

Volume 25
Number 13
March 17, 2008
Pages 707 - 734

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Brad Henry, Governor
M. Susan Savage,
Secretary of State
Peggy Coe, Managing Editor

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library

Alva - Northwestern Oklahoma State University,
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

Goodwell - Oklahoma Panhandle State University

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library System

Tulsa - University of Tulsa, McFarlin Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN *THE OKLAHOMA REGISTER* by the volume and the beginning page number of the document in the *Register*. For example: 25 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, P.O. Box 53390, Oklahoma City, OK 73152-3390.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the Oklahoma Secretary of State, Office of Administrative Rules, 2401 North Lincoln Boulevard, Will Rogers Building, Room 220, P.O. Box 53390, Oklahoma City, OK 73152-3390, or by calling (405) 521-4911 or faxing (405) 522-3555. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 70 copies have been prepared and distributed at a cost of \$387.80. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vii
Notices of Rulemaking Intent	
Environmental Quality, Department of (Title 252)	707
Submissions for Review	
Banking Department, State (Title 85)	709
Corporation Commission (Title 165)	709
Dentistry, Board of (Title 195)	709, 710
Education, State Department of (Title 210)	710, 711, 712
Health, Oklahoma State Department of (Title 310)	712
Highway Construction Materials Technician Certification Board (Title 318)	713
Used Motor Vehicle and Parts Commission, Oklahoma (Title 765)	713, 714
Water Resources Board, Oklahoma (Title 785)	714, 715, 716, 717
Gubernatorial Approvals	
Conservation Commission, Oklahoma (Title 155)	719
Education, State Department of (Title 210)	719, 720
Public Employees Retirement System, Oklahoma (Title 590)	720, 721
Withdrawn Rules	
Medical Licensure and Supervision, State Board of (Title 435)	723
Emergency Adoptions	
Education, State Department of (Title 210)	725, 727
Tax Commission, Oklahoma (Title 710)	728
Executive Orders (Title 1)	733

Agency/Action/Subject Index

BANKING Department, State (Title 85)

Submissions for Review

- Required Rules (Chapter 1) 709
- Supervision, Regulation and Administration of Banks,
Trust Companies, and the Oklahoma Banking Code
(Chapter 10) 709

CONSERVATION Commission, Oklahoma (Title 155)

Gubernatorial Approvals

- Clean Water State Revolving Fund Program
(Chapter 25) 719

CORPORATION Commission (Title 165)

Submissions for Review

- Motor Carriers (Chapter 30) 709

DENTISTRY, Board of (Title 195)

Submissions for Review

- Organization, Operation and Purposes (Chapter 1) 709
- Complaints, Investigations and Hearings (Chapter 3) 710
- Rules for Continuing Dental Education (Chapter 25) 710

EDUCATION, State Department of (Title 210)

Submissions for Review

- School Administration and Instructional Services
(Chapter 10) 710
- Curriculum and Instruction (Chapter 15) 710
- Staff (Chapter 20) 710, 711
- Finance (Chapter 25) 711
- Standards for Accreditation of Elementary, Middle Level,
Secondary, and Career and Technology Schools
(Chapter 35) 711
- Grants and Programs-In-Aid (Chapter 40) 711, 712

Gubernatorial Approvals

- School Administration and Instructional Services
(Chapter 10) 719
- Curriculum and Instruction (Chapter 15) 719
- Standards for Accreditation of Elementary, Middle Level,
Secondary, and Career and Technology Schools
(Chapter 35) 719, 720
- Grants and Programs-In-Aid (Chapter 40) 720

Emergency Adoptions

- Curriculum and Instruction (Chapter 15) 725
- Standards for Accreditation of Elementary, Middle Level,
Secondary, and Career and Technology Schools
(Chapter 35) 727

ENVIRONMENTAL Quality, Department of (Title 252)

Notices of Rulemaking Intent

- Air Pollution Control (Chapter 100) 707

GOVERNOR

Executive Orders

- Amending EO 08-3, Temporarily suspending certain
regulatory requirements as they apply to vehicles used for
storm relief in Oklahoma (08-3A) 733
- Ordering flags at half-staff to honor retired Oklahoma Supreme
Court Justice Robert D. Simms (08-6) 733

HEALTH, Oklahoma State Department of (Title 310)

Submissions for Review

- Control and Treatment of Communicable Disease
(Chapter 521) 712
- Dental Services (Chapter 526) 712
- Newborn Screening Program (Chapter 550) 712

HIGHWAY Construction Materials Technician Certification Board (Title 318)

Submissions for Review

- Examination and Certification (Chapter 10) 713

MEDICAL Licensure and Supervision, State Board of (Title 435)

Withdrawn Rules

- Physical Therapists and Assistants (Chapter 20) 723

PUBLIC Employees Retirement System, Oklahoma (Title 590)

Gubernatorial Approvals

- Administrative Operations (Chapter 1) 720
- Public Employees Retirement System (Chapter 10) 721
- Uniform Retirement System for Justices and Judges
(Chapter 15) 721

TAX Commission, Oklahoma (Title 710)

Emergency Adoptions

- Income (Chapter 50) 728

USED Motor Vehicle and Parts Commission, Oklahoma (Title 765)

Submissions for Review

- Used Motor Vehicle Rebuilders (Chapter 11) 713
- Salvage Pools and Salvage Disposal Sales (Chapter 12) ... 713
- Temporary License Plates (Chapter 13) 713
- Buyer's Identification Cards [REVOKED]
(Chapter 30) 714

WATER Resources Board, Oklahoma (Title 785)

Submissions for Review

- Organization and Procedure of Oklahoma Water Resources
Board (Chapter 1) 714
- Rules of Practice and Hearings (Chapter 4) 714
- Fees (Chapter 5) 714
- Appropriation and Use of Stream Water (Chapter 20) 715
- Dams and Reservoirs (Chapter 25) 715
- Taking and Use of Groundwater (Chapter 30) 715
- Well Driller and Pump Installer Licensing (Chapter 35) ... 715
- Oklahoma's Water Quality Standards (Chapter 45) 716
- Implementation of Oklahoma's Water Quality Standards
(Chapter 46) 716
- Financial Assistance (Chapter 50) 717
- Development on State Owned or Operated Property Within
Floodplains and Floodplain Administrator Accreditation
(Chapter 55) 717

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
35:17-11-1.	[NEW] (E) 69	230:35-5-31.1.	[AMENDED] (E) 355
35:17-11-2.	[RESERVED] (E) 69	230:35-5-75.3.	[AMENDED] (E) 355
35:17-11-3.	[NEW] (E) 69	230:35-5-113.3.	[AMENDED] (E) 356
35:17, App. A.	[NEW] (E) 71	230:35-5-176.	[AMENDED] (E) 356
35:30-17-21.	[AMENDED] (E) 647	230:35-5-177.	[AMENDED] (E) 356
40:30-1-3.	[AMENDED] (E) 391	230:40-5-77.	[AMENDED] (E) 358
87:10-27-2.	[AMENDED] (E) 79	230:40-7-16.	[AMENDED] (E) 358
87:10-27-14.	[NEW] (E) 79	230:40-7-35.	[AMENDED] (E) 359
150:110-1-1.	[AMENDED] (E) 57	230:50-9-9.	[AMENDED] (E) 360
150:110-1-2.	[AMENDED] (E) 57	252:515-19-132.	[AMENDED] (E) 565
155:25-1-1.	[NEW] (E) 7	252:515-19-133.	[AMENDED] (E) 565
155:25-1-2.	[NEW] (E) 8	252:515-19-134.	[AMENDED] (E) 565
160:45-9-2.	[AMENDED] (E) 563	252:515-19-135.	[AMENDED] (E) 566
210:10-1-5.	[AMENDED] (E) 629	252:515-19-136.	[AMENDED] (E) 566
210:10-13-2.	[AMENDED] (E) 80	252:515-19-137.	[AMENDED] (E) 566
210:10-17-1.	[AMENDED] (E) 8	310:2-27-1.	[NEW] (E) 507
210:15-3-198.	[NEW] (E) 725	310:2-27-2.	[NEW] (E) 507
210:15-3-199.	[NEW] (E) 726	310:2-27-3.	[NEW] (E) 508
210:15-13-5.	[NEW] (E) 10	310:2-27-4.	[NEW] (E) 508
210:15-13-6.	[NEW] (E) 10	310:2-27-5.	[NEW] (E) 508
210:15-30-1.	[NEW] (E) 213	310:2-27-6.	[NEW] (E) 508
210:15-30-2.	[NEW] (E) 213	310:550-1-1.	[AMENDED] (E) 105
210:15-30-3.	[NEW] (E) 214	310:550-1-2.	[AMENDED] (E) 105
210:15-30-4.	[NEW] (E) 214	310:550-3-1.	[AMENDED] (E) 107
210:15-31-2.	[AMENDED] (E) 82	310:550-5-1.	[AMENDED] (E) 107
210:15-33-1.	[NEW] (E) 215	310:550-7-1.	[AMENDED] (E) 108
210:15-33-2.	[NEW] (E) 215	310:550-13-1.	[AMENDED] (E) 108
210:20-9-99.	[AMENDED] (E) 216	310:550-17-1.	[AMENDED] (E) 109
210:20-9-99.1.	[AMENDED] (E) 216	310:550-19-1.	[AMENDED] (E) 109
210:20-9-172.	[AMENDED] (E) 217	310:550-21-1.	[AMENDED] (E) 109
210:20-26-3.	[AMENDED] (E) 82	310:550, App. B.	[REVOKED] (E) 110
210:20-27-1.	[AMENDED] (E) 83	310:550, App. B.	[NEW] (E) 110
210:25-3-4.	[AMENDED] (E) 84	310:550, App. C.	[REVOKED] (E) 111
210:35-3-186.	[AMENDED] (E) 85	310:550, App. C.	[NEW] (E) 111
210:35-5-31.	[NEW] (E) 11	317:30-3-59.	[AMENDED] (E) 112
210:35-7-44.	[AMENDED] (E) 728	317:30-5-2.	[AMENDED] (E) 114
210:35-9-31.	[AMENDED] (E) 254	317:30-5-2.	[AMENDED] (E) 648
210:35-9-44.	[AMENDED] (E) 728	317:30-5-9.	[AMENDED] (E) 121
210:40-9-1.	[NEW] (E) 12	317:30-5-10.	[AMENDED] (E) 654
210:40-9-2.	[NEW] (E) 12	317:30-5-14.	[AMENDED] (E) 656
210:40-9-3.	[NEW] (E) 12	317:30-5-15.	[AMENDED] (E) 657
210:40-89-1.	[NEW] (E) 87	317:30-5-18.	[AMENDED] (E) 118
210:40-89-2.	[NEW] (E) 87	317:30-5-20.	[AMENDED] (E) 122
210:40-91-1.	[NEW] (E) 88	317:30-5-22.	[AMENDED] (E) 427
210:40-91-2.	[NEW] (E) 88	317:30-5-22.	[AMENDED] (E) 658
210:40-91-3.	[NEW] (E) 88	317:30-5-22.1.	[NEW] (E) 428
210:40-91-4.	[NEW] (E) 88	317:30-5-44.	[AMENDED] (E) 652
230:10-5-1.	[AMENDED] (E) 347	317:30-5-70.2.	[AMENDED] (E) 119
230:10-5-2.	[AMENDED] (E) 348	317:30-5-72.1.	[AMENDED] (E) 120
230:10-5-2.1.	[NEW] (E) 348	317:30-5-96.8.	[NEW] (E) 674
230:10-5-12.	[AMENDED] (E) 348	317:30-5-111.	[AMENDED] (E) 113
230:30-9-3.	[AMENDED] (E) 349	317:30-5-204.	[NEW] (E) 423
230:30-11-2.	[AMENDED] (E) 349	317:30-5-205.	[NEW] (E) 423
230:30-13-1.	[AMENDED] (E) 350	317:30-5-206.	[NEW] (E) 424
230:30-13-2.	[AMENDED] (E) 350	317:30-5-207.	[NEW] (E) 424
230:35-3-3.	[AMENDED] (E) 352	317:30-5-208.	[NEW] (E) 424
230:35-3-84.	[AMENDED] (E) 353	317:30-5-209.	[NEW] (E) 424
230:35-3-85.1.	[AMENDED] (E) 353	317:30-5-210.	[AMENDED] (E) 425
230:35-3-98.	[AMENDED] (E) 354	317:30-5-211.13.	[NEW] (E) 426
230:35-3-103.	[AMENDED] (E) 354	317:30-5-219.	[NEW] (E) 429
230:35-3-131.	[AMENDED] (E) 354	317:30-5-220.	[NEW] (E) 429

317:30-5-221. [NEW] (E)	429	317:35-9-48.1. [NEW] (E)	169
317:30-5-222. [NEW] (E)	429	317:35-9-65. [AMENDED] (E)	157
317:30-5-223. [NEW] (E)	429	317:35-9-67. [AMENDED] (E)	683
317:30-5-230. [NEW] (E)	430	317:35-9-68. [AMENDED] (E)	158
317:30-5-231. [NEW] (E)	430	317:35-17-9. [AMENDED] (E)	161
317:30-5-232. [NEW] (E)	430	317:35-17-10. [AMENDED] (E)	688
317:30-5-233. [NEW] (E)	430	317:35-17-11. [AMENDED] (E)	161
317:30-5-234. [NEW] (E)	430	317:35-19-4. [AMENDED] (E)	163
317:30-5-235. [NEW] (E)	430	317:35-19-4. [AMENDED] (E)	692
317:30-5-290. [REVOKED] (E)	113	317:35-19-19. [AMENDED] (E)	165
317:30-5-290. [AMENDED] (E)	123	317:35-19-20. [AMENDED] (E)	694
317:30-5-290.1. [NEW] (E)	124	317:35-19-21. [AMENDED] (E)	166
317:30-5-291. [AMENDED] (E)	124	317:35-22-1. [NEW] (E)	435
317:30-5-291.1. [NEW] (E)	124	317:35-22-2. [NEW] (E)	435
317:30-5-291.2. [NEW] (E)	124	317:35-22-2.1. [NEW] (E)	435
317:30-5-295. [NEW] (E)	124	317:35-22-3. [NEW] (E)	435
317:30-5-296. [NEW] (E)	124	317:35-22-4. [NEW] (E)	435
317:30-5-297. [NEW] (E)	124	317:35-22-5. [NEW] (E)	435
317:30-5-298. [NEW] (E)	124	317:35-22-6. [NEW] (E)	435
317:30-5-327.5. [AMENDED] (E)	660	317:35-22-7. [NEW] (E)	436
317:30-5-420. [AMENDED] (E)	125	317:35-22-8. [NEW] (E)	436
317:30-5-421. [AMENDED] (E)	125	317:35-22-9. [NEW] (E)	436
317:30-5-422. [AMENDED] (E)	125	317:35-22-10. [NEW] (E)	436
317:30-5-423. [AMENDED] (E)	126	317:35-22-11. [NEW] (E)	436
317:30-5-424. [AMENDED] (E)	126	317:45-9-1. [AMENDED] (E)	170
317:30-5-431. [AMENDED] (E)	654	317:45-11-11. [AMENDED] (E)	439
317:30-5-432. [AMENDED] (E)	655	317:45-11-20. [AMENDED] (E)	170
317:30-5-432.1. [NEW] (E)	655	317:45-11-21.1. [NEW] (E)	172
317:30-5-451. [AMENDED] (E)	656	318:10-1-1. [AMENDED] (E)	58
317:30-5-452. [REVOKED] (E)	656	318:10-1-3.1. [NEW] (E)	58
317:30-5-568. [AMENDED] (E)	118	340:2-5-112. [AMENDED] (E)	13
317:30-5-698. [AMENDED] (E)	127	340:2-5-119. [AMENDED] (E)	14
317:30-5-760. [AMENDED] (E)	661	340:5-1-6. [AMENDED] (E)	257
317:30-5-761. [AMENDED] (E)	661	340:5-3-1. [AMENDED] (E)	258
317:30-5-762. [AMENDED] (E)	662	340:5-5-6. [AMENDED] (E)	259
317:30-5-763. [AMENDED] (E)	663	340:10-2-1. [AMENDED] (E)	14
317:30-5-763.1. [AMENDED] (E)	671	340:10-2-5. [AMENDED] (E)	16
317:30-5-764. [AMENDED] (E)	672	340:10-2-6. [AMENDED] (E)	16
317:35-5-2. [AMENDED] (E)	431	340:10-2-7. [AMENDED] (E)	17
317:35-5-6.1. [NEW] (E)	432	340:10-2-8. [AMENDED] (E)	19
317:35-5-8. [AMENDED] (E)	129	340:10-15-1. [AMENDED] (E)	262
317:35-5-25. [AMENDED] (E)	432	340:20-1-8. [AMENDED] (E)	263
317:35-5-26. [AMENDED] (E)	436	340:25-5-244. [AMENDED] (E)	264
317:35-5-41. [AMENDED] (E)	130	340:50-5-67. [AMENDED] (E)	265
317:35-5-41.1. [NEW] (E)	142	340:65-3-1. [AMENDED] (E)	266
317:35-5-41.2. [NEW] (E)	144	340:65-3-8. [AMENDED] (E)	268
317:35-5-41.3. [NEW] (E)	145	340:75-1-16. [AMENDED] (E)	270
317:35-5-41.4. [NEW] (E)	146	340:75-1-17. [AMENDED] (E)	272
317:35-5-41.5. [NEW] (E)	146	340:75-1-18. [AMENDED] (E)	272
317:35-5-41.6. [NEW] (E)	146	340:75-1-18.1. [AMENDED] (E)	274
317:35-5-41.7. [NEW] (E)	150	340:75-1-20. [AMENDED] (E)	274
317:35-5-41.8. [NEW] (E)	151	340:75-1-86. [AMENDED] (E)	632
317:35-5-41.9. [NEW] (E)	153	340:75-6-85. [AMENDED] (E)	275
317:35-5-41.9. [NEW] (E)	675	340:75-7-15. [AMENDED] (E)	21
317:35-5-41.10. [NEW] (E)	154	340:75-7-15. [AMENDED] (E)	277
317:35-5-41.11. [NEW] (E)	154	340:75-15-84. [AMENDED] (E)	279
317:35-5-42. [AMENDED] (E)	676	340:75-15-87. [AMENDED] (E)	280
317:35-5-42. [AMENDED] (E)	699	340:75-15-88. [AMENDED] (E)	281
317:35-5-45. [AMENDED] (E)	154	340:110-1-9.4. [AMENDED] (E)	23
317:35-5-46. [AMENDED] (E)	155	340:110-3-5. [AMENDED] (E)	25
317:35-5-47. [AMENDED] (E)	155	340:110-3-5.1. [AMENDED] (E)	26
317:35-5-49. [AMENDED] (E)	155	340:110-3-27. [AMENDED] (E)	26
317:35-6-15. [AMENDED] (E)	437	340:110-3-39. [AMENDED] (E)	28
317:35-7-15. [AMENDED] (E)	438	340:110-3-40. [AMENDED] (E)	29
317:35-7-48. [AMENDED] (E)	129	340:110-3-49.3. [AMENDED] (E)	29
317:35-9-15. [AMENDED] (E)	155	340:110-3-81. [AMENDED] (E)	31
317:35-9-15. [AMENDED] (E)	681	340:110-3-82. [AMENDED] (E)	31

Rules Affected Index – *continued*

340:110-3-84. [AMENDED] (E)	32	710:95-5-14. [REVOKED] (E)	93
340:110-3-85. [AMENDED] (E)	32	710:95-5-15. [REVOKED] (E)	94
340:110-3-86. [AMENDED] (E)	35	710:95-5-16. [REVOKED] (E)	94
340:110-3-87. [AMENDED] (E)	37	710:95-5-17. [REVOKED] (E)	95
340:110-3-88. [AMENDED] (E)	37	710:95-5-18. [REVOKED] (E)	95
340:110-3-89.1. [AMENDED] (E)	38	710:95-5-19. [NEW] (E)	95
340:110-3-90. [AMENDED] (E)	38	710:95-5-20. [REVOKED] (E)	95
340:110-3-91. [AMENDED] (E)	39	710:95-5-21. [REVOKED] (E)	96
340:110-3-91.1. [NEW] (E)	39	710:95-5-22. [REVOKED] (E)	96
340:110-3-92. [AMENDED] (E)	40	715:10-13-3.1. [AMENDED] (E)	287
340:110-3-93. [AMENDED] (E)	40	715:10-13-3.2. [NEW] (E)	288
340:110-3-94. [AMENDED] (E)	41	715:10-13-3.3. [NEW] (E)	288
340:110-3-97. [AMENDED] (E)	41	715:10-21-2. [AMENDED] (E)	567
340:110-3-97.1. [AMENDED] (E)	42	715:10-21-3. [REVOKED] (E)	567
340:110-3-223. [AMENDED] (E)	43	715:10-21-4. [REVOKED] (E)	568
340:110-3-224. [AMENDED] (E)	44	715:10-21-5. [REVOKED] (E)	568
340:110-3-237. [AMENDED] (E)	45	765:11-1-2. [AMENDED] (E)	361
365:25-3-1. [AMENDED] (E)	173	765:11-3-1. [AMENDED] (E)	361
365:25-3-1.1. [NEW] (E)	176	765:11-3-2. [AMENDED] (E)	361
365:25-3-1.2. [NEW] (E)	176	765:11-3-4. [REVOKED] (E)	361
365:25-3-1.3. [NEW] (E)	176	765:11-5-1. [AMENDED] (E)	361
365:25-3-14. [AMENDED] (E)	176	765:11-5-2. [AMENDED] (E)	362
365:25-27-1. [NEW] (E)	59	765:12-1-1. [NEW] (E)	362
365:25-27-2. [NEW] (E)	59	765:12-1-2. [NEW] (E)	362
365:25-27-3. [NEW] (E)	59	765:12-1-3. [NEW] (E)	362
365:25-27-4. [NEW] (E)	59	765:12-1-4. [NEW] (E)	362
365:25-27-5. [NEW] (E)	59	765:12-5-1. [NEW] (E)	362
365:25-27-6. [NEW] (E)	60	765:12-5-2. [NEW] (E)	363
365:25-27-7. [NEW] (E)	61	765:12-7-1. [NEW] (E)	363
365:25-27-8. [NEW] (E)	63	765:12-7-2. [NEW] (E)	363
365:25-27-9. [NEW] (E)	63	765:12-7-3. [NEW] (E)	363
365:25. App. T. [NEW] (E)	284	765:12-9-1. [NEW] (E)	363
465:20-1-1. [NEW] (E)	286	765:13-1-1. [NEW] (E)	364
465:20-3-1. [NEW] (E)	286	765:13-3-1. [NEW] (E)	364
465:20-3-2. [NEW] (E)	286	765:13-3-2. [NEW] (E)	364
465:20-3-3. [NEW] (E)	287	765:13-3-3. [NEW] (E)	364
530:10. App. A. [REVOKED] (E)	90	765:13-3-4. [NEW] (E)	364
530:10. App. A. [NEW] (E)	90	765:30-1-1. [REVOKED] (E)	365
590:10-7-13. [AMENDED] (E)	46	765:30-1-2. [REVOKED] (E)	365
590:10-19-2. [AMENDED] (E)	47	765:30-1-3. [REVOKED] (E)	365
590:10-19-3. [AMENDED] (E)	47	765:30-1-4. [REVOKED] (E)	365
600:15-1-2. [AMENDED] (E)	91	765:30-1-5. [REVOKED] (E)	365
600:15-1-4. [AMENDED] (E)	91	765:30-1-6. [REVOKED] (E)	365
605:1-1-4. [AMENDED] (E)	440	765:30-1-7. [REVOKED] (E)	366
605:10-3-2. [AMENDED] (E)	442	765:30-3-1. [REVOKED] (E)	366
605:10-7-2. [AMENDED] (E)	442	765:30-3-2. [REVOKED] (E)	366
710:50-3-3. [AMENDED] (E)	729	765:30-5-1. [REVOKED] (E)	366
710:50-15-66. [AMENDED] (E)	729	765:30-7-1. [REVOKED] (E)	366
710:50-15-86.1. [AMENDED] (E)	730	765:30-7-2. [REVOKED] (E)	367
710:50-15-87.1. [AMENDED] (E)	731	765:30-7-3. [REVOKED] (E)	367
710:50-15-96. [AMENDED] (E)	731	800:10-1-5. [AMENDED] (E)	289
710:95-5-3. [AMENDED] (E)	92	800:25-17-4. [AMENDED] (E)	290
710:95-5-11. [AMENDED] (E)	93	800:25-17-5. [REVOKED] (E)	290
710:95-5-13. [REVOKED] (E)	93		

Agency/Title Index

[Assigned as of 3-17-08]

Agency	Title	Agency	Title
Oklahoma ACCOUNTANCY Board	10	Oklahoma Department of EMERGENCY Management	
State ACCREDITING Agency	15	(Formerly: Department of CIVIL Emergency Management) -	
AD Valorem Task Force (abolished 7-1-93)	20	See Title 145	
Oklahoma AERONAUTICS Commission	25	Oklahoma EMPLOYMENT Security Commission	240
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical		Oklahoma ENERGY Resources Board	243
Colleges	30	State Board of Licensure for Professional ENGINEERS and Land	
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Surveyors (Formerly: State Board of Registration for Professional	
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	ENGINEERS and Land Surveyors)	245
Board of Tests for ALCOHOL and Drug Influence	40	Board of Trustees for the ENID Higher	
ALCOHOLIC Beverage Laws Enforcement Commission	45	Education Program	250
ANATOMICAL Board of the State of Oklahoma	50	Department of ENVIRONMENTAL Quality	252
Board of Governors of the Licensed ARCHITECTS , Landscape		State Board of EQUALIZATION	255
Architects and Interior Designers of Oklahoma	55	ETHICS Commission (Title revoked)	257
ARCHIVES and Records Commission	60	ETHICS Commission	258
Board of Trustees for the ARDMORE Higher		Office of State FINANCE	260
Education Program	65	State FIRE Marshal Commission	265
Oklahoma ARTS Council	70	Oklahoma Council on FIREFIGHTER Training	268
ATTORNEY General	75	Oklahoma FIREFIGHTERS Pension and Retirement System	270
State AUDITOR and Inspector	80	[RESERVED]	275
State BANKING Department	85	State Board of Registration for FORESTERS	280
Oklahoma State Employees BENEFITS Council	87	FOSTER Care Review Advisory Board	285
Council of BOND Oversight	90	Oklahoma FUNERAL Board (Formerly: Oklahoma State Board of	
Oklahoma Professional BOXING Commission	92	Embalmers and Funeral Directors) - See Title 235	
State BURIAL Board (abolished 7-1-92)	95	Oklahoma FUTURES	290
[RESERVED]	100	GOVERNOR	295
Oklahoma CAPITAL Investment Board	105	GRAND River Dam Authority	300
Oklahoma CAPITOL Improvement Authority	110	Group Self-Insurance Association GUARANTY Fund Board	302
State CAPITOL Preservation Commission	115	Individual Self-Insured GUARANTY Fund Board	303
CAPITOL-MEDICAL Center Improvement and Zoning		STATE Use Committee (Formerly: Committee on Purchases of Products	
Commission	120	and Services of the Severely HANDICAPPED)	304
Oklahoma Department of CAREER and Technology Education		Office of DISABILITY Concerns (Formerly: Office of	
(Formerly: Oklahoma Department of VOCATIONAL and		HANDICAPPED Concerns)	305
Technical Education) - See Title 780		Oklahoma State Department of HEALTH	310
Board of Regents of CARL Albert State College	125	Oklahoma Basic HEALTH Benefits Board (abolished 11-1-97)	315
Department of CENTRAL Services (Formerly: Office of PUBLIC		Oklahoma HEALTH Care Authority	317
Affairs) - See Title 580		HIGHWAY Construction Materials Technician Certification	
CEREBRAL Palsy Commission	130	Board	318
Commission on CHILDREN and Youth	135	Oklahoma HISTORICAL Society	320
Board of CHIROPRACTIC Examiners	140	Oklahoma HORSE Racing Commission	325
Oklahoma Department of EMERGENCY Management		Oklahoma HOUSING Finance Agency	330
(Formerly: Department of CIVIL Emergency Management)	145	Oklahoma HUMAN Rights Commission	335
Oklahoma Department of COMMERCE	150	Department of HUMAN Services	340
COMMUNITY Hospitals Authority	152	Committee for INCENTIVE Awards for State Employees	345
COMPSOURCE Oklahoma (Formerly: State INSURANCE		Oklahoma INDIAN Affairs Commission	350
Fund) - See Title 370		Oklahoma INDIGENT Defense System	352
Oklahoma CONSERVATION Commission	155	Oklahoma INDUSTRIAL Finance Authority	355
CONSTRUCTION Industries Board	158	INJURY Review Board	357
Department of CONSUMER Credit	160	Oklahoma State and Education Employees Group INSURANCE	
CORPORATION Commission	165	Board	360
Department of CORRECTIONS	170	INSURANCE Department	365
State Board of COSMETOLOGY	175	COMPSOURCE Oklahoma	
Oklahoma State CREDIT Union Board	180	(Formerly: State INSURANCE Fund)	370
CRIME Victims Compensation Board	185	Oklahoma State Bureau of INVESTIGATION	375
Joint CRIMINAL Justice System Task Force Committee	190	Council on JUDICIAL Complaints	376
Board of DENTISTRY	195	Office of JUVENILE Affairs	377
Oklahoma DEVELOPMENT Finance Authority	200	Department of LABOR	380
Office of DISABILITY Concerns (Formerly: Office of		Department of the Commissioners of the LAND Office	385
HANDICAPPED Concerns) - See Title 305		Council on LAW Enforcement Education and Training	390
Board of Regents of EASTERN Oklahoma State College	205	Oklahoma LAW Enforcement Retirement System	395
EDGE Fund Policy Board	208	Board on LEGISLATIVE Compensation	400
State Department of EDUCATION	210	Oklahoma Department of LIBRARIES	405
EDUCATION Oversight Board	215	LIEUTENANT Governor	410
Oklahoma EDUCATIONAL Television Authority	220	Oklahoma LINKED Deposit Review Board	415
[RESERVED]	225	Oklahoma LIQUEFIED Petroleum Gas Board	420
State ELECTION Board	230	Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety	
Oklahoma FUNERAL Board (Formerly: Oklahoma State Board of		Commission	422
EMBALMERS and Funeral Directors)	235	LITERACY Initiatives Commission	425
		LONG-RANGE Capital Planning Commission	428

Agency/Title Index – *continued*

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

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 #08-278]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 17. Incinerators
- Part 5. Municipal Waste Combustors
- 252:100-17-14.1. Definitions [AMENDED]
- 252:100-17-14.2. Terminology related to 40 CFR [AMENDED]
- 252:100-17-15. Exemptions [AMENDED]
- 252:100-17-16. Standards for particulate matter and opacity [AMENDED]
- 252:100-17-17. Standards for municipal waste combustor metals [AMENDED]
- 252:100-17-19. Standards for municipal waste combustor organics expressed as total mass dioxins/furans [AMENDED]
- 252:100-17-20. Standards for nitrogen oxides [AMENDED]
- 252:100-17-21. Standards for municipal waste combustor operating practices [AMENDED]
- 252:100-17-24. Standards for municipal waste combustor operator training and certification [AMENDED]
- 252:100-17-25. Compliance and performance testing [AMENDED]
- 252:100-17-26. Reporting and recordkeeping requirements [AMENDED]
- Subchapter 19. Control of Emission of Particulate Matter
- 252:100-19-1.1. Definitions [AMENDED]
- 252:100-19-11. Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units [AMENDED]
- Subchapter 44. Control of Mercury Emissions from Coal-Fired Electric Steam Generating Units [NEW]
- 252:100-44-1. Purpose [NEW]
- Appendix C. Allowable Rate of Emissions for Indirectly Fired Fuel-Burning Units [REVOKED]
- Appendix C. Allowable Particulate Matter Emission Rates for Indirectly Fired Fuel-Burning Units [NEW]
- Appendix D. Allowable Rate of Emissions for Indirectly Fired Wood Fuel-Burning Units [REVOKED]
- Appendix D. Allowable Particulate Matter Emission Rates for Indirectly Fired Wood Fuel-Burning Units [NEW]

- Appendix G. Allowable Rate of Emissions [REVOKED]
- Appendix G. Allowable Particulate Matter Emission Rates for Directly Fired Fuel-Burning Units And Industrial Process [NEW]

SUMMARY:

The Department proposes to amend OAC 252:100-17, Incinerators, Part 5, to meet federal requirements for state plans under section 111(d) of the federal Clean Air Act applicable to existing sources. The proposed changes would incorporate standards from 40 CFR 60, Subpart Cb and update references to 40 CFR 60, Subpart Eb published on May 10, 2006, in the *Federal Register* that apply to Municipal Waste Combustor (MWC) units with the capacity to combust more than 250 tons per day of municipal solid waste. The proposed changes to Subchapter 17 are accompanied by a 111(d) plan. Staff intends that this council meeting serve as a public hearing for both the rule and the plan.

The Department is proposing to amend OAC 252:100-19-1.1, Definitions, to add definitions for condensable, filterable and total particulate matter. OAC 252:100-19-11, Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units, is being amended to add the word "total" before the words "particulate matter." In addition, Appendices C, D and G are being revoked and new Appendices C, D and G are being added to Chapter 100.

The Department is proposing 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 coal-fired electric steam generating units. The previously proposed incorporation by reference of the Clean Air Mercury Rule (CAMR) is no longer under consideration due to the vacating of the federal rule by the D.C. Court of Appeals on February 8, 2008. More than one regulatory option may be presented to the Council.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. §§ 2-2-101 and 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 16, 2008. 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 one (1) day prior to the Council meeting and provide hard copy written responses to the comments to the Council and the public at that Council meeting. Oral

Notices of Rulemaking Intent

comments may be made at the April 16, 2008 hearing and at the August 19, 2008 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, April 16, 2008, at the Tulsa campus of Oklahoma State University, 700 North Greenwood, Tulsa, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on Tuesday, August 19, 2008, at a location to be determined, in Duncan, Oklahoma.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR § 51.102 of the EPA regulations 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 at

http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm,

or copies may be obtained from the Department by calling Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained by contacting Cheryl E. Bradley at (405) 702-4100.

CONTACT PERSON:

Please send written comments on the proposed rule changes to Cheryl E. Bradley at cheryl.bradley@deq.state.ok.us. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl Bradley. The Air Quality Division FAX is (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)702-4216. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-278; filed 2-22-08]

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 85. STATE BANKING DEPARTMENT CHAPTER 1. REQUIRED RULES

[OAR Docket #08-258]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 85:1-1-1. Purpose [AMENDED]
- 85:1-1-2. Definitions [AMENDED]
- 85:1-1-4. Operation and location of the Board and Department [AMENDED]
- 85:1-1-5. Communication with the Board and Commissioner [AMENDED]
- 85:1-1-6. Requests for Information [NEW]
- Subchapter 3. Procedural Rules
- 85:1-3-1. Records and transcripts [AMENDED]
- 85:1-3-2. Service of pleadings [AMENDED]
- 85:1-3-3. Commencement of a proceeding; intervention; consolidation [AMENDED]
- 85:1-3-7. Production of documents [AMENDED]
- 85:1-3-9. Examiner testimony [AMENDED]
- 85:1-3-10. Examination reports - confidentiality [AMENDED]
- 85:1-3-11. Pre-hearing conference [AMENDED]
- 85:1-3-12. Witness and subpoenas [AMENDED]
- 85:1-3-14. Order of proof [AMENDED]
- 85:1-3-19. Complaint procedure [NEW]
- 85:1-3-20. Petitions for rulemaking [NEW]
- 85:1-3-21. Declaratory rulings [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-258; filed 2-22-08]

TITLE 85. STATE BANKING DEPARTMENT CHAPTER 10. SUPERVISION, REGULATION AND ADMINISTRATION OF BANKS, TRUST COMPANIES, AND THE OKLAHOMA BANKING CODE

[OAR Docket #08-259]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 10. Supervision, Regulation and Administration of Banks, Trust Companies, and the Oklahoma Banking Code [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-259; filed 2-22-08]

TITLE 165. CORPORATION COMMISSION CHAPTER 30. MOTOR CARRIERS

[OAR Docket #08-231]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 30. Motor Carriers [AMENDED]

SUBMITTED TO GOVERNOR:

February 8, 2008

SUBMITTED TO HOUSE:

February 8, 2008

SUBMITTED TO SENATE:

February 8, 2008

[OAR Docket #08-231; filed 2-13-08]

TITLE 195. BOARD OF DENTISTRY CHAPTER 1. ORGANIZATION, OPERATION AND PURPOSES

[OAR Docket #08-264]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

195:1-1-6. Public inspection of certain records [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

Submissions for Review

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-264; filed 2-22-08]

**TITLE 195. BOARD OF DENTISTRY
CHAPTER 3. COMPLAINTS,
INVESTIGATIONS AND HEARINGS**

[OAR Docket #08-265]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

195:3-1-10. Request for declaratory ruling interpretation of rules [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-265; filed 2-22-08]

**TITLE 195. BOARD OF DENTISTRY
CHAPTER 25. RULES FOR CONTINUING
DENTAL EDUCATION**

[OAR Docket #08-266]

RULEMAKING ACTION;

Submission for gubernatorial and legislative review

RULES:

195:25-1-2. Continuing education required [AMENDED]
195:25-1-7. Categories of continuing education [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-266; filed 2-22-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION
AND INSTRUCTIONAL SERVICES**

[OAR Docket #08-229]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Student Assessment
210:10-13-2. Oklahoma School Testing Program (OSTP)
scope and general administration [AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-229; filed 2-13-08]

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

[OAR Docket #08-234]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 31. Middle School Mathematics Laboratories
for Public Schools with Low Student Achievement in
Mathematics Program
210:15-31-2. Middle school mathematics laboratories
for public schools with low student achievement in
mathematics program [AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-234; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #08-235]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 26. Academic Achievement Award Program
210:20-26-3. Qualified employees [AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-235; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #08-236]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 27. Support Personnel
210:20-27-1. Support personnel; reporting requirements
[AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-236; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #08-237]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-237; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-239]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Standards for Elementary, Middle Level,
Secondary, and Career and Technology Schools
Part 19. Standard X: School Facilities
210:35-3-186. Site and buildings: size and space;
accessibility; maintenance; health and safety
[AMENDED]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-239; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 40. GRANTS AND
PROGRAMS-IN-AID**

[OAR Docket #08-244]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 89. Robotics Grant Program [NEW]
210:40-89-1. Purpose [NEW]
210:40-89-2. Robotics Programs for Public Schools
[NEW]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-244; filed 2-13-08]

Submissions for Review

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

[OAR Docket #08-245]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 91. Comprehensive Statewide School District
Character Education Grants [NEW]

210:40-91-1. Purpose [NEW]

210:40-91-2. Procedures for solicitation, determination
of eligibility, and acceptance of applications for
Districtwide Comprehensive Character Education
Programs [NEW]

210:40-91-3. Procedures for evaluation and
recommendation of eligible grant applications [NEW]

210:40-91-4. Procedures for awarding grants [NEW]

SUBMITTED TO GOVERNOR:

January 28, 2008

SUBMITTED TO HOUSE:

January 28, 2008

SUBMITTED TO SENATE:

January 28, 2008

[OAR Docket #08-245; filed 2-13-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 521. CONTROL AND TREATMENT OF COMMUNICABLE DISEASE

[OAR Docket #08-247]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

310:521-1-1 [AMENDED]

310:521-1-2 [AMENDED]

Subchapter 3. Tuberculosis

310:521-3-1 through 310:521-3-5 [AMENDED]

Subchapter 7. Isolation or Quarantine [NEW]

310:521-7-1 through 310:521-7-9 [NEW]

SUBMITTED TO GOVERNOR:

February 15, 2008

SUBMITTED TO HOUSE:

February 15, 2008

SUBMITTED TO SENATE:

February 15, 2008

[OAR Docket #08-247; filed 2-15-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 526. DENTAL SERVICES

[OAR Docket #08-248]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Oklahoma Dental Loan Repayment Program
310:526-3-3. Eligibility to participate in the Program
[AMENDED]

SUBMITTED TO GOVERNOR:

February 15, 2008

SUBMITTED TO HOUSE:

February 15, 2008

SUBMITTED TO SENATE:

February 15, 2008

[OAR Docket #08-248; filed 2-15-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 550. NEWBORN SCREENING PROGRAM

[OAR Docket #08-249]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

310:550-1-1 [AMENDED]

310:550-1-2 [AMENDED]

Subchapter 3. Testing of Newborns

310:550-3-1 [AMENDED]

Subchapter 5. Specimen Collection

310:550-5-1 [AMENDED]

Subchapter 7. Hospital Recording

310:550-7-1 [AMENDED]

Subchapter 13. Parent and Health Care Provider Education

310:550-13-1 [AMENDED]

Subchapter 17. Follow-Up for Physicians

310:550-17-1 [AMENDED]

Subchapter 19. Reporting

310:550-19-1 [AMENDED]

Subchapter 21. Information

310:550-21-1 [AMENDED]

Appendix B. Report Form [REVOKED]

Appendix B. Report Form [NEW]

Appendix C. Refusal of the Newborn Screening Blood Test -
Religious Tenets and Practices Refusal [REVOKED]

Appendix C. Refusal Form [NEW]

SUBMITTED TO GOVERNOR:

February 15, 2008

SUBMITTED TO HOUSE:

February 15, 2008

SUBMITTED TO SENATE:

February 15, 2008

[OAR Docket #08-249; filed 2-15-08]

**TITLE 318. HIGHWAY CONSTRUCTION MATERIALS TECHNICIAN CERTIFICATION BOARD
CHAPTER 10. EXAMINATION AND CERTIFICATION**

[OAR Docket #08-223]

RULEMAKING ACTION:

Submission for Governor/Legislature Review

RULES:

- 318:10-1-1. Purpose [AMENDED]
- 318:10-1-3.1. Training of personnel not seeking certification [NEW]
- 318:10-1-4. Examination criteria [AMENDED]
- 318:10-1-11. Fees [AMENDED]

SUBMITTED TO GOVERNOR:

February 12, 2008

SUBMITTED TO HOUSE:

February 12, 2008

SUBMITTED TO SENATE:

February 12, 2008

[OAR Docket #08-223; filed 2-12-08]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 11. USED MOTOR VEHICLE REBUILDERS**

[OAR Docket #08-260]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Licensing Qualifications, Procedures and Fees [AMENDED]
- 765:11-1-2 [AMENDED]
- Subchapter 3. Authority
- 765:11-3-1 [AMENDED]
- 765:11-3-2 [AMENDED]
- 765:11-3-4 [REVOKED]
- Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of License
- 765:11-5-1 [AMENDED]
- 765:11-5-2 [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-260; filed 2-22-08]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 12. SALVAGE POOLS AND SALVAGE DISPOSAL SALES**

[OAR Docket #08-261]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Licensing Qualifications, Procedures and Fees [NEW]
- 765:12-1-1 [NEW]
- 765:12-1-2 [NEW]
- 765:12-1-3 [NEW]
- 765:12-1-4 [NEW]
- Subchapter 5. Permitted Buyers [NEW]
- 765:12-5-1 [NEW]
- 765:12-5-2 [NEW]
- Subchapter 7. Reports [NEW]
- 765:12-7-1 [NEW]
- 765:12-7-2 [NEW]
- 765:12-7-3 [NEW]
- Subchapter 9. Payments to the Commission [NEW]
- 765:12-9-1 [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-261; filed 2-22-08]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 13. TEMPORARY LICENSE PLATES**

[OAR Docket #08-262]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Application [NEW]
- 765:13-1-1 [NEW]
- Subchapter 3. Design [NEW]
- 765:13-3-1 [NEW]

Submissions for Review

765:13-3-2 [NEW]

765:13-3-3 [NEW]

765:13-3-4 [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-262; filed 2-22-08]

**TITLE 765. OKLAHOMA USED MOTOR
VEHICLE AND PARTS COMMISSION
CHAPTER 30. BUYER'S IDENTIFICATION
CARDS [REVOKED]**

[OAR Docket #08-263]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees [REVOKED]

765:30-1-1 [REVOKED]

765:30-1-2 [REVOKED]

765:30-1-3 [REVOKED]

765:30-1-4 [REVOKED]

765:30-1-5 [REVOKED]

765:30-1-6 [REVOKED]

765:30-1-7 [REVOKED]

Subchapter 3. Assessment of Fine or Denial, Suspension, or Revocation of Bid Card [REVOKED]

765:30-3-1 [REVOKED]

765:30-3-2 [REVOKED]

Subchapter 5. Reciprocity [REVOKED]

765:30-5-1 [REVOKED]

Subchapter 7. Salvage Pools and Salvage Disposal Sales [REVOKED]

765:30-7-1 [REVOKED]

765:30-7-2 [REVOKED]

765:30-7-3 [REVOKED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-263; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 1. ORGANIZATION AND
PROCEDURE OF OKLAHOMA WATER
RESOURCES BOARD**

[OAR Docket #08-267]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Organization, Meetings and Comprehensive Water Plan

785:1-3-2. Purpose of the Board [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-267; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 4. RULES OF PRACTICE AND
HEARINGS**

[OAR Docket #08-268]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Pre-Hearing Actions and Proceedings

785:4-5-1.1. Mediation [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-268; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 5. FEES**

[OAR Docket #08-269]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785:5-1-10. Groundwater application fees [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-269; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 20. APPROPRIATION AND USE
OF STREAM WATER**

[OAR Docket #08-270]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:20-1-2. Definitions [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-270; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 25. DAMS AND RESERVOIRS**

[OAR Docket #08-271]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Post Approval Actions

785:25-7-8. Certificate of completion [AMENDED]

Subchapter 9. Actions After Construction

785:25-9-1. Inspections of dams [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-271; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 30. TAKING AND USE OF
GROUNDWATER**

[OAR Docket #08-272]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:30-1-2. Definitions [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-272; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP
INSTALLER LICENSING**

[OAR Docket #08-273]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:35-1-2. Definitions [AMENDED]

Subchapter 3. Licensing and Certifications

785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]

Subchapter 5. General Requirements to Maintain Licenses and Operator Certifications

785:35-5-3. Requirements for multi-purpose completion report [AMENDED]

Subchapter 7. Minimum Standards for Construction of Wells

785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]

785:35-7-1.1. Minimum standards for construction of heat exchange wells [AMENDED]

Subchapter 9. Minimum Standards for Pump Installation

785:35-9-1. Minimum standards for pump installation [AMENDED]

Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes

785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

Submissions for Review

785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-273; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER
QUALITY STANDARDS**

[OAR Docket #08-274]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 1. General Provisions

785:45-5-3. Beneficial uses: default designations [AMENDED]

Part 3. Beneficial Uses and Criteria to Protect Uses

785:45-5-13. Agriculture: ~~livestock and irrigation~~ [AMENDED]

785:45-5-19. Aesthetics [AMENDED]

Appendix A. Designated Beneficial Uses for Surface Waters [REVOKED]

Appendix A.1. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 1, Middle Arkansas River [NEW]

Appendix A.2. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 2, Lower Arkansas River Basin [NEW]

Appendix A.3. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin [NEW]

Appendix A.4. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 4, Lower Red River [NEW]

Appendix A.5. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River [NEW]

Appendix A.6. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 6, Upper Arkansas River [NEW]

Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameter [REVOKED]

Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [NEW]

Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except As Indicated) [REVOKED]

Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except As Indicated) [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-274; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 46. IMPLEMENTATION
OF OKLAHOMA'S WATER QUALITY
STANDARDS**

[OAR Docket #08-275]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:46-1-2. Definitions [AMENDED]

Subchapter 3. Implementation of Narrative Toxics Criteria to Protect Aquatic Life Using Whole Effluent Toxicity (WET) Testing

785:46-3-2. Dilutions for whole effluent toxicity testing [AMENDED]

Subchapter 11. Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation

785:46-11-3. Regulatory flows [AMENDED]

Subchapter 15. Use Support Assessment Protocols

785:46-15-1. Scope and applicability [AMENDED]

785:46-15-2. Definitions [AMENDED]

785:46-15-4. Default protocols [AMENDED]

785:46-15-5. Assessment of Fish and Wildlife Propagation support [AMENDED]

785:46-15-6. Assessment of Primary Body Contact Recreation support [AMENDED]

785:46-15-7. Assessment of Public and Private Water Supply support [AMENDED]

785:46-15-8. Assessment of Agriculture support [AMENDED]

785:46-15-10. Nutrients [AMENDED]

785:46-15-14. Assessment of Aesthetics support [NEW]

Subchapter 17. OWRB Water Quality Standards Implementation Plan

- 785:46-17-2. Definitions [AMENDED]
- 785:46-17-3. Processes to ensure compliance with antidegradation standards and leading to maintenance of, removal of threats to, and restoration of beneficial uses [AMENDED]
- 785:46-17-10. Evaluation of effectiveness [AMENDED]
- Appendix D. Summary of Comments on OWRB's Water Quality Standards Implementation Plan [REVOKED]
- Appendix D. Summary of Comments on OWRB's Water Quality Standards Implementation Plan [NEW]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-275; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #08-276]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions [AMENDED]

Part 3. General Program Requirements

785:50-9-27. Types of assistance [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-276; filed 2-22-08]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 55. DEVELOPMENT ON STATE
OWNED OR OPERATED PROPERTY
WITHIN FLOODPLAINS AND FLOODPLAIN
ADMINISTRATOR ACCREDITATION**

[OAR Docket #08-277]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Floodplain Administrator Accreditation Program

785:55-7-3. Designation of floodplain administrator [AMENDED]

785:55-7-5. Temporary accreditation period; first full accreditation period [REVOKED]

785:55-7-6. Vacancies and replacement of floodplain administrators; notice to Board [AMENDED]

785:55-7-7. Accreditation application [AMENDED]

785:55-7-9. Expiration of accreditation and renewal of accreditation [AMENDED]

SUBMITTED TO GOVERNOR:

February 22, 2008

SUBMITTED TO HOUSE:

February 22, 2008

SUBMITTED TO SENATE:

February 22, 2008

[OAR Docket #08-277; filed 2-22-08]

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 155. OKLAHOMA CONSERVATION
COMMISSION
CHAPTER 25. CLEAN WATER STATE
REVOLVING FUND PROGRAM**

[OAR Docket #08-250]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

155:25-1-1. Purpose [NEW]

155:25-1-2. Receiving and Reviewing Applications [NEW]

GUBERNATORIAL APPROVAL:

February 1, 2008

[OAR Docket #08-250; filed 2-19-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION
AND INSTRUCTIONAL SERVICES**

[OAR Docket #08-230]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Child Nutrition Programs

Part 11. Good of Minimal Nutritional Value [NEW]

210:10-3-111. Restricting access to foods of minimal nutritional value [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-230; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION
AND INSTRUCTIONAL SERVICES**

[OAR Docket #08-232]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 17. Federal Programs Complaint Procedures

210:10-17-1. Complaint procedures [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-232; filed 2-13-08]

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

[OAR Docket #08-233]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 13. Special Education

210:15-13-5. Due Process Hearing Officer [NEW]

210-15-13-6. Subpoenas [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-233; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-238]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 11. Standard VI: Student Services

210:35-3-109. Vision Screening [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-238; filed 2-13-08]

Gubernatorial Approvals

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-240]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Standards for Elementary, Middle Level,
Secondary, and Career and Technology Schools

Part 11. Standard VI: Student Services

210:35-3-110. Healthy and Fit School Advisory Committee
[NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-240; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-241]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Additional Standards for Elementary
Schools

Part 7. Standard IV: Curriculum, Instruction, Assessment
and Climate

210:35-5-31. Program of Studies [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-241; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-242]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 15. Expanded Opportunities in Summer
Programs

210:35-15-2. Summer school programs [AMENDED]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-242; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 40. GRANTS AND
PROGRAMS-IN-AID**

[OAR Docket #08-243]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 9. McKinney-Vento Homeless Education
Complaint Guidelines [NEW]

210:40-9-1. Purpose [NEW]

210:40-9-2. School District Level [NEW]

210:40-9-3. State level [NEW]

GUBERNATORIAL APPROVAL:

January 28, 2008

[OAR Docket #08-243; filed 2-13-08]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #08-224]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions [NEW]

590:1-1-5. Retirement Coordinators [AMENDED]

590:1-1-6. Hearing procedures [REVOKED]

Subchapter 3. Administrative Review and Hearings [NEW]

590:1-3-1. Purpose and general overview of administrative
hearings [NEW]

590:1-3-2. Definitions [NEW]

590:1-3-3. Commencement of hearing [NEW]

590:1-3-4. Hearing Examiner [NEW]

590:1-3-5. Representation and participation in
administrative proceedings [NEW]

590:1-3-6. Location of hearings [NEW]

590:1-3-7. Pre-hearing conference [NEW]

590:1-3-8. Hearing procedure [NEW]

590:1-3-9. Pleadings; filing; order [NEW]

590:1-3-10. Discovery [NEW]

- 590:1-3-11. Rules of evidence [NEW]
- 590:1-3-12. Proposed order; objections; rehearing [NEW]
- 590:1-3-13. Hearing before the Board of Trustees [NEW]
- 590:1-3-14. Rehearing; appeal [NEW]
- 590:1-3-15. Settlement [NEW]
- 590:1-3-16. Prohibited communications [NEW]
- 590:1-3-17. Expedited proceedings [NEW]
- 590:1-3-18. Declaratory rulings [NEW]

GUBERNATORIAL APPROVAL:

February 13, 2008

[OAR Docket #08-224; filed 2-13-08]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

[OAR Docket #08-225]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 3. Credited Service
- 590:10-3-6. Full-time-equivalent employment [AMENDED]
- 590:10-3-9. Purchase price payments [AMENDED]
- Subchapter 7. Retirement Benefits
- 590:10-7-7. Allowable adjustments [AMENDED]
- 590:10-7-9. Fractional year computations [AMENDED]
- 590:10-7-13. Filing for retirement and Initial retirement benefit [AMENDED]

- 590:10-7-15. Post-retirement employment - calculation of benefits and service [AMENDED]
- 590:10-7-18. Post-retirement employment - eligibility [NEW]
- Subchapter 19. Medicare Gap Benefit Option
- 590:10-19-2. Definitions [AMENDED]
- 590:10-19-3. Medicare Gap Benefit option [AMENDED]

GUBERNATORIAL APPROVAL:

February 13, 2008

[OAR Docket #08-225; filed 2-13-08]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 15. UNIFORM RETIREMENT
SYSTEM FOR JUSTICES AND JUDGES**

[OAR Docket #08-226]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions
- 590:15-1-10. Purchase price payments [AMENDED]

GUBERNATORIAL APPROVAL:

February 13, 2008

[OAR Docket #08-226; filed 2-13-08]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to final adoption (approval by Governor/Legislature) by notifying the Governor and the Legislature and by publishing a notice in the *Register* of such a withdrawal.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. The withdrawal notice is not published in the *Register*, however, unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the EMERGENCY rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICAL THERAPISTS
AND ASSISTANTS**

[OAR Docket #08-256]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

435:20-1-1.1. Definitions [AMENDED]

Subchapter 7. Supervision of Physical Therapist Assistants

435:20-7-1. Supervision of Physical Therapist Assistants
[AMENDED]

DATES:

Adoption:

January 17, 2008

Submitted to Governor:

January 24, 2008

Submitted to House:

January 24, 2008

Submitted to Senate:

January 24, 2008

Withdrawn:

January 19, 2008

[OAR Docket #08-256; filed 2-21-08]

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 #08-227]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Priority Academic Student Skills
Part 26. Personal Finance [NEW]
210:15-3-198. Overview of Personal Finance for grades 7-12 [NEW]
210:15-3-199. Personal Finance for grades 7-12 [NEW]

AUTHORITY:

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

DATES:

Adoption:

December 18, 2007

Approved by Governor:

January 28, 2008

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Public schools are required to implement the rules beginning with the 2008 - 2009 school year.

ANALYSIS:

The purpose of the rule change is to promulgate rules for the *Passport to Financial Literacy Act of 2007*, Title 70 O.S. § 11-103.6h to meet legislative changes from the 2007 session. The law contains information that changes current law and requires the State Board of Education to adopt curriculum standards to facilitate implementation of the law. The proposed rules contain an Overview of Personal Finance and the recommended standards of learning.

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 3. PRIORITY ACADEMIC STUDENT SKILLS

PART 26. PERSONAL FINANCE

210:15-3-198. Overview of Personal Finance for grades 7-12

(a) Personal Finance is designed for students in grades 7-12. These standards of learning are priority, essential, and necessary for all Oklahoma students. Learning the ideas, concepts, knowledge, and skills will enable students to implement financial decision-making skills; to become wise and knowledgeable consumers, savers, investors, users of credit, money managers, and to be participating members of a global workforce and society.

(b) The intent of personal finance education is to inform students how individual choices directly influence occupational goals and future earnings potential. Effective money management is a disciplined behavior and much easier when learned earlier in life. The fourteen Areas of Instruction designated in the PASSPORT TO FINANCIAL LITERACY ACT OF 2007 (70 O.S. § 11-103.6h) are designed to provide students with the basic skills and knowledge needed to effectively manage their personal finances. Basic financial concepts of scarcity, choice, opportunity cost, and cost/benefit analysis are interwoven throughout the standards and objectives. This systematic way of making personal financial decisions will provide students a foundational understanding for making informed personal financial decisions.

(c) Real world topics covered by these standards include the following:

- (1) Personal income and budgeting
- (2) Taxes
- (3) Banking and other financial institutions
- (4) Managing a checking account
- (5) Savings and investments
- (6) Planning for retirement
- (7) Borrowing money, credit, and credit risks
- (8) Consumer fraud and identity theft
- (9) Renting and buying a home
- (10) Risk management and insurance
- (11) Impact and consequences of gambling
- (12) Bankruptcy
- (13) Charitable giving

(d) The examples in parentheses (e.g., the relationship between interest rates and credit scores) are provided in various places within the standards and objectives in order to explain

Emergency Adoptions

more clearly, what is intended to be taught in regards to that standard or objective. The examples are only suggestions of what specific content should be used to help teach the concept, knowledge, and/or skill. The examples are not all inclusive. Classroom instruction should include the suggested examples but should not be limited to just those specific suggestions.

(e) All personal finance standards and objectives must be taught and assessed by the local district.

(f) Book icons identify Information Literacy skills. Students are best served when these are taught in collaboration and cooperation between the classroom teacher and the library media specialist.

(g) Included in this publication is a suggested list of basic academic personal finance terms. This suggested list is provided in order to help students continue building their basic academic vocabulary. A short description of how these words and phrases may be taught is provided for the teacher's convenience.

(h) Personal finance terms used here appear with appropriate definitions and examples at the end of this section of PASS in the glossary.

210:15-3-199. Personal Finance for grades 7-12

(a) **Standard 1.** The student will describe the importance of earning an income and explain how to manage personal income using a budget.

(1) Evaluate how career choices, educational/vocational preparation, skills, and entrepreneurship affect income and standard of living (e.g., postsecondary degree/certification, needs versus wants, and ability to live on less than you earn).

(2) Identify the components of a personal/family budget (e.g., income, savings/investments, taxes, emergency fund, expenses, and charitable giving) based on short, medium, and long term goals (e.g., financial, personal, educational, and career).

(3) Explain how taxes, employee benefits, and payroll deductions affect income.

(b) **Standard 2.** The student will identify and describe the impact of local, state, and federal taxes upon income and standard of living.

(1) Identify and explain types of taxes (e.g., personal income, sales, and property taxes) and explain the reasons for taxation at the local, state, and federal levels (e.g., roads, water/sanitation services, social services, schools, and law enforcement).

(2) Explain the importance of meeting tax obligations and describe possible consequences of failing to meet those obligations (e.g., fees, penalties, interest, garnishment of wages, and imprisonment).

(c) **Standard 3.** The student will describe the functions and uses of banks and other financial service providers.

(1) Identify and compare the basic types of financial institutions (e.g., banks, mortgage companies, credit unions, brokerage firms, and finance companies).

(2) Describe and compare the most common financial products and services (e.g., checking, credit cards, Automated Teller Machines (ATMs), savings, loans, investments, and insurance).

(d) **Standard 4.** The student will demonstrate the ability to balance a checkbook and reconcile financial accounts.

(1) Explain the reasons for balancing a checkbook and reconciling an account statement.

(2) Develop and apply banking account management skills (e.g., correctly write, endorse, and deposit checks; balance a checkbook, including debit withdrawals and fees; and reconcile and monitor checking and savings account statements).

(e) **Standard 5.** The student will analyze the costs and benefits of saving and investing.

(1) Explain reasons for saving and investing to meet goals and build wealth (e.g., opportunity cost, return on investment, emergencies, major purchases, down payments, and education).

(2) Identify and compare the costs and benefits of various investment strategies (e.g., compound interest, tax implications, account liquidity, and investment diversification) and how inflation affects investment growth.

(f) **Standard 6.** The student will explain and evaluate the importance of planning for retirement.

(1) Describe the necessity of accumulating financial resources needed for specific retirement goals, activities, and lifestyles, based on life expectancy.

(2) Explain the roles of Social Security, employer retirement plans, and personal investments (e.g., annuities, IRAs, real estate, stocks, and bonds) as sources of retirement income.

(g) **Standard 7.** The student will identify the procedures and analyze the responsibilities of borrowing money.

(1) Identify and analyze sources of credit (e.g., financial institutions, private lenders, and retail businesses) and credit products (e.g., student loans, credit cards, and car loans).

(2) Identify standard loan practices, predatory lending practices (e.g., rapid tax return, rapid access loans, and payday loans), and legal debt collection practices.

(3) Explain the importance of establishing a positive credit history (e.g., maintaining a reasonable debt to income ratio), describe information contained in a credit report, and explain the factors that affect a credit score (e.g., the relationship between interest rates and credit scores).

(4) Explain how the terms of a loan (e.g., interest rates, fees, and repayment schedules) affect the cost of credit.

(h) **Standard 8.** The student will describe and explain interest, credit cards, and online commerce.

(1) Compare costs and benefits of using credit cards and making online purchases (e.g., interest rates, fees, repayment schedules, and personal information protection).

(2) Evaluate options for payments on credit cards (e.g., minimum payment, delayed payments, or payment in full).

(i) **Standard 9.** The student will identify and explain consumer fraud and identify theft.

(1) Describe unfair, deceptive, or fraudulent business practices (e.g., pyramid schemes, bait and switch, and phishing).

(2) Describe ways to recognize and avoid identity theft (e.g., review monthly financial statements and annual credit reports; and protect personal information and online passwords).

(3) Describe methods to correct problems arising from identity theft and fraudulent business practices (e.g., contact national credit bureaus and local/state law enforcement agencies).

(j) **Standard 10.** The student will explain and compare the responsibilities of renting versus buying a home.

(1) Compare the costs and benefits of renting versus buying a home.

(2) Explain the elements of a standard lease agreement (e.g., deposit, due date, grace period, late fees, and utilities).

(3) Explain the elements of a mortgage (e.g., down payment, escrow account, due date, late fees, and amortization table); types of lenders; and fixed or adjustable rate mortgage loans.

(k) **Standard 11.** The student will describe and explain how various types of insurance can be used to manage risk.

(1) Identify common risks to life and property (e.g., illness, death, natural catastrophe, and accident).

(2) Explain the purpose and importance of insurance protection as a risk management strategy (e.g., life, health, property, liability, disability, and automobile).

(3) Examine appropriate amounts of insurance and how insurance deductibles work.

(l) **Standard 12.** The student will explain and evaluate the financial impact and consequences of gambling.

(1) Analyze the probabilities involved in winning at games of chance.

(2) Evaluate costs and benefits of gambling to individuals and society (e.g., family budget; addictive behaviors; and the local and state economy).

(m) **Standard 13.** The student will evaluate the consequences of bankruptcy.

(1) Assess the costs and benefits of bankruptcy to individuals, families, and society.

(2) Examine ways to prevent bankruptcy and identify alternatives to bankruptcy (e.g., budget management, debt management, refinancing, and financial counseling).

(3) Explain the importance of re-establishing a positive credit history and steps to improve a credit score after bankruptcy.

(n) **Standard 14.** The student will explain the costs and benefits of charitable giving.

(1) Identify types of charitable giving (e.g., monetary gifts, gifts-in-kind, and volunteer service).

(2) Describe the impact of charitable giving on the individual (e.g., budget, time, personal satisfaction, and tax benefits) and the community.

(3) Identify tools to research a charitable organization's mission/purpose, activities, and recipients (e.g., specific

organizations' Web sites, Guidestar®, and regulatory agencies). 70 O.S. § 11-103.6h

[OAR Docket #08-227; filed 2-13-08]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-228]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Additional Standards for Middle Level Schools

Part 9. Standard V: The School Staff

210:35-7-44. Staff qualifications [AMENDED]

Subchapter 9. Additional Standards for Secondary Schools

Part 9. Standard V: The School Staff

210:35-9-44. Staff qualifications [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

December 18, 2007

Approved by Governor:

January 28, 2008

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Proposed rule amendments would allow administrative personnel flexibility in making coaching assignments knowing alternative offerings were available. This would also allow coaches additional resource if course could not be scheduled through college or university.

ANALYSIS:

Allow greater flexibility for athletic coaches and adjunct teachers to get care and prevention of athletic injuries. Rule change would benefit the school districts by offering this course throughout the regions of the state allowing adjunct and certified staff to take Care and Prevention with certified athletic trainers licensed by the Oklahoma State Board of Medical Licensure and Supervision as well as through our colleges and universities.

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 7. ADDITIONAL STANDARDS FOR MIDDLE LEVEL SCHOOLS

PART 9. STANDARD V: THE SCHOOL STAFF

Emergency Adoptions

210:35-7-44. Staff qualifications

- (a) Each teacher assigned to teach in an accredited middle level school must hold an Elementary Certificate, or Elementary-Secondary, or Secondary Certificate with a credential in the area, Library Media Specialist (Librarian) or Speech-Language Pathology License/Certificate. Teachers of seventh or eighth grade mathematics who are certified after September 1, 1999, shall be required to have intermediate mathematics certification or advanced/secondary mathematics certification. Teachers of seventh or eighth grade mathematics who are certified prior to September 1, 1999, shall be required to have intermediate mathematics or advanced/secondary mathematics certification prior to September 1, 2003. Teachers holding an Elementary Certificate shall be eligible to teach only grades 7 and 8 in an accredited junior high school. Teachers teaching in the ninth grade must hold a secondary credential in the specific subject taught.
- (b) School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate for the grade levels to which they are assigned.
- (c) The library media specialist (librarian) shall hold a valid Oklahoma Library Media Specialist (Librarian) Certificate.
- (d) The middle school principal or assistant principal shall hold a valid Oklahoma Elementary or Secondary Principal's Certificate. The junior high principal or assistant principal shall hold a valid Oklahoma Secondary Principal's Certificate. A teaching principal or assistant teaching principal shall have a Principal's Certificate appropriate to the grade level of the school; shall teach at the school site and organizational level where the administrative assignment occurs; and shall devote a portion of the day to administration and supervision.
- (e) All athletic coaches, being assigned coaching duties ~~as of 1975-76, shall have completed 2 semester hours in the care and prevention of athletic injuries or hold an athletic coaching endorsement.~~ shall have completed a course in the care and prevention of athletic injuries.
- (f) All coaches and athletic directors shall be employed by the school district and shall hold a valid teaching certificate. Their names shall appear on the class schedule.

SUBCHAPTER 9. ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS

PART 9. STANDARD V: THE SCHOOL STAFF

210:35-9-44. Staff qualifications

- (a) Teachers at the secondary level shall hold valid Oklahoma teaching licenses/certificates and endorsements appropriate to the specific subjects taught.
- (b) Teachers who instruct Remedial Reading a major portion of the day shall hold a valid Reading Specialist Certificate. Other Remedial Reading teachers shall hold a minimum of 6 semester hours in one or more of the following areas of specialization and a language arts credential: Diagnosis and Correction of Reading Disabilities, Foundations or Survey of Reading, Clinical or Practicum in Reading, or comparable

courses approved by the State Department of Education, Accreditation Section. Beginning and/or reassigned teachers as of 1975-76 shall comply with this requirement.

(c) Any teacher who instructs Aeronautics shall have a private pilot license or a basic ground instruction certificate issued by the F.A.A. or a minimum of 8 semester hours in physics with a college course in Aeronautics.

(d) Any teacher who instructs Careers shall hold a Secondary or Elementary-Secondary License/Certificate.

(e) Any teacher who instructs Computer Education shall hold a valid certificate. The employing district will make the assignment based on expertise as determined by the local school board.

(f) Instructors for Military Science (Jr. ROTC) shall hold a certificate of special provision granted by the State Board of Education.

(g) Any teacher who instructs Photography shall hold a valid Secondary Certificate with a college course in photography.

(h) All athletic coaches, being assigned coaching duties ~~as of 1975-76, shall have completed 2 semester hours in the care and prevention of athletic injuries or hold an athletic coaching endorsement.~~ shall have completed a course in the care and prevention of athletic injuries.

(i) All coaches and athletic directors shall be employed by the school district and shall hold valid teaching certificates. Their names shall appear on the class schedule and Application for Accreditation.

[OAR Docket #08-228; file 2-13-08]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #08-255]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Returns and Reports
Part 1. General Information
710:50-3-3 [AMENDED]
Subchapter 15. Oklahoma Taxable Income
Part 5. Other Adjustments to Income
710:50-15-66 [AMENDED]
Part 7. Credits Against Tax
710:50-15-86.1 [AMENDED]
710:50-15-87.1 [AMENDED]
710:50-15-96 [AMENDED]

AUTHORITY:

68 O.S. §§ 203, 2357.63D, 2357.74D and 2368; Oklahoma Tax Commission

DATES:

Adoption:

November 20, 2007 (Commission Order No. 2007-11-20-02)

Approved by Governor:

December 27, 2007

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproval by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Compelling public interest was found to warrant emergency promulgation of these rules prior to the income tax reporting period for 2007 income tax returns.

ANALYSIS:

The amendments reflect changes made by the 51st Legislature, 1st Regular Session which prohibit deposits into the Oklahoma College Savings Plan from being rolled over and claimed as an eligible deduction; require taxpayers who have an income tax filing requirement to file the claim for sales tax credit relief by April 15 as part of the regular income tax return (or until April 20 if the taxpayer is filing electronically) unless the taxpayer has been granted a valid extension; provide for a later due date for filing income tax returns if the IRS authorizes a later due date; and allow income taxpayers to file and pay on or before April 20 if the return is filed electronically. The amendments also limit the scope of letter rulings issued pursuant to the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act.

CONTACT PERSON:

Lisa Haws, OBA #12695, Tax Policy Analyst; (405) 521-3133

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. RETURNS AND REPORTS

PART 1. GENERAL INFORMATION

710:50-3-3. Due dates; timely filing of returns

(a) Income Tax Returns of individuals are due on the 15th day of the fourth month following the close of the taxable year unless the returns are filed electronically. If the individual income tax returns are filed electronically, the returns are due on the 20th day of the fourth month following the close of the taxable year. This change to the due date will be effective for tax year 2007 returns and subsequent tax years.

(b) If the Internal Revenue Code provides for a later due date for returns of individual filers, the Oklahoma income tax returns may be filed by the later due date and will be considered timely filed. This change to the due date will be effective for tax year 2007 returns and subsequent tax years.

(c) Income Tax Returns of corporations are due on the 15th day of the third month following the close of the taxable year.

(e d) To be considered timely filed, Income Tax Returns are to be filed with and received by the Oklahoma Tax Commission at 2501 Lincoln Blvd., Oklahoma City, Ok. 73194-0009 on or before the statutory filing date. However, dates placed on returns by the Oklahoma Tax Commission corresponding to postmarks that indicate timely mailing will be accepted as timely filed. In the case of electronically filed returns, any payment of taxes due on the 20th day of the fourth month following the close of the taxable year must also be remitted electronically in order to be considered timely paid. If balances due on electronically filed returns are not remitted to the Oklahoma Tax Commission electronically, penalty and interest will accrue from the

15th day of the fourth month following the close of the taxable year.

SUBCHAPTER 15. OKLAHOMA TAXABLE INCOME

PART 5. OTHER ADJUSTMENTS TO INCOME

710:50-15-66. Deduction for contributions to an Oklahoma College Savings Plan

(a) For tax years beginning after December 31, 2001 and ending before December 31, 2004, individuals may deduct up to Two Thousand Five Hundred Dollars (\$2,500.00) of contributions made to an Oklahoma 529 College Savings Plan Account, established pursuant to the Oklahoma College Savings Act, in arriving at Oklahoma taxable income. If contributions are made to more than one account, the deduction for each contributor is limited to Two Thousand Five Hundred Dollars (\$2,500.00) for each account.

(b) Effective for tax years beginning after December 31, 2004, for contributions made to an Oklahoma 529 College Savings Plan (established pursuant to the Oklahoma College Savings Act) a maximum of Ten Thousand Dollars (\$10,000.00) may be deducted in arriving at Oklahoma Taxable income [Twenty Thousand Dollars (\$20,000.00) if filing an income tax return using married filing joint filing status].

(c) Contributions made to other states' college savings plans, the Coverdell Education Savings Account, or transfers from one Oklahoma College Savings Plan Account to another may not be deducted.

(d) Any contribution, to the extent not deducted, may be carried over as a deduction from income for the succeeding five (5) years.

(e) For taxable years beginning after December 31, 2005, deductions may be taken for contributions and rollovers made during a taxable year and up to April 15th of the succeeding year, or the due date of a taxpayer's state income tax return excluding extensions, whichever is later. Provided a deduction for the same contribution may not be taken for two (2) different taxable years.

(f) For tax years beginning on or after January 1, 2007, taxpayers who elect the five-year carryforward election and take a rollover or have a non-qualified withdrawal during the five-year carryforward period, must reduce the otherwise available tax deduction by the amount which is equal to the rollover or non-qualified withdrawal.

(g) For tax years beginning on or after January 1, 2007, taxpayers who elect to take a rollover or non-qualified withdrawal within the same tax year in which a contribution was made to the taxpayer's account must reduce the otherwise available tax deduction by the amount which is equal to the rollover or non-qualified withdrawal.

(h) For tax years beginning on or after January 1, 2007 taxpayers who elect to take a rollover within one year of the date

Emergency Adoptions

of contribution for which a deduction has been taken must include the amount of the rollover in their adjusted gross income the taxable year of the rollover.

(i) For tax years beginning on or after January 1, 2007 taxpayers who make a non-qualified withdrawal of contributions for which a deduction was taken must include the amount of the non-qualified withdrawal and any earnings thereon in their adjusted gross income in the taxable year of the rollover.

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

(1) "**Non-qualified withdrawal**" means a withdrawal from an Oklahoma College Savings Plan account that is not:

(A) a qualified withdrawal;

(B) a withdrawal made as a result of the death or disability of the designated beneficiary of an account;

(C) a withdrawal that is made on the account of a scholarship or the allowance or payment described in Section 135(d)(1)(B) or (C) of Title 26 of the Internal Revenue Code, received by the designated beneficiary to the extent the amount of the refund does not exceed the amount of the scholarship, allowance, or payment; and

(D) a rollover or change of designated beneficiary as permitted by subsection F of Section 3970.7 of Title 70 of Oklahoma Statutes.

(2) "**Rollover**" means any transfer of funds from an Oklahoma College Savings plan to any other plan under Section 529 of the Internal Revenue Code.

PART 7. CREDITS AGAINST TAX

710:50-15-86.1. Letter rulings pursuant to the Small Business Capital Formation Incentive Act

The Oklahoma Tax Commission will only issue letter rulings pursuant to the Small Business Capital Formation Incentive Act (68 O.S. §§2357.61 et seq.) as provided herein:

(1) A person or entity may request a ruling to determine whether a company meets the definition of a "**qualified small business capital company**". The requesting party must provide sufficient information to demonstrate that the company meets the following requirements for a qualified small business capital company:

(A) *A C Corporation or a subchapter S corporation, as defined by the Internal Revenue Code of 1986, as amended, incorporated pursuant to the laws of Oklahoma, limited liability company or a registered business partnership with a certificate of partnership filed as required by law;*

(B) The capital company is organized to provide the direct investment of equity and near-equity funds to companies within the state of Oklahoma as outlined in its organizational instrument, bylaws, articles of incorporation, or other agreement responsible for the governance of the capital company;

(C) The principal place of business of the capital company is located within this state;

(D) The capitalization of the capital company is not less than One Million Dollars (\$1,000,000.00); and

(E) No more than twenty percent (20%) of the capital company's capitalization is invested in any one company at any time during the calendar year of the capital company. [68 O.S. Supp 2006, §2357.61(7)(a)-(d)]

(2) A qualified small business capital company may request a letter ruling ~~from the Oklahoma Tax Commission that to determine whether~~ a business in which it intends to invest ~~is~~ meets the definition of an "Oklahoma small business venture". The capital company must give sufficient information to show the small business venture meets the following requirements:

(A) Within one hundred eighty (180) days after a qualified investment is made by a qualified small business capital company, at least fifty percent (50%) of the business's employees or assets are in the state of Oklahoma;

(B) *Needs financial assistance in order to commence or expand such business which provides or intends to provide goods or services;*

(C) *Is engaged in a lawful business activity under any Industry Number appearing under any Major Group Number of Divisions A, C, D, E, F or I of the Standard Industrial Classification Manual, 1987 revision with the following exceptions:*

(i) Major Group 1 of Division A, and

(ii) Major Group 2 of Division A;

(D) *Qualifies as a small business as defined by the federal Small Business Administration; and*

(E) Intends to expend within eighteen (18) months of the qualified investment at least fifty percent (50%) of the proceeds of the investment for the acquisition of tangible or intangible assets which are used in the active conduct of the trade or business for which the determination of the small business qualification pursuant to subparagraph (D) of paragraph 2 was made. [68 O.S. Supp 2006, §2357.61(5)(a)-(e)]

(3) A person or entity may request whether a transfer of funds ~~qualifies for the credit and is determined to be~~ meets the definition of a "qualified investment" under the Small Business Capital Formation Incentive Act. The requesting party must provide sufficient information to establish that the transfer of funds meets the definition of qualified investment under the ~~statute and all other requirements under the Small Business Capital Formation Incentive Act.~~

(4) Requests for letter rulings issued pursuant to this Section are limited to paragraphs (1), (2) and (3) above. [68 O.S. §2357.63D]

(5) All other requests for rulings with respect to the Small Business Capital Formation Incentive Act should be submitted separately and shall be issued pursuant to OAC 710:1-3-73.

710:50-15-87.1. Letter rulings pursuant to the Rural Venture Capital Formation Incentive Act

The Oklahoma Tax Commission will only issue letter rulings pursuant to the Rural Venture Capital Formation Incentive Act (68 O.S. §§ 2357.71 et seq.) as provided herein:

(1) A person or entity may request a ruling to determine whether a company meets the definition of a "**qualified rural small business capital company**". The requesting party must provide sufficient information to demonstrate that the company meets the following requirements for a qualified rural small business capital company:

(A) *A C Corporation or a subchapter S corporation, as defined by the Internal Revenue Code of 1986, as amended, incorporated pursuant to the laws of Oklahoma, limited liability company or a registered business partnership with a certificate of partnership filed as required by law;*

(B) The capital company is organized to provide the direct investment of equity and near-equity funds to companies within the state of Oklahoma as outlined in its organizational instrument, bylaws, articles of incorporation, or other agreement responsible for the governance of the capital company;

(C) The principal place of business of the capital company is located within this state;

(D) The capitalization of the capital company is not less than Five Hundred Thousand Dollars (\$500,000.00); and

(E) No more than twenty-five percent (25%) of the capital company's capitalization is invested in any one company at any time during the calendar year of the capital company. [68 O.S. Supp 2006, §2357.72(8)(a)-(d)]

(2) A qualified rural small business capital company may request a letter ruling ~~from the Oklahoma Tax Commission that to determine whether~~ a business in which it intends to invest is meets the definition of an "Oklahoma rural small business venture". The capital company must give sufficient information to show the rural small business venture meets the following requirements:

(A) *Has or will have within one hundred eighty (180) days after a qualified investment is made by a qualified small business capital company, at least fifty percent (50%) of its employees or assets in Oklahoma;*

(B) *Needs financial assistance in order to commence or expand such business which provides or intends to provide goods or services;*

(C) *Is engaged in a lawful business activity under any Industry Number appearing under any Major Group Number of Divisions A, C, D, E, F or I of the Standard Industrial Classification Manual, 1987 revision with the following exceptions:*

- (i) *Major Group 1 of Division A, and*
- (ii) *Major Group 2 of Division A;*

(D) *Qualifies as a small business as defined by the federal Small Business Administration;*

(E) Intends to expend within eighteen (18) months of the qualified investment at least fifty percent (50%) of the proceeds of the investment for the acquisition of tangible or intangible assets which are used in the active conduct of the trade or business for which the determination of the small business qualification pursuant to subparagraph (D) of this paragraph 2 was made, and

(F) *Has its principal place of business within a nonmetropolitan area of the state and conducts the activity resulting in at least seventy-five percent (75%) of its gross annual revenue from a nonmetropolitan area of the state.* [68 O.S. Supp 2006, §2357.72(6)(a)-(f)]

(3) A person or entity may request whether a transfer of funds ~~qualifies for the credit and is determined to be~~ meets the definition of a "qualified investment" under the Rural Venture Capital Formation Incentive Act. The requesting party must provide sufficient information to establish that the transfer of funds meets the definition of qualified investment under the ~~statute and all other requirements under the Rural Venture Capital Formation Incentive Act.~~

(4) Requests for letter rulings issued pursuant to this Section are limited to paragraphs (1), (2) and (3) above. [68 O.S.2357.74D]

(5) All other requests for rulings with respect to the Rural Venture Capital Formation Incentive Act should be submitted separately and shall be issued pursuant to OAC 710:1-3-73.

710:50-15-96. Sales tax relief credit

(a) **General provisions.** Eligible individual taxpayers may claim an income tax credit for "Sales Tax Relief" pursuant to 68 O.S. § 5011. The credit is forty dollars (\$40.00) multiplied by the number of allowable personal exemptions the taxpayer is entitled to claim under the Oklahoma Income Tax Act.

(b) **Eligible taxpayers.** For purposes of this Section, "**Eligible Taxpayer**" means an individual who is a resident of Oklahoma, and domiciled in Oklahoma, and lived in Oklahoma for the entire calendar year.

(c) **Gross Household Income.** For purposes of this Section "**Gross Household Income**" is the gross income of every type received by all persons occupying the same household. It includes, but is not limited to, pensions, annuities, federal social security benefits, unemployment payments, veterans disability compensation, loss-of-time insurance payments, capital gains, and any other type of income. It is not relevant whether or not the income is taxable for state or federal income tax purposes. "**Gross Household Income**" does not include gifts, or income that is considered deferred.

(d) **Eligibility for tax year 2004.** To be eligible to claim this credit, the following Gross Household Income limits apply for tax year 2004:

(1) For those taxpayers that can claim no allowable personal exemption other than themselves or their spouse, Gross Household Income cannot exceed Fifteen Thousand Dollars (\$15,000.00).

Emergency Adoptions

- (2) For those taxpayers who can claim a personal exemption other than themselves or their spouse; who are at least 65 years of age; or, who have a physical disability that is a substantial handicap to employment, Gross Household Income cannot exceed Thirty Thousand Dollars (\$30,000.00).
- (e) **Eligibility for tax year 2005 and following years.** To be eligible to claim this credit, the following Gross Household Income limits apply for tax year 2005 and following years:
- (1) For those taxpayers that can claim no allowable personal exemption other than themselves or their spouse, Gross Household Income cannot exceed Twenty Thousand Dollars (\$20,000.00).
- (2) For those taxpayers who can claim a personal exemption other than themselves or their spouse; who are at least 65 years of age; or, who have a physical disability that is a substantial handicap to employment, Gross Household Income cannot exceed Fifty Thousand Dollars (\$50,000.00).
- (f) **Filing Requirements.** Procedures for claiming the "Sales Tax Relief" credit are:
- (1) ~~If~~ For tax years beginning before January 1, 2007:
- (A) If the claim for sales tax relief is taken as a direct credit against the income taxes owed by the taxpayer, the claim must be filed by April 15 as part of the regular income tax return, using Oklahoma Tax Commission Form 538S (OTC Form 538S). Extensions of time to file an Oklahoma income tax return will **not** extend the time to file for the Sales Tax Relief Credit.
- (~~2B~~) If the claim for sales tax relief is not taken as a direct credit against income taxes owed by the taxpayer, the claim must be filed by June 30 for the preceding calendar year, using Form 538S as a stand-alone refund claim.
- (2) For tax years beginning on or after January 1, 2007:
- (A) If the taxpayer has an income tax filing requirement, the claim must be filed by April 15 as part of the regular income tax return in the year following the close of the taxable year, unless the taxpayer has been granted a valid extension of time to file said income tax return (including the April 20th due date for electronically filed returns). In the case where a valid extension of time to file has been granted, the claim for sales tax relief may be filed with the income tax return pursuant to the extension granted. In all cases taxpayers must attach Oklahoma Tax Commission Form 538S (OTC Form 538S) to their regular income tax return in order to claim the sales tax relief credit.
- (B) If the taxpayer does not have an income tax filing requirement the claim must be filed by June 30 for the preceding calendar year, using Form 538S.
- (g) **Exceptions and exclusions.** The exceptions and exclusions set out in this subsection apply to the "Sales Tax Relief" credit.
- (1) Persons who have received temporary assistance for needy families (TANF) for any month during the tax year are not eligible for the sales tax refund under this Section, but shall receive sales tax relief as a part of their monthly TANF benefit. [See: 68 O.S. § 5013(B)]
- (2) The Oklahoma Department of Human Services will issue the sales tax refund to persons who have continuously received aid to the aged, blind, disabled or Medicaid payments for nursing home care for the tax year. [See: 68 O.S. §5013(C),(D)]
- (3) A person convicted of a felony shall not be permitted to file a claim for sales tax relief for any year for which that person is an inmate in the custody of the Department of Corrections for any part of that year. [See: 68 O.S. § 5011(E)]
- (4) Alien individuals living in Oklahoma under a temporary or restricted status do not qualify for the sales tax relief credit. [See: 8 U.S. § 1101(a)(15)(B) and § 1101(a)(15)(F)(i)]
- (5) If a taxpayer or spouse died during the tax year, the sales tax credit cannot be claimed for the deceased. However, if the death occurred after the close of the tax year, but before the claim for sales relief was filed, the sales tax credit or refund for the deceased will be issued to the deceased's estate. [See: 68 O.S. § 5011]

[OAR Docket #08-255; filed 2-20-08]

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

1:2008-3A.

AMENDED EXECUTIVE ORDER 2008-3 of January 18, 2008

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, hereby declare that because there is a state of emergency continuing in the State of Oklahoma due to catastrophic weather occurring statewide, it is necessary to assist and expedite all efforts of storm relief. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles used in the support efforts:

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission; and,
4. This Executive Order amends Executive Order 2008-3 because of the on-going state of emergency which has existed continually since December 8, 2007. This Executive Order shall be effective from and including the date Executive Order 2008-3 expires until the end of thirty (30) days after the filing of this Executive Order.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, 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, this 18th day of February, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #08-252; filed 2-19-08]

1:2008-6.

EXECUTIVE ORDER 2008-6

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 Monday, February 4, 2008, to honor retired Oklahoma Supreme Court Justice Robert D. Simms, an Oklahoma resident, who died on Thursday, January 31, 2008 at age 81.

Simms was appointed as a Tulsa County district judge in 1962. Later he spent a year on the Oklahoma Court of Criminal Appeals. In 1972, he was appointed to the Oklahoma Supreme Court. Simms served as the chief justice in 1985 and 1986, retiring in 1999. Judge Simms served on the bench with honor, distinction and wisdom for nearly 38 years. The state of Oklahoma and its citizens, are better because of his service.

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.

Executive Orders

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 1st day of February, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #08-257; filed 2-21-08]
