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Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #06-203]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-1.1. [AMENDED]

252:100-5-2.1. [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1. [AMENDED]

Subchapter 9. Excess Emission Reporting Requirements

252:100-9-2. [AMENDED]

Subchapter 17. Incinerators

Part 9. Commercial and Industrial Solid Waste Incineration Units

252:100-17-61. [AMENDED]

Part 11. Other Solid Waste Incineration Units [NEW]

Subchapter 44. Control of Mercury Emissions [NEW]

252:100-44. [NEW]

Appendix H. De Minimis Facilities [REVOKED]

Appendix H. De Minimis Facilities [NEW]

Appendix I. Insignificant Activities (Registration) List [REVOKED]

Appendix I. Insignificant Activities (Registration) List [NEW]

Appendix J. Trivial Activities (De Minimis) List [REVOKED]

Appendix J. Trivial Activities (De Minimis) List [NEW]

Appendix P. Regulated Air Pollutants [NEW]

SUMMARY:

The Department is proposing deletion of 252:100-5.2.1(b)(3). This will remove the requirement to provide a written explanation when yearly emission changes are in excess of 30 percent. The requirements of this section are adequately covered by other existing requirements. The text at 252:100-5.2.1(b)(4) will need to be renumbered to replace 252:100-5.2.1(b)(3) for continuity.

OAC 252:100-5-1.1, 7-1.1 and 9-2 are being amended by the addition of a new definition for "regulated air pollutant". A new Appendix P, Regulated Air Pollutants, is being added to Chapter 100 as part of these amendments. The terms "Actual emissions", "Allowable emissions" and "Regulated

pollutant (for fee calculation)" are being amended in OAC 252:100-5-1.1. In addition, Section 5-1.1 is being amended by the addition of a new definition for "Gross particulate matter" (GPM) which replaces the term "TSP" in the section. The term "GPM" also replaces the term "TSP" in OAC 252:100-23-2. The term "Actual emissions" is also being amended in OAC 252:100-7-1.1.

OAC 252:100-17-61 is being amended to update the incorporations by reference for commercial and industrial solid waste incineration (CISWI) units to comply with modifications made by the Environmental Protection Agency in some definitions for CISWI. The Department proposes the addition of 100-17, Part 11, Other Solid Waste Incinerators (OSWI), to establish state emission standards and other enforceable requirements for existing OSWI. An OSWI is considered an existing OSWI if construction commenced on or before Dec. 9, 2004. These proposed rules would provide the means for implementing and enforcing the federal emission guidelines (40 CFR 60, Subpart FFFF). The new Part 11 incorporates by reference sections of the New Source Performance Standards (NSPS) for OSWI (40 CFR 60, Subpart EEEE). In addition to establishing emission standards for certain regulated pollutants, the proposed rule would establish requirements for OSWI operator training and qualifications, waste management plans, testing and monitoring of pollutants, and operating parameters.

The Department is proposing three possible options for a new Subchapter 44, "Control of Mercury Emissions from Coal Fired Electric Steam Generating Units". The purpose of this subchapter is to limit emissions of Mercury (Hg) from new and existing coal-fired electric steam generating units. The federal Clean Air Mercury Rule (CAMR) issued in May 2005 may be incorporated by reference for the first option. A second option is a rewrite of the federal CAMR by the Department with state developed timelines and requirements. The third option is adoption of the model rule issued in November 2005 by the State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officials (STAPPA/ALAPCO). This last option requires greater reductions and shorter timelines than the federal version and prohibits trading of mercury credits. The Department seeks public comment as to which of these plans will be most appropriate for Oklahoma.

The Department proposes to amend the De Minimis Facilities List in Appendix H, the Insignificant Activities (Registration) List in Appendix I, and the Trivial Activities (de Minimis) List in Appendix J of OAC 252:100. These amendments consist of reformatting all three lists, updating

Notices of Rulemaking Intent

the facilities included on the De Minimis Facilities List, and updating the activities on the Insignificant Activities (Registration) List and the Trivial Activities (De Minimis) List. It was anticipated when these lists were first compiled and made part of Chapter 100 that the Department would revisit them and make appropriate changes based on the staff's experience in using them. The Department proposes to delete some activities or facilities from the lists based on more accurate emissions factors and modify some activities or facilities that are currently on the lists.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., §§ 2-2-101, 2-2-201; and Oklahoma Clean Air Act, §§ 2-5-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on April 19, 2006. For comments received at least 5 business days prior to the Council meeting, staff will post written responses on the Department's web page at least 1 day prior to the Council meeting and provide hard copy written responses to these comments to the Council and the public at that Council meeting. Oral comments may be made at the April 19, 2006 hearing and at the appropriate Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, April 19, 2006, at the Tulsa Campus of Oklahoma State University, 700 N. Greenwood, North Hall 150, Tulsa.

Before the Environmental Quality Board on June 20, 2006, at Redbud Hall, SWOSU Conference Center, 1121 N. 7th, Weatherford, OK.

This hearing shall also serve as the public hearing to receive comments on the proposed revisions to the SIP under the requirements of 40 Code of Federal Regulations (CFR)§ 51.102 of the EPA regulations concerning the SIPs and 27A O.S. § 2-5-107(6)(c).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, 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, 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:

The proposed rules are available for review 30 days prior to the hearing at the Air Quality Division of the Department and on the Department's website (www.deq.state.ok.us), Air Quality Division, Council Meetings, or copies may be obtained from the contact person by calling (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

CONTACT PERSON:

Please send written comments to Max Price (e-mail: max.price@deq.state.ok.us) for Subchapters 5 (5-1.1), 7 and 9, and Appendix P.

Written comments for the new Part 11 of Subchapter 17 should be sent to Heather Bragg (e-mail: heather.bragg@deq.state.ok.us).

For Subchapter 5 (5-2.1) and the new Subchapter 44, please send written comments to Morris Moffett (e-mail: morris.moffett@deq.state.ok.us).

For Subchapter 17 (17-61), and Appendices H, I and J, please send written comments to Dr. Joyce Sheedy (e-mail: joyce.sheedy@deq.state.ok.us).

Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, FAX (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4100.

[OAR Docket #06-203; filed 2-23-06]

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

[OAR Docket #06-204]

RULEMAKING ACTION:

Notice of proposed EMERGENCY and PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Permits for Part 70 Sources
Part 11. Visibility Protection Standards [NEW]
252:100-8-70. [NEW]
252:100-8-71. [NEW]
252:100-8-72. [NEW]
252:100-8-73. [NEW]
252:100-8-74. [NEW]
252:100-8-75. [NEW]
252:100-8-76. [NEW]
252:100-8-77. [NEW]

SUMMARY:

The Department is proposing a new Part 11 which incorporates the federal Best Available Retrofit Technology (BART) requirements into Chapter 100. The BART requirements are part of the Regional Haze State Implementation Plan (SIP).

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., §§ 2-2-101, 2-2-201; and Oklahoma Clean Air Act, §§ 2-5-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on April 19, 2006. For comments received at least 5 business days prior to the Council meeting, staff will post written responses on the Department's web page at least 1 day prior to the Council meeting and provide hard copy written responses to these comments to the Council and the public at that Council meeting. Oral comments may be made at the April 19, 2006 hearing and at the appropriate Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, April 19, 2006, at the Tulsa Campus of Oklahoma State University, 700 N. Greenwood, North Hall 150, Tulsa.

Before the Environmental Quality Board on June 20, 2006, at Redbud Hall, SWOSU Conference Center, 1121 N. 7th, Weatherford, OK.

DEQ proposes to submit Subchapter 8 to the EPA for inclusion in the Oklahoma SIP. This hearing shall also serve as the public hearing to receive comments on the proposed revisions to the SIP under the requirements of 40 Code of Federal Regulations (CFR)§ 51.102 of the EPA regulations concerning the SIPs and 27A O.S. § 2-5-107(6)(c).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, 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, 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:

The proposed rules are available for review 30 days prior to the hearing at the Air Quality Division of the Department and on the Department's website (www.deq.state.ok.us), Air Quality Division, Council Meetings, or copies may be obtained from the contact person by calling (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

CONTACT PERSON:

Please send written comments to Joyce Sheedy (e-mail: joyce.sheedy@deq.state.ok.us), Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, FAX (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4100.

[OAR Docket #06-204; filed 2-23-06]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 20. WELDING RULES**

[OAR Docket #06-202]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 20. Welding Rules [AMENDED]

SUMMARY:

The proposed amendments to OAC 380:20 et seq., will clarify and update references to other Codes already utilized in the rules, and reorganize the rules to clarify these Code requirements. The amendments will update the information contained on the Welders Certificate to include identification of the welding process(es) used during the welders certification. The amendments will provide notice that the welders certificate, once issued, is the property of the individual welder and will require welders to maintain a Records of Continuity Log as required by the American Society of Mechanical Engineers ("ASME"), the American Petroleum Institute ("API"), and the American Welding Society ("AWS"). The amendments also update the definitions and establish procedures that will permit ASME manufacturer's to act as weld test facilities and certify their own full time employees to perform welds on referenced piping. The amendments will remove restrictions that prohibit organizations that teach welding to also allow these organizations to conduct certification examinations of their own students, upon approved quality control procedures for the testing of these students in such organizations. The amendments will also update the affidavits for Weld Test Facilities, Owner-Users and Welding Inspectors.

AUTHORITY:

Commissioner of Labor; 59 O.S. 1624 et seq. (59 O.S. 1635(2))

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing on April 14, 2006. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor no later than April 14, 2006, and should be addressed as follows:

Oklahoma Department of Labor
Comments: Chapter 20 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 10 a.m., Friday, April 14, 2006. Interested persons may present oral argument, data, and views at the public hearing. Time will be allocated evenly to each person who requests to be heard. The public hearing will conclude at such time as those attending have had full opportunity to present their views but in no event later than 11

Notices of Rulemaking Intent

a.m., April 14, 2006. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 North Lincoln Blvd., 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 costs, including costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Information mailed by business entities must be received by the Oklahoma Department of Labor by April 14, 2006, and should be addressed as follows:

Oklahoma Department of Labor
Business Comments: Chapter 20 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Copies of the proposed rules may be obtained upon written request addressed to:

Oklahoma Department of Labor
Copy of Proposed Rules: Chapter 20 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available by March 30, 2006. All requests for the Rule Impact Statement must be in writing and include the complete address of the person requesting it. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Rule Impact Statement: Chapter 20 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

Elizabeth J. Stefanik, Assistant General Counsel and Rules Liaison, (405) 528-1500, Extension 231

[OAR Docket #06-202; filed 2-23-06]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 663. CONTINUUM OF CARE
AND ASSISTED LIVING**

[OAR Docket #06-195]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:663-1-2. [AMENDED]
- 310:663-1-4. [NEW]
- Subchapter 3. Services and Care
- 310:663-3-4. [AMENDED]
- 310:663-3-5. [AMENDED]
- 310:663-3-8. [NEW]
- Subchapter 7. Physical Plant Design
- 310:663-7-2. [AMENDED]
- Subchapter 9. Staffing Requirements
- 310:663-9-6. [AMENDED]
- Subchapter 13. Resident Contract
- 310:663-13-1. [AMENDED]
- Subchapter 15. Resident Rights and Responsibilities

- 310:663-15-1. [AMENDED]
- 310:663-15-2. [AMENDED]
- 310:663-15-3. [NEW]
- Subchapter 19. Administration, Records and Policies
- 310:663-19-1. [AMENDED]
- 310:663-19-2. [AMENDED]
- 310:663-19-3. [NEW]
- Subchapter 25. Inspections and Investigations
- 310:663-25-3. [AMENDED]
- 310:663-25-4. [AMENDED]
- Subchapter 29. Terminating and Continuing Services
- 310:663-29-2. [AMENDED]
- Appendix B. Reference List for Standards of Practice
- [NEW]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 23 Ok Reg 535

CANCELLED COMMENT PERIOD:

February 1, 2006 through March 9, 2006

CANCELLED PUBLIC HEARING

1:00 p.m., March 9, 2006, Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK

[OAR Docket #06-195; filed 2-17-06]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #06-186]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Election Personnel

Part 1. ~~The~~ County Election Board Members and Employees

230:10-3-6. Creation of vacancies [AMENDED]

230:10-3-8. Salary of the Secretary [AMENDED]

Part 3. The Precinct Election Board

230:10-3-28.1. Special-purpose precinct workers [AMENDED]

230:10-3-33. Compensation of Inspector [AMENDED]

230:10-3-34. Compensation of Judges and Clerks [AMENDED]

230:10-3-35. No double compensation [AMENDED]

Subchapter 7. General Administration of the County Election Board

Part 1. Meetings of the Board

230:10-7-3. Types of meetings; terms defined [AMENDED]

230:10-7-4. Public notice required [AMENDED]

230:10-7-14. Method of voting [AMENDED]

Part 5. Maintaining the Office

230:10-7-43. Retention of forms and materials documenting voter registration transactions [AMENDED]

230:10-7-45. Retention of Precinct Registries and affidavits [AMENDED]

Part 7. Public Records

230:10-7-66.1. Voter registration records available on electronic media from the State Election Board [AMENDED]

Part 9. Finances

230:10-7-74. Pre-Election Expense Claim [AMENDED]

230:10-7-82. Expenses paid through Special Depository Account [AMENDED]

230:10-7-85. Retention of County Election Board financial records [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-186; filed 2-13-06]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #06-187]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

230:15-1-2. Definitions [AMENDED]

Subchapter 3. Voter Outreach

Part 3. Distribution of Voter Registration Application Forms [AMENDED]

230:15-3-23. Voter registration application forms available to individuals [AMENDED]

Subchapter 5. Application for Voter Registration

Part 9. Accessibility of Registration Application Services

230:15-5-36. Accessibility of voter registration application services for elderly and handicapped voters [AMENDED]

Part 19. Recognized Political Parties and Political Organizations

230:15-5-77. Recognized political parties [AMENDED]

Subchapter 9. Receiving and Processing Voter Registration Applications

Part 5. Processing Voter Registration Applications

230:15-9-18. Entering application for voter registration in OEMS [AMENDED]

230:15-9-20. Processing applications for name change [AMENDED]

230:15-9-24. Processing transfers executed on election day or during in-person absentee voting [AMENDED]

230:15-9-25. Processing applications for restricted records status [AMENDED]

Subchapter 11. Voter Registration List Maintenance

Part 1. Cancellation of Voter Registration

230:15-11-5. Potential Deletion Report [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

Submissions for Review

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-187; filed 2-13-06]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #06-188]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
230:30-1-2. Definitions [AMENDED]
Subchapter 7. Absentee Voting Boards
230:30-7-6.1. Training for Absentee Voting Board members [AMENDED]
230:30-7-7. Supplies for Absentee Voting Board [AMENDED]
230:30-7-11. Procedure for in-person Absentee Voting Board to receive applications and issue ballots [AMENDED]
230:30-7-13. In-person absentee voting procedure for uniformed services voter or overseas voter [AMENDED]
230:30-7-14. Verifying voter registration information and status of in-person absentee voters [AMENDED]
230:30-7-16. In-person Absentee Voting Board members may cast ballots [NEW]
Subchapter 9. Processing Applications
230:30-9-3. Processing applications for absentee ballots [AMENDED]
230:30-9-6. Processing requests from emergency incapacitated voters [AMENDED]
Subchapter 11. Receiving and Processing Absentee Ballots
230:30-11-6.1. Receiving voted absentee ballots by fax from uniformed services and overseas voters [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-188; filed 2-13-06]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #06-189]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
230:35-1-2. Definitions [NEW]
Subchapter 3. County Election Board Responsibilities
Part 1. Before the Filing Period
230:35-3-3. Assembling precinct supplies [AMENDED]
Part 5. Precinct Official Payroll
230:35-3-30. Pre-Election Expense Claim [AMENDED]
230:35-3-40. Substitute vouchers [AMENDED]
Part 9. Distributing Supplies and Ballots
230:35-3-68. Assembly line distribution of supplies to Inspectors [AMENDED]
Part 13. After the Polls Close
230:35-3-84.1. Determining number of signatures on Provisional Ballot Rosters [AMENDED]
230:35-3-86. Sheriff to provide security for voted ballots [AMENDED]
230:35-3-87. Accumulating and producing election results [AMENDED]
Part 15. Certification of Results
230:35-3-91. Certifying county results [AMENDED]
Part 19. Verifying and Counting Provisional Ballots
230:35-3-125.1. Entering provisional voter information in OEMS [NEW]
230:35-3-126. Criteria for verification of provisional ballot affidavit information [AMENDED]
230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district or municipal assignment [AMENDED]
230:35-3-131. Opening provisional ballot affidavit envelopes and counting provisional ballots [AMENDED]
230:35-3-132. Obtaining provisional ballot results [AMENDED]
Subchapter 5. Instructions for Precinct Election Officials
Part 5. Preparations on Election Day
230:35-5-28. Preparation of polling place [AMENDED]
230:35-5-31.1. Location and materials for provisional voting [AMENDED]
Part 15. After the polls close
230:35-5-76. Repacking supplies [AMENDED]
Part 21. Voters Listed in Precinct Registry Who Have Problems With Eligibility
230:35-5-113.2. Determining voter's school district or municipality [AMENDED]
Part 34. Provisional Voting Procedures
230:35-5-175. Uniformed Services or Overseas Voter [AMENDED]
230:35-5-176. Filling out a Provisional Ballot Voucher [AMENDED]
230:35-5-177. Provisional voting procedure [AMENDED]
Subchapter 9. HAVA Requirements
Part 3. Provisional Voting
230:35-9-7. Voters who may cast a provisional ballot [AMENDED]

230:35-9-9. Extension of provisional ballot verification period [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-189; filed 2-13-06]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 40. TYPES OF ELECTIONS**

[OAR Docket #06-190]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 230:40-1-1. Purpose [AMENDED]
- Subchapter 3. Special Elections
- Part 1. Calling Special Elections
- 230:40-3-1.1. Times for special elections [AMENDED]
- Subchapter 5. Municipal Elections
- Part 1. Cities With Home Rule Charters
- 230:40-5-5. Statutory election dates required for home rule charter cities [AMENDED]
- Part 5. Statutory Municipalities
- 230:40-5-18. Notice of elections [AMENDED]
- Part 9. Procedures
- 230:40-5-46. Maps required [AMENDED]
- 230:40-5-46.1. Effective date of municipal boundary changes for election purposes [NEW]
- Part 13. Expenses
- 230:40-5-60. Claim for balance of election expenses [AMENDED]
- Part 15. Municipalities in More Than One County
- 230:40-5-65. Municipalities in more than one county [AMENDED]
- Part 17. Special Elections
- 230:40-5-77. Special elections for municipal offices [AMENDED]
- Subchapter 7. School Elections
- Part 1. Dates and Notice for Annual School Elections
- 230:40-7-4. Posting copy of legal notice of school election at County Election Board office [NEW]
- Part 7. Ballot Printing
- 230:40-7-29. Mill levy ballots [AMENDED]
- Part 23. Multi-county School Districts
- 230:40-7-106. Board meetings shall be scheduled [AMENDED]
- 230:40-7-107. Reporting results to parent County Election Board [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-190; filed 2-13-06]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 45. CONTESTS OF ELECTION**

[OAR Docket #06-191]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Recounts
- Part 1. Recounts for County Office
- 230:45-3-5. Sheriff to provide security for ballots [AMENDED]
- 230:45-3-9. Conducting the recount [AMENDED]
- 230:45-3-10. All ballots must be counted [AMENDED]
- Part 7. Recounts for Question Elections
- 230:45-3-39. All ballots must be counted [AMENDED]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-191; filed 2-13-06]

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

[OAR Docket #06-192]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Benefits
- Part 9. Disqualifications
- 240:10-3-44. Domestic violence or abuse [REVOKED]

SUBMITTED TO GOVERNOR:

February 8, 2006

SUBMITTED TO HOUSE:

February 8, 2006

Submissions for Review

SUBMITTED TO SENATE:

February 8, 2006

[OAR Docket #06-192; filed 2-16-06]

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

[OAR Docket #06-193]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 240:21-1-1. Purpose [AMENDED]
- 240:21-1-2. Definitions [AMENDED]
- 240:21-1-3. Addresses for appeals [AMENDED]
- Subchapter 3. Denial or Termination of Eligibility of a Training Provider
- 240:21-3-1. Reporting-termination [AMENDED]
- 240:21-3-2. Notice to the training provider [AMENDED]
- Subchapter 5. Denial of Request for Designation as a Local Workforce Investment Area
- 240:21-5-2. Appeal time [AMENDED]
- 240:21-5-3. Hearing [AMENDED]
- Subchapter 7. Monitoring
- 240:21-7-2. Monitoring report [AMENDED]
- 240:21-7-3. Monitoring resolution and initial monitoring determination [AMENDED]
- 240:21-7-5. Appeal [AMENDED]
- Subchapter 9. Audits
- 240:21-9-1. Audit requirements [AMENDED]
- 240:21-9-2. Delinquent audit [AMENDED]
- Subchapter 11. Grievance Procedure
- Part 1. General Provisions
- 240:21-11-1. Grievances [AMENDED]
- Part 3. Grievances Filed Directly with the OESC
- 240:21-11-10. Filing [AMENDED]
- 240:21-11-12. Contents of a grievance [AMENDED]
- 240:21-11-13. Referral of a grievance filed with OESC [AMENDED]
- Part 5. Appeals to the OESC from Grievance Decisions of a Local Area
- 240:21-11-21. Appeals with the OESC [AMENDED]
- 240:21-11-22. Time limit for filing an appeal with OESC [AMENDED]
- Part 7. Informal and Formal Resolutions of Grievances
- 240:21-11-30. Informal resolution [AMENDED]
- 240:21-11-31. Hearing [AMENDED]

SUBMITTED TO GOVERNOR:

February 8, 2006

SUBMITTED TO HOUSE:

February 8, 2006

SUBMITTED TO SENATE:

February 8, 2006

[OAR Docket #06-193; filed 2-16-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #06-196]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Purpose and Definitions [NEW]
- 300:1-1-1. [NEW]
- 300:1-1-2. [NEW]
- 300:1-1-3. [NEW]
- Subchapter 3. Administrative Operations [NEW]
- 300:1-3-1. [NEW]
- 300:1-3-2. [NEW]
- 300:1-3-3. [NEW]
- Subchapter 5. Rulemaking and Declaratory Rulings [NEW]
- 300:1-5-1. [NEW]
- 300:1-5-2. [NEW]
- 300:1-5-3. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-196; filed 2-17-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 15. SURPLUS PROPERTY**

[OAR Docket #06-197]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. General Provisions [NEW]
- 300:15-1-1. [NEW]
- 300:15-1-2. [NEW]
- 300:15-1-3. [NEW]
- Subchapter 3. Declaration and Approval of Surplus Property [NEW]
- 300:15-3-1. [NEW]
- 300:15-3-2. [NEW]
- Subchapter 5. Sale or Disposal of Surplus Property [NEW]
- 300:15-5-1. [NEW]

300:15-5-2. [NEW]
300:15-5-3. [NEW]
300:15-5-4. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-197; filed 2-17-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 20. PURCHASING POLICY**

[OAR Docket #06-198]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

300:20-1-1. [AMENDED]
300:20-1-2. [AMENDED]
300:20-1-4. [AMENDED]
300:20-1-8. [AMENDED]
300:20-1-11. [AMENDED]
300:20-1-12. [AMENDED]
300:20-1-15. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-198; filed 2-17-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 25. LICENSE TO ENCROACH**

[OAR Docket #06-199]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 1. Purpose and Definitions [NEW]
300:25-1-1. [NEW]
300:25-1-2. [NEW]
Subchapter 3. Policy, Issuance, Termination and Transfer
[NEW]
300:25-3-1. [NEW]
300:25-3-2. [NEW]
300:25-3-3. [NEW]
300:25-3-4. [NEW]

Subchapter 5. Miscellaneous [NEW]

300:25-5-1. [NEW]
300:25-5-2. [NEW]
300:25-5-3. [NEW]
300:25-5-4. [NEW]
300:25-5-5. [NEW]
300:25-5-6. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-199; filed 2-17-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 30. AIRCRAFT TRAVEL USE
LOGS**

[OAR Docket #06-200]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 1. Purpose [NEW]
300:30-1-1. [NEW]
300:30-1-2. [NEW]
300:30-1-3. [NEW]
300:30-1-4. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-200; filed 2-17-06]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 35. LAKE RULES**

[OAR Docket #06-201]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 1. Definitions, Purpose and Application [NEW]
300:35-1-1. through 300:35-1-6. [NEW]
Subchapter 3. General Provisions [NEW]
300:35-3-1. through 300:35-3-13. [NEW]
Subchapter 5. Boating Safety Rules [NEW]
300:35-5-1. through 300:35-5-9. [NEW]

Submissions for Review

Subchapter 7. Vessels [NEW]
300:35-7-1. through 300:35-7-12. [NEW]
Subchapter 9. Sanctioned Events [NEW]
300:35-9-1. through 300:35-9-3. [NEW]
Subchapter 11. Permits for Wharves, Landings, Buoys,
Breakwaters and Docking Facilities [NEW]
300:35-11-1. through 300:35-11-12. [NEW]
Subchapter 13. Permits for Dikes, Excavations, Dredgings
Erosion Control Devices, and Shoreline Stabilization
[NEW]
300:35-13-1. through 300:35-13-6. [NEW]
Subchapter 15. Commercial Use of the Lakes and Lands of
GRDA [NEW]
300:35-15-1. through 300:35-15-7. [NEW]
Subchapter 17. Raw Water Permits [NEW]
300:35-17-1. through 300:35-17-5. [NEW]
Subchapter 19. Rights of Abutting Landowners [NEW]
300:35-19-1. [NEW]
Subchapter 21. Administration of Rules and Hearings
[NEW]
300:35-21-1. through 300:35-21-8. [NEW]
Subchapter 23. Four-Wheel Vehicles, Off-Road Vehicles
and All Terrain Vehicles [NEW]
300:35-23-1. through 300:35-23-10. [NEW]
Subchapter 25. [RESERVED]
Subchapter 27. Vegetation Management Plan [NEW]
300:35-27-1. through 300:35-27-7. [NEW]

SUBMITTED TO GOVERNOR:

February 13, 2006

SUBMITTED TO HOUSE:

February 13, 2006

SUBMITTED TO SENATE:

February 13, 2006

[OAR Docket #06-201; filed 2-17-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 525. DIRECT SERVICES TO
INDIVIDUALS**

[OAR Docket #06-184]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Child Guidance
310:525-3-2. [AMENDED]
310:525-3-3. [AMENDED]
310:525-3-4. [AMENDED]
310:525-3-5. [AMENDED]

SUBMITTED TO GOVERNOR:

February 10, 2006

SUBMITTED TO HOUSE:

February 10, 2006

SUBMITTED TO SENATE:

February 10, 2006

[OAR Docket #06-184; filed 2-10-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 535. IMMUNIZATIONS**

[OAR Docket #06-185]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. Childhood Immunizations
310:535-1-2. [AMENDED]
310:535-1-3. [AMENDED]

SUBMITTED TO GOVERNOR:

February 10, 2006

SUBMITTED TO HOUSE:

February 10, 2006

SUBMITTED TO SENATE:

February 10, 2006

[OAR Docket #06-185; filed 2-10-06]

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

[OAR Docket #06-194]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Teacher Preparation Teacher Assessment
712:10-7-1. [AMENDED]
Subchapter 11. Education Leadership Oklahoma
712:10-11-1. [AMENDED]

SUBMITTED TO GOVERNOR:

February 17, 2006

SUBMITTED TO HOUSE:

February 17, 2006

SUBMITTED TO SENATE:

February 17, 2006

[OAR Docket #06-194; filed 2-17-06]

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

1:2006-6.

EXECUTIVE ORDER 2006-6

I, Mary Fallin, Governor of the State of Oklahoma, in honor of Dr. Hans Brisch, 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, February 25, 2006.

Dr. Hans Brisch, Chancellor Emeritus of the Oklahoma State System of Higher Education, died at the age of 66 after a long and courageous battle with brain cancer. Dr. Brisch served as Chancellor and chief executive officer of the Oklahoma State System of Higher Education from 1987 - 2003. He led a State System comprised of 25 state colleges and universities, nine constituent agencies, two higher education centers and independent colleges and universities coordinated with the State System.

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 23rd day of February, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-217; filed 2-24-06]

