

Volume 26  
Number 11  
February 17, 2009  
Pages 575 - 614

# 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 \$414.75. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	v
<b>Agency Index (Title numbers assigned)</b> .....	viii
<b>Notices of Rulemaking Intent</b>	
Alcohol and Drug Counselors, Oklahoma Board of (Title 38) .....	575
Attorney General (Title 75) .....	576, 577
Benefits Council, Oklahoma State Employees (Title 87) .....	577, 578
Cerebral Palsy Commission (Title 130) .....	579
Education, State Department of (Title 210) .....	579
Horse Racing Commission, Oklahoma (Title 325) .....	580, 581
Human Services, Department of (Title 340) .....	581, 582, 583, 584
Juvenile Affairs, Office of (Title 377) .....	585, 586
Labor, Department of (Title 380) .....	586, 587, 588
Liquefied Petroleum Gas Board, Oklahoma (Title 420) .....	589
Medical Licensure and Supervision, State Board of (Title 435) .....	590
Long-Term Care Administrators, Oklahoma State Board of Examiners for (Title 490) .....	590, 591, 592
Personnel Management, Office of (Title 530) .....	592
Central Services, Department of (Title 580) .....	593, 594
Public Safety, Department of (Title 595) .....	595, 596, 597, 598
Real Estate Commission, Oklahoma (Title 605) .....	598
Treasurer, State (Title 735) .....	600
<b>Submissions for Review</b>	
Corporation Commission (Title 165) .....	601
Engineers and Land Surveyors, State Board of Licensure for Professional (Title 245) .....	601, 602
Mental Health and Substance Abuse Services, Department of (Title 450) .....	602, 603
Public Employees Retirement System, Oklahoma (Title 590) .....	603, 604
Veterinary Medical Examiners, Board of (Title 775) .....	604
<b>Gubernatorial Approvals</b>	
Medical Licensure and Supervision, State Board of (Title 435) .....	605
<b>Emergency Adoptions</b>	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35) .....	607
<b>Executive Orders (Title 1)</b> .....	613



# Agency/Action/Subject Index

**AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)**

*Emergency Adoptions*

Animal Industry (Chapter 15) ..... 607

**ALCOHOL and Drug Counselors, Oklahoma Board of (Title 38)**

*Notices of Rulemaking Intent*

Administration (Chapter 1) ..... 575

Licensure and Certification of Alcohol and Drug Counselors (Chapter 10) ..... 575

**ATTORNEY General (Title 75)**

*Notices of Rulemaking Intent*

Standards and Criteria for Domestic Violence, Sexual Assault and Batterers Intervention Programs (Chapter 15) ..... 576

Address Confidentiality Program (Chapter 20) ..... 577

**BENEFITS Council, Oklahoma State Employees (Title 87)**

*Notices of Rulemaking Intent*

Flexible Benefits Plan (Chapter 10) ..... 577, 578

**CEREBRAL Palsy Commission (Title 130)**

*Notices of Rulemaking Intent*

Organization (Chapter 1) ..... 579

**CORPORATION Commission (Title 165)**

*Submissions for Review*

Telecommunication Services (Chapter 55) ..... 601

Resellers of Interexchange Telecommunications Services (Chapter 56) ..... 601

**EDUCATION, State Department of (Title 210)**

*Notices of Rulemaking Intent*

School Administration and Instructional Services (Chapter 10) ..... 579

**ENGINEERS and Land Surveyors, State Board of Licensure for Professional (Title 245)**

*Submissions for Review*

Administrative Operations (Chapter 2) ..... 601

Licensure and Practice of Professional Engineers and Land Surveyors (Chapter 15) ..... 602

**GOVERNOR**

*Executive Orders*

Ordering flags at half-staff to honor former State Senator John W. Young (09-3) ..... 613

Declaring disaster emergency caused by ice storms, snow and flooding in Oklahoma (09-4) ..... 613

Temporarily suspending certain regulatory requirements as they apply to vehicles used for storm relief in Oklahoma (09-5) ..... 614

**HORSE Racing Commission, Oklahoma (Title 325)**

*Notices of Rulemaking Intent*

Oklahoma-Bred Program (Chapter 75) ..... 580

Gaming Licensing Requirements (Chapter 80) ..... 581

**HUMAN Services, Department of (Title 340)**

*Notices of Rulemaking Intent*

Administrative Components (Chapter 2) ..... 581, 582

Temporary Assistance for Needy Families (TANF) (Chapter 10) ..... 583

Aging Services Division (Chapter 105) ..... 583

Licensing Services (Chapter 110) ..... 584

**JUVENILE Affairs, Office of (Title 377)**

*Notices of Rulemaking Intent*

Administrative Services (Chapter 3) ..... 585

Office of the Parole Board (Chapter 5) ..... 585

Institutional Services (Chapter 35) ..... 586

**LABOR, Department of (Title 380)**

*Notices of Rulemaking Intent*

Protection of Labor (Chapter 30) ..... 586

**LABOR, Department of – continued**

*Notices of Rulemaking Intent – continued*

Oklahoma Occupational Health and Safety Standards Act Rules (Chapter 40) ..... 587

Abatement of Friable Asbestos Materials Rules (Chapter 50) ..... 588

**LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420)**

*Notices of Rulemaking Intent*

Liquefied Petroleum Gas Administration (Chapter 10) ... 589

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

*Notices of Rulemaking Intent*

Administration and Organization (Chapter 1) ..... 590

*Gubernatorial Approvals*

Licensed Pedorthists (Chapter 50) ..... 605

**MENTAL Health and Substance Abuse Services, Department of (Title 450)**

*Submissions for Review*

Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Facilitators (Chapter 21) ..... 602

Certification of Alcohol and Drug Assessment and Evaluations Related to Driver's License Revocation (Chapter 22) ..... 602

Standards and Criteria for Opioid Substitution Treatment Programs (Chapter 70) ..... 603

**LONG-TERM Care Administrators, Oklahoma State Board of Examiners for (Title 490)**

*Notices of Rulemaking Intent*

Administrative Operations (Chapter 1) ..... 590

Long Term Care Administrators (Chapter 10) ..... 591

Long Term Care Certified Assistant Administrators (Chapter 15) ..... 592

**PERSONNEL Management, Office of (Title 530)**

*Notices of Rulemaking Intent*

Merit System of Personnel Administration Rules (Chapter 10) ..... 592

**CENTRAL Services, Department of (Title 580)**

*Notices of Rulemaking Intent*

Facilities Management (Chapter 10) ..... 593

Central Purchasing (Chapter 15) ..... 593

Risk Management Program (Chapter 25) ..... 594

State Surplus Property (Chapter 65) ..... 594

**PUBLIC Employees Retirement System, Oklahoma (Title 590)**

*Submissions for Review*

Administrative Operations (Chapter 1) ..... 603

Public Employees Retirement System (Chapter 10) ..... 603

Uniform Retirement System for Justices and Judges (Chapter 15) ..... 604

**PUBLIC Safety, Department of (Title 595)**

*Notices of Rulemaking Intent*

General Rules of the Department of Public Safety (Chapter 1) ..... 595

Class D Driver Licenses and Identification Cards (Chapter 10) ..... 595

Commercial Driver Licenses (Chapter 11) ..... 596

Wreckers and Towing Services (Chapter 25) ..... 597

Size and Weight Permits (Chapter 30) ..... 597

Driver Training and Improvement (Chapter 40) ..... 598

**REAL Estate Commission, Oklahoma (Title 605)**

*Notices of Rulemaking Intent*

Requirements, Standards and Procedures (Chapter 10) ... 598

**Agency/Action/Subject Index – continued**

---

**TREASURER, State (Title 735)**

*Notices of Rulemaking Intent*

Unclaimed Property (Chapter 80) ..... 600

**VETERINARY Medical Examiners, Board of (Title 775)**

*Submissions for Review*

Licensure of Veterinarians, Veterinary Technicians and Animal  
Euthanasia Tehnicians (Chapter 10) ..... 604

**VETERINARY Medical Examiners, Board of – continued**

*Submissions for Review – continued*

Investigations and Disciplinary Actions (Chapter 15) ..... 604  
Recordkeeping and Supervision Requirements  
(Chapter 25) ..... 604

Wholesaler/Distributor of Veterinary ~~Prescription~~ Prescription  
Drugs (Chapter 26) ..... 604

# Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
5:10-7-1. . . . .	[NEW] (E) . . . . . 163	210:15-3-116. . . . .	[AMENDED] (E) . . . . . 40
5:10-9-1. . . . .	[NEW] (E) . . . . . 164	210:15-3-117. . . . .	[AMENDED] (E) . . . . . 41
35:15-1-2. . . . .	[AMENDED] (E) . . . . . 607	210:15-3-118. . . . .	[AMENDED] (E) . . . . . 42
35:15-13-1. . . . .	[AMENDED] (E) . . . . . 608	210:15-3-119. . . . .	[AMENDED] (E) . . . . . 44
35:15-13-2. . . . .	[REVOKED] (E) . . . . . 608	210:15-3-120. . . . .	[AMENDED] (E) . . . . . 46
35:15-13-3. . . . .	[AMENDED] (E) . . . . . 608	210:15-3-121. . . . .	[AMENDED] (E) . . . . . 49
35:15-13-4. . . . .	[AMENDED] (E) . . . . . 609	210:15-3-122. . . . .	[AMENDED] (E) . . . . . 51
35:15-13-5. . . . .	[AMENDED] (E) . . . . . 609	210:15-31-2. . . . .	[AMENDED] (E) . . . . . 97
35:15-13-6. . . . .	[AMENDED] (E) . . . . . 610	210:15-33-2. . . . .	[AMENDED] (E) . . . . . 54
35:15-13-7. . . . .	[AMENDED] (E) . . . . . 610	210:20-9-99.1. . . . .	[AMENDED] (E) . . . . . 98
35:15-17-69. . . . .	[AMENDED] (E) . . . . . 610	210:20-9-102. . . . .	[AMENDED] (E) . . . . . 248
35:15-40-90. . . . .	[AMENDED] (E) . . . . . 165	210:30-5-1. . . . .	[AMENDED] (E) . . . . . 55
35:15-40-90.1. . . . .	[NEW] (E) . . . . . 165	210:35-3-201. . . . .	[AMENDED] (E) . . . . . 99
87:10-1-2. . . . .	[AMENDED] (E) . . . . . 5	210:35-9-31. . . . .	[AMENDED] (E) . . . . . 10
87:10-26-1. . . . .	[NEW] (E) . . . . . 7	252:641, App. H. . . . .	[REVOKED] (E) . . . . . 506
87:10-26-2. . . . .	[NEW] (E) . . . . . 7	252:641, App. H. . . . .	[NEW] (E) . . . . . 506
87:10-26-3. . . . .	[NEW] (E) . . . . . 7	265:40-1-1. . . . .	[NEW] (E) . . . . . 522
87:10-26-4. . . . .	[NEW] (E) . . . . . 7	265:40-1-2. . . . .	[NEW] (E) . . . . . 522
87:10-26-5. . . . .	[NEW] (E) . . . . . 7	265:40-1-3. . . . .	[NEW] (E) . . . . . 523
87:10-26-6. . . . .	[NEW] (E) . . . . . 7	265:40-1-4. . . . .	[NEW] (E) . . . . . 523
87:10-26-7. . . . .	[NEW] (E) . . . . . 7	265:40-1-5. . . . .	[NEW] (E) . . . . . 523
87:10-26-8. . . . .	[NEW] (E) . . . . . 7	265:40-1-6. . . . .	[NEW] (E) . . . . . 524
87:10-26-9. . . . .	[NEW] (E) . . . . . 8	265:40-1-7. . . . .	[NEW] (E) . . . . . 524
87:10-26-10. . . . .	[NEW] (E) . . . . . 8	265:40-1-8. . . . .	[NEW] (E) . . . . . 524
87:10-26-11. . . . .	[NEW] (E) . . . . . 8	265:40-1-9. . . . .	[NEW] (E) . . . . . 524
150:105-1-2. . . . .	[AMENDED] (E) . . . . . 87	265:40-1-10. . . . .	[NEW] (E) . . . . . 525
150:105-1-3. . . . .	[AMENDED] (E) . . . . . 90	265:40-1-11. . . . .	[NEW] (E) . . . . . 525
150:105-1-4. . . . .	[AMENDED] (E) . . . . . 91	317:2-1-7. . . . .	[AMENDED] (E) . . . . . 525
158:10-3-5. . . . .	[NEW] (E) . . . . . 387	317:25-7-1. . . . .	[AMENDED] (E) . . . . . 402
158:50-1-2. . . . .	[AMENDED] (E) . . . . . 388	317:25-7-2. . . . .	[AMENDED] (E) . . . . . 402
158:50-5-1. . . . .	[AMENDED] (E) . . . . . 389	317:25-7-3. . . . .	[AMENDED] (E) . . . . . 403
158:50-5-2. . . . .	[AMENDED] (E) . . . . . 389	317:25-7-5. . . . .	[AMENDED] (E) . . . . . 403
158:70-1-1. . . . .	[NEW] (E) . . . . . 391	317:25-7-6. . . . .	[AMENDED] (E) . . . . . 404
158:70-1-2. . . . .	[NEW] (E) . . . . . 391	317:25-7-10. . . . .	[AMENDED] (E) . . . . . 404
158:70-1-3. . . . .	[NEW] (E) . . . . . 392	317:25-7-12. . . . .	[AMENDED] (E) . . . . . 405
158:70-3-1. . . . .	[NEW] (E) . . . . . 395	317:25-7-13. . . . .	[AMENDED] (E) . . . . . 405
158:70-5-1. . . . .	[NEW] (E) . . . . . 395	317:25-7-25. . . . .	[AMENDED] (E) . . . . . 405
158:70-5-2. . . . .	[NEW] (E) . . . . . 395	317:25-7-26. . . . .	[AMENDED] (E) . . . . . 405
158:70-9-1. . . . .	[NEW] (E) . . . . . 396	317:25-7-27. . . . .	[AMENDED] (E) . . . . . 405
158:70-9-2. . . . .	[NEW] (E) . . . . . 396	317:25-7-28. . . . .	[AMENDED] (E) . . . . . 406
158:70-9-3. . . . .	[NEW] (E) . . . . . 396	317:25-7-29. . . . .	[AMENDED] (E) . . . . . 406
158:70-9-4. . . . .	[NEW] (E) . . . . . 396	317:25-7-30. . . . .	[AMENDED] (E) . . . . . 407
158:70-9-5. . . . .	[NEW] (E) . . . . . 396	317:25-7-40. . . . .	[NEW] (E) . . . . . 407
158:70-9-6. . . . .	[NEW] (E) . . . . . 397	317:30-3-5.1. . . . .	[AMENDED] (E) . . . . . 100
158:70-9-8. . . . .	[NEW] (E) . . . . . 397	317:30-3-25. . . . .	[AMENDED] (E) . . . . . 249
158:70-11-1. . . . .	[NEW] (E) . . . . . 397	317:30-3-27. . . . .	[NEW] (E) . . . . . 250
158:70-11-2. . . . .	[NEW] (E) . . . . . 397	317:30-5-11. . . . .	[AMENDED] (E) . . . . . 252
158:170-9-7. . . . .	[NEW] (E) . . . . . 397	317:30-5-22. . . . .	[AMENDED] (E) . . . . . 101
160:3-1-1.1. . . . .	[AMENDED] (E) . . . . . 166	317:30-5-22. . . . .	[AMENDED] (E) . . . . . 255
160:45-9-2. . . . .	[AMENDED] (E) . . . . . 167	317:30-5-22.1. . . . .	[AMENDED] (E) . . . . . 102
160:55-3-1.2. . . . .	[AMENDED] (E) . . . . . 245	317:30-5-42.14. . . . .	[AMENDED] (E) . . . . . 527
160:55-3-1.4. . . . .	[AMENDED] (E) . . . . . 245	317:30-5-47. . . . .	[AMENDED] (E) . . . . . 252
160:55-9-10. . . . .	[NEW] (E) . . . . . 8	317:30-5-95.33. . . . .	[AMENDED] (E) . . . . . 263
210:10-9-1. . . . .	[AMENDED] (E) . . . . . 399	317:30-5-122. . . . .	[AMENDED] (E) . . . . . 249
210:10-9-2. . . . .	[AMENDED] (E) . . . . . 399	317:30-5-216. . . . .	[AMENDED] (E) . . . . . 257
210:10-13-4. . . . .	[AMENDED] (E) . . . . . 91	317:30-5-241. . . . .	[AMENDED] (E) . . . . . 103
210:10-13-10. . . . .	[AMENDED] (E) . . . . . 94	317:30-5-275. . . . .	[AMENDED] (E) . . . . . 258
210:10-13-11. . . . .	[AMENDED] (E) . . . . . 94	317:30-5-326. . . . .	[AMENDED] (E) . . . . . 527
210:10-13-18. . . . .	[AMENDED] (E) . . . . . 95	317:30-5-336.5. . . . .	[AMENDED] (E) . . . . . 262
210:15-3-114.2. . . . .	[AMENDED] (E) . . . . . 35	317:30-5-356. . . . .	[AMENDED] (E) . . . . . 114
210:15-3-115. . . . .	[AMENDED] (E) . . . . . 39	317:30-5-361. . . . .	[AMENDED] (E) . . . . . 253

## Rules Affected Index – *continued*

317:30-5-565. .... [AMENDED] (E) .....	528	340:25-5-171. .... [AMENDED] (E) .....	413
317:30-5-566. .... [AMENDED] (E) .....	529	340:40-7-5. .... [AMENDED] (E) .....	178
317:30-5-567. .... [AMENDED] (E) .....	530	340:50-7-2. .... [AMENDED] (E) .....	12
317:30-5-664.10. .... [AMENDED] (E) .....	253	340:50-7-3. .... [AMENDED] (E) .....	15
317:30-5-696. .... [AMENDED] (E) .....	531	340:60-1-3. .... [AMENDED] (E) .....	179
317:30-5-698. .... [AMENDED] (E) .....	534	340:75-7-24. .... [AMENDED] (E) .....	414
317:30-5-699. .... [AMENDED] (E) .....	535	340:110-1-4.1. .... [AMENDED] (E) .....	415
317:30-5-763. .... [AMENDED] (E) .....	537	340:110-1-5. .... [AMENDED] (E) .....	415
317:30-5-764. .... [AMENDED] (E) .....	544	340:110-1-6. .... [AMENDED] (E) .....	415
317:30-5-953. .... [AMENDED] (E) .....	545	340:110-1-8. .... [AMENDED] (E) .....	415
317:30-5-1076. .... [AMENDED] (E) .....	256	340:110-1-8.1. .... [AMENDED] (E) .....	415
317:30-5-1090. .... [AMENDED] (E) .....	254	340:110-1-8.3. .... [AMENDED] (E) .....	415
317:30-5-1200. .... [NEW] (E) .....	259	340:110-1-9. .... [AMENDED] (E) .....	415
317:30-5-1201. .... [NEW] (E) .....	259	340:110-1-9.2. .... [AMENDED] (E) .....	415
317:30-5-1202. .... [NEW] (E) .....	260	340:110-1-9.3. .... [AMENDED] (E) .....	415
317:30-5-1203. .... [NEW] (E) .....	260	340:110-1-9.4. .... [AMENDED] (E) .....	415
317:30-5-1204. .... [NEW] (E) .....	260	340:110-1-10. .... [AMENDED] (E) .....	415
317:30-5-1205. .... [NEW] (E) .....	261	340:110-1-13. .... [AMENDED] (E) .....	415
317:30-5-1206. .... [NEW] (E) .....	261	340:110-1-17. .... [AMENDED] (E) .....	415
317:35-5-25. .... [AMENDED] (E) .....	115	340:110-1-43.1. .... [AMENDED] (E) .....	415
317:35-5-25. .... [AMENDED] (E) .....	545	340:110-1-44. .... [AMENDED] (E) .....	415
317:35-5-45. .... [AMENDED] (E) .....	119	340:110-1-45. .... [AMENDED] (E) .....	415
317:35-5-46. .... [AMENDED] (E) .....	119	340:110-1-46. .... [AMENDED] (E) .....	415
317:35-9-26. .... [AMENDED] (E) .....	408	340:110-1-47. .... [AMENDED] (E) .....	415
317:35-15-1. .... [AMENDED] (E) .....	550	340:110-1-47.1. .... [AMENDED] (E) .....	415
317:35-15-2. .... [AMENDED] (E) .....	550	340:110-1-47.2. .... [AMENDED] (E) .....	415
317:35-15-3. .... [AMENDED] (E) .....	550	340:110-1-51. .... [AMENDED] (E) .....	415
317:35-15-4. .... [AMENDED] (E) .....	551	340:110-1-52. .... [AMENDED] (E) .....	415
317:35-15-5. .... [AMENDED] (E) .....	554	340:110-1-54.1. .... [NEW] (E) .....	415
317:35-15-6. .... [AMENDED] (E) .....	554	340:110-3-3. .... [AMENDED] (E) .....	415
317:35-15-7. .... [AMENDED] (E) .....	554	340:110-3-5. .... [AMENDED] (E) .....	415
317:35-15-8. .... [AMENDED] (E) .....	554	340:110-3-5.1. .... [AMENDED] (E) .....	415
317:35-15-8.1. .... [AMENDED] (E) .....	556	340:110-3-6. .... [AMENDED] (E) .....	415
317:35-15-9. .... [AMENDED] (E) .....	556	340:110-3-7.1. .... [AMENDED] (E) .....	415
317:35-15-10. .... [AMENDED] (E) .....	556	340:110-3-37. .... [AMENDED] (E) .....	415
317:35-15-11. .... [REVOKED] (E) .....	557	340:110-3-39. .... [AMENDED] (E) .....	415
317:35-15-14. .... [AMENDED] (E) .....	558	340:110-3-40. .... [AMENDED] (E) .....	415
317:35-15-15. .... [AMENDED] (E) .....	557	340:110-3-41. .... [AMENDED] (E) .....	415
317:35-17-3. .... [AMENDED] (E) .....	264	340:110-3-42. .... [AMENDED] (E) .....	415
317:35-17-22. .... [AMENDED] (E) .....	559	340:110-3-82. .... [AMENDED] (E) .....	415
317:35-19-6. .... [AMENDED] (E) .....	408	340:110-3-85. .... [AMENDED] (E) .....	415
317:35-23-1. .... [NEW] (E) .....	266	340:110-3-88. .... [AMENDED] (E) .....	415
317:35-23-2. .... [NEW] (E) .....	266	340:110-3-89.1. .... [AMENDED] (E) .....	415
317:35-23-3. .... [NEW] (E) .....	267	340:110-3-222. .... [AMENDED] (E) .....	415
317:35-23-4. .... [NEW] (E) .....	267	340:110-3-223. .... [AMENDED] (E) .....	415
317:45-11-10. .... [AMENDED] (E) .....	409	340:110-3-224. .... [AMENDED] (E) .....	415
317:45-11-11. .... [AMENDED] (E) .....	411	340:110-3-225. .... [AMENDED] (E) .....	415
330:36-1-4. .... [AMENDED] (E) .....	304	340:110-3-226. .... [AMENDED] (E) .....	415
330:36-2-1. .... [AMENDED] (E) .....	309	340:110-5-4. .... [AMENDED] (E) .....	415
330:36-2-2. .... [AMENDED] (E) .....	309	340:110-5-6. .... [AMENDED] (E) .....	415
330:36-2-7. .... [AMENDED] (E) .....	310	340:110-5-7. .... [AMENDED] (E) .....	415
330:36-2-9. .... [AMENDED] (E) .....	310	340:110-5-8. .... [AMENDED] (E) .....	415
330:36-2-11. .... [AMENDED] (E) .....	310	340:110-5-12. .... [AMENDED] (E) .....	415
330:36-2-16. .... [AMENDED] (E) .....	310	340:110-5-30. .... [AMENDED] (E) .....	415
330:36-2-17. .... [AMENDED] (E) .....	311	340:110-5-57. .... [AMENDED] (E) .....	415
330:36-4-2. .... [AMENDED] (E) .....	311	340:110-5-61.1. .... [AMENDED] (E) .....	415
330:36-4-2.1. .... [AMENDED] (E) .....	314	365:10-11-4.1. .... [NEW] (E) .....	182
330:36-6-3. .... [AMENDED] (E) .....	316	365:25-3-19. .... [NEW] (E) .....	16
330:36-6-7. .... [AMENDED] (E) .....	316	365:25-11-1. .... [AMENDED] (E) .....	180
340:10-2-1. .... [AMENDED] (E) .....	169	365:25-11-2. .... [REVOKED] (E) .....	181
340:10-2-5. .... [AMENDED] (E) .....	170	365:25-11-2.1. .... [NEW] (E) .....	181
340:10-2-6. .... [AMENDED] (E) .....	171	365:25-11-3. .... [AMENDED] (E) .....	181
340:10-2-6.1. .... [AMENDED] (E) .....	171	365:25-11-4. .... [REVOKED] (E) .....	182
340:10-2-7. .... [AMENDED] (E) .....	171	365:25-11-5. .... [AMENDED] (E) .....	182
340:10-3-5. .... [AMENDED] (E) .....	174	365:25-11-6. .... [AMENDED] (E) .....	183
340:10-15-1. .... [AMENDED] (E) .....	177	365:25-11-7. .... [NEW] (E) .....	184
340:25-5-123. .... [AMENDED] (E) .....	412	365:25-11-8. .... [NEW] (E) .....	184

365:25-11-9. . . . .	[NEW] (E) . . . . .	184	535:10-7-8. . . . .	[AMENDED] (E) . . . . .	417
365:25-11-10. . . . .	[NEW] (E) . . . . .	184	535:20-7-7.7. . . . .	[AMENDED] (E) . . . . .	418
365:25-11-11. . . . .	[NEW] (E) . . . . .	184	580:15-2-2. . . . .	[AMENDED] (E) . . . . .	419
365:25-13-1. . . . .	[REVOKED] (E) . . . . .	184	580:15-4-5. . . . .	[AMENDED] (E) . . . . .	421
365:25-13-2. . . . .	[REVOKED] (E) . . . . .	185	580:15-4-6. . . . .	[AMENDED] (E) . . . . .	422
365:25-13-3. . . . .	[REVOKED] (E) . . . . .	185	580:15-4-7. . . . .	[AMENDED] (E) . . . . .	424
365:25-13-4. . . . .	[REVOKED] (E) . . . . .	185	580:15-4-11. . . . .	[AMENDED] (E) . . . . .	424
365:25-13-5. . . . .	[REVOKED] (E) . . . . .	185	580:15-6-6. . . . .	[AMENDED] (E) . . . . .	425
365:25-13-6. . . . .	[REVOKED] (E) . . . . .	185	590:1-1-7. . . . .	[REVOKED] (E) . . . . .	120
365:25-13-7. . . . .	[REVOKED] (E) . . . . .	186	590:10-3-14. . . . .	[NEW] (E) . . . . .	121
365:25, App. U. . . . .	[NEW] (E) . . . . .	189	590:10-7-18. . . . .	[AMENDED] (E) . . . . .	121
365:25, App. V. . . . .	[NEW] (E) . . . . .	193	605:10-3-5. . . . .	[AMENDED] (E) . . . . .	428
365:25, App. W. . . . .	[NEW] (E) . . . . .	197	605:10-5-1. . . . .	[AMENDED] (E) . . . . .	429
380:20-1-3. . . . .	[AMENDED] (E) . . . . .	198	610:25-23-5. . . . .	[AMENDED] (E) . . . . .	202
380:20-1-14. . . . .	[AMENDED] (E) . . . . .	199	610:25-23-6. . . . .	[AMENDED] (E) . . . . .	202
380:20-1-15. . . . .	[NEW] (E) . . . . .	200	650:18-1-1. . . . .	[NEW] (E) . . . . .	122
435:65-1-1. . . . .	[NEW] (E) . . . . .	200	650:18-1-2. . . . .	[NEW] (E) . . . . .	123
435:65-1-2. . . . .	[NEW] (E) . . . . .	200	650:18-1-3. . . . .	[NEW] (E) . . . . .	123
435:65-1-3. . . . .	[NEW] (E) . . . . .	200	650:18-1-4. . . . .	[NEW] (E) . . . . .	123
435:65-1-4. . . . .	[NEW] (E) . . . . .	200	650:18-1-5. . . . .	[NEW] (E) . . . . .	123
435:65-1-5. . . . .	[NEW] (E) . . . . .	201	650:18-1-6. . . . .	[NEW] (E) . . . . .	123
435:65-1-6. . . . .	[NEW] (E) . . . . .	201	650:18-1-7. . . . .	[NEW] (E) . . . . .	123
435:65-1-7. . . . .	[NEW] (E) . . . . .	201	650:18-1-8. . . . .	[NEW] (E) . . . . .	123
435:65-1-8. . . . .	[NEW] (E) . . . . .	201	650:18-1-9. . . . .	[NEW] (E) . . . . .	123
455:10-1-2. . . . .	[AMENDED] (E) . . . . .	560	650:18-1-10. . . . .	[NEW] (E) . . . . .	124
455:10-1-5. . . . .	[AMENDED] (E) . . . . .	561	650:18-1-11. . . . .	[NEW] (E) . . . . .	124
455:10-1-7. . . . .	[AMENDED] (E) . . . . .	562	650:18-1-12. . . . .	[NEW] (E) . . . . .	124
455:10-1-10. . . . .	[AMENDED] (E) . . . . .	562	650:18-1-13. . . . .	[NEW] (E) . . . . .	124
455:10-3-1.1. . . . .	[AMENDED] (E) . . . . .	562	650:18-1-14. . . . .	[NEW] (E) . . . . .	125
455:10-3-2. . . . .	[AMENDED] (E) . . . . .	562	650:18-1-15. . . . .	[NEW] (E) . . . . .	125
455:10-3-3.3. . . . .	[NEW] (E) . . . . .	562	710:1-9-1. . . . .	[NEW] (E) . . . . .	17
455:10-3-4.1. . . . .	[AMENDED] (E) . . . . .	563	710:1-9-2. . . . .	[NEW] (E) . . . . .	17
455:10-3-6. . . . .	[AMENDED] (E) . . . . .	563	710:1-9-3. . . . .	[NEW] (E) . . . . .	17
455:10-3-15. . . . .	[AMENDED] (E) . . . . .	563	710:1-9-4. . . . .	[NEW] (E) . . . . .	18
455:10-3-17. . . . .	[AMENDED] (E) . . . . .	563	710:1-9-5. . . . .	[NEW] (E) . . . . .	18
455:10-7-2. . . . .	[AMENDED] (E) . . . . .	564	710:1-9-6. . . . .	[NEW] (E) . . . . .	18
455:10-7-4. . . . .	[AMENDED] (E) . . . . .	564	710:1-9-7. . . . .	[NEW] (E) . . . . .	18
455:10-7-6. . . . .	[AMENDED] (E) . . . . .	564	710:1-9-8. . . . .	[NEW] (E) . . . . .	18
455:10-9-1. . . . .	[AMENDED] (E) . . . . .	564	710:1-9-9. . . . .	[NEW] (E) . . . . .	18
455:10-9-2. . . . .	[AMENDED] (E) . . . . .	565	710:1-9-10. . . . .	[NEW] (E) . . . . .	19
455:10-11-1. . . . .	[AMENDED] (E) . . . . .	566	710:22-5-10. . . . .	[NEW] (E) . . . . .	267
455:10-11-4. . . . .	[AMENDED] (E) . . . . .	566	715:10-11-7. . . . .	[AMENDED] (E) . . . . .	319
455:10-11-14. . . . .	[AMENDED] (E) . . . . .	566	715:10-15-26. . . . .	[AMENDED] (E) . . . . .	320
455:10-11-17. . . . .	[AMENDED] (E) . . . . .	567	730:30-5-1. . . . .	[AMENDED] (E) . . . . .	19
455:10-15-4. . . . .	[AMENDED] (E) . . . . .	567	800:10-3-5. . . . .	[AMENDED] (E) . . . . .	203
455:10-19-1. . . . .	[AMENDED] (E) . . . . .	568	800:25-7-92.2. . . . .	[NEW] (E) . . . . .	431
455:10-19-35. . . . .	[AMENDED] (E) . . . . .	568	800:25-7-132.1. . . . .	[NEW] (E) . . . . .	207

# Agency/Title Index

[Assigned as of 2-17-09]

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

Agency	Title	Agency	Title
<b>LONG-RANGE</b> Capital Planning Commission	428	Oklahoma Commission on <b>SCHOOL</b> and County Funds Management	635
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators) - <i>See</i> Title 490		Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions concluded 2-92</i> )	640
<b>LOTTERY</b> Commission, Oklahoma	429	The Oklahoma School of <b>SCIENCE</b> and Mathematics	645
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education Program	430	Oklahoma Center for the Advancement of <b>SCIENCE</b> and Technology	650
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells	432	<b>SECRETARY</b> of State	655
State Board of <b>MEDICAL</b> Licensure and Supervision	435	Department of <b>SECURITIES</b>	660
<b>MEDICAL</b> Technology and Research Authority of Oklahoma	440	Board of Regents of <b>SEMINOLE</b> State College	665
Board of <b>MEDICOLEGAL</b> Investigations	445	<b>SHEEP</b> and Wool Commission	670
Department of <b>MENTAL</b> Health and Substance Abuse Services	450	State Board of Licensed <b>SOCIAL</b> Workers	675
<b>MERIT</b> Protection Commission	455	<b>SOUTHERN</b> Growth Policies Board	680
<b>MILITARY</b> Planning Commission, Oklahoma Strategic	457	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> )	685
Department of <b>MINES</b>	460	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and Audiology	690
Oklahoma <b>MOTOR</b> Vehicle Commission	465	<b>STATE</b> Employee Charitable Contributions, Oversight Committee for ( <i>Formerly</i> : <b>STATE</b> Agency Review Committee)	695
Board of Regents of <b>MURRAY</b> State College	470	<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> ) – <i>See</i> Title 304	
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control	475	Oklahoma <b>STUDENT</b> Loan Authority	700
Board of Regents of <b>NORTHERN</b> Oklahoma College	480	<b>TASK</b> Force 2000	705
Oklahoma Board of <b>NURSING</b>	485	Oklahoma <b>TAX</b> Commission	710
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators)	490	Oklahoma Commission for <b>TEACHER</b> Preparation	712
Board of Regents of <b>OKLAHOMA</b> City Community College	495	<b>TEACHERS'</b> Retirement System	715
Board of Regents of <b>OKLAHOMA</b> Colleges	500	State <b>TEXTBOOK</b> Committee	720
Board of Examiners in <b>OPTOMETRY</b>	505	Oklahoma <b>TOURISM</b> and Recreation Department	725
State Board of <b>OSTEOPATHIC</b> Examiners	510	Department of <b>TRANSPORTATION</b>	730
<b>PARDON</b> and Parole Board	515	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i> ) - <i>See</i> Title 731	
Oklahoma <b>PEANUT</b> Commission	520	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly</i> : Oklahoma <b>TRANSPORTATION</b> Authority AND Oklahoma <b>TURNPIKE</b> Authority) - <i>See</i> also Title 745	731
Oklahoma State <b>PENSION</b> Commission	525	State <b>TREASURER</b>	735
State Board of Examiners of <b>PERFUSIONISTS</b>	527	Board of Regents of <b>TULSA</b> Community College	740
Office of <b>PERSONNEL</b> Management	530	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - no rules enacted in this Title - See</i> Title 731)	745
Oklahoma State Board of <b>PHARMACY</b>	535	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa	750
<b>PHYSICIAN</b> Manpower Training Commission	540	<b>UNIVERSITY</b> Hospitals Authority	752
Board of <b>PODIATRIC</b> Medical Examiners	545	<b>UNIVERSITY</b> Hospitals Trust	753
Oklahoma <b>POLICE</b> Pension and Retirement System	550	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma	755
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma	760
<b>POLYGRAPH</b> Examiners Board	560	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission	765
Oklahoma Board of <b>PRIVATE</b> Vocational Schools	565	Oklahoma Department of <b>VETERANS</b> Affairs	770
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> )	570	Board of <b>VETERINARY</b> Medical Examiners	775
State Board of Examiners of <b>PSYCHOLOGISTS</b>	575	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly</i> : Oklahoma Department of <b>VOCATIONAL</b> and Technical Education)	780
Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs)	580	Oklahoma <b>WATER</b> Resources Board	785
<b>PUBLIC</b> Employees Relations Board	585	Board of Regents of <b>WESTERN</b> Oklahoma State College	790
Oklahoma <b>PUBLIC</b> Employees Retirement System	590	Oklahoma <b>WHEAT</b> Commission	795
Department of <b>PUBLIC</b> Safety	595	Department of <b>WILDLIFE</b> Conservation	800
<b>REAL</b> Estate Appraiser Board	600	<b>WILL</b> Rogers and J.M. Davis Memorials Commission	805
Oklahoma <b>REAL</b> Estate Commission	605		
Board of Regents of <b>REDLANDS</b> Community College	607		
State <b>REGENTS</b> for Higher Education	610		
State Department of <b>REHABILITATION</b> Services	612		
Board of Regents of <b>ROGERS</b> State College	615		
Board of Regents of <b>ROSE</b> State College	620		
Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> )	625		
<b>SCENIC</b> 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 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 1. ADMINISTRATION**

*[OAR Docket #09-119]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Individual Proceedings  
38:1-1-3 [AMENDED]

### **SUMMARY:**

The proposed rule change to Subchapter 1 is to correct a typographical error from non-real to non-renewal.

### **AUTHORITY:**

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O.S., § 43B-1875-1

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Richard D. Pierson at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma 73118, or PO Box 54388, Oklahoma City, OK 73154 from February 17, 2009 to March 19, 2009

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 5104 N. Francis, Suite C, Oklahoma City, OK, on March 23, 2009 at 10:00 am to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 10:05 am on March 23, 2009

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 5104 N. Francis, Suite C, Oklahoma City, OK 73118 or by going to our website at [www.okdrugcounselors.org](http://www.okdrugcounselors.org) under Laws and Regs.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning February 17, 2009.

### **CONTACT PERSON:**

Richard D. Pierson, Executive Director, (405) 840-8908

*[OAR Docket #09-119; filed 1-21-09]*

## **TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS**

*[OAR Docket #09-120]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Rules of Professional Conduct

38:10-3-2 [AMENDED]

38:10-3-7 [NEW]

Subchapter 7. Application

38:10-7-10 [NEW]

Subchapter 9. Supervision

38:10-9-2 [AMENDED]

38:10-9-4 [AMENDED]

38:10-9-5 [NEW]

Subchapter 11. Fees

38:10-11-1 [AMENDED]

38:10-11-2 [AMENDED]

Appendix A. Licensed/Certified Counselor Code of Ethics  
[AMENDED]

### **SUMMARY:**

The proposed rule change to Subchapter 3 is to correct and clarify wording in the Code of Ethics, Appendix A.

Subchapter 7 is a new section establishing requirements for achieving a certification for co-occurring credential. This includes definitions of a bachelor's level and master's level certification, establishes qualifications at levels, application requirements and how to be an approved supervisor for a candidate seeking this certification. It also establishes requirements for renewal of this certification.

Subchapter 9 amends supervision rules to provide an option for accepting supervision being completed or already completed by persons moving into Oklahoma from another state, persons, or spouses in the military where supervision can be continued, or established outside of Oklahoma. This subchapter also adds a new section to allow the approval of new supervisors by establishing qualifications to become a

## Notices of Rulemaking Intent

---

supervisor, the application process to be a supervisor, training requirements for new and existing supervisors, rules for existing supervisors, removal of supervision credentials, and the supervisor's responsibilities.

The changes in Subchapter 11 add a processing fee for a rejected or denied credit card used to apply for, or renew a credential. It also sets fees for approved supervisor designation and renewal, application fees for the new co-occurring credentials and adds credit cards as an acceptable method of payment.

### **AUTHORITY:**

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O.S., § 43B-1875-1

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Richard D. Pierson at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma 73118, or PO Box 54388, Oklahoma City, OK 73154 from February 17, 2009 to March 19, 2009

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 5104 N. Francis, Suite C, Oklahoma City, OK, on March 23, 2009 at 10:00 am to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 10:05 am on March 23, 2009

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 5104 N. Francis, Suite C, Oklahoma City, OK 73118 or by going to our website at [www.okdrugcounselors.org](http://www.okdrugcounselors.org) under Laws and Regulations.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning February 17, 2009.

### **CONTACT PERSON:**

Richard D. Pierson, Executive Director, (405) 840-8908

*[OAR Docket #09-120; filed 1-21-09]*

---

## **TITLE 75. ATTORNEY GENERAL CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT AND BATTERERS INTERVENTION PROGRAMS**

*[OAR Docket #09-136]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

Subchapter 2. Domestic Violence and Sexual Assault Programs [AMENDED]

Subchapter 4. Batterers Intervention Programs [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

### **SUMMARY:**

The Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence and sexual assault programs as well as batterers intervention programs in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. Amendments are proposed to clarify the definition of "screening" as well as add definitions for "assessment" and "qualified staff"; include requirements pursuant to the Oklahoma Sex Offenders Registration Act and Mary Rippey Act and for reporting of child abuse and neglect; provide for risk and needs screening and assessment for children receiving services; correcting the number of absences that must be reported to the court for clients in batterers intervention program, and adding that a dangerousness assessment be conducted during the intake of a victim. The children's services amendments are proposed as a result of recommendations received from an ad hoc committee of the Oklahoma Coalition Against Domestic Violence and Sexual Assault and other changes as deemed necessary by the Domestic Violence and Sexual Assault Advisory Council.

### **AUTHORITY:**

Attorney General, Title 74 O.S. § 18p-1 et seq

### **COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 19, 2009, at the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st, Oklahoma City, OK 73105.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input and oral comment on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Thursday, March 19, 2009, at 2:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st, Oklahoma City, OK 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or during the public hearing on March 19, 2009, at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st, Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Victims Services Unit of the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 17, 2009.

**CONTACT PERSON:**

Susan Damron Krug, Assistant Attorney General, 405-522-0042

*[OAR Docket #09-136; filed 1-23-09]*

**TITLE 75. ATTORNEY GENERAL  
CHAPTER 20. ADDRESS  
CONFIDENTIALITY PROGRAM**

*[OAR Docket #09-135]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 20. Address Confidentiality Program  
[AMENDED]

**SUMMARY:**

The Attorney General is required to adopt and promulgate rules for the management of the Address Confidentiality Program. These rules set forth the requirements which are necessary to meet the responsibilities of oversight, management, evaluation, improvement and participation in the program. The rules in this Chapter were transferred from the Oklahoma Secretary of State pursuant to House Bill 2638 (2008) and became effective July 1, 2008. Although the rule numbers changed to reflect placement in OAC 75:20, references to rules contained in the previous OAC 655:30 contained in the body need to be amended. It is also necessary to amend language that is obsolete or inaccurate due to the transfer of the administration of the Secretary of State to the Office of the Attorney General. Various other rules are being modified to reflect statutory changes pursuant to House Bill 2638.

**AUTHORITY:**

Protection from Domestic Abuse Act Title 22 O.S. § 60.1; Attorney General

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 19, 2009, at the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of

5 minutes to speak and must sign in on Thursday, March 19, 2009, at 2:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 19, 2009, at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 17, 2009.

**CONTACT PERSON:**

Susan Damron Krug, Assistant Attorney General 405-522-0042

*[OAR Docket #09-135; filed 1-23-09]*

**TITLE 87. OKLAHOMA STATE  
EMPLOYEES BENEFITS COUNCIL  
CHAPTER 10. FLEXIBLE BENEFITS PLAN**

*[OAR Docket #09-117]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
87:10-1-2. Definitions [AMENDED]

**SUMMARY:**

This proposed permanent administrative rule is identical to, and supersedes, an emergency administrative rule approved by Governor Brad Henry August 8, 2008, which amended the definition of a "dependent" to change the maximum age to which dependents may be covered by active state employees under the state's flexible benefits plan from twenty-three (23) years of age to twenty-five (25) years of age in accordance with Section 13 of House bill 3112 of the 2nd regular session of the 51st Oklahoma Legislature, signed by Governor Brad Henry on June 3, 2008.

**AUTHORITY:**

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

# Notices of Rulemaking Intent

---

## COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on Thursday, March 19, 2009, at the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102.

## PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Friday, March 20, 2009, at the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:00 a.m., Central Standard Time, Friday, March 20, 2009.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp.2005, §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

## CONTACT PERSON:

Craig Cates, Employees Benefits Council, (405) 609-3440.

*[OAR Docket #09-117; filed 1-21-09]*

---

## TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 10. FLEXIBLE BENEFITS PLAN

*[OAR Docket #09-118]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

- Subchapter 26. Qualified transportation account option [NEW]
- 87:10-26-1. Qualified transportation account option [NEW]
- 87:10-26-2. Definitions [NEW]
- 87:10-26-3. Reimbursements for participation [NEW]
- 87:10-26-4. Amount of benefit available [NEW]
- 87:10-26-5. Internal revenue code and regulations [NEW]
- 87:10-26-6. Elections/mid year changes [NEW]
- 87:10-26-7. Qualified transportation account option [NEW]
- 87:10-26-8. Claims for reimbursement [NEW]

87:10-26-9. Reimbursement or payment of mass transit expense [NEW]

87:10-26-10. Forfeiture of unused benefits [NEW]

87:10-26-11. Report to employees [NEW]

## SUMMARY:

These proposed permanent administrative rules are identical to, and supercede, emergency administrative rules approved by Governor Brad Henry August 8, 2008, which added a new subchapter, twenty-six (26), to Chapter 10 of title 87. This new subchapter allows the Employees Benefits Council to offer qualified mass transportation accounts. These accounts enable active state employees to purchase monthly mass transit passes on a pre-tax basis. The implementation of these administrative rules is projected to have a positive economic impact on active state employees, enrolled in the state's flexible benefits plan, who choose to participate in qualified mass transportation accounts. By not driving their personal vehicles to work and using mass transit instead, participating employees will realize savings through significantly lower fuel, maintenance, and auto insurance costs. In addition, because these accounts are pre-tax, the amount participating employees, and the agencies they work for, pay in taxes will be reduced. And, these rules will have a positive impact on the environment. As more active state employees use mass transportation, the number of vehicles on the state's streets and highways and the air pollution they create will decline.

## AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

## COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on Thursday, March 19, 2009, at the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102.

## PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., Friday, March 20, 2009, at the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 10:30 a.m., Central Standard Time, Friday, March 20, 2009.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Supp.2005, §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15)

days after the date of publication of this Notice of Rulemaking Intent.

**CONTACT PERSON:**

Craig Cates, Employees Benefits Council, (405) 609-3440.

*[OAR Docket #09-118; filed 1-21-09]*

**TITLE 130. CEREBRAL PALSY  
COMMISSION  
CHAPTER 1. ORGANIZATION**

*[OAR Docket #09-156]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

130:1-1-13 [AMENDED]

**SUMMARY:**

The proposed amendments will prohibit use of tobacco products on the J.D. McCarty Center campus and property.

**AUTHORITY:**

63 O.S.2001, §485.2; Oklahoma Cerebral Palsy Commission.

**COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on March 24, 2009. Comments may be submitted to Curtis Peters, Administrator, J.D. McCarty Center, 2002 East Robinson, Norman, Oklahoma, 73071. The comment period is from February 17, 2009, to March 24, 2009.

**PUBLIC HEARING:**

A public hearing has been scheduled for March 24, 2009, at the J.D. McCarty Center, 2002 East Robinson, Norman, Oklahoma, at 10:00 a.m. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Curtis Peters at the above address during the period from February 17, 2009, to March 24, 2009. The Commission is not aware of any business entities affected by these proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the J.D. McCarty Center. Copies may be obtained by written request mailed to the attention of Curtis Peters, Administrator, 2002 East Robinson, Norman, Oklahoma, 73071.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 17, 2009. A copy of the rule impact statement may be obtained

by written request mailed to the attention of Curtis Peters, Administrator, J.D. McCarty Center, 2002 East Robinson, Norman, Oklahoma, 73071.

**CONTACT PERSONS:**

Curtis Peters, Administrator, J.D. McCarty Center, at (405) 307-2800; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

*[OAR Docket #09-156; filed 1-23-09]*

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

*[OAR Docket #09-155]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

The proposed rule amendments describe the requirements for school districts and the State Department of Education regarding remediation of students who do not attain at least a satisfactory or proficient score on the seventh grade criterion-referenced tests in reading and mathematics, the eighth grade criterion-referenced tests in reading and mathematics, and the end-of-instruction exams. Additionally, the proposed rule amendments provide a process for school districts and the State Board of Education to apply exceptions and exemptions to the graduation requirements related to end-of-instruction exams, and clarifies procedures of the Oklahoma School Testing Program (OSTP).

**AUTHORITY:**

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 25, 2009, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, March 26, 2009, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

# Notices of Rulemaking Intent

---

## COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on March 4, 2009.

## CONTACT PERSON:

Connie Holland, 405-521-3308

*[OAR Docket #09-155; filed 1-23-09]*

## TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 75. OKLAHOMA-BRED PROGRAM

*[OAR Docket #09-152]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

## PROPOSED RULE:

325:75-1-2. Definitions [AMENDED]

325:75-1-3. Definition of accredited Oklahoma-Bred Thoroughbred [AMENDED]

325:75-1-3.1. Definition of accredited Oklahoma-Bred Quarter Horse, Paint or Appaloosa [NEW]

325:75-1-4. ~~Registration~~ Accreditation of Oklahoma Bred [AMENDED]

325:75-1-4.1. Dual breed Oklahoma-Bred registration [NEW]

325:75-1-5. Administration of Oklahoma-Bred program [AMENDED]

325:75-1-7. ~~Registration~~ Accreditation required for Oklahoma-Bred eligibility [AMENDED]

325:75-1-8. Inspection of horses [AMENDED]

325:75-1-9. Decision as to eligibility of Oklahoma-Bred [AMENDED]

325:75-1-10. False statements concerning Oklahoma-Bred ~~Registration~~ accreditation [AMENDED]

325:75-1-12. ~~Registration~~ Application requirements, categories and fees for Quarter Horses, Appaloosas or Paints [AMENDED]

325:75-1-12.1. Application requirements, categories and fees for Thoroughbreds, beginning with an effective date of January 1, 2010 [NEW]

325:75-1-13.1. Dual Breed application categories and fees [NEW]

325:75-1-14. Establishment of Oklahoma-Bred added money and award payments at race meetings [AMENDED]

325:75-1-16. Disposition of unexpended Oklahoma-Bred funds generated at a race meeting [AMENDED]

325:75-1-19. Embryo transfer [AMENDED]

## SUMMARY:

In January, 2008, the Oklahoma Quarter Horse Racing Association, the official horsemen's representative organization for Quarter Horses, Appaloosas and Paints, proposed amendments and a new rule to Chapter 75 to: (1) match changes already in place in the national breed registries for Quarter Horses, Paints, Appaloosas and Thoroughbreds; (2) add language for broodmare domicile exceptions; (3) set new fees and increase the ownership transfer fee; (4) clarify the horse certificate forms to be inspected by the Oklahoma-Bred Registering Agency and (5) make consistent the use of terms such as 'accredit' rather than the current use of interchanging the terms 'accredit' and 'register'.

At its March 27, 2008 meeting, the Commission received a number of written responses from horsemen and horsemen's organizations in opposition to the proposed broodmare domicile exceptions. In addition, there was much discussion about the meaning of the proposals and the suggested changes to the proposals. The Commission sent the proposed rule amendments and new rule back to be redrafted as well as the drafting of additional definitions.

At its May 15, 2008 meeting, the Commission Chairman appointed an Ad Hoc Committee on Oklahoma-Bred Program Rule Revisions to work on the redrafting. The Commission was chaired by a Commissioner with the following membership: two other Commissioners, the Oklahoma-Bred Registrar, and one representative from each of the two official horsemen's representative organizations: the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma. That Ad Hoc Committee then met a number of times and presented its proposed amendments and new rules, including proposed fee increase for ownership transfer for Quarter Horses, Paints and Appaloosas as well as proposed new fee structure for Thoroughbreds and dual breed accreditation, to the Commission at its January 22, 2009 meeting which were approved for the opening of the permanent rulemaking process.

## AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

## COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Thursday, March 19, 2009, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

## PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Thursday, March 19, 2009, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 19, 2009.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 27, 2009 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #09-152; filed 1-23-09]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 80. GAMING LICENSING REQUIREMENTS**

*[OAR Docket #09-153]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 9. Requirements for Manufacturer, Distributor, or Manufacturer/ Distributor, and Their Employee License Applicants [AMENDED]

325:80-9-1. Application for Manufacturer, Distributor, or Manufacturer/Distributor License [AMENDED]

325:80-9-2. Manufacturer's, Distributor's, or Manufacturer/Distributor's Employee License [AMENDED]

Subchapter 11. Requirements for Vendor License [AMENDED]

325:80-11-2. Vendor License [AMENDED]

325:80-11-3. Vendor Employee License [AMENDED]

Subchapter 15. Requirements for Independent Testing Laboratory License [AMENDED]

325:80-15-1. Application required [AMENDED]

**SUMMARY:**

A Commission Gaming Agent proposes that application deadlines be added to the gaming license rules to provide more timely receipt and subsequent approval consideration before the beginning of the calendar year for which the license is requested. The current rule language does not provide an application deadline date.

A second amendment is proposed to 325:80-15-1, Application Required, to eliminate the mandatory requirement of annual site visits to each of the applicants for Independent Testing Laboratory License and leave the frequency of site visits to the recommendation of the Law Enforcement Division to the Commission Executive Director.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Thursday, March 19, 2009, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Thursday, March 19, 2009, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 19, 2009.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 27, 2009 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #09-153; filed 1-23-09]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 2. ADMINISTRATIVE COMPONENTS**

*[OAR Docket #09-132]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

# Notices of Rulemaking Intent

---

## PROPOSED RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 7. Recruitment, Selection, and Placement

340:2-1-83 [AMENDED]

(Reference APA WF 09-05)

## SUMMARY:

The purpose of the proposed revisions to Subchapter 1 of Chapter 2 amend rules to clarify language for selecting employees in entry level non-supervisory positions.

## AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Sections 250 et seq. of Title 75 of the Oklahoma Statutes.

## COMMENT PERIOD:

Written and oral comments will be accepted February 17, 2009 through March 19, 2009 during regular business hours by contacting Kevin Sharp, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-6829.

## PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 2009 at 5:00 p.m.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

## CONTACT PERSON:

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #09-132; filed 1-23-09]*

---

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 2. ADMINISTRATIVE COMPONENTS

*[OAR Docket #09-133]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. Office of Client Advocacy

Part 1. Administration

340:2-3-1 through 340:2-3-2 [AMENDED]

Part 5. Grievances

340:2-3-45 through 340:2-3-48 [AMENDED]

340:2-3-50 through 340:2-3-51 [AMENDED]

340:2-3-54 [AMENDED]

Part 7. Grievance and Abuse Review Committee

340:2-3-64 [AMENDED]

Part 9. ~~Ombudsman~~ Advocacy Programs

340:2-3-71 through 340:2-3-75 [AMENDED]

(Reference APA WF 09-03)

## SUMMARY:

The proposed revisions to Subchapter 3 of Chapter 2 amend the rules to: (1) reflect the definition of maltreatment included in the Protective Services for Vulnerable Adults Act; (2) clarify the actions taken by the local grievance coordinator (LGC) and others when the grievance decisionmaker elects to accept or reject a proposed resolution; (3) amend the requirements for a LGC to improve accessibility to grievants or their representatives; (4) establish a timeframe for notifying clients and their guardians or custodians when the designated LGC changes; (5) clarify the process for submitting additional evidence for consideration of the Grievance and Abuse Review Committee; (6) address the redundancy in notice to Office of Client Advocacy (OCA) advocates by eliminating the on-call system; (7) remove the requirement that advocates attend Behavior Review Committee and Human Rights Committee meetings; (8) increase number of advocate visits with their clients; (9) update language to current terminology; (10) add clarifying language; and (11) remove internal procedures from the rules.

## AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 10-102 et seq. of Title 43A of the Oklahoma Statutes.

## COMMENT PERIOD:

Written and oral comments will be accepted February 17, 2009 through March 19, 2009 during regular business hours by contacting Mark L. Jones, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-525-4850.

## PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 2009 at 5:00 p.m.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

## CONTACT PERSON:

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #09-133; filed 1-23-09]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

[OAR Docket #09-134]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 2. Temporary Assistance For Needy Families (TANF) Work Program

340:10-2-8 [AMENDED]

(Reference APA WF 09-01)

**SUMMARY:**

The proposed revisions to Subchapters 2 of Chapter 10 amend the rules to: (1) increase the daily participation allowance paid to Temporary Assistance for Needy Families (TANF) recipients when they participate in most TANF Work activities; and (2) add clarifying language.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 230.50, 230.52, 230.62, 230.64, and 230.65 of Title 56 of the Oklahoma Statutes; the Deficit Reduction Act of 2005; and Parts 261.2, 261.60, 261.61 and 262.2 of Title 45 of the Code of Federal Regulations (CFR).

**COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2009 through March 19, 2009 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 2009 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

[OAR Docket #09-134; filed 1-23-09]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #09-131]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 1. Introduction

340:105-10-3 [AMENDED]

Part 3. State Agency

340:105-10-12 through 105-10-13 [AMENDED]

Part 5. Area Agencies on Aging

340:105-10-32 [AMENDED]

340:105-10-36 through 105-10-38 [AMENDED]

340:105-10-40 [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-50.1 [AMENDED]

340:105-10-54 [AMENDED]

340:105-10-71 [AMENDED]

340:105-10-75 [AMENDED]

340:105-10-90.1 [AMENDED]

Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects

340:105-10-96 [AMENDED]

340:105-10-101 [AMENDED]

(Reference APA WF 08-06)

**SUMMARY:**

The proposed revisions to Subchapter 10 of Chapter 105 amend the rules to: (1) comply with the Older Americans Act, as amended in 2006 (Public Law 109-365), including definitions of terms, eligibility for the National Family Caregiver Support Program (NFCSP), clarification of services available, and clarification of the target population to be served; (2) include recent amendments to the State Council on Aging By-laws increasing the number of members from 29 to 31 and add to the list of entities eligible for membership; and (3) comply with Section 1247 of Title 21 of the Oklahoma Statutes (21 O.S. § 1247) requiring public facilities be smoke free.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Older Americans Act, as amended in 2006; Oklahoma State Council on Aging By-laws; and 21 O.S. § 1247.

**COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2009 through March 19, 2009 during regular business hours by contacting Jennifer Case, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4489.

# Notices of Rulemaking Intent

---

## **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 2009 at 5:00 p.m.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

## **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

## **CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #09-131; filed 1-23-09]*

## **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES**

*[OAR Docket #09-149]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-4.1. [AMENDED]

340:110-1-5. through 340:110-1-6. [AMENDED]

340:110-1-8. [AMENDED]

340:110-1-8.1. [AMENDED]

340:110-1-8.3. through 340:110-1-9. [AMENDED]

340:110-1-9.2. through 340:110-1-9.4. [AMENDED]

340:110-1-10. through 340:110-1-11. [AMENDED]

340:110-1-13. [AMENDED]

340:110-1-17. [AMENDED]

Part 3. Licensing Services - Residential Care and Agencies

340:110-1-43.1. [AMENDED]

340:110-1-44. through 340:110-1-47.2. [AMENDED]

340:110-1-51. through 340:110-1-52. [AMENDED]

340:110-1-54.1. [NEW]

Subchapter 3. Licensing Standards for Childcare Facilities

Part 1. Requirements for Child Care Centers

340:110-3-3. [AMENDED]

340:110-3-5. through 340:110-3-6. [AMENDED]

340:110-3-7.1. [AMENDED]

Part 2. Requirement for Part-Day Children's Programs

340:110-3-37. [AMENDED]

340:110-3-39. through 340:110-3-42. [AMENDED]

Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes

340:110-3-82. [AMENDED]

340:110-3-85. [AMENDED]

340:110-3-88. [AMENDED]

340:110-3-89.1. [AMENDED]

Part 9. Requirements for Residential Childcare Facilities

340:110-3-146. through 340:110-3-147. [AMENDED]

340:110-3-150. through 340:110-3-154.3. [AMENDED]

340:110-3-154.5. [AMENDED]

340:110-3-157. [AMENDED]

340:110-3-163. through 340:110-3-165. [AMENDED]

340:110-3-165.1. [NEW]

340:110-3-166. through 340:110-3-169. [AMENDED]

Part 14. Requirements For School-Age Programs

340:110-3-222. through 340:110-3-226. [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-4. [AMENDED]

340:110-5-6. through 340:110-5-8. [AMENDED]

340:110-5-12. [AMENDED]

Part 3. Requirements for Adoption Agencies

340:110-5-30. [AMENDED]

Part 5. Requirements for Foster Home Agencies

340:110-5-57. [AMENDED]

340:110-5-61.1. [AMENDED]

Reference (WF 08-12 and WF 09-04)

## **SUMMARY:**

The proposed revisions amend the rules for licensing requirements for child care centers, part-day programs, family child care homes and large family child care homes, school-age programs, residential, children's shelters, residential treatment, secure care facilities, and child placing agencies. Revisions include Oklahoma Child Care Services policy and procedures relating to background investigations, parent notification regarding liability insurance; and unlicensed facilities. Revisions are reflective of changes in state statute during the 2008 legislative session. Revisions include requirements increasing the health and safety of programs and residents as it relates to qualifications of staff, health and safety practices, fire safety, supervision of residents, use of restraints and administrative policies of licensed facilities; and clarification of procedure within division policy which will assist in consistent policy interpretation.

## **AUTHORITY:**

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Child Care Facility Licensing Act; Section 401 et seq. of Title 10 of the Oklahoma Statutes; Section 589 of Title 57 of the Oklahoma Statutes; House Bill (HB) 2643; HB 2863; Senate Bill (SB) 1601; and the Adam Walsh Child Protection and Safety Act.

## **COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2009 through March 19, 2009 during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, Oklahoma 73125, and telephone 405-521-2556.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 19, 2009 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #09-149; filed 1-23-09]*

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

*[OAR Docket #09-124]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Office of the Executive Director  
Part 3. Office of the Advocate General  
377:3-1-28. General grievance procedures [AMENDED]

**SUMMARY:**

Subchapter 1 is being changed to allow the Division Director to be the final level of appeal.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

**COMMENT PERIOD:**

Written comments will be accepted during regular business hours from February 17, 2009 through March 19, 2009 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Teresa Wakolee. Email comments may be sent to Teresa.Wakolee@oja.ok.gov. During the same time period, oral comments may be made to Teresa Wakolee @ (405) 530-2854 during regular business hours.

**PUBLIC HEARING:**

A Public Hearing will be held at 8:00 a.m. on March 20, 2009 at the Office of Juvenile Affairs, 3812 N. Santa Fe, Oklahoma City, OK, 73126.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in

the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teresa Wakolee at the above address during the comment period.

**COPIES OF THE PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before March 4, 2009 at the above address for the Office of Juvenile Affairs.

**CONTACT PERSON:**

Teresa Wakolee, Policy Supervisor, (405) 530-2854

*[OAR Docket #09-124; filed 1-21-09]*

**TITLE 377. OFFICE OF JUVENILE AFFAIRS  
CHAPTER 5. OFFICE OF THE PAROLE BOARD**

*[OAR Docket #09-115]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]  
Subchapter 3. Pre-release Planning [AMENDED]  
Subchapter 5. Hearings [AMENDED]

**SUMMARY:**

The Office of Juvenile Affairs parole rules are being changed to modify the parole process.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

**COMMENT PERIOD:**

Written comments will be accepted during regular business hours from February 17, 2009 through March 19, 2009 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Teresa Wakolee. Email comments may be sent to Teresa.Wakolee@oja.ok.gov. During the same time period, oral comments may be made to Teresa Wakolee @ (405) 530-2854 during regular business hours.

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on March 20, 2009 at the Office of Juvenile Affairs, Employee Development Center, 3815 N. Santa Fe, Suite 170, Oklahoma City, OK, 73126.

## Notices of Rulemaking Intent

---

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teresa Wakolee at the above address during the comment period.

### COPIES OF THE PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before March 4, 2009 at the above address for the Office of Juvenile Affairs.

### CONTACT PERSON:

Teresa Wakolee, Policy Supervisor, (405) 530-2854

*[OAR Docket #09-115; filed 1-20-09]*

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

*[OAR Docket #09-116]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:35-1-2. Definitions [AMENDED]
- Subchapter 3. Security and Control
- 377:35-3-7. Contraband [AMENDED]
- 377:35-3-8. Searches and control of contraband/evidence [AMENDED]
- 377:35-3-10. Escape policies and procedures [AMENDED]

### SUMMARY:

Rule revisions in subchapter 1 and subchapter 3 are needed to be in compliance with PbS definitions. In Subchapter 3 there are some title revisions and may possibly be some changes in job duties.

### AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

### COMMENT PERIOD:

Written comments will be accepted during regular business hours from February 17, 2009 through March 19, 2009 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812,

Oklahoma City, OK 73126-8812, Attn: Teresa Wakolee. Email comments may be sent to Teresa.Wakolee@oja.ok.gov. During the same time period, oral comments may be made to Teresa Wakolee @ (405) 530-2854 during regular business hours.

### PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on March 20, 2009 at the Office of Juvenile Affairs, 3812 N. Santa Fe, Oklahoma City, OK, 73126.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teresa Wakolee at the above address during the comment period.

### COPIES OF THE PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before March 4, 2009 at the above address for the Office of Juvenile Affairs.

### CONTACT PERSON:

Teresa Wakolee, Policy Supervisor, (405) 530-2854

*[OAR Docket #09-116; filed 1-20-09]*

## TITLE 380. DEPARTMENT OF LABOR CHAPTER 30. PROTECTION OF LABOR

*[OAR Docket #09-137]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions
- 380:30-1-7 [AMENDED]
- Subchapter 3. Wage Claim Procedures
- 380:30-3-4 [AMENDED]
- 380:30-3-5 [AMENDED]

### SUMMARY:

The purpose of the proposed amendment to OAC 380:30-1-7 is to clarify the requirements for a valid payroll deduction agreement. Under the current rule, the payroll deduction agreement must be signed by the employer and the employee. Many employers are not aware that the employer's

signature is required and many payroll deduction agreements have been invalidated as a result. Although the current rule does not state when the payroll deduction agreement must be signed, the Oklahoma Department of Labor has been requiring the agreement be signed before the deduction is made. The proposed amendment to this section will eliminate the requirement that the employer sign the agreement and specify that the agreement must be signed before the payroll deduction is made. The main purpose of the payroll deduction agreement is to protect the employee by ensuring that the employee is aware of the deduction before it is taken. The proposed amendment will still protect the interests of the employee while also ensuring that these otherwise valid employment agreements are upheld.

The purpose of the proposed amendments to OAC 380:30-3-4 and OAC 380:30-3-5 is to allow more time for the consideration of submitted motions and to specify the time when response motions are due. Currently, motions must be filed at least ten (10) days before the administrative hearing and no time frame is set for the submission of response motions. This causes confusion when motions are filed by a party during the wage claim process or when a claim has been appealed to an administrative hearing. The current rule also does not allow enough time for the administrative law judge to consider the issues raised in the motion before the hearing. The proposed rule requires motions to be filed thirty (30) days before the administrative hearing and response motions will be due fifteen (15) days thereafter. Motions for stay of proceedings may still be filed at any time after the filing of the wage claim and any response to such motion will now be due within twenty (20) days thereafter.

**AUTHORITY:**

Department of Labor; 40 O.S. §165.7, Protection of Labor

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 23, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 23, 2009, at the Oklahoma State Capital Conference Center, Room 104, 2300 North Lincoln Blvd., Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 23, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 17, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Tiffany J. Wythe, Assistant General Counsel, (405) 528-1500 ext. 231 or Ray Andrews, Employment Standards Director, (405) 528-1500 ext. 213.

*[OAR Docket #09-137; filed 1-23-09]*

**TITLE 380. DEPARTMENT OF LABOR  
CHAPTER 40. OKLAHOMA  
OCCUPATIONAL HEALTH AND SAFETY  
STANDARDS ACT RULES**

*[OAR Docket #09-138]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 380:40-1-2 [AMENDED]
- 380:40-1-7 [AMENDED]
- 380:40-1-20 [AMENDED]
- 380:40-1-21 [AMENDED]
- 380:40-1-23 [AMENDED]

**SUMMARY:**

The purpose of the proposed amendment to OAC 380:40-1-2 is to adopt the Hazard Communication Standard in 29 CFR 1910.1200, subject to the exception that the information and training required under 29 CFR 1910.1200(h) is required annually. The federal Hazard Communication Standard in 29 CFR 1910.1200 is substantially similar to the Oklahoma Hazard Communication Standard in OAC 380:45. Public employers are currently required to provide annual training under OAC 380:45. Therefore, the proposed amendment to this section is not anticipated to place additional requirements on public employers and is intended to simplify compliance. The Oklahoma Department of Labor intends to revoke the Oklahoma Hazard Communication Standard in OAC 380:45 in a separate rulemaking action upon approval of this rulemaking action.

OAC 380:40-1-7 is amended to change the size of the required notice from 8 1/2 by 14 inches (legal size paper) to 8 1/2 by 11 inches (letter size paper). This change is intended to assist compliance with this section.

The title to OAC 380:40-1-20 is amended to clarify that this section only applies to public employers. This change is only intended to avoid confusion and no additional requirements are placed on employers.

## Notices of Rulemaking Intent

---

OAC 380:40-1-21 is amended to include the definition of "fire department." This definition is already in OAC 380:45 and has been moved to this section for clarity.

The purpose of the proposed amendment to OAC 380:40-1-23(e) is to clarify that all requirements of the recognition or incentive program must be met before an employer will be eligible. This is no change from the current interpretation of this section. The amendment is made only for clarity. OAC 380:40-1-23(f) is amended to refer to the specific Oklahoma statute providing for the tax exemption, rather than the Senate Bill which was enacted to create the tax exemption.

### **AUTHORITY:**

Department of Labor; 40 O.S. §407, Oklahoma Occupational Health and Safety Standards Act

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 25, 2009, at the Oklahoma State Capital Conference Center, Room 104, 2300 North Lincoln Blvd., Oklahoma City, OK.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 25, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 17, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Tiffany J. Wythe, Assistant General Counsel, (405) 528-1500 ext. 231 or Diana Jones, Director of Occupational Safety and Health Division, (405) 528-1500 ext. 271.

*[OAR Docket #09-138; filed 1-23-09]*

---

## **TITLE 380. DEPARTMENT OF LABOR CHAPTER 50. ABATEMENT OF FRIABLE ASBESTOS MATERIALS RULES**

*[OAR Docket #09-139]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Adoption of Standards [AMENDED]
- Subchapter 4. Project Design Requirements [AMENDED]
- Subchapter 5. Contractor, Supervisor, and Worker Licensing and Requirements [AMENDED]
- Subchapter 6. Training Requirements [AMENDED]
- Subchapter 7. Violations [AMENDED]
- Subchapter 9. Contractor Procedures [AMENDED]
- Subchapter 11. Sampling and Laboratory Requirements [AMENDED]
- Subchapter 13. Glovebag Operations [AMENDED]
- Subchapter 14. Operation Repair and Maintenance Procedures [AMENDED]
- Subchapter 15. Worker and Work Area Protection [AMENDED]
- Subchapter 17. Minimum Abatement Standards [AMENDED]
- Subchapter 19. Variances [AMENDED]
- Subchapter 21. Non-Friable Asbestos Containing Material Procedures [REVOKED]
- Subchapter 23. Miscellaneous Friable Asbestos Material Abatement Procedures [REVOKED]
- Subchapter 25. Contractor Work Fee [AMENDED]
- Subchapter 27. Industrial Exemptions [AMENDED]
- Appendix A. Minimum Clean Test Requirements [NEW]
- Appendix B. Respirator Assigned Protection Factors [NEW]
- Appendix C. Vehicle Warning Signs [NEW]

### **SUMMARY:**

Under 40 O.S. §453, the Abatement of Friable Asbestos Materials Rules in Chapter 50 should be consistent with general industry standards. However, several provisions of Chapter 50 are not currently consistent with applicable federal laws. This creates confusion and places additional burdens on those working in this highly regulated area. Therefore, the Oklahoma Department of Labor is proposing to amend nearly every section of Chapter 50 to make these state regulations consistent with federal regulations.

### **AUTHORITY:**

Department of Labor; 40 O.S. §453, Oklahoma Asbestos Control Act

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 26, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 26, 2009, at the Oklahoma State Capital Conference Center, Room 104, 2300 North Lincoln Blvd., Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 26, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 17, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Tiffany J. Wythe, Assistant General Counsel, (405) 528-1500 ext. 231 or Talmadge Rogers, Asbestos Director, (405) 528-1500 ext. 352.

*[OAR Docket #09-139; filed 1-23-09]*

**TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD  
CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION**

*[OAR Docket #09-129]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- 420:10-1-5. Permits [AMENDED]
- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]

**SUMMARY:**

The proposed rule amendment to 420:10-1-5 would add new language that gives the Administrator the authority to assess a truck re-inspection fee of \$150.00. Currently, the Administrator can only charge \$25.00 if a Safety Code Enforcement Officer has to travel to re-inspect a truck, which is not sufficient to defray the cost and expenses of administering and enforcing this act. Brings the fee in-line with the current annual inspection fee of \$150.00.

The proposed rule amendments in 420:10-1-14 would delete existing language and refer permit holders to the national standards adopted by the National Fire Protection Association and published in Pamphlet No. 58 including current and subsequent editions and any subsequent changes and/or additions to the pamphlet, as currently adopted by the Board. This will help clarify the rules and provide uniformity to enforcement of this act. The proposed amendments would also delete the requirement that a cylinder exchange cabinet shall have the Class VII Permit Number affixed to it. This is no longer a necessary requirement and has no bearing on safety. The proposed amendments would delete language that mandates that a cylinder for sale or exchange, in exchange locations, shall each contain a minimum 35% water weight capacity of propane. This in effect deletes the requirement that specifies that a minimum amount of propane must be included in a cylinder for sale or exchange, in an exchange location. The proposed amendments would require that the cylinder exchange cabinet have the Net Weight of Cylinders in the cabinet displayed on the front of the cabinet in letters not less than 2 inches high. This will provide the customer with the knowledge of how much propane is contained in the cylinder they are purchasing at any exchange location.

**AUTHORITY:**

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

**COMMENT PERIOD:**

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, OK 73105-4990. Comments will be accepted during the period from February 17, 2009 to March 20, 2009.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 10:00 a.m., Monday, March 23, 2009, in the Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, Oklahoma. Interested persons may orally present their views or arguments at this time.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollars amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mr. Bill Glass at the above address during the period from February 17, 2009 to March 20, 2009.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458. A \$6.00 charge will be assessed to offset copying charges and the cost of postage.

## Notices of Rulemaking Intent

---

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review beginning March 1, 2009, at the above address for the Oklahoma Liquefied Petroleum Gas Administration.

### **CONTACT PERSON:**

For information regarding the proposed rulemaking, contact Mr. Bill Glass, Administrator, at 405-521-2458.

*[OAR Docket #09-129; filed 1-22-09]*

### **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION**

*[OAR Docket #09-121]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

435:1-1-7. Fees [AMENDED]

### **SUMMARY:**

The proposed rule amendments would modify the current fee schedule, increasing certain fees.

### **AUTHORITY:**

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

### **COMMENT PERIOD:**

The comment period will run from February 17, 2009 to March 19, 2009. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on March 26, 2009, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 19, 2009.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and available after February 17, 2009 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

### **CONTACT PERSON:**

Kathy Plant (405) 848-6841, ext. 122

*[OAR Docket #09-121; filed 1-21-09]*

### **TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #09-126]*

### **RULEMAKING ACTION:**

Notice of Proposed PERMANENT Rulemaking

### **PROPOSED RULES:**

Chapter 1. Administrative Operations [AMENDED]

### **SUMMARY:**

The purpose of the proposed rulemaking action is to incorporate the Statutory changes effected by Enrolled House Bill No. 2704 of the 2008 Regular Session, to incorporate the provisions of an Emergency Rule adopted by the Board after the 2008 Permanent Rulemaking process, and to update requirements for Long Term Care Administrators in Oklahoma. The proposed changes update and add definitions, update and add to the schedule of fees and revise language to standardize and improve readability of the document.

### **AUTHORITY:**

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

### **COMMENT PERIOD:**

February 17, 2009, through March 19, 2009. Before March 19, 2009, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup> Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Dr. Lanier at Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

### **PUBLIC HEARING:**

The public hearing will be part of the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, scheduled to begin at 9:00 a.m. on March 25, 2009, in the Activity Center, Suite 40B, Shepherd Mall Office Center, 2401 N.W. 23<sup>rd</sup> Street, Oklahoma City, OK 73107.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before March 19, 2009, to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup>

Street, Suite 62, Oklahoma City, OK 73107; or may, before March 19, 2009, submit this information via electronic mail to: Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office, or an electronic request may be made to Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. These rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Examiners for Long Term Care Administrators at the above address beginning February 17, 2009.

**CONTACT PERSON:**

Roger Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

*[OAR Docket #09-126; filed 1-22-09]*

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS  
CHAPTER 10. LONG TERM CARE ADMINISTRATORS**

*[OAR Docket #09-127]*

**RULEMAKING ACTION:**

Notice of Proposed PERMANENT Rulemaking

**PROPOSED RULES:**

Chapter 10. Long Term Care Administrators [AMENDED]

**SUMMARY:**

The purpose of the proposed rulemaking action is to incorporate the Statutory changes effected by Enrolled House Bill No. 2704 of the 2008 Regular Session and to update requirements for Long Term Care Administrators in Oklahoma. The proposed changes update and add definitions and revise language to standardize and improve readability of the document.

**AUTHORITY:**

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

**COMMENT PERIOD:**

February 17, 2009, through March 19, 2009. Before March 19, 2009, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or

2. submit written comments to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup> Street, Suite 62, Oklahoma City, OK 73107; or

3. submit written comments via electronic mail to Dr. Lanier at Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or

4. request to present written or oral views at the hearing.

**PUBLIC HEARING:**

The public hearing will be part of the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, scheduled to begin at 9:00 a.m. on March 25, 2009, in the Activity Center, Suite 40B, Shepherd Mall Office Center, 2401 N.W. 23<sup>rd</sup> Street, Oklahoma City, OK 73107.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before March 19, 2009, to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup> Street, Suite 62, Oklahoma City, OK 73107; or may, before March 19, 2009, submit this information via electronic mail to: Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office, or an electronic request may be made to Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. These rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Examiners for Long Term Care Administrators at the above address beginning February 17, 2009.

**CONTACT PERSON:**

Roger Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

*[OAR Docket #09-127; filed 1-22-09]*

## Notices of Rulemaking Intent

---

### **TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 15. LONG TERM CARE ~~CERTIFIED~~ ASSISTANT ADMINISTRATORS**

*[OAR Docket #09-128]*

#### **RULEMAKING ACTION:**

Notice of Proposed PERMANENT Rulemaking

#### **PROPOSED RULES:**

Chapter 15. Long Term Care ~~Certified~~ Assistant Administrators [AMENDED]

#### **SUMMARY:**

The purpose of the proposed rulemaking action is to update requirements for Long Term Care Assistant Administrators in Oklahoma. The proposed changes update and add definitions and update and revise language to improve readability of the document.

#### **AUTHORITY:**

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

#### **COMMENT PERIOD:**

February 17, 2009, through March 19, 2009. Before March 19, 2009, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup> Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Dr. Lanier at Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

#### **PUBLIC HEARING:**

The public hearing will be part of the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, scheduled to begin at 9:00 a.m. on March 25, 2009, in the Activity Center, Suite 40B, Shepherd Mall Office Center, 2401 N.W. 23<sup>rd</sup> Street, Oklahoma City, OK 73107.

#### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before March 19, 2009, to Roger A. Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23<sup>rd</sup> Street, Suite 62, Oklahoma City, OK 73107; or may, before March 19, 2009, submit this information via electronic mail to: Roger.Lanier@osbeltca.ok.gov,

Phil.Forslund@osbeltca.ok.gov, or  
Pam.Duren@osbeltca.ok.gov.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Board office, or an electronic request may be made to Roger.Lanier@osbeltca.ok.gov, Phil.Forslund@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. These rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Examiners for Long Term Care Administrators at the above address beginning February 17, 2009.

#### **CONTACT PERSON:**

Roger Lanier, Ph.D., Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

*[OAR Docket #09-128; filed 1-22-09]*

### **TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES**

*[OAR Docket #09-161]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Appendix A. Pay Band Schedule [REVOKED]  
Appendix A. Pay Band Schedule [NEW]

#### **SUMMARY:**

The proposed amendments are necessary to assure that the pay band within the Merit Rules is in compliance with the provisions of Title 74 O.S. §840-2.16, which requires the State Employee Minimum Wage Rate to be that of a three-person household as established by the Federal Poverty Guidelines, issued by the United States Department of Health and Human Services. The United States Department of Health and Human Services recently revised the Federal Poverty Guidelines. The proposed emergency amendments to the Pay Band Schedule reflect the revisions of the guidelines.

#### **AUTHORITY:**

The Administrator of the Office of Personnel Management; 74 O.S., §§ 840-1.6A and 840-2.16.

#### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, ATTENTION: Kara I. Smith, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard,

Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@opm.ok.gov](mailto:kara.smith@opm.ok.gov). The comment period will begin on Tuesday, February 17, 2009. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Monday, March 23, 2009.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 2:00 p.m., Friday, March 20, 2009, at the State Office of Personnel Management, 2101 N. Lincoln, OPM Conference Room, Fifth Floor, Room 560, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained beginning Thursday, February 17, 2009, between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 521-2177.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning Wednesday, March 4, 2009. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

**CONTACT PERSON:**

Kara I. Smith, General Counsel, (405) 522-1736.

*[OAR Docket #09-161; filed 1-23-09]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 10. FACILITIES MANAGEMENT**

*[OAR Docket #09-162]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Facilities Management [AMENDED]

**SUMMARY:**

Proposed rule revisions provide information and clarification related to the use, maintenance and operation of public buildings and properties owned, used, occupied or managed by or on behalf of the state by the Department of Central Services.

**AUTHORITY:**

Department of Central Services; 74 O.S., Section 63

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, March 20, 2009, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln

Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to [gerry\\_smedley@dcs.state.ok.us](mailto:gerry_smedley@dcs.state.ok.us)

**PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 20, 2009 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:55 a.m. on that day.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 4, 2009, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, (405) 522-8519

*[OAR Docket #09-162; filed 1-23-09]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 15. CENTRAL PURCHASING**

*[OAR Docket #09-163]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. [AMENDED]

**SUMMARY:**

Statutory amendments enacted by House Bill 3325, effective November 1, 2008, eliminate and/or add language related to procurement documents that compliment the use of technology in procurement practices. Proposed rules provide information and revisions related to procurement processes to be consistent with the statute changes and to ensure agencies and suppliers comply with the new mandates. Revisions ensure timely and efficient procurement practices for state agencies and public suppliers doing business with the State.

**AUTHORITY:**

Director of the Department of Central Services; 74 O.S., Section 85.5

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, March 20, 2009, at the following address: Gerry Smedley, Department

## Notices of Rulemaking Intent

---

of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to gerry\_smedley@dcs.state.ok.us

### **PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 20, 2009 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:55 a.m. on that day.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 4, 2009 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

### **CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, (405) 522-8519

*[OAR Docket #09-163; filed 1-23-09]*

---

## **TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 25. RISK MANAGEMENT PROGRAM**

*[OAR Docket #09-165]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 25. Risk Management Program [AMENDED]

### **SUMMARY:**

Proposed rule revisions provide clarification and update information related to reporting liability incidents, settlement and payment of claims administered by the Risk Management Program.

### **AUTHORITY:**

Department of Central Services; 74 O.S., Section 63

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Friday, March 20, 2009, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218. A person may submit e-mail comments to gerry\_smedley@dcs.state.ok.us

### **PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 20, 2009 at 1:00 p.m. Anyone who wishes to speak must sign in by 12:55 p.m. on that day.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 4, 2009, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

### **CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, (405) 522-8519

*[OAR Docket #09-165; filed 1-23-09]*

---

## **TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 65. STATE SURPLUS PROPERTY**

*[OAR Docket #09-164]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 65. State Surplus Property [AMENDED]

### **SUMMARY:**

Proposed rule revisions provide information and clarification related to transacting business with the State Surplus Property program including payment methods available, payment for vehicles and heavy equipment and service of customers.

### **AUTHORITY:**

Department of Central Services, 74 O.S., Section 62.3

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 20, 2009, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

### **PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 20, 2009 at 9:00 a.m. Any person who wishes to speak must sign in by 8:25 a.m. on that day.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 4, 2009 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, (405) 522-8519

*[OAR Docket #09-164; filed 1-23-09]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

*[OAR Docket #09-140]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. Organization of the Department of Public Safety [AMENDED]

Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records [AMENDED]

**SUMMARY:**

Amendments to this chapter would update the description of the Department and clarify procedures for obtaining records.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to clarify rules regarding the organization of the Department.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 2-110.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 1 p.m., Wednesday, March 25, 2009.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m., Wednesday, March 25, 2009, in accordance with 75 O.S. § 303(C).

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #09-140; filed 1-23-09]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS**

*[OAR Docket #09-141]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card [AMENDED]

Subchapter 2. Identity Verification Unit

Subchapter 3. Examination [AMENDED]

Subchapter 5. Medical Aspects [AMENDED]

Subchapter 6. Medical Exemptions and Exceptions

Subchapter 9. Certified Schools and Designated Examiners [REVOKED]

**SUMMARY:**

Amendments to this chapter would clarify, update, and establish procedures relating to driver licenses and identification cards in general, motor license agent activities, medical aspects of driver licensing, and parent-taught driver education.

The proposed actions are amendments to existing rules, add new rules regarding the Identity Verification Unit of the Department and medical exemptions for window tinting, and revoke rules related to commercial driver licenses.

The circumstance which created the need for these rules is to provide consistency and clarity in rules regarding requirements

## Notices of Rulemaking Intent

---

in Oklahoma law and federal regulations, and to remove rules regarding commercial driver licenses as they are to be established in a new chapter, OAC 595:11.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:00 a.m., Tuesday, March 24, 2009, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405)419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #09-141; filed 1-23-09]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

*[OAR Docket #09-142]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. Procedures for Obtaining and Maintaining a Commercial Driver License [NEW]

Subchapter 3. Examination [NEW]

Subchapter 5. Medical Aspects [NEW]

Subchapter 7. [RESERVED]

Subchapter 9. Certified Schools and Designated Examiners [NEW]

**SUMMARY:**

Creation of this chapter would clarify, update, and establish procedures relating to commercial driver licenses and separate those procedures from Class D driver licenses, to include examinations, medical aspects of commercial driver licensing, and commercial driver license schools.

The proposed actions are essentially a recodification of existing rules with the addition of amendments to comply with federal regulation of the commercial driver licenses.

The circumstance which created the need for these rules is to provide consistency and clarity in rules regarding requirements in Oklahoma law and federal regulations, and to establish in a new chapter, OAC 595:11, for commercial driver licenses because of their unique procedures which are different from Class D driver licenses.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 10:00 a.m., Tuesday, March 24, 2009, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415,

Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405)419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #09-142; filed 1-23-09]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 25. WRECKERS AND TOWING SERVICES**

[OAR Docket #09-143]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Wrecker License [AMENDED]
- Subchapter 5. All Wrecker Operators [AMENDED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements [AMENDED]

**SUMMARY:**

Amendments to would clarify similar requirements of wrecker and towing services.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are to clarify procedures and improve the working environment of the wrecker and towing services as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 952

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:00 a.m., Wednesday, March 25, 2009, in the Conference Room at the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the contact person

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #09-143; filed 1-23-09]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 30. SIZE AND WEIGHT PERMITS**

[OAR Docket #09-144]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Size and Weight Permit Load [AMENDED]
- Subchapter 5. Special Combination Vehicles [AMENDED]
- Subchapter 9. National and Regional Permits [AMENDED]

**SUMMARY:**

Amendments to this subchapter would clarify requirements for driver training schools and instructors, and motor vehicle accident prevention courses.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma and to comply with federal laws and regulations

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 10:30 a.m., Wednesday, March 25, 2009, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:35 a.m.

## Notices of Rulemaking Intent

---

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

### CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #09-144; filed 1-23-09]*

## TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

*[OAR Docket #09-145]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 1. Driver Education Instruction [AMENDED]

### SUMMARY:

Amendments to this subchapter would clarify requirements for driver training schools and instructors, and motor vehicle accident prevention courses.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

### AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

### COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10 a.m., Tuesday, March 25, 2009, in the Conference Room

of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

### CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #09-145; filed 1-23-09]*

## TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

*[OAR Docket #09-160]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 3. Education and Examination Requirements

605:10-3-1. [AMENDED]

605:10-3-5. [AMENDED]

605:10-3-6. [AMENDED]

Subchapter 5. Instruction and Entity Requirements and Standards

605:10-5-1. [AMENDED]

605:10-5-2. [AMENDED]

605:10-5-3. [AMENDED]

Subchapter 7. Licensing Procedures and Options

605:10-7-2. [AMENDED]

605:10-7-9. [AMENDED]

605:10-7-10. [AMENDED]

Subchapter 13. Trust Account Procedures

605:10-13-1 [AMENDED]

Subchapter 15. Disclosures

605:10-15-4 [AMENDED]

**SUMMARY:**

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of July 1, 2009. Proposed revisions are summarized as follows:

**605:10-3-1. Prelicense education requirements** Adding language clarifying that a broker examination shall include a review of the practice knowledge of a licensee as it relates to the subject matter content required for a provisional sales associate.

**605:10-3-5. Examinations** Amending the rule to explain: 1) the testing procedure to be utilized by the outsourced examination vendor, 2) how special accommodations will be handled to comply with the Americans with Disabilities Act, 3) how to view a failed test, 4) challenge a test or test questions, and 5) the validity time period of an examination application.

**605:10-3-6. Continuing education requirements** Allowing additional course options to count for required continuing education for any licensee. Requiring that a licensee who maintains the license type of Broker Manager (BM), Proprietor Broker (BP), or Branch Broker (BB) during any portion of a license term shall be required to successfully complete the Broker in Charge course, or its equivalent, as approved by the Commission, each license term beginning with those licenses that expire on June 30, 2012. In addition, to complete the continuing education requirement of twenty-one (21) clock hours such broker shall complete at least two (2) of the four (4) required subject matter, equal to at least six (6) clock hours, as referenced in paragraph (3) of this subsection.

**605:10-5-1. Approval of prelicense course offering** Decrease the instructor applicant's application fee and require failed instructor applicants to pay for re-examinations.

**605:10-5-2. Approval of continuing education offerings** Adding language stating that any improper conduct or activity of the director, instructor, or school entity shall be reason for investigation and possible removal of approved status.

**605:10-5-3. Standards for Commission approved real estate courses** Clarifying that notices that are posted by real estate school entities must advise real estate applicants of the following notice: "If you have been convicted of any crime, or if charges are pending, or if you have delinquent unpaid child support or student loans, please check with the Real Estate Commission before enrolling in this class. The Commission will allow you to seek preapproval prior to enrolling in a prelicense course."

**605:10-7-2. License terms and fees; renewals; reinstatements** Clarifying that any person who was licensed prior to the requirement of a criminal history background check shall be allowed to become relicensed so long as they comply with all licensing requirements as stated by the Commission; however, such person can proceed with relicensing and not have to wait on the criminal history background check.

**605:10-7-9. Nonresident licensing** Amend all sections that contain the word state to jurisdiction, convert the consent to service of jurisdiction to become part of the application, abolish language pertaining to application fee, and include information advising of either taking the state portion of the examination or the entire real estate examination.

**605:10-7-10. Resident applicants currently or previously licensed in other jurisdictions** Amend language for applicants who have been licensed in other jurisdictions and desiring to be licensed as a resident of this jurisdiction by requiring that they must at the least successfully complete the jurisdiction specific examination.

**605:10-13-1. Duty to account; broker** Include language stating the proper procedure for destroying files of the brokerage.

**605:10-15-4. Residential Property Condition Disclosure Act forms** Clarifying that when a change occurs to the Residential Property Condition Disclosure Form that all executed forms in existence at the time of the change are valid throughout the 180 day time period as stated in the Act.

**AUTHORITY:**

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 19, 2009 at the following address:

Oklahoma Real Estate Commission  
Shepherd Mall  
2401 N. W. 23<sup>rd</sup> St., Suite 18  
Oklahoma City, Oklahoma 73107-2431

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 25, 2009 - 10:00 a.m.  
Shepherd Mall  
2401 N.W. 23<sup>rd</sup> St., Suite 18  
Oklahoma City, Oklahoma 73107-2431

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

na

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. an 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission  
2401 N. W. 23<sup>rd</sup> St., Suite 18  
Oklahoma City, Oklahoma 73107-2431

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on February 17, 2009 at the Oklahoma Real Estate Commission (address and phone number listed above).

# Notices of Rulemaking Intent

---

**CONTACT PERSON:**

Anne M. Woody, Executive Director - (405) 521-3387

*[OAR Docket #09-160; filed 1-23-09]*

---

**TITLE 735. STATE TREASURER  
CHAPTER 80. UNCLAIMED PROPERTY**

*[OAR Docket #09-154]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 80. Unclaimed Property [AMENDED]

**SUMMARY:**

The proposed revisions to Subchapter Chapter 7. Claims Process. Determining value of stock or other equity interest for sale.

**AUTHORITY:**

State Treasurer, "Uniform Unclaimed Property Act", 60 O.S. § 651 et seq.

**COMMENT PERIOD:**

Wednesday, February 18, 2009 to Friday, March 20, 2009. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time. Persons wishing to submit written comments must do so no later than March 20, 2009 at 4:30 p.m.

**PUBLIC HEARING:**

A public hearing will be held on Wednesday, March 25, 2009 at 3:00 p.m. The hearing will be held at the State Treasurer's Unclaimed Property office conference room

located at 4545 North Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 20, 2009.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the contact person below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time.

**RULE IMPACT STATEMENT:**

A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., Central Time, beginning Friday, February 27, 2009.

**CONTACT PERSON:**

Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 522-4215.

*[OAR Docket #09-154; filed 1-23-09]*

---

# 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 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATION SERVICES**

*[OAR Docket #09-122]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 5. Rates and Tariffs

Part 3. Approval and Notice Requirements

165:55-5-10. Tariff approval and revisions to tariffs  
[AMENDED]

165:55-5-10.1. Competitive services [AMENDED]

165:55-5-10.2. Promotional offerings [AMENDED]

165:55-5-10.3. Customer-specific contracts under ICB  
pricing [AMENDED]

165:55-5-12.1. Flow through of net reductions/increases in  
access charges. [AMENDED]

Part 11. Oklahoma Plan

165:55-5-66. Pricing [AMENDED]

165:55-5-70. Packaging [AMENDED]

Subchapter 7. Directories, Telephone Numbers, and  
Custom-Provided Equipment

165:55-7-1. Telephone directories [AMENDED]

Subchapter 9. Customer Billing and Deposits

Part 1. Billing and Payment Requirements

165:55-9-8. Customer preferences [AMENDED]

Subchapter 11. Service Denial, Suspension and  
Disconnection

Part 3. Suspension and Disconnection Procedures

165:55-11-10. Suspension or disconnection for  
nonpayment or failure to make security deposit  
[AMENDED]

165:55-11-11. Suspension or disconnection for reasons  
other than nonpayment

165:55-11-14. Multi-state customers [NEW]

Subchapter 17. Facilitation of Local Exchange Competition

165:55-17-30. Customer choice

### **SUBMITTED TO GOVERNOR:**

January 15, 2009

### **SUBMITTED TO HOUSE:**

January 15, 2009

### **SUBMITTED TO SENATE:**

January 15, 2009

*[OAR Docket #09-122; filed 1-21-09]*

## **TITLE 165. CORPORATION COMMISSION CHAPTER 56. RESELLERS OF INTEREXCHANGE TELECOMMUNICATIONS SERVICES**

*[OAR Docket #09-123]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 5. Tariffs

165:56-5-5. Revision to tariffs [AMENDED]

165:56-5-9. Promotional offerings [AMENDED]

Subchapter 9. Suspension and Disconnection

165:56-9-4. Notice of Disconnection and Notice of  
Suspension [AMENDED]

165:56-9-4.1. Suspension or disconnection for reasons  
other than nonpayment [NEW]

165:56-9-4.2. Notice of Disconnection or Notice of  
Suspension Requirements [NEW]

### **SUBMITTED TO GOVERNOR:**

January 15, 2009

### **SUBMITTED TO HOUSE:**

January 15, 2009

### **SUBMITTED TO SENATE:**

January 15, 2009

*[OAR Docket #09-123; filed 1-21-09]*

## **TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 2. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #09-150]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

245:2-1-10 [AMENDED]

245:2-1-18 [AMENDED]

### **SUBMITTED TO GOVERNOR:**

January 22, 2009

### **SUBMITTED TO HOUSE:**

January 22, 2009

## Submissions for Review

---

**SUBMITTED TO SENATE:**

January 22, 2009

*[OAR Docket #09-150; filed 1-23-09]*

**TITLE 245. STATE BOARD OF LICENSURE  
FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS  
CHAPTER 15. LICENSURE AND PRACTICE  
OF PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS**

*[OAR Docket #09-151]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. General Provisions

245:15-1-3 [AMENDED]

Subchapter 3. Application and Eligibility for Licensing

245:15-3-4 [AMENDED]

245:15-3-6 [AMENDED]

245:15-3-7 [AMENDED]

245:15-3-8 [AMENDED]

245:15-3-9 [AMENDED]

245:15-3-10 [AMENDED]

Subchapter 5. Examinations

245:15-5-3 [AMENDED]

245:15-5-4 [AMENDED]

245:15-5- [AMENDED]

Subchapter 9. Rules of Professional Conduct

245:15-9-3 [AMENDED]

245:15-9-4 [AMENDED]

245:15-9-6 [AMENDED]

Subchapter 11. Continuing Education

245:15-11-5 [AMENDED]

245:15-11-7 [AMENDED]

245:15-11-11 [AMENDED]

Subchapter 13. Minimum Standards for the Practice of  
Land Surveying

245:15-13-2 [AMENDED]

Subchapter 17. Licensee's Seal

245:15-17-2 [AMENDED]

Subchapter 19. Organizational Practice

245:15-19-2 [AMENDED]

245:15-19-4 [AMENDED]

Subchapter 21. Corner Perpetuation and Filing Act  
Requirements

245:15-21-1 [AMENDED]

245:15-21-2 [AMENDED]

245:15-21-3 [AMENDED]

245:15-21-4 [AMENDED]

245:15-21-5 [AMENDED]

245:15-21-6 [AMENDED]

Subchapter 23. Violations

245:15-23-1 [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 22, 2009

**SUBMITTED TO HOUSE:**

January 22, 2009

**SUBMITTED TO SENATE:**

January 22, 2009

*[OAR Docket #09-151; filed 1-23-09]*

**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 21. CERTIFICATION OF  
ALCOHOL AND DRUG SUBSTANCE ABUSE  
COURSES (ADSAC), ORGANIZATIONS AND  
FACILITATORS**

*[OAR Docket #09-157]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

Subchapter 5. Course Attendance and Completion

450:21-5-2. ADSAC reporting of completions  
[AMENDED]

**SUBMITTED TO GOVERNOR:**

January 16, 2009

**SUBMITTED TO HOUSE:**

January 16, 2009

**SUBMITTED TO SENATE:**

January 16, 2009

*[OAR Docket #09-157; filed 1-23-09]*

**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 22. CERTIFICATION OF  
ALCOHOL AND DRUG ASSESSMENT AND  
EVALUATIONS RELATED TO DRIVER'S  
LICENSE REVOCATION**

*[OAR Docket #09-158]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

450:22-1-15. Assessor responsibilities [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 16, 2009

**SUBMITTED TO HOUSE:**

January 16, 2009

**SUBMITTED TO SENATE:**

January 16, 2009

*[OAR Docket #09-158; filed 1-23-09]*

**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 70. STANDARDS AND CRITERIA  
FOR OPIOID SUBSTITUTION TREATMENT  
PROGRAMS**

*[OAR Docket #09-159]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:70-1-2. Definitions [AMENDED]
- Subchapter 3. Facility Record System
- Part 3. Intake and Admission Assessment
- 450:70-3-5. Intake assessment and record content [AMENDED]
- Part 7. Treatment Planning
- 450:70-3-8. Individualized treatment planning [AMENDED]
- Subchapter 4. Services Support and Enhancement
- Part 3. Organizational and Facility Management
- 450:70-4-5. Service support and enhancement [AMENDED]
- 450:70-4-7. Operations [AMENDED]
- Subchapter 6. Substance Abuse Treatment Services
- Part 2. Levels of Treatment
- 450:70-6-7. Short term withdrawal (detoxification) [AMENDED]
- 450:70-6-8. Long term withdrawal (detoxification) [AMENDED]
- Part 3. Phases of Treatment
- 450:70-6-17. Treatment phases [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 16, 2009

**SUBMITTED TO HOUSE:**

January 16, 2009

**SUBMITTED TO SENATE:**

January 16, 2009

*[OAR Docket #09-159; filed 1-23-09]*

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

*[OAR Docket #09-146]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 1. General Provisions
- 590:1-1-7. Declaratory rulings [REVOKED]
- Subchapter 3. Administrative Review and Hearings
- 590:1-3-1. Purpose and general overview of administrative hearings [AMENDED]
- 590:1-3-2. Definitions [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 23, 2009

**SUBMITTED TO HOUSE:**

January 23, 2009

**SUBMITTED TO SENATE:**

January 23, 2009

*[OAR Docket #09-146; filed 1-23-09]*

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

*[OAR Docket #09-147]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 3. Credited Service
- 590:10-3-9. Purchase price payments [AMENDED]
- 590:10-3-14. Elected official service credit [NEW]
- Subchapter 7. Retirement Benefits
- 590:10-7-13. Filing for retirement and Initial retirement benefit [AMENDED]
- 590:10-7-18. Post-retirement employment - eligibility [AMENDED]
- Subchapter 19. Medicare Gap Benefit Option
- 590:10-19-3. Medicare Gap Benefit option [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 23, 2009

**SUBMITTED TO HOUSE:**

January 23, 2009

**SUBMITTED TO SENATE:**

January 23, 2009

*[OAR Docket #09-147; filed 1-23-09]*

## Submissions for Review

---

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

*[OAR Docket #09-148]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 1. General Provisions

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

#### **SUBMITTED TO GOVERNOR:**

January 23, 2009

#### **SUBMITTED TO HOUSE:**

January 23, 2009

#### **SUBMITTED TO SENATE:**

January 23, 2009

*[OAR Docket #09-148; filed 1-23-09]*

---

### **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TEHNICIANS**

*[OAR Docket #09-111]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 3. Licensure of Veterinarians [AMENDED]

Subchapter 7. Certification of Veterinary Technicians  
[AMENDED]

#### **SUBMITTED TO GOVERNOR:**

January 13, 2009

#### **SUBMITTED TO HOUSE:**

January 13, 2009

#### **SUBMITTED TO SENATE:**

January 13, 2009

*[OAR Docket #09-111; filed 1-15-09]*

---

### **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 15. INVESTIGATIONS AND DISCIPLINARY ACTIONS**

*[OAR Docket #09-112]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 1. Purpose and Definitions [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

January 13, 2009

#### **SUBMITTED TO HOUSE:**

January 13, 2009

#### **SUBMITTED TO SENATE:**

January 13, 2009

*[OAR Docket #09-112; filed 1-15-09]*

---

### **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 25. RECORDKEEPING AND SUPERVISION REQUIREMENTS**

*[OAR Docket #09-113]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

775:25-1-4 [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

January 13, 2009

#### **SUBMITTED TO HOUSE:**

January 13, 2009

#### **SUBMITTED TO SENATE:**

January 13, 2009

*[OAR Docket #09-113; filed 1-15-09]*

---

### **TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 26. WHOLESALE/DISTRIBUTOR OF VETERINARY PRSCRIPTION PRESCRIPTION DRUGS**

*[OAR Docket #09-114]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Chapter 26. Wholesaler/Distributor of Veterinary  
~~Prscription~~ Prescription Drugs [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

January 13, 2009

#### **SUBMITTED TO HOUSE:**

January 13, 2009

#### **SUBMITTED TO SENATE:**

January 13, 2009

*[OAR Docket #09-114; filed 1-15-09]*

---

---

# 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 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 50. LICENSED PEDORTHISTS**

*[OAR Docket #09-107]*

### **RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

### **RULES:**

Subchapter 1. General Provisions

435:50-1-4. Definitions [AMENDED]

Subchapter 3. Licensure/Registration/Reinstatement

435:50-3-4. Application procedure [AMENDED]

435:50-3-5. Standard requirements for licensure  
[AMENDED]

435:50-3-8. Licensure by endorsement [AMENDED]

435:50-3-9. Requirements for temporary licensure  
[AMENDED]

Subchapter 5. Annual Renewal/Continuing Education

435:50-5-1. Definitions

435:50-5-4. Approval of continuing education  
[AMENDED]

Subchapter 7. Regulation of Practice

435:50-7-2. Standards of ethics and professional conduct  
[AMENDED]

### **GUBERNATORIAL APPROVAL:**

December 8, 2008

*[OAR Docket #09-107; filed 1-12-09]*

---



# 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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #09-125]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

35:15-1-2 [AMENDED]

Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets

35:15-13-1 [AMENDED]

35:15-13-2 [REVOKED]

35:15-13-3 through 35:15-13-7 [AMENDED]

Subchapter 17. Bovine and Bison Brucellosis

Part 9. Change of Ownership Testing

35:15-17-69 [AMENDED]

### AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4 and 6-2; Article 6, Section 31, Constitution of the State of Oklahoma

### DATES:

#### Adoption:

December 17, 2008

#### Approved by Governor:

January 13, 2009

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2009 unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

A compelling public interest exists due to the impending loss of Brucellosis testing in January 2009 at auction markets to protect cattle producers of the state of Oklahoma.

### ANALYSIS:

These emergency rules prepare Oklahoma for the impending loss of Brucellosis testing in January 2009 at auction markets and as a result, the loss of pass tag identification. These rules are necessary to ensure some form of identification is available to Oklahoma for animal disease protection and traceback of disease. These rules redefine the term "official eartag" to exclude backtags except in certain circumstances, removes language related to Brucellosis testing, requires some form of official eartag to be affixed to certain animals prior to leaving the auction market, require certain records to be kept, and provide clean up of obsolete language.

### CONTACT PERSON:

Dr. Becky Brewer-Walker, (405) 522-6131

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 1. GENERAL PROVISIONS

### 35:15-1-2. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Accredited veterinarian"** means a veterinarian approved by the United States Department of Agriculture (USDA) to perform functions required for state or cooperative state and federal animal disease control and eradication programs.

**"Backtag"** means a USDA approved identification system consisting of a tag of special tough paper, bearing identification codes relating to origin of animals, which are stuck to the back of animals with very strong glue. The backtag is designed for easy reading in sale barns, short life and to help with traceback during investigation of the origin of disease outbreaks.

**"Certificate of veterinary inspection"** means an official document or its electronic equivalent approved by the chief livestock official of the state of origin issued by an accredited veterinarian at the point of origin of a shipment of animals that includes the name and address of the consignor; the name and address of the consignee; the entry permit number, if applicable; the age, sex, number, and breed of the animal; sufficient identifying marks or tags to positively identify each animal; and the results of all required tests. It shall also include a record of a physical examination of the animal verifying that each animal is free from visible evidence of any contagious, infectious, or communicable diseases and that the animals do not originate from an area of quarantine, infestation, or infection. A certificate of veterinary inspection is valid for thirty (30) days after the date of issuance. The term certificate of veterinary inspection shall also include an official health certificate, an official certificate, or a certificate.

**"Designated epidemiologist"** means an epidemiologist selected by the State Veterinarian who has been designated to

## Emergency Adoptions

perform those functions necessary for the classification of livestock suspected to be infected with a particular disease, based on an evaluation of test results and consideration of the animal and herd history, as well as other epidemiological factors.

**"Official ear tag"** means a metal ear tag that provides unique identification for each animal by conforming to the national uniform nine (9) character alphanumeric ear tag system or any other official form of identification approved by USDA or the State Veterinarian, including but not limited to electronic identification or radio frequency identification (RFID). Backtags shall not be considered an official ear tag, unless the animal is shipped directly to slaughter. Animals identified by the approved veterinarian for a livestock auction market as too debilitated to enter the identification chutes may be officially identified by a backtag or any other form of official identification.

**"Quarantine"** means a written notice or order issued by an authorized agent of the Board showing the boundaries of the area or premise affected, the animals restricted, and conditions, if any. No livestock held under quarantine may be moved or released without a written permit or quarantine release signed by an authorized agent.

**"State animal health official"** means the state animal health official, or designee, who is responsible for the livestock and poultry disease control and eradication programs in the state.

### SUBCHAPTER 13. TESTING AND INSPECTION FOR DISEASE AND RELEASE OF LIVESTOCK AT AUCTION MARKETS

#### 35:15-13-1. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

**"Approved laboratory"** means a facility used in conducting necessary diagnostic tests, and is constructed, equipped, and maintained in accordance with Board regulations.

**"Approved veterinarian"** means a licensed accredited veterinarian who has complied with all Board regulations, and who has been approved by the Board to conduct necessary tests, vaccinations, inspections, and other duties of an Auction Market Veterinarian.

**"Drive-in"** means a written record of livestock in a single consignment. Information on a drive-in shall include name and address of the consignor, license tag number of vehicle used to haul livestock, list and brief description of livestock and corresponding backtags applied, and any special notes or instructions concerning the livestock.

**"Board"** means the Oklahoma State Board of Agriculture.

**"Official forms"** means a form furnished or approved by the State Board of Agriculture or Animal and Plant Health Inspection Service, United States Department of Agriculture.

**"Test eligible cattle"** means all cattle 18 months of age, as determined by the loss of first pair of temporary incisor teeth,

except exposed cattle which have been "S" branded, steers, spayed heifers, official vaccinates of dairy breeds under 20 months of age, and official vaccinates of beef brands under 24 months of age which are not parturient or postparturient.

#### 35:15-13-2. Brucellosis classification-cattle and bison [REVOKED]

~~(a) **Negative.** Cattle and bison are classified as brucellosis negative when their blood serums have been subjected to official serologic tests and the test results fail to disclose evidence of Brucella infection, and if blood, milk or tissues are subjected to bacteriologic methods for cultivating field strain brucella and none are recovered. In short, for an animal to be classified as negative, all procedures that are performed must fail to disclose evidence of brucellosis.~~

~~(b) **Suspect.** Cattle and bison are classified as suspects when their blood serums have been subjected to official serologic tests and the test results are suggestive of infection but are inconclusive. Bacteriologic methods to cultivate brucella, from blood, milk, or tissues, if used, did not yield field strain brucella.~~

~~(c) **Reactor.** Cattle and bison are classified as reactors when their blood serums have been subjected to official serologic tests and the test results indicate that the animal has been exposed to and infected with Brucella. Cattle and bison are also classified as reactors in the absence of significant serologic test results when other diagnostic methods, such as bacteriologic methods, result in the recovery of field strain Brucella organisms, or a significant rise in the serologic titer occurs, or when other epidemiologic evidence of infection is demonstrated.~~

~~(d) **Designated epidemiologist.** The evaluation of titer responses for all animals shall be the responsibility of a trained, experienced epidemiologist who has been designated to perform this function, taking into consideration the animal and herd history and other epidemiologic considerations. The selection of the epidemiologist shall be made jointly by the brucellosis staff, Veterinary Services (VS), Regional Epidemiologist, and state and federal animal health officials. Deviations from the reactor criteria set forth in this Subchapter are acceptable when made by the designated epidemiologist.~~

#### 35:15-13-3. General requirements for ~~ana~~ livestock auction market

~~(a) In order for a~~Any person owning, operating, conducting, or maintaining a livestock auction market ~~to be licensed to operate in Oklahoma, it is~~shall be required that to:

(1) ~~Application~~Submit an application for a license prior to operation ~~be made~~to the Board on an official form.

(2) ~~The~~Bond the market be bonded according pursuant to 2 O.S., Section 9-132, as amended or according to the provisions of the Federal Packers and Stockyards Act as amended.

(3) ~~An~~Employ an approved veterinarian ~~be employed.~~

(4) ~~The license shall expire on December 31, of each year, and shall cost \$25.00.~~

(b) The livestock auction market license shall cost Twenty Five Dollars (\$25.00) per year and shall expire each December 31.

(bc) Both the buyer's and seller's invoices must be complete as to name, address of the owner and description of the cattle as to breed, sex and age. Invoices for swine shall show the predominate breed and shall show them to be feeding, breeding or slaughter swine.

(ed) The veterinarian or sale company shall not be responsible for results of any tests that are made properly, or any reactor animals found in the market. All reactor animals shall revert back to the consignor.

(de) No cattle or swine shall be allowed to leave the market until an approval for release is secured from an approved veterinarian or an agent of the Board. The market shall be responsible to see that no cattle or swine are removed without first being released by an approved veterinarian or an agent of the Board.

(ef) Each market must have a quarantine pen or pens for yarding reactor animals. Said pen is to be identified by painting the top of the gate either red or yellow and the word "Quarantine" spelled out on said gate. The pen shall be constructed so as to make it easily cleaned and disinfected after each sale. Any watering troughs or feed bunks in the quarantine pen shall be located so that livestock in adjoining pens will not have access to them.

(fg) All reactor animals shall be yarded in the quarantine pen and shall be sold last. Such animals must be identified as reactors on the invoices of both the buyer and seller.

(gh) Refusal or failure to comply with the Board ~~regulations~~ rules shall be just cause for the revocation or suspension of the Livestock Auction Market License.

(i) No person owning, operating, conducting, or maintaining a livestock auction market shall allow any animal identified below to leave the livestock auction market unless it is individually identified by an official ear tag:

- (1) All beef cattle eighteen (18) months of age or older;
- (2) All dairy cattle two (2) months of age or older; and
- (3) All "M" branded cattle.

(j) The owner or operator of the livestock auction market shall keep records of each animal consigned or delivered to the livestock auction market for a period of two (2) years sufficient for disease traceback purposes, including but not limited to the following:

- (1) "Drive-in" or any other documents identifying the backtag, owners name and address, and license tag of mode of transportation;
- (2) Any records kept pursuant to the Livestock Auction Market Act;
- (3) Records of any official ear tags applied to the animal or already existing with the animal; and
- (4) Any records available regarding the purchaser of the animals.

**35:15-13-4. Approval of livestock auction market laboratory to conduct diagnostic tests**

All Auction Market Laboratories shall meet the following requirements before approval is granted to conduct diagnostic

tests, and no veterinarian shall conduct any test until said laboratory has been approved.

- (1) Constructed and equipped so as to be maintained at room temperature (70° to 78°) both winter and summer.
- (2) Contain a sink with running water.
- (3) Be equipped with a refrigerator in working condition.
- (4) Constructed so that the veterinarian shall have sufficient space and maintain privacy in conducting tests and filling out records and forms.
- (5) Constructed so that it can be kept clean easily and locked at all times when not in use.
- (6) Contain a work counter and sufficient shelf, locked cabinet, or storage space to store forms, ~~ear tags~~ ear tags, etc., required by the veterinarian in performing the tests and releasing animals.
- (7) Be supplied with adequate artificial light. The electric wiring must be adequate to carry a minimum of a centrifuge, electrical refrigerator, cooling facility, and have a minimum of two electrical outlets.
- (8) Be located so as to be convenient for the veterinarian and the public while conducting his duties as an Auction Market Veterinarian.

**35:15-13-5. Approval and responsibilities of veterinarians in auction markets**

(a) The veterinarian shall make application for approval to the Board and shall be examined as to his ability to function as an Auction Market Veterinarian.

(b) The veterinarian shall examine each animal at the livestock market auction for the purposes of determining the condition of health and freedom from infectious or contagious diseases.

(bc) The veterinarian must shall arrive at the market in sufficient time to do all required testing, official identification, and inspection prior to the beginning of the sale.

(ed) The veterinarian is responsible for completion of state and federal forms necessary for the release of livestock from markets and other state and federal forms required for disease control and eradication programs.

(de) In the event that an ~~ear tag~~ ear tag is already present in the animal being tested, the veterinarian shall use this tag instead of retagging, and include all prefixes and numbers in recording said tag on test charts.

(ef) The veterinarian shall use separate bleeding needle or separate syringe for each animal. The use of the same syringe or needle for all animals is prohibited.

(fg) If the veterinarian cannot determine the class of livestock to be shipped by the description on the purchaser's invoice, then it will be necessary for him to look at each shipment before releasing them.

(gh) All reactor cattle received for sale must be examined as to ~~ear tag~~ ear tag numbers by the Auction Market Veterinarian prior to sale.

(hi) Copies of all forms must be forwarded to the office of the State Veterinarian by the veterinarian immediately after sale. All blood samples must be forwarded to the State-Federal

## Emergency Adoptions

---

Brucellosis Laboratory for confirmation of test immediately after sale.

(~~ij~~) All official forms, certificates, or documents and official stamps and signature stamps, shall be kept in the exclusive possession of the veterinarian and shall be dated and signed by him only at the time it is filled out and issued. Under no circumstances shall any official document be presigned or prestamped by the veterinarian. Use of any official stamp by persons other than the approved veterinarian or a state or federal employee is expressly prohibited. The approved veterinarian shall be solely responsible for the unauthorized or improper issuance of any official document or the use of any official stamp or signature stamp.

(~~jk~~) The veterinarian shall be responsible to replace himself with another approved veterinarian in the event he finds it necessary to be absent from the market.

(~~kl~~) The veterinarian shall not resign his duties without written notice to the sale company and State Veterinarian's Office at least ten (10) days prior to resignation.

(~~lm~~) The veterinarian's failure or neglect to perform any of the functions in this Section shall be cause for disapproval and immediate removal from the market.

### 35:15-13-6. Movement of livestock through auction markets

(a) All certificates permits, and other documents, including out-of-state documents accompanying livestock into Oklahoma markets that are incomplete or have been altered in any way are void and are not to be accepted. This includes documents that are incomplete as to ~~ear~~gear tag number and description of animal it represents. In order to be accurate and acceptable, the prefix of each ~~ear~~gear tag number must be recorded.

(b) Cattle reacting to the required tests ~~must~~shall be tagged and branded immediately unless a retest is requested by the owner prior to the sale of the animals.

(c) Cattle consigned directly from an out-of-state farm of origin to an approved livestock market in Oklahoma will not need a permit prior to entry. Out of state test eligible cattle moving through an Oklahoma market must be identified by market management at the time of sale.

(d) Cattle bought by the sale company (catch cattle) eligible for test, must be tested immediately.

(e) All reactor cattle received for sale must be examined as to ~~ear~~gear tag number by the Auction Market Veterinarian prior to sale.

(f) The market must maintain the identity of reactor animals and restrict their sale to slaughtering establishments approved for the purpose of slaughtering reactors. Reactors are not to be returned to the country or be transported from market to market.

(g) All cattle, regardless of age, weight, sex, or breed, must be approved for release by an approved veterinarian or an agent of the Board and are not to be released unless they meet the importation and transportation requirements of the state of destination including the State of Oklahoma.

(h) All cattle shipped or exported from the State of Oklahoma, regardless of "purpose of movement", must be accompanied by an official Oklahoma health certificate. This

includes slaughter, feeding, breeding, and dairy animals. In addition to this health certificate, they must meet the state of destination importation requirements as they pertain to permits, test requirements, and the like.

(i) ~~All swine released or consigned from a market to points within the State of Oklahoma must be accompanied by Oklahoma Form AID-23.~~

(~~j~~) All swine destined for interstate shipment shall be accompanied by an official health certificate.

(~~k~~) ~~Feeder swine shall be treated and released according to regulations pertaining to the Hog Cholera Program.~~

### 35:15-13-7. Specific approval of livestock auction markets

(a) No market shall be specifically approved until proper application is made and a determination is made by the State Veterinarian that the Board regulations and standards are met.

(b) Each market must have a packer buyer present at each sale.

(c) All animals received at the market shall be considered in Interstate Commerce and be handled in accordance with the Interstate Regulations.

(d) All livestock shall be visually inspected by the approved veterinarian prior to sale for diseased conditions such as cattle scab, sheep scab, Actinomycosis (lump jaw), Carcinomas (cancer eye), Bovine Virus Diarrhea, Infectious Bovine Rhinotracheitis, Infectious Rhinitis (bull nose) or any other infectious, contagious or communicable disease.

(e) Any animal found to be diseased by the veterinarian shall be sold direct to slaughter or quarantined for treatment according to the judgement of the veterinarian.

(f) Each market must furnish and maintain in good repair sufficient equipment suitable for restraining animals for careful inspection, testing, tagging, branding, and other treatments and procedures ordinarily required in providing livestock sanitary service at markets. Said equipment is to be covered or housed so that necessary work can be taken care of during inclement weather.

(g) The appointment and termination of the approved veterinarian by the auction market is subject to approval of both state and federal officials.

(h) Failure or neglect to perform any of the functions in this Section shall be cause for removal of approval.

## SUBCHAPTER 17. BOVINE AND BISON BRUCELLOSIS

### PART 9. CHANGE OF OWNERSHIP TESTING

#### 35:15-17-69. Change of ownership of cattle and bison within Oklahoma

(a) All test eligible animals must be tested within 30 days prior to movement from sale premise. On all country sales, i.e., any sale other than through an approved market, both the seller and the buyer will be equally and individually responsible for

meeting the testing and/or vaccination requirements prior to all changes of ownership.

(b) Test eligible animals from Certified Brucellosis-Free herds are exempt from test requirements provided identity to the Certified Brucellosis-Free herd is maintained.

(c) All test eligible animals moving directly from the farm of origin to a slaughter establishment are exempt from test requirements prior to movement provided they are identified and the identity to the farm of origin is maintained until

slaughtered. All test eligible animals must have a blood sample collected at slaughter and all man-made identity must be properly collected and submitted with each blood sample.

(d) As of January 31, 2009, change of ownership requirements shall be suspended until further notice by the State Veterinarian.

*[OAR Docket #09-125; filed 1-21-09]*

---



# 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

### 1:2009-3.

#### EXECUTIVE ORDER 2009-3

I, Jari Askins, 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 Thursday, January 22, 2009, to honor former State Senator John W. Young, an Oklahoma resident, who died on Saturday, January 17, 2009 at age 85.

Senator Young was elected to the Oklahoma State Senate in 1964 and served the State of Oklahoma with honor and distinction for 22 years. Senator Young was a dedicated public servant and a faithful representative to his constituents. He was the third generation of attorneys in his family, and passed his love for law down to one of his sons and one of his grandsons. Throughout his life, Senator Young made great contributions to the State of Oklahoma.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 21st day of January, 2009.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

JARI ASKINS

ATTEST:

Kathy Jekel  
Acting Assistant Secretary of State

[OAR Docket #09-130; filed 1-22-09]

1. All of the 77 counties in Oklahoma are currently under a severe winter weather watch or warning to include freezing rain, ice, snow, and possible flooding due to ice clogged waterways effective today, January 26, 2009 and continuing. The entire State is being affected.
2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.
3. There is hereby declared a continuing disaster emergency caused by ice storms, snow and flooding in the entire State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health and safety
4. State agencies, in responding to this continuing disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.
5. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
6. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

### 1:2009-4.

#### EXECUTIVE ORDER 2009-4

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

## 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, this 26 day of January, 2009.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Tod Wall  
Acting Assistant Secretary of State

*[OAR Docket #09-167; filed 1-30-09]*

---

**1:2009-5.**

### EXECUTIVE ORDER 2009-5

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 shall terminate at the end of thirty (30) days.

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 26 day of January, 2009.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Tod Wall  
Acting Assistant Secretary of State

*[OAR Docket #09-168; filed 1-30-09]*

---