dr)

Date: January 6, 2011

Time: 7:00 p.m.

Idabel - Kiamichi Vo-Tech 3205 Lincoln Road NE (3 miles N of Hwy 259)

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2010 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Nels Rodefeld, Chief of I&E Division, 405/521-3855 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #10-1248; filed 11-2-10]

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

[OAR Docket #10-1249]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Chapter 10. Sport Fishing Rules [AMENDED]

SUMMARY:

These rules will remove Lake Wayne Wallace from "Department Fishing Areas", modify size and bag limits for fish on several lakes, change rules for the transport of shad used for bait, include crossbows in the definition of bow and arrow, add a definition for non-commercial netting, increase fishing opportunity on Black Fork Creek, increase fishing opportunity for paddlefish anglers using a bow and arrow and delete language regarding the Blue River Conservation Passport.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 7, 2011, at the following address: Oklahoma Department of Wildlife conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 4, 2011

Time: 7:00 p.m.

McAlester - Kiamichi Vo-Tech 301 Kiamichi Dr (SW corner of Hwy 69 and Carl Albert Dr)

Date: January 6, 2011

Time: 7:00 p.m.

Idabel - Kiamichi Vo-Tech 3205 Lincoln Road NE (3 miles N on Hwy 259)

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2010 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #10-1249; filed 11-2-10]

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

[OAR Docket #10-1250]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Chapter 20. Restriction on Aquatic species Introduction [AMENDED]

SUMMARY:

These rules will clarify language regarding removal of aquatic plants from boats, trailers, etc. and add new language regarding possession of aquatic nuisance species.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 7, 2011, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

Notices of Rulemaking Intent

PUBLIC HEARINGS:

Date: January 4, 2011

Time: 7:00 p.m.

McAlester - Kiamichi Vo-Tech 301 Kiamichi Dr (SW corner of Hwy 69 and Carl Albert Dr)

Date: January 6, 2011

Time: 7:00 p.m.

Idabel - Kiamichi Vo-Tech 3205 Lincoln Road NE (3 miles N on Hwy 259)

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2010 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #10-1250; filed 11-2-10]

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

[OAR Docket #10-1251]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wildlife Rules [AMENDED]

SUMMARY:

These rules will clarify the open area for muzzleloader and deer gun season on a Wildlife Management Area (WMA); adjust spring turkey season and bag limits in southeast Oklahoma due to turkey population declines; adjust falconry rules to comply with federal regulations; define/allow crossbows for archery seasons, make it illegal to transport a loaded crossbow or a bow held at full or partial draw; clarify mountain lions may be taken when depredating domesticated animals or an immediate safety hazard; open gray fox season statewide; establish rules on new Grady County WMA; modify seasons, firearm restrictions, and bag limits on several WMA's; correct turkey tagging requirement for Lifetime License holders; remove restitution fee language.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 4-101 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 7, 2011, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 4, 2011

Time: 7:00 p.m.

McAlester - Kiamichi Vo-Tech 301 Kiamichi Dr (SW corner of Hwy 69 and Carl Albert Dr)

Date: January 6, 2011

Time: 7:00 p.m.

Idabel - Kiamichi Vo-Tech 3205 Lincoln Road NE (3 miles N on Hwy 259)

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2010 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #10-1251; filed 11-2-10]

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

[OAR Docket #10-1252]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Department of Wildlife Lands Management [AMENDED]

SUMMARY:

Establishes that a Wildlife Conservation Passport is required for entering or using lands owned and designated by the Commission, unless exempt; clarify camping regulations on a Wildlife Management Area; make it illegal to transport loaded

crossbow or bow held at full or partial draw in a vehicle and allow additional vehicle access to two WMA's.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 4-138 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 7, 2011, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 4, 2011

Time: 7:00 p.m.

McAlester - Kiamichi Vo-Tech 301 Kiamichi Dr (SW corner of Hwy 69 and Carl Albert Dr)

Date: January 6, 2011

Time: 7:00 p.m.

Idabel - Kiamichi Vo-Tech 3205 Lincoln Road NE (3 miles N on Hwy 259)

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 14, 2010 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #10-1252; filed 11-2-10]

Continued Hearings/Comment Periods

If an agency continues a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency may submit a notice of such continuation to the Office of Administrative Rules (OAR). The OAR publishes the continuation notice in the *Register* if such publication can be achieved at least five days prior to the announced date of the continued hearing or closing date of the continued comment period.

For additional information on continued hearings and comment periods, see OAC 655:10-7-28.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS

[OAR Docket #10-1265]

RULEMAKING ACTION:

Continued public hearing relating to a proposed PERMANENT rulemaking action.

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 252:641-1-2.1. Authorizations and permits for on-site sewage treatment systems
 - 252:641-1-3. General requirements for on-site sewage treatment systems
- Subchapter 3. Soil Tests
 - 252:641-3-2. Percolation test method
 - 252:641-3-4. Soil profile description test method

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 27 Ok Reg 2725.

CONTINUED PUBLIC HEARING:

Original public hearing:

Before the Environmental Quality Board in February 2011 (date to be determined) at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Continued to:

Before the Environmental Quality Board in February 25, 2011, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

RULE IMPACT STATEMENT:

DEQ has issued a rule impact statement. Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #10-1265; filed 11-5-10]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.
For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

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

[OAR Docket #10-1241]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 7. Environmental Permit Process
- Part 5. Land Protection Division Tiers and Time Lines
- 252:4-7-61. Brownfields applications - Tier I [REVOKED]
- 252:4-7-62. Brownfields applications - Tier II [REVOKED]
- 252:4-7-63. Brownfields applications - Tier III [REVOKED]

GUBERNATORIAL APPROVAL:

October 12, 2010

[OAR Docket #10-1241; filed 10-27-10]

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

[OAR Docket #10-1243]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 17. Incinerators
- Part 4. Biomedical Waste Incinerators [NEW]
- 252:100-17-8. Applicability [NEW]
- 252:100-17-9. Definitions [NEW]
- 252:100-17-10. Design and operation [NEW]
- 252:100-17-11. Emission limits [NEW]

GUBERNATORIAL APPROVAL:

October 12, 2010

[OAR Docket #10-1243; filed 10-27-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 220. BROWNFIELDS

[OAR Docket #10-1244]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions [REVOKED]
- 220-1-1. Purpose, authority and applicability [REVOKED]
- 220-1-2. Methodology [REVOKED]
- 220-1-3. Definitions [REVOKED]
- 220-1-4. Terms not defined by Code or rule [REVOKED]
- 220-1-5. Consideration of other laws [REVOKED]
- Subchapter 3. Applications [REVOKED]
- 220-3-1. Application process [REVOKED]
- 220-3-2. Application content [REVOKED]
- Subchapter 5. Procedure [REVOKED]
- 220-5-1. Site characterization [REVOKED]
- 220-5-2. Risk assessment [REVOKED]
- 220-5-3. Remedial option evaluation [REVOKED]
- 220-5-4. Remediation plan for preferred option [REVOKED]
- 220-5-5. Draft site cleanup plan [REVOKED]
- 220-5-6. Final site cleanup plan [REVOKED]
- 220-5-7. Consent Order [REVOKED]
- 220-5-8. Workplan [REVOKED]
- 220-5-9. Final report [REVOKED]
- Subchapter 7. Certificates [REVOKED]
- 220-7-1. No action determination [REVOKED]
- 220-7-2. Completion of Remediation Project [REVOKED]
- 220-7-3. Filing [REVOKED]
- Subchapter 9. Verification of Brownfields Projects [REVOKED]
- 220-9-1. Applicability [REVOKED]
- 220-9-2. Verification of projects [REVOKED]
- Subchapter 11. Brownfields Cleanup Revolving Loan Funds (BCRLF) [REVOKED]
- 220-11-1. Purpose, authority and applicability [REVOKED]
- 220-11-2. Definitions [REVOKED]
- 220-11-3. Borrower eligibility [REVOKED]
- 220-11-4. Ineligible fund uses [REVOKED]
- 220-11-5. Environmental response requirements [REVOKED]
- 220-11-6. Project selection criteria [REVOKED]
- 220-11-7. Protocol for demonstrating eligibility [REVOKED]
- 220-11-8. Special terms and conditions [REVOKED]
- 220-11-9. Loan discount [REVOKED]
- 220-11-10. Insurance [REVOKED]

GUBERNATORIAL APPROVAL:

October 12, 2010

[OAR Docket #10-1244; filed 10-27-10]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 221. BROWNFIELDS

[OAR Docket #10-1242]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions [NEW]
 - 221-1-1. Purpose, authority and applicability [NEW]
 - 221-1-2. Definitions [NEW]
 - 221-1-3. Methodology [NEW]
 - 221-1-4. Terms not defined by Code or rule [NEW]
 - 221-1-5. Consideration of other laws [NEW]
 - 221-1-6. Transitioning from Voluntary Cleanup Program to Brownfield Program [NEW]
 - 221-1-7. Superfund and Brownfield [NEW]
 - 221-1-8. Responsible parties [NEW]
- Subchapter 3. The Brownfield Program [NEW]
 - 221-3-1. General Requirements [NEW]
 - 221-3-2. Process [NEW]
 - 221-3-3. Proposal [NEW]
 - 221-3-4. Approval process [NEW]
 - 221-3-5. Public participation [NEW]
 - 221-3-6. Evaluation of public comments [NEW]
 - 221-3-7. Request for a No Action Necessary determination [NEW]

- 221-3-8. Remediation plan for preferred option [NEW]
- 221-3-9. Pre-certification inspection and written report [NEW]
- 221-3-10. Further remedial action [NEW]
- 221-3-11. Completion of remedial action [NEW]
- 221-3-12. Certificates [NEW]
- Subchapter 5. Verification of Brownfields Projects [NEW]
 - 221-5-1. Applicability [NEW]
 - 221-5-2. Verification of projects [NEW]
- Subchapter 7. Revolving Loan Funds (RLF) [NEW]
 - 221-7-1. Purpose, authority and applicability [NEW]
 - 221-7-2. Definitions [NEW]
 - 221-7-3. Borrower eligibility [NEW]
 - 221-7-4. Eligible uses [NEW]
 - 221-7-5. Ineligible fund uses [NEW]
 - 221-7-6. Environmental requirements [NEW]
 - 221-7-7. Project selection criteria [NEW]
 - 221-7-8. Protocol for demonstrating eligibility [NEW]
 - 221-7-9. Public Involvement [NEW]
 - 221-7-10. Final Decision Document [NEW]
 - 221-7-11. Special terms and conditions [NEW]
 - 221-7-12. Loan discount [NEW]
 - 221-7-13. Insurance [NEW]

GUBERNATORIAL APPROVAL:

October 12, 2010

[OAR Docket #10-1242; filed 10-27-10]

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 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #10-1245]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Special Education

210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program [NEW]

AUTHORITY:

70 O. S. § 3-104, State Board of Education

DATES:

Adoption:

August 26, 2010

Approved by Governor:

September 27, 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

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed rule, in accordance with House Bill 3393, will clarify the administrative procedures associated with this new law providing scholarships for eligible special education students.

ANALYSIS:

The proposed rule will clarify scholarship requests, payments, private school eligibility, the amount of the scholarship, and tracking of students receiving the scholarship.

CONTACT PERSON:

Connie Holland, 405-521-3308

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 13. SPECIAL EDUCATION

210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program

(a) **Scholarship Requests.** When a parent of an eligible student requests a scholarship, they must notify the district of residence. The district of residence is defined as the legal district of residence, unless the child is a child with an IEP who has been on a transfer of any kind for three consecutive years, in which case the district is then defined as the receiving district, as required by 70 O.S. 13-103(d). If a child is on a transfer of any kind, that does not meet the three-year rule, and accepts the scholarship, the transfer is effectively terminated.

(b) **Payments.** Payments will be made to the private school on a quarterly basis upon verification of continued enrollment and attendance at the private school. Payments will be made in arrears, following the completion of each quarter. The payments will be made after the private school provides the public school with a quarterly attendance record for each child receiving the scholarship.

(c) **Private School Eligibility.** In order to be eligible to accept students on the scholarship, private schools must be accredited by the State Board of Education or another accrediting association approved by the State Board of Education. Only school districts within the state of Oklahoma can be accredited by the State Board of Education. No out of state schools are eligible to participate in the scholarship program.

(d) **Amount of Scholarship.** Within ten business days of receipt by the public school district of the parental request the State Department of Education must receive from the public school a request form for a determination of the calculation of the maximum scholarship amount. The State Department of Education must provide the calculation of the maximum amount of the scholarship to the public school in writing within fifteen business days of the receipt of the request. The parent shall be notified of the maximum amount of the scholarship in writing in a timely manner, not to exceed thirty business days from the request. Scholarship amounts will be calculated at the time of the parental request and will not change during the course of the school year regardless of a school district's mid-year adjustments. The amount of the scholarship will be calculated annually as required by 70 O.S. 13-101.1, Section 2(F)(1).

(e) **Tracking.** School districts providing scholarships shall annually report for child-count and funding purposes, all students who are attending a private school under the scholarship program to the State Department of Education. Students must

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be reported as Lindsey Nicole Henry Scholarship Students on both the Special Education Child Count and the First Quarter Statistical Report (FQSR) and the Annual Statistical Report (ASR). These scholarship students will also be tracked through the WAVE.

[OAR Docket #10-1245; filed 10-27-10]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #10-1246]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Residency Program
210:20-15-1. Rules and regulations [NEW]

AUTHORITY:

70 O. S. § 3-104, State Board of Education

DATES:

Adoption:

August 26, 2010

Approved by Governor:

September 27, 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

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed rule is necessary to implement the new bill, House Bill 3029, effective July 1, 2010. The law states the State Department of Education shall exempt all school districts from convening and participating in residency committees for the fiscal years 2011 and 2012.

ANALYSIS:

New teachers will not be required to have a residency committee for fiscal years 2011 and 2012. The Resident Teacher Committee is no longer a requirement for first-year teachers; therefore, the license credential is not needed for the certification process.

CONTACT PERSON:

Connie Holland, 405-521-3308

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 15. RESIDENCY PROGRAM

210:20-15-1. Rules and regulations

For fiscal years 2011 and 2012 all school districts shall be exempt from convening and participating in residency committees. Initial certification will no longer require a license for a two-year period.

[OAR Docket #10-1246; filed 10-27-10]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, CEMETERY MERCHANDISE TRUSTS, AND VIATICAL SETTLEMENTS PROVIDERS AND BROKERS

[OAR Docket #10-1247]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors

365:25-3-1. Insurance producers continuing education [AMENDED]

365:25-3-14. Insurance adjusters continuing education [AMENDED]

Subchapter 23. Cemetery Merchandise Trusts [NEW]

365:25-23-1. Purpose [NEW]

365:25-23-2. Permit required [NEW]

365:25-23-3. Contract approval [NEW]

365:25-23-4. Forms [NEW]

365:25-23-5. Trust fund and trustee [NEW]

365:25-23-6. Surety bond [NEW]

365:25-23-7. Reports to trustee [NEW]

365:25-23-8. Annual report [NEW]

365:25-23-9. Notice of sale [NEW]

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1435.29, 6217 and 7124

DATES:

Adoption:

September 8, 2010

Approved by Governor:

October 19, 2010

Effective:

Immediately upon approval by the Governor

Expiration:

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

SUPERSEDED EMERGENCY RULES:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A compelling public interest requires the emergency rule due to House Bill 1611 and Senate Bill 2042, both enacted during the 2010 legislative session. House Bill 1611 requires claims adjusters for insurers authorized to transact workers' compensation insurance to complete six (6) hours of continuing education relating to the Workers' Compensation Act. The effective date of House Bill 1611 is November 1, 2010. The emergency rule further delineates, clarifies and implements the continuing education requirements applicable to adjusters who adjust workers' compensation claims in Oklahoma. The emergency rule provides for a reinstatement period for providers of continuing education. The rule also provides continuity in the provisions for repeating courses for both producers and adjusters. Senate Bill 2042 transfers the Cemetery Merchandise Trust Act from the Banking Department to the Insurance Department. Emergency rules are needed to establish procedures and rules for permitting, approving contracts, regulating trustees, surety bond requirements, and submission of forms and reports to the Insurance

Department. These rules must be in place prior to March 15 as this is the date by which permits must be renewed and on which permit holders must file an annual report with the Insurance Department.

ANALYSIS:

The amendments to sections 365:25-3-1 and 365:25-3-14 change the references to continuing education credit to continuing education. The amendments also add a provision for a reinstatement period for providers of continuing education and exempt nonprofit and not-for-profit organizations from payment of the required provider fee, but do require nonprofit and not-for-profit organizations to submit certain information. The amendment to section 365:25-3-1 allows producers to repeat ethics courses after a certain time period. The amendments to section 365:25-3-14 require adjusters adjusting workers' compensation claims in Oklahoma to complete six (6) hours of continuing education relating to the Oklahoma Workers' Compensation Act. The six hours are part of the twenty-four (24) clock hours of continuing education as set forth in 36 O.S. § 6217(D). Additionally, insurers are required to verify compliance by submission of certain documentation to the Insurance Department. The new Subchapter 23 creates rules for the implementation and regulation of the Cemetery Merchandise Trust Act. New section 365:25-23-1 sets forth the purpose of the subchapter. New section 365:25-23-2 requires any organization accepting money or anything of value for prepaid cemetery merchandise to obtain a permit from the Insurance Department. The rule sets forth reasons that the permit may be denied. New section 365:25-23-3 requires approval by the Insurance Department of contracts use in the sales of cemetery merchandise. New section 365:25-23-4 sets forth the required forms necessary for the Insurance Department to administer and regulate the Cemetery Merchandise Trust Act. New section 365:25-23-5 requires permit holders to inform the Insurance Department of the identity of the trustee if the funds are held in trust. New section 365:25-23-6 sets forth requirements for permit holders posting surety bonds. New section 365:25-23-7 provides the requirements for the report that must be submitted by each permit holder if the permit holder chooses to provide a summary of the relevant information contained in each contract. New section 365:25-23-8 requires each permit holder to file an annual report with the Insurance Department. The rule lists the information required to be submitted. New section 365:25-23-9 provides requirements that must be submitted to the Insurance Department when there is a sale or transfer of ownership.

CONTACT PERSON:

Melanie Pouncey Sullivan, Oklahoma Insurance Department, (405) 521-2749

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 3. PRODUCERS, BROKERS, LIMITED LINES PRODUCERS AND VEHICLE PROTECTION PRODUCT WARRANTORS

365:25-3-1. Insurance producers continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education, which an insurance producer must meet and to set forth the requirements for approval by the Insurance Commissioner of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) **"CEC" "CE"** means continuing education credit.
- (2) **"Certificate of course completion"** means a document acceptable to the Commissioner which signifies

satisfactory completion of the course and reflects hours of credit earned.

(3) **"Continuing Education Advisory Committee"** means the committee established by the Commissioner for the purpose of reviewing and recommending approval or disapproval of continuing education courses.

(4) **"Credit hour"** means at least fifty (50) minutes classroom instruction unless a correspondence or self-study course.

(5) **"Instructor"** means a person who presents course materials approved for continuing education credit hours, and who has experience, training, and/or education in the course subject matter and has been approved by the Commissioner.

(6) **"Instructor Qualification Form"** means a form acceptable to the Commissioner and completed by the instructor which documents qualifications of the instructor.

(7) **"Licensee"** means a natural person who is licensed by the Commissioner as an insurance producer.

(8) **"Provider"** means a person, corporation, professional association or its local affiliates, an insurance company or any other entity which is approved by the Commissioner and provides approved continuing education to insurance producers.

(9) **"Provider Course Completion Form"** means a form acceptable to the Commissioner and completed by the provider which documents completion of an approved course by a producer or producers.

(c) **Exceptions.** The requirements for continuing education in this section shall not apply to:

- (1) limited lines producers.
- (2) a non-resident producer who resides and is licensed in a state or district having continuing education requirements and the producer meets all the requirements of that state or district to practice therein. The non-resident producer shall be responsible for completing any reporting requirements necessary to verify completion.
- (3) a non-resident producer of a state that does not require continuing education hours may fulfill the requirements of any other state's continuing education requirements and shall be deemed to have complied with this rule upon proof of completion of said hours.

(d) **Continuing education requirements.**

(1) ~~CEC~~ **CE during twenty-four month period.** All licensees shall complete the required hours of continuing education as set forth in 36 O.S. § 1435.29 during each twenty-four month period. The twenty-four month period begins the first day of the month following the month in which the ~~the~~ after the license is granted. The credit hours completed must be in those lines in which the producer is licensed. Ethics shall include, but not be limited to, the study of fiduciary responsibility, commingling of funds, payment and acceptance of commissions, unfair claims practices, policy replacement consideration, and conflicts of interest.

(2) **Certificates of course completion required for license renewal.** If requested by the Insurance Department, each producer shall submit upon each licensing renewal

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certificate(s) of course completion as approved by the Insurance Department, which verify courses completed during the previous twenty-four month period.

(3) **Credits carried over.** Six (6) credit hours in excess of the minimum twenty-four month period requirement shall carry forward to the next twenty-four month period. Excess hours may be applied to bring a lapsed license into compliance.

(4) **Legislative updates.**

(A) At least two (2) of the continuing education credit hours of instruction completed by licensees each twenty-four month period shall be taken in the following topics:

- (i) state legislative updates
- (ii) federal legislative updates.

(5) **Credits for instructors.** An instructor who is a licensee shall receive the same continuing education credit for presenting approved course materials as a licensee who attends an approved classroom instructional session.

(6) **Prerequisite for renewal or reinstatement.** As a prerequisite for licensure renewal or upon reinstatement following a lapse of license, a producer must submit, on his or her renewal/reinstatement date, the appropriate forms as specified in this section which establish that the education requirements have been met for the previous year(s).

(e) **Approval of continuing education providers.**

(1) **Information required, fee.** Each provider shall apply for approval from the Commissioner. Each provider, with the exception of public funded educational institutions, federal agencies ~~or nonprofit organizations, not-for-profit organizations,~~ and Oklahoma state agencies, shall submit after its approval a provider fee of Two Hundred Dollars (\$200.00), and all providers, including public funded educational institutions, federal agencies, ~~nonprofit organizations, not-for-profit organizations,~~ and Oklahoma agencies shall provide:

- (A) Name and address of the provider;
- (B) Contact person and his or her address and telephone number;
- (C) The location of the courses or programs, if known, unless it is an individual self-study course;
- (D) The number of ~~CE~~ CE hours requested for each course;
- (E) Topic outlines which list the summarized topics covered in each course and a copy of any course materials. If a prior approved course has substantially changed, a summarization of those changes;
- (F) The names and qualification of instructors. An instructor shall have one of the following qualifications:
 - (i) Three (3) years of recent experience in the subject area being taught; or
 - (ii) A degree related to the subject area being taught; or
 - (iii) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of

college and/or vocational technical school credit hours in the subject area being taught.

(G) If a prior approved course has materially changed, a summarization of those changes;

(2) **Renewal fee.** An annual renewal fee of Two Hundred Dollars (\$200.00) shall be payable on or before the approval anniversary date of each year by each provider to renew the approval of the provider. A fee of double the annual renewal fee shall be paid if the application for renewal is late or incomplete on the approval anniversary date.

(3) **Reinstatement period.** Providers whose approval has expired may be reinstated pursuant to paragraph 1 of this subsection. The reinstatement period shall be for a period of one (1) year following the expiration of the renewal date. The approval of the provider and any currently active courses shall remain active for the reinstatement period. If the provider and all courses fail to remain active following the reinstatement period, the provider and courses shall not be reinstated and the provider and courses shall be required to be approved pursuant to the provisions of this subsection.

~~(34)~~ **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.

(f) **Courses; approval; records; fee.**

(1) **Timeline for approval.** At least thirty (30) days prior to the use of any course and not less than ten (10) days prior to the Continuing Education Advisory Committee meeting immediately preceding the course date, the provider shall apply for and submit the appropriate course review fee to the Commissioner for course approval. The Commissioner shall grant or deny approval based upon information submitted in this section regarding each course or additional information regarding the course, if necessary. The Commissioner will assign the number of ~~CE~~ CE hours awarded for an approved course and the line or lines of insurance for which the course qualifies.

(2) **Written approval required.** All courses shall require written approval by the Commissioner.

(3) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval for any course approval. This withdrawal will not affect any ~~CE~~ CE hours attained under the course previous to the withdrawal.

(4) **Minimum of one credit hour.** Courses submitted for approval must consist of a minimum of one credit hour of course instruction.

(5) **Continuing education course must be separate from meetings.** Courses conducted in conjunction with other meetings must have a separate continuing education course component.

(6) **Content of courses.** Courses must be of a meaningful nature and shall not include items such as prospecting, motivation, sales techniques, psychology, recruiting, and subjects not relating to the insurance license. However, agency management courses designed to assist

producers in becoming more efficient, profitable, and assuring their perpetuation, will be deemed to be in the best interest of the insuring public and thereby subject to approval. Each such agency management course must include the description, the effects the course is designed to accomplish toward the purposes of efficiency, profitability, and/or perpetuation and each course will be reviewed for approval on its own merits.

(7) **Certificate of Course Completion.** At the completion of each course, the provider shall provide the insurance producer a "Certificate of Course Completion" Form.

(8) **List of producers completing course to Commissioner; producer license numbers.** Within ten (10) business days after completion of each course, the provider shall provide the Commissioner a list of all insurance producers who completed the course on the Course Completion Form. This list shall contain the course number, date of completion and license numbers of all insurance producers completing the course. If the list is not reported within ten (10) business days, a late report fee of \$50.00 shall be paid to the Insurance Department. Failure to pay the late report fee may result in revocation of provider approval. Continued late filing may also result in loss of approval.

(9) **Course records maintained four years.** Providers shall maintain course records for at least four (4) years. The Commissioner may order an examination of a provider, at the provider's expense, for good cause shown.

(10) **Repeated approved course.** At least fourteen (14) days prior to the repetition of an approved course, the Commissioner shall be notified in writing of the repetition, providing course number, name, date and instructor's name.

(11) **Course evaluation.** The continuing education provider shall provide written notification to each producer of the opportunity to offer comments on any continuing education class via the Insurance Department website.

(12) A non-refundable course review fee of thirty dollars (\$30.00) per course shall be submitted by all continuing education providers at the time the course submission is first submitted for review and upon submission for renewal at expiration with the exception of publicly funded educational institutions, federal agencies, Oklahoma state agencies, non-profit organizations, and not-for-profit organizations.

(g) **Approved Professional Designation Program.**

(1) **Definitions.**

(A) **Participation.** As used in 36 O.S. § 1435.29(B)(3), participates means successfully completing any part of a course curriculum totaling twenty (20) classroom or equivalent classroom hours of an approved professional designation program.

(B) **Approved Professional Designation Program.** As used in 36 O.S. § 1435.29(B)(3), an approved professional designation program means an educational insurance program approved by the

Commissioner with a sponsoring organization that administers curriculum requirements and testing standards for candidates.

(2) **Requirements.** A professional designation program shall satisfy the following criteria to receive initial and ongoing approval for the program:

(A) The program shall have a sponsoring organization;

(B) The program's sponsoring organization shall maintain and govern a code of conduct;

(C) The program shall be relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma;

(D) Each course of the professional designation course curriculum shall be a minimum of twenty (20) hours of classroom instruction or equivalent classroom instruction; and

(E) The program shall include an examination requirement that students shall pass before earning the designation.

(3) **Submissions.** The sponsoring organization shall submit the following to the Commissioner for its professional designation program to be considered for initial and ongoing approval for the program:

(A) The sponsoring organization's code of conduct;

(B) The sponsoring organization's membership requirements;

(C) The professional designation program's course requirements; and

(D) The professional designation program's examination requirements.

(4) **Submission exemptions.** Professional designation programs recognized by the National Association of Insurance Commissioners (NAIC) for waiver/exemption of pre-licensing education training shall receive initial and continuing approval without submission by the sponsoring organization.

(h) **Presumptive Continuing Education Credit Approval.**

(1) **Requirements.** A professional association may receive presumptive approval of the association's continuing education courses by satisfying the following requirements:

(A) The association shall have a mission statement that includes a commitment to enhance the professional, educational, or ethical skills of its members;

(B) The association shall maintain and govern a code of member conduct;

(C) The association shall offer educational programs relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma; and

(D) The association shall perpetuate its continuity through the election of officers.

(2) **Submissions.** Each professional association shall submit the following to be considered for initial and ongoing presumptive course approval:

(A) The association's mission statement;

(B) The association's code of member conduct;

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- (C) The chapter officers, the responsibilities for each officer, and the term of office for each officer;
- (D) The mailing address and primary contact for the association; and
- (E) The list of continuing education courses approved in Oklahoma and offered by the professional association in the past twenty-four (24) months.
- (3) **Notification of approval or disapproval.**
- (A) The Commissioner shall notify the association within ninety (90) days from the receipt of submission whether presumptive approval for continuing education courses was granted. The notification shall indicate the reasons for disapproval.
- (B) Submissions to the Commissioner by an association seeking presumptive approval of continuing education courses shall include the course summary, instructor name, course date and location and shall be submitted to the Commissioner at least fifteen (15) business days prior to the presentation of the course.
- (C) If the Commissioner receives a report or reports that the content of a continuing education course may violate 365:25-3-1(f)(6) of this section, the Commissioner may review the content and determine if the course should be disapproved for noncompliance. The Commissioner shall notify the association if the course has been disapproved due to non-compliance, and the association shall immediately cease offering the course upon receipt of the notification. The association may then make corrections to a disapproved course to bring the course into compliance with 365:25-3-1(f)(6) of this section and submit the course for approval by the Commissioner in the manner of an original submission for presumptive continuing education course approval.
- (D) Should an association receive notification of three (3) disapproved courses within a twenty-four (24) month period, the association's presumptive approval for continuing education courses shall be rescinded for twenty-four (24) months after which time the association may re-apply for presumptive approval.
- (4) **Assignment of course number.** The Commissioner shall assign a course number once the presumptive approval for continuing education courses has been granted and shall notify the association of the assigned course number. All future correspondence relating to that course shall reference the assigned course number.
- (5) **Instructor approval.** Instructors shall be approved by the Commissioner at least fourteen (14) calendar days prior to a presentation of a course. The Commissioner may disapprove any course if instructor approval has not been granted.
- (6) **Review.** Course approval shall be reviewed every three (3) years. The association shall re-submit the items required in subparagraph (3)(B) of this section during the fourth quarter of the last approval year.
- (7) **Agency Management Courses.** Agency management courses shall not be considered for presumptive continuing education approval.
- (i) **Self study and Distance Learning Courses.** The Insurance Commissioner shall determine appropriate guidelines and standards for self-study and distance learning ~~CEC CE~~ offerings. The guidelines and standards shall include authentication of the registered licensee, technology requirements for course delivery and testing protocols. Guidelines and standards shall be reviewed, updated as appropriate, and published annually. Failure to follow the guidelines and standards established by the Commissioner may result in denial of continuing education credit for the producer and revocation of the course approval and or provider status for the provider.
- (j) **Repeating courses.** An insurance producer may repeat a course within the twenty-four month period if the maximum credits designated for the course were not attained in the first attempt. By repeating the course, the producer may not during the twenty-four month period earn more than the maximum credits designated for the course. A producer may repeat a course after two years have elapsed and receive the maximum credits designated for the course. ~~This section shall not apply to ethics courses.~~
- (k) **Extension of time.** For good cause shown, the Commissioner may grant an extension of time during which the requirements imposed by the act may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding twenty-four-month period. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the licensee and shall include details and any documentation to support the request. Each request must be received by the Commissioner no less than thirty (30) days before the expiration of the twenty-four month period.
- (l) **Course approval.** Prior to the Commissioner's approval or disapproval of a course in 365:25-3-1(f), a continuing education advisory committee will review the course submitted and make its nonbinding recommendation to the Commissioner on granting or denying approval based upon information submitted in 365:25-3-1(e) regarding the course or additional information regarding the course, if necessary, the number of ~~CEC CE~~ hours awarded for an approved course and the line or lines of insurance for which the course qualifies. Each course approval shall be valid for a period of not more than two (2) years, unless the course has a material change. Material changes to courses require course resubmission for overall course review and approval. Course approval following the review of material changes shall reset the validity period. At the expiration of the validity period, providers shall submit the course for approval by the Commissioner if the provider wants to continue to offer the course for continuing education credit.
- (m) **Severability provision.** If any provision of this section, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the section, and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

365:25-3-14. Insurance adjusters continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education which an insurance adjuster must meet, and to set forth the requirements for approval by the Insurance Commissioner of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) **"~~CEC~~ "CE"** means continuing education ~~credit~~.
- (2) **"Certificate of course completion"** means a document acceptable to the Commissioner which signifies satisfactory completion of the course and reflects hours of credit earned.
- (3) **"Continuing Education Advisory Committee"** means the committee established by the Commissioner for the purpose of reviewing and recommending approval or disapproval of continuing education courses.
- (4) **"Credit hour"** means at least fifty (50) minutes of classroom instruction, unless a correspondence or self-study course.
- (5) **"Instructor"** means a person who presents course materials approved for continuing education credit hours, and who has experience, training, and/or education in the course subject matter and has been approved by the Commissioner.
- (6) **"Instructor Qualification Form"** means a form acceptable to the Commissioner and completed by the instructor which documents qualifications of the instructor.
- (7) **"Licensee"** means a natural person who is licensed by the Commissioner as an insurance adjuster.
- (8) **"Provider"** means a person, corporation, professional association or its local affiliates, an insurance company or any other entity which is approved by the Commissioner and provides approved continuing education to insurance adjusters.
- (9) **"Provider Course Completion Form"** means a form acceptable to the Commissioner and completed by the provider which documents completion of an approved course by an adjuster or adjusters.

(c) **Exceptions.** Continuing education requirements shall not apply to non-resident adjusters licensed in a state that has a continuing education requirement for adjusters.

(d) **Continuing education requirements.**

- (1) **~~CEC~~ CE during twenty-four month period.** All licensees shall complete the required hours of continuing education as set forth in Section 6217(B) of Title 36 of the laws of this state during each twenty-four month period. The twenty-four month period begins the first day of the month following the month in which the license is granted. The credit hours completed must be in those lines in which the adjuster is licensed. Six (6) credit hours in excess of the minimum twenty-four month period requirement shall carry forward to the next twenty-four month period. Excess hours may be applied to bring a lapsed license into compliance.

(A) All adjusters who adjudicate workers compensation claims shall complete six (6) hours of continuing education relating to the Workers' Compensation Act as part of the twenty-four (24) clock hours of continuing insurance education as set forth in Section 6217(D) of Title 36 of the Oklahoma Statutes.

(B) Insurers who utilize either a resident or non-resident adjuster for the adjudication of workers compensation claims occurring in this state shall verify that the adjuster has completed the workers compensation biennial continuing education requirement set forth in subparagraph (A) of this paragraph. An insurer may satisfy its responsibility under this subsection by:

- (i) Obtaining certificates of completion of the continuing education course,
- (ii) Obtaining reports provided by Commissioner-sponsored database systems or vendors, or
- (iii) Obtaining reports from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

(C) Insurers subject to the provisions of this subsection shall maintain records with respect to the continuing education requirement of its adjusters as set forth in subparagraph (A) of this paragraph. These records shall be maintained in accordance with the state's record retention requirements and shall be made available to the Commissioner upon request.

(2) **Certificates of course completion required for license renewal.** If course completion is not reflected on the license renewal form issued by the Insurance Department, each adjuster shall attach, if requested by the Commissioner, an approved course completion certificate to the license renewal form returned to the Department for verification of course completion. The Commissioner shall maintain a cumulative total of continuing education credit hours to insure compliance within the twenty-four (24) month period.

(3) **Legislative Updates.** At least two (2) of the continuing education credit hours of instruction completed by licensees each twenty-four month period shall be taken in the following topics:

- (A) State legislative updates, or
- (B) Federal legislative updates.

(4) **Credits for instructors.** An instructor who is a licensee shall receive the same continuing education credit for presenting approved course materials as a licensee who attends an approved classroom instructional session by including his/her name and license number on roster.

(5) **Prerequisite for renewal or reinstatement.** As a prerequisite for license renewal or prior to reinstatement following a lapse of license, an adjuster must submit the appropriate forms as specified in this section that establish the educational requirements have been met if not currently recorded by the Oklahoma Insurance Department.

(e) **Approval of continuing education providers.**

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- (1) **Information required.** Each provider shall apply for approval by the Commissioner. All providers, including publicly funded educational institutions, federal agencies, ~~or nonprofit organizations, not-for-profit organizations, and~~ Oklahoma state agencies, shall provide:
 - (A) Name and address of the provider.
 - (B) Contact person and his or her address and telephone number(s).
 - (C) The location of the courses or programs, if known, unless it is an individual self-study course.
 - (D) The number of ~~CEC~~ CE hours requested for each course.
 - (E) Topic outlines which list the summarized topics covered in each course and a copy of any course materials.
 - (F) The names and qualification of instructors. An instructor shall have one of the following qualifications:
 - (i) Three (3) years of recent experience in the subject area being taught; or
 - (ii) A degree related to the subject area being taught; or
 - (iii) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of college and/or vocational technical school credit hours in the subject area being taught.
 - (G) If a prior approved course has materially changed, a summarization of those changes.
 - (2) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.
- (f) **Courses; approval; records.**
- (1) **Course approval timeline.** A provider shall apply to the Commissioner for course approval by submitting forms and materials to the Commissioner the first day of the month one full month prior to the date of the first course offering. The Commissioner shall grant or deny approval based upon information submitted in this section regarding each course or additional information regarding the course, if necessary. The Commissioner will assign the number of ~~CEC~~ CE hours awarded for an approved course and the line or lines of insurance for which the course qualifies.
 - (2) **Repeated approved course.** At least fourteen (14) days prior to the repetition of an approved course, the Commissioner shall be notified in writing of the repetition, providing course number, name, date, location and instructor's name.
 - (3) **Written approval required.** All courses shall require written approval by the Commissioner.
 - (4) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval for any course. This withdrawal will not affect any ~~CEC~~ CE hours attained under the course previous to the withdrawal.
 - (5) **Minimum of one credit hour.** Courses submitted for approval must consist of a minimum of one credit hour of course instruction.
 - (6) **Continuing education course must be separate from meetings.** Courses conducted in conjunction with other meetings must have a separate continuing education course component.
 - (7) **Content of courses.** Courses must be of a meaningful nature and shall not include items such as prospecting, motivation, sales techniques, psychology, recruiting, time management, phone etiquette, basic pre-licensing principles of adjusting, and subjects not relating to the adjuster's license.
 - (8) **Certificate of Course Completion.** At the completion of each course, the provider shall provide the insurance adjuster a "Certificate of Course Completion" Form.
 - (9) **List of adjusters completing course to Commissioner.** Within ten (10) business days after completion of each course, the provider shall provide the Commissioner a list of all insurance adjusters who completed the course on the Course Completion Form. This list shall contain the course number, date of completion and license numbers of all insurance adjusters completing the course. If the list is not reported within ten (10) business days, a late report fee of \$50.00 shall be paid to the Insurance Department. Failure to pay the late report fee may result in revocation of provider approval. Continued late filing may also result in loss of approval.
 - (10) **Course records maintained four (4) years.** Providers shall maintain course records for at least four (4) years. The Commissioner may order an examination of a provider, at the provider's expense, for good cause shown.
 - (11) **Course review fee.** A non-refundable course review fee of thirty dollars (\$30.00) per course shall be submitted by all continuing education providers at the time the course submission is first submitted for review and upon submission for renewal at expiration with the exception of publicly funded educational institutions, federal agencies, Oklahoma state agencies, non-profit organizations, and not-for-profit organizations.
 - (12) **Reinstatement period.** Providers whose approval has expired may be reinstated pursuant to paragraph 1 of this subsection. The reinstatement period shall be for a period of one (1) year following the expiration of the renewal date. The approval of the provider and any currently active courses shall remain active for the reinstatement period. If the provider and all courses fail to remain active following the reinstatement period, the provider and courses shall not be reinstated and the provider and courses shall be required to be approved pursuant to the provisions of this subsection.
- (g) **Approved professional designation programs**
- (1) **Definitions.**
 - (A) **Participation.** As used in 36 O.S. § 1435.29(B)(3), participates means successfully completing any part of a course curriculum totaling twenty (20) classroom or equivalent classroom hours of an approved professional designation program.

(B) **Approved professional designation program.** As used in 36 O.S. § 1435.29(B)(3), an approved professional designation program means an educational insurance program approved by the Commissioner with a sponsoring organization that administers curriculum requirements and testing standards for candidates.

(2) **Requirements.** A professional designation program shall satisfy the following criteria to receive initial and ongoing approval for the program:

- (A) The program shall have a sponsoring organization;
- (B) The program's sponsoring organization shall maintain and govern a code of conduct;
- (C) The program shall be relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma;
- (D) Each course of the professional designation course curriculum shall be a minimum of twenty (20) hours of classroom instruction or equivalent classroom instruction; and
- (E) The program shall include an examination requirement that students shall pass before earning the designation.

(3) **Submissions.** The sponsoring organization shall submit the following to the Commissioner for its professional designation program to be considered for initial and ongoing approval for the program:

- (A) The sponsoring organization's code of conduct;
- (B) The sponsoring organization's membership requirements;
- (C) The professional designation program's course requirements; and
- (D) The professional designation program's examination requirements.

(4) **Submission exemptions.** Professional designation programs recognized by the National Association of Insurance Commissioners (NAIC) for waiver/exemption of pre-licensing education training shall receive initial and continuing approval without submission by the sponsoring organization.

(h) **Presumptive continuing education credit approval.**

(1) **Requirements.** A professional association may receive presumptive approval of the association's continuing education courses by satisfying the following requirements:

- (A) The association shall have a mission statement that includes a commitment to enhance the professional, educational, or ethical skills of its members;
- (B) The association shall maintain and govern a code of member conduct;
- (C) The association shall offer educational programs relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma; and
- (D) The association shall perpetuate its continuity through the election of officers.

(2) **Submissions.** Each professional association shall submit the following to be considered for initial and ongoing presumptive course approval:

- (A) The association's mission statement;
- (B) The association's code of member conduct;
- (C) The chapter officers, the responsibilities for each officer, and the term of office for each officer;
- (D) The mailing address and primary contact for the association; and
- (E) The list of continuing education courses approved in Oklahoma and offered by the professional association in the past twenty-four (24) months.

(3) **Notification of approval or disapproval.**

(A) The Commissioner shall notify the association within ninety (90) days from the receipt of submission whether presumptive approval for continuing education courses was granted. The notification shall indicate the reasons for disapproval.

(B) Submissions to the Commissioner by an association seeking presumptive approval of continuing education courses shall include the course summary, instructor name, course date and location and shall be submitted to the Commissioner at least fifteen (15) business days prior to the presentation of the course.

(C) If the Commissioner receives a report or reports that the content of a continuing education course may violate paragraph 365:25-3-1(f)(7) of this section, the Commissioner may review the content and determine if the course should be disapproved for noncompliance. The Commissioner shall notify the association if the course has been disapproved due to noncompliance, and the association shall immediately cease offering the course upon receipt of the notification. The association may then make corrections to a disapproved course to bring the course into compliance with paragraph 365:25-3-1(f)(7) of this section and submit the course for approval by the Commissioner in the manner of an original submission for presumptive continuing education course approval.

(D) Should an association receive notification of three (3) disapproved courses within a twenty-four (24) month period, the association's presumptive approval for continuing education courses shall be rescinded for twenty-four (24) months after which time the association may re-apply for presumptive approval.

(4) **Assignment of course number.** The Commissioner shall assign a course number once the presumptive approval for continuing education courses has been granted and shall notify the association of the assigned course number. All future correspondence relating to that course shall reference the assigned course number.

(5) **Instructor approval.** Instructors shall be approved by the Commissioner at least fourteen (14) calendar days prior to a presentation of a course. The Commissioner may disapprove any course if instructor approval has not been granted.

Emergency Adoptions

- (6) **Review.** Course approval shall be reviewed every three (3) years. The association shall re-submit the items required in subparagraph 365:25-3-14(H)(3)(B) of this section during the fourth quarter of the last approval year.
- (7) **Agency management courses.** Agency management courses shall not be considered for presumptive continuing education approval.
- (i) **Self study and distance learning courses.** The Insurance Commissioner shall determine appropriate guidelines and standards for self-study and distance learning ~~CEC~~ CE offerings. The guidelines and standards shall include authentication of the registered licensee, technology requirements for course delivery and testing protocols. Guidelines and standards shall be reviewed and updated as appropriate and published on the Commissioner's website annually. Failure to follow the guidelines and standards established by the Commissioner may result in denial of continuing education credit for the adjuster and revocation of the course approval and or provider status for the Provider.
- (j) **Repeating courses.** An insurance adjuster may repeat a course within the twenty-four month period if the maximum credits designated for the course were not attained in the first attempt. By repeating the course, the adjuster may not during the ~~twelve~~ twenty-four month period earn more than the maximum credits designated for the course. An adjuster may repeat a course after two (2) ~~license renewal dates~~ years have elapsed and receive the maximum credits designated for the course.
- (k) **Extension of time.** For good cause shown, the Commissioner may grant an extension of time during which the requirements imposed by the act may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding twelve-month period. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the licensee and shall include details and any documentation to support the request. Each request must be received by the Commissioner no less than thirty (30) days before the expiration of the twenty-four month period.
- (l) **Continuing education advisory committee.**
- (1) There shall hereby be established the Continuing Education Advisory Committee. This committee shall consist of representatives from the Agents Producer Licensing Division, and representatives from the industry (not to exceed three (3) individuals) as designated by the Commissioner. Members of the Advisory Board established by 36 O.S. § 6221 may also serve on the Continuing Education Advisory Committee. The committee shall meet at least quarterly and additionally as required. Members of the committee shall serve without pay and shall not be reimbursed for any expenses associated therewith.
- (2) Prior to the Commissioner's approval or disapproval of a course in subsection 365:25-3-14(e), the Continuing Education Advisory Committee will review the course submitted and make its nonbinding recommendation to the Commissioner on granting or denying approval based upon information submitted pursuant to subsection 365:25-3-14(e) and additional information

regarding the course, if necessary. Each course approval shall be valid for a period of no longer than two (2) years, unless the course has a material change. Material changes to courses require course resubmission for overall course review and approval. Course materials may be resubmitted as requested for review at the time of expiration. All existing courses previously approved and current with the Commissioner shall be submitted in accordance with the expiration date as granted by the Commissioner unless the course has a material change, as previously detailed.

- (m) **Severability provision.** If any provision of this section, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the section, and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SUBCHAPTER 23. CEMETERY MERCHANDISE TRUSTS

365:25-23-1. Purpose

The purpose of this subchapter is to set forth rules and procedural requirements which the Commissioner deems necessary to carry out the provisions of the Cemetery Merchandise Trust Act. The information called for by the regulations of this subchapter is hereby declared to be necessary and appropriate in the public interest.

365:25-23-2. Permit required

Pursuant to the Cemetery Merchandise Trust Act, any organization which shall accept money or anything of value for prepaid cemetery merchandise pursuant to a prepaid cemetery merchandise contract shall obtain a permit from the Oklahoma Insurance Department authorizing the transaction of this type of business prior to the commencement of this type of business. The Commissioner may deny the issuance of a permit if the organization or any of its owners or officers:

- (1) Makes a material misstatement or misrepresentation in an application or permit;
- (2) Has been sentenced, convicted, pled guilty or nolo contendere to a crime involving fraud, dishonesty or moral turpitude; or
- (3) Fraudulently or deceptively obtains or attempts to obtain a permit for another.

365:25-23-3. Contract approval

No organization shall use in any way any sales contract without having received prior written approval from the Insurance Commissioner to do so. The original and two (2) copies of any such contract, including any amendments thereto, shall be submitted to the Insurance Commissioner for approval.

365:25-23-4. Forms

- (a) Application for Cemetery Merchandise Permit. An application for Cemetery Merchandise Permit shall be made by

filing an Application for Cemetery Merchandise Permit Original Application on a form approved by the Commissioner. The application shall be filed with and approved by the Insurance Commissioner before any contracts covered by this act may be marketed.

(b) **Surety bond.** Organizations purchasing a surety bond shall use the Surety Bond Form as approved by the Commissioner. Any variation from this form must have the prior written approval of the Insurance Commissioner.

(c) **Renewal of Cemetery Merchandise Permit.** A renewal of a Cemetery Merchandise Permit shall be made by filing the Renewal of Cemetery Merchandise Permit form as approved by the Commissioner no later than March 15 of each year. Renewals made after March 15 of the year following the year the permit is first issued shall be made by filing the Application for Cemetery Merchandise Permit and paying any fines that may have been imposed with respect to an expired permit in addition to double the renewal fee.

(d) **Cemetery Merchandise Annual Report.** Every holder of a Cemetery Merchandise Permit shall file a Cemetery Merchandise Annual Report on a form approved by the Commissioner on or before March 15 of each year.

(e) **Oklahoma Quarterly Report of Cemetery Merchandise.** Every holder of a Cemetery Merchandise Permit that maintains a surety bond shall submit an Oklahoma Quarterly Report of Cemetery Merchandise on a form approved by the Commissioner.

(f) **Notice of Sale.** Prior to the sale of a cemetery with a cemetery merchandise permit, a permit holder shall first file a Notice of Sale on a form approved by the Commissioner.

365:25-23-5. Trust fund and trustee

A holder of a Cemetery Merchandise Permit with funds in trust shall keep the Insurance Department informed of the identity of the trustee at all times and at all times shall comply with the provisions of 36 O.S. § 7126. Prior to changing the trustee or trust location, a permit holder shall notify the Commissioner at least thirty (30) days prior to any transfer or change stating the reason for the proposed change.

365:25-23-6. Surety bond

A permit holder posting a surety bond in lieu of making remittances to a trust fund, shall file a quarterly report no later than the thirtieth day after the close of each quarter. The bond shall be in an amount not less than the minimum funding requirement for cemetery merchandise trusts pursuant to the provisions of 36 O.S. § 7126. If at any time the Quarterly Report shows that the bond posted does not meet the minimum funding requirements, the permit holder shall be notified by the Insurance Department and shall post an additional or amended bond within ten (10) days following notification. The additional or amended bond shall be sufficient in size to satisfy the provisions of 36 O.S. §§ 7126 and 7127.

365:25-23-7. Reports to trustee

The Cemetery Merchandise Trust Act provides that each permit holder provide either a copy of each contract to its

trustee or may, in lieu thereof, submit a summary of the relevant information from the contracts. If a permit holder chooses to provide a summary, the information shall be submitted on a monthly basis to the trustee on a form provided by the Oklahoma Insurance Department. The report shall contain the following information:

- (1) Name of the cemetery;
- (2) Town where the cemetery is located;
- (3) Period of time covered by the report;
- (4) Account numbers assigned to each contract;
- (5) Name of the contract beneficiary;
- (6) Description of the merchandise purchased;
- (7) Cost breakdown on each piece of merchandise sold which is covered by the Cemetery Merchandise Trust Act;
- (8) Amount of deposit made on each account;
- (9) Beginning and ending balances; and
- (10) A current original manufacturer's price list from any and all cemetery merchandise suppliers used by the permit holder.

365:25-23-8. Annual report

On or before March 15 of each year, each permit holder shall file an Annual Report with the Oklahoma Insurance Department which shall include the following information:

- (1) Name of the cemetery;
- (2) Town where the cemetery is located;
- (3) Name and address of person to contact with questions about the report;
- (4) Period of time covered by the report;
- (5) Trust account numbers;
- (6) Merchandise covered by each account;
- (7) Amount deposited on each account to the trust fund;
- (8) Beginning and ending balance;
- (9) Method of determination of wholesale cost;
- (10) A current original manufacturer's price list from any and all cemetery merchandise suppliers used by the permit holder; and
- (11) Name of the vault company with whom the permit holder deals.

365:25-23-9. Notice of sale

The seller of a cemetery with a cemetery merchandise trust permit, shall make application forty-five (45) days prior to the transfer of ownership using a form approved by the Commissioner. A transfer may only be made to a permit holder in good standing with the Department. In addition to the notice, the seller shall also submit a copy of the proposed Seller's Agreement and a listing of all undelivered prepaid cemetery merchandise contracts. The listing shall provide the contract holder's name; the beneficiary's name or names, contract number, contract value, and the trust value at the time of notice. No transfer may be made without the Commissioner's prior written approval.

[OAR Docket #10-1247; filed 11-1-10]

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

1:2010-46.

EXECUTIVE ORDER 2010 -46

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Saturday, October 30, 2010, to honor Captain George C. Green, 56, an Oklahoma Highway Patrolman killed in the line of duty. Captain Green had served with the Oklahoma Highway Patrol for 31 years.

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 29th day of October, 2010.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #10-1253; filed 11-3-10]
