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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules

# Notices of Rulemaking Intent

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## COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 16, 2011 through December 20, 2011.

## PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., December 20, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from November 16, 2011 through December 20, 2011.

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above addresses.

## CONTACT PERSON:

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

*[OAR Docket #11-1040; filed 10-26-11]*

## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

*[OAR Docket #11-1041]*

## RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

## PROPOSED RULES:

Subchapter 15. Plasticulture Program [NEW]

35:40-15-1 [NEW]

35:40-15-2 [NEW]

35:40-15-3 [NEW]

35:40-15-4 [NEW]

35:40-15-5 [NEW]

35:40-15-6 [NEW]

35:40-15-7 [NEW]

## SUMMARY:

The proposed new rules establish eligibility requirements, evaluation criteria, application processes, and provide

supplemental program information for the Oklahoma Plasticulture Program.

## AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

## COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 16, 2011 through December 20, 2011.

## PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., December 20, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from November 16, 2011 through December 20, 2011.

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*[OAR Docket #11-1041; filed 10-26-11]*

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

*[OAR Docket #11-1030]*

## INTENDED RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

## PROPOSED RULES:

Subchapter 3. Records and Inspections

240:1-3-9. Release of confidential information to specific government agencies [AMENDED]

## SUMMARY:

This rule is being amended in paragraph 18 to correct a site to the federal statutes.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted through December 15, 2011, during regular business hours by the contact person listed below.

**PUBLIC HEARING:**

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 15, 2011.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: [Melissa.Copenhaver@oesc.state.ok.us](mailto:Melissa.Copenhaver@oesc.state.ok.us)

*[OAR Docket #11-1030; filed 10-14-11]*

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

*[OAR Docket #11-1031]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

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

**SUMMARY:**

This new rule will set out what an individual must do to register for work through the Employment Service in Oklahoma.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted through December 15, 2011, during regular business hours by the contact person listed below.

**PUBLIC HEARING:**

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 15, 2011.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

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*[OAR Docket #11-1031; filed 10-14-11]*

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

*[OAR Docket #11-1032]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

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

240:10-1-4. Electronic signatures [NEW]

240:10-1-5. Filing by electronic means [NEW]

Subchapter 3. Benefits

Part 5. Eligibility

240:10-3-20. Instructions to secure work [AMENDED]

## Notices of Rulemaking Intent

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

240:10-3-24. Claims for partial unemployment benefits [AMENDED]

Part 9. Disqualification

240:10-3-41. Application of retirement proceeds and severance pay [AMENDED]

240:10-3-45. Cases involving positive drug or alcohol testing tests [AMENDED]

Part 11. Filing Claims - Notice

240:10-3-54. E-mail notification in unemployment benefit claims [NEW]

### SUMMARY:

The definition of "temporary layoff" is being amended at the request of federal agencies to help them comply with their furlough requirements. The definition for "week" is being amended to designate the standard week used by the OESC so that certain claimants will not lose weeks at the end of their benefit years. The term "electronic signature" is being defined and a procedure for filing documents through electronic means is being set out. Persons drawing benefits through "shared work plan" will not be required to look for work because they are still attached to their employer. The partial unemployment benefit program is being limited in order to prevent fraud in the program. The rule concerning the application of retirement proceeds to reduce benefits is being clarified. The drug and alcohol testing rule is being modified to conform to statutory amendments to the testing act made in 2011. Amendments will allow e-mail notifications in unemployment benefit claims to claimants and employers who request this type of notification.

### AUTHORITY:

40 O. S. §§1-220, 1-224, 2-202, 2-203, 2-204, 2-411, 2-503, 2-504, 4-302; 40 O.S. §551 et seq., and the Oklahoma Employment Security Commission.

### COMMENT PERIOD:

Written and oral comments will be accepted through December 15, 2011, during regular business hours by the contact person listed below.

### PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 15, 2011.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

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[OAR Docket #11-1032; filed 10-14-11]

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

[OAR Docket #11-1033]

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 11. Appeals to District Court

240:15-11-1. Board of Review decision; appeal to district court [AMENDED]

### SUMMARY:

This rule is being amended to change the appeal time from the Board of Review to District Court from 10 days to 30 days to comply with statutory amendments made in 2011.

### AUTHORITY:

40 O.S. §§2-610, 4-302 and the Oklahoma Employment Security Commission.

### COMMENT PERIOD:

Written and oral comments will be accepted through December 15, 2011, during regular business hours by the contact person listed below.

### PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B) (9), "persons may demand a hearing" by contacting Melissa Copenhaver no later than 5:00 p.m. on December 15, 2011.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

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*[OAR Docket #11-1033; filed 10-14-11]*

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

*[OAR Docket #11-1034]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 240:21-1-1. Purpose and authority [AMENDED]
  - 240:21-1-2. Definitions [AMENDED]
  - 240:21-1-3. Addresses for appeals [AMENDED]
  - 240:21-1-4. Time computation [NEW]
- Subchapter 3. Denial or Termination of Eligibility of a Training Provider [REVOKED]
  - 240:21-3-1. Reporting - termination [REVOKED]
  - 240:21-3-2. Notice to the training provider [REVOKED]
  - 240:21-3-3. Appeal [REVOKED]
  - 240:21-3-4. Hearing [REVOKED]
  - 240:21-3-5. District court appeal [REVOKED]
  - 240:21-3-6. Administrative record [REVOKED]
- Subchapter 7. Monitoring
  - 240:21-7-1. Monitoring and exit conference [AMENDED]
  - 240:21-7-2. Monitoring report [AMENDED]
  - 240:21-7-3. Monitoring resolution [AMENDED]
  - 240:21-7-5. Appeal [AMENDED]

**SUMMARY:**

In 2011, it was decided that the monitoring and auditing of most Workforce Investment Act programs would be done by the Oklahoma Department of Commerce instead of the Oklahoma Employment Security Commission (OESC). The OESC was asked to continue monitoring two small workforce grants, the National Emergency Grant and the Senior Community Service Employment Grant (Title V). The amendments to this chapter will modify the rules to meet the new assignment and will make the rules more flexible by deleting reference to the Workforce Investment Act (WIA) and replacing it with a more general term workforce related grants. Rules related to training providers are being revoked

because the OESC will no longer be involved in this process. A new time computation rule is being proposed that would more specifically set out how time periods in these rules are to be calculated.

**AUTHORITY:**

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

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

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*[OAR Docket #11-1034; filed 10-14-11]*

**TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION  
CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION**

*[OAR Docket #11-1037]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Teacher Preparation Program Accreditation
  - 712:10-5-1 [AMENDED]
  - 712:10-5-3 [AMENDED]
  - 712:10-5-4 [AMENDED]