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Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**V. Glenn Coffee,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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# Notices of Rulemaking Intent

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

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

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

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

*[OAR Docket #11-140]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

87:10-1-2. Definitions [AMENDED]

Subchapter 13. Eligibility Requirements

87:10-13-3. Termination of participation [AMENDED]

### **SUMMARY:**

These permanent administrative rules are identical to and, if approved, will supersede emergency rules approved by Governor Brad Henry on December 27, 2010. These rules are necessary to bring the administrative rules that govern the administration of the State's flexible benefits plan into compliance with the Patient Protection and Affordable Care Act, Public Law 111-148, enacted March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111-152, enacted March 30, 2010, as implemented at 26 CFR 54.9815-2714, 29 CFR 2590.715-2714, 45 CFR 147.120, as published on May 13, 2010, in Volume 75, Number 92, Federal Register, 27122.

These permanent administrative rules revise Subchapters 1 and 13 of Chapter 10 of Title 87 of the Oklahoma Administrative Code. Chapter 10 serves as the "Plan Document" for the administration of the flexible benefits plan for active Oklahoma state employees. These revisions are necessary to prevent the "Plan Document" from being in violation of federal law referenced above. Said revisions are limited to changes to the definition of "dependent" and striking a reference to "student status," which is no longer applicable.

### **AUTHORITY:**

Oklahoma State Employees Benefits Council; 74 O.S.2001 §1366(B)

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 10:30 a.m., Central Standard Time on Thursday, March 31, 2011, to Craig Cates, Executive Manager, Agency & Regulatory Affairs and Human Resources, 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., Central Standard Time, Thursday, March 31, 2011, 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, Thursday, March 31, 2011.

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

n/a

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

Copies of the proposed rules may be obtained from Craig Cates, Executive Manager, Agency & Regulatory Affairs and Human Resources, at 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 of the Rule Impact Statement may be obtained from Craig Cates, Executive Manager, Agency & Regulatory Affairs and Human Resources, at the Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102. 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 #11-140; filed 2-14-11]*

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

*[OAR Docket #11-138]*

### **RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

### **PROPOSED RULES:**

318:10-1-6. Recertification [AMENDED]

318:10-1-11. Fees [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

The proposed revision to 318:10-1-6 will allow for an alternate (optional) method of re-certification for registered technicians who have been certified for 14 years or more. The new method calls for direct observation of all pertinent sampling and/or testing procedures by evaluators, approved by the Board and the Department of Transportation, in lieu of the practical examination required for less experienced applicants.

The revision to 318:10-1-11 allows for a substantially reduced fee when the alternate method is utilized.

### AUTHORITY:

Highway Construction Materials Technician Certification Board; 69 O.S., §1951 et.seq.

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before April 1, 2011 to: Reynolds Toney, HCMTCB Chair, 200 NE 21<sup>st</sup> Street, Room G35, Oklahoma City, OK 73105.

### REQUEST FOR HEARING:

A public hearing may be demanded by contacting Reynolds Toney, HCMTCB Chair, before April 1, 2011;

By mail to:

200 NE 21<sup>st</sup> Street, Room G35

Oklahoma City, OK 73105

By phone:

Monday through Friday from 7:30 AM to 4:30 PM at (405) 521-2677.

By email to:

rtoney@odot.org

### COPIES OF PROPOSED RULES:

Copies of the proposed rules are available by fax or email at no cost from:

Steve Sawyer, Program Director

HCMTCB

1025 SE 59<sup>th</sup> Street

Oklahoma City, OK 73129

Phone: (405) 632-8022

FAX: (405) 632-8951

Email: [ssawyer@odot.org](mailto:ssawyer@odot.org)

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is being prepared and will be available from the HCMTCB at the address listed above on and after March 1, 2011.

### CONTACT PERSON:

Steve Sawyer, Program Director, HCMTCB, (405) 632-8022

*[OAR Docket #11-138; filed 2-11-11]*

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## TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

*[OAR Docket #11-128]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [NEW]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rules implement 43A O.S. §3-415, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to establish rules for Comprehensive Community Addiction Recovery Centers.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-415.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so from March 2, 2011 until 5:00 p.m., March 31, 2011, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### PUBLIC HEARING:

The Department will conduct a public hearing on March 31, 2011 at 4:00 p.m. in Conference Room A of the Department at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Gretchen Geis, at the above address, before the close of the comment period on March 31, 2011.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning March

15, 2011. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-3879.

*[OAR Docket #11-128; filed 2-8-11]*

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

*[OAR Docket #11-146]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - Part 1. General Provisions
    - 530:10-1-2 [AMENDED]
- Subchapter 5. Position Allocation and Employee Classification System
  - Part 5. Audits of Positions
    - 530:10-5-52 [AMENDED]
- Subchapter 7. Salary and Payroll
  - Part 1. Salary and Rate of Pay
    - 530:10-7-12 [AMENDED]
- Subchapter 9. Recruitment and Selection
  - Part 3. Written and Performance Tests
    - 530:10-9-40 [AMENDED]
  - Part 11. Direct Hire Authority
    - 530:10-9-111 [AMENDED]
- Subchapter 11. Employee Actions
  - Part 11. Other Transactions
    - 530:10-11-120 [AMENDED]
- Subchapter 13. Reduction-in-Force
  - Part 1. General Provisions for Reduction-in-Force
    - 530:10-13-3 [AMENDED]
    - 530:10-3-12 [AMENDED]
  - Part 3. Reduction-In-Force Plan Requirements
    - 530:10-13-32 [AMENDED]
- Subchapter 15. Time and Leave
  - Part 5. Miscellaneous Types of Leave
    - 530:10-15-43 [AMENDED]
    - 530:10-15-48 [AMENDED]

**SUMMARY:**

The proposed amendments to 530:10-5-52 and 530:10-7-12 are to correct statutory and rule citations. The proposed amendments to 530:10-1-2 and 530:10-9-111 are necessary to reflect current terminology utilized within the electronic application system. The proposed amendment to 530:10-9-40

is necessary to correct grammatical error. The proposed amendments to 530:10-5-43 and 530:10-11-120 are necessary to provide clarification and simplify the application of the rules. The proposed amendments to 530:10-13-3 are being amended to require notification to the applicable employee retirement system regarding the right to purchase termination credit as a result of a Reduction-In-Force and to make amendments promulgated through the emergency rule process permanent rule amendments. The proposed amendments to 530:10-13-12, 530:10-13-32 and 530:10-15-48 are necessary to make amendments promulgated through the emergency rule process permanent rule amendments.

**AUTHORITY:**

The Administrator of the Office of Personnel Management: 74 O.S., §§ 840-1.6A, 840-2.20, 840-2.27C, 840-2.27D, 840-2.27E.

**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, March 1, 2011. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Thursday, March 31, 2011.

**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 10:00 a.m., Friday, April 1, 2011, the State Office of Personnel Management, Jim Thorpe Building, 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 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 16, 2011. 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 #11-146; filed 2-14-11]*

## Notices of Rulemaking Intent

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### **TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION**

*[OAR Docket #11-147]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

530:15-1-9 [AMENDED]

Subchapter 3. Administrative Provisions

530:15-3-13 [AMENDED]

#### **SUMMARY:**

The proposed amendments to 530:15-1-9 and 530:15-3-13 are necessary to correct statutory citations as a result of recodification.

#### **AUTHORITY:**

The Administrator of the Office of Personnel Management; 74 O.S., § 840-1.6A and 62 O.S. §34.70.

#### **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, March 1, 2011. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Thursday, March 31, 2011.

#### **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 10:00 a.m., Friday, April 1, 2011, at the State Office of Personnel Management, Jim Thorpe Building, 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 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 16, 2011. 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 #11-147; filed 2-14-11]*

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# 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.*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 510. CARE OF EYES FOR NEWBORN CHILDREN [REVOKED]**

*[OAR Docket #11-119]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

- Subchapter 1. General provisions [REVOKED]  
310:510-1-1. Purpose [REVOKED]
- Subchapter 3. Approved antiseptics [REVOKED]  
310:510-3-1. Approved antiseptics [REVOKED]
- Subchapter 5. Recommendations [REVOKED]  
310:510-5-1. Recommendations [REVOKED]

### **SUBMITTED TO GOVERNOR:**

January 21, 2011

### **SUBMITTED TO HOUSE:**

January 21, 2011

### **SUBMITTED TO SENATE:**

January 21, 2011

*[OAR Docket #11-119; filed 1-28-11]*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 662. HOME CARE AGENCIES**

*[OAR Docket #11-120]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

- Subchapter 1. General Provisions  
310:662-1-2 [AMENDED]
- Subchapter 3. Administration  
310:662-3-4 [AMENDED]
- Subchapter 5. Client Services  
310:662-5-3 [AMENDED]
- Subchapter 6. Supportive home assistant competency testing [NEW]  
310:662-6-1 [NEW]  
310:662-6-2 [NEW]  
310:662-6-3 [NEW]  
310:662-6-4 [NEW]  
310:662-6-5 [NEW]

### **SUBMITTED TO GOVERNOR:**

January 21, 2011

### **SUBMITTED TO HOUSE:**

January 21, 2011

### **SUBMITTED TO SENATE:**

January 21, 2011

*[OAR Docket #11-120; filed 1-28-11]*

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## **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 1. ADMINISTRATION**

*[OAR Docket #11-129]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Chapter 1. Administration [AMENDED]

### **SUBMITTED TO GOVERNOR:**

February 4, 2011

### **SUBMITTED TO HOUSE:**

February 4, 2011

### **SUBMITTED TO SENATE:**

February 4, 2011

*[OAR Docket #11-129; filed 2-8-11]*

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## **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 15. CONSUMER RIGHTS**

*[OAR Docket #11-130]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Chapter 15. Consumer Rights [AMENDED]

### **SUBMITTED TO GOVERNOR:**

February 4, 2011

### **SUBMITTED TO HOUSE:**

February 4, 2011

### **SUBMITTED TO SENATE:**

February 4, 2011

*[OAR Docket #11-130; filed 2-8-11]*

## Submissions for Review

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**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 50. STANDARDS AND CRITERIA  
FOR CERTIFIED BEHAVIORAL HEALTH  
CASE MANAGERS**

*[OAR Docket #11-131]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Chapter 50. Standards and Criteria for Certified Behavioral Health Case Managers [AMENDED]

**SUBMITTED TO GOVERNOR:**

February 4, 2011

**SUBMITTED TO HOUSE:**

February 4, 2011

**SUBMITTED TO SENATE:**

February 4, 2011

*[OAR Docket #11-131; filed 2-8-11]*

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**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 53. STANDARDS AND CRITERIA  
FOR CERTIFIED PEER RECOVERY  
SUPPORT SPECIALISTS**

*[OAR Docket #11-132]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Chapter 53. Standards and Criteria for Certified Peer Recovery Support Specialists [NEW]

**SUBMITTED TO GOVERNOR:**

February 4, 2011

**SUBMITTED TO HOUSE:**

February 4, 2011

**SUBMITTED TO SENATE:**

February 4, 2011

*[OAR Docket #11-132; filed 2-8-11]*

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

*[OAR Docket #11-141]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 11. Publications

800:1-11-1. Charges for workshops, publications and other material [AMENDED]

**SUBMITTED TO GOVERNOR:**

February 10, 2011

**SUBMITTED TO HOUSE:**

February 10, 2011

**SUBMITTED TO SENATE:**

February 10, 2011

*[OAR Docket #11-141; filed 2-14-11]*

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

*[OAR Docket #11-142]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. Harvest and Possession Limits

800:10-1-3. Additional definitions [AMENDED]

800:10-1-4. Size limits on fish [AMENDED]

800:10-1-5. Bag limits on fish [AMENDED]

Subchapter 3. Methods of Taking

800:10-3-3. Additional definitions [AMENDED]

800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting [AMENDED]

Subchapter 5. Area Restriction and Special Fees

800:10-5-2. Department fishing areas [AMENDED]

**SUBMITTED TO GOVERNOR:**

February 10, 2011

**SUBMITTED TO HOUSE:**

February 10, 2011

**SUBMITTED TO SENATE:**

February 10, 2011

*[OAR Docket #11-142; filed 2-14-11]*

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

*[OAR Docket #11-143]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 4. Aquatic Nuisance Species Restrictions

800:20-4-2. Movement of aquatic plants [AMENDED]

800:20-4-3. List of restricted aquatic nuisance species [AMENDED]

**SUBMITTED TO GOVERNOR:**

February 10, 2011

**SUBMITTED TO HOUSE:**

February 10, 2011

**SUBMITTED TO SENATE:**

February 10, 2011

*[OAR Docket #11-143; filed 2-14-11]*

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

*[OAR Docket #11-144]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 5. Migratory Bird Hunting Season
- Part 25. Hunting at Tishomingo Wildlife Management Unit
- 800:25-5-106. General provisions [AMENDED]
- Subchapter 7. General Hunting Seasons
- Part 5. Upland Game
- 800:25-7-17. Wild turkey - Spring; dates, limits and open areas [AMENDED]
- 800:25-7-17.1. Wild Turkey - Spring Youth Season [AMENDED]
- 800:25-7-19. Wild turkey - general provisions [AMENDED]
- Part 7. Falconry
- 800:25-7-31. Taking provisions [AMENDED]
- 800:25-7-32. Prohibited raptors [AMENDED]
- Part 13. Deer
- 800:25-7-51. Deer - archery [AMENDED]
- 800:25-7-54. Legal firearms and archery specifications [AMENDED]
- Part 15. Furbearers
- 800:25-7-60. Dates and legal furbearers [AMENDED]
- 800:25-7-62. Open areas [AMENDED]
- Part 19. Seasons On Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service
- 800:25-7-82. Atoka WMA [AMENDED]
- 800:25-7-82.1. Atoka PHA [AMENDED]
- 800:25-7-86. Broken Bow WMA [AMENDED]
- 800:25-7-92. Chickasaw NRA [AMENDED]
- 800:25-7-93. Cookson WMA [AMENDED]
- 800:25-7-102. Gary Sherrer WMA [AMENDED]
- 800:25-7-102.1.1. Grady County WMA [NEW]
- 800:25-7-102.2. Grassy Slough WMA [AMENDED]
- 800:25-7-108.1. Honobia Creek WMA [AMENDED]
- 800:25-7-109. Hugo WMA [AMENDED]

- 800:25-7-110. Lyndol Fry WRP [AMENDED]
- 800:25-7-113. James Collins WMA [AMENDED]
- 800:25-7-125. McGee Creek WMA [AMENDED]
- 800:25-7-132. Ouachita WMA - LeFlore Unit [AMENDED]
- 800:25-7-132.1. Ouachita WMA - Cucumber Creek Unit [AMENDED]
- 800:25-7-133.1. Ouachita WMA - McCurtain Unit [AMENDED]
- 800:25-7-135. Pine Creek WMA [AMENDED]
- 800:25-7-136. Pushmataha WMA [AMENDED]
- 800:25-7-136.1. Red Slough WMA [AMENDED]
- 800:25-7-136.2. Red Slough WRP [AMENDED]
- 800:25-7-138. Robbers Cave WMA [AMENDED]
- 800:25-7-145. Spavinaw GMA [AMENDED]
- 800:25-7-146. Spavinaw PHA [AMENDED]
- 800:25-7-147. Stringtown WMA [AMENDED]
- 800:25-7-149.1. Three Rivers WMA [AMENDED]
- 800:25-7-154.2. Whitegrass Flats WMA [AMENDED]
- 800:25-7-155. Wister WMA [AMENDED]
- 800:25-7-156. Wister WRP [AMENDED]
- 800:25-7-157. Yourman WMA [AMENDED]
- Subchapter 33. Restitution Fees [REVOKED]
- 800:25-33-1. Purpose [REVOKED]

**SUBMITTED TO GOVERNOR:**

February 10, 2011

**SUBMITTED TO HOUSE:**

February 10, 2011

**SUBMITTED TO SENATE:**

February 10, 2011

*[OAR Docket #11-144; filed 2-14-11]*

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

*[OAR Docket #11-145]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 1. Use of Department Managed Lands
- 800:30-1-3. License Requirements and Wildlife Conservation Passport [AMENDED]
- 800:30-1-4. Camping [AMENDED]
- 800:30-1-5. Vehicles [AMENDED]
- 800:30-1-20. Restricted public use areas [AMENDED]

**SUBMITTED TO GOVERNOR:**

February 10, 2011

**SUBMITTED TO HOUSE:**

February 10, 2011

## Submissions for Review

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**SUBMITTED TO SENATE:**

February 10, 2011

*[OAR Docket #11-145; filed 2-14-11]*

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# 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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 25. AVIATION EDUCATION PROGRAM**

*[OAR Docket #11-126]*

### **RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

### **RULES:**

25:25-1-2. Requirements for receiving funding for an Aviation Education Program [AMENDED]

25:25-1-3. Criteria selection for applicants [AMENDED]

### **GUBERNATORIAL APPROVAL:**

December 21, 2010

*[OAR Docket #11-126; filed 2-4-11]*

## **TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 30. AIRCRAFT PILOT AND PASSENGER PROTECTION ACT**

*[OAR Docket #11-127]*

### **RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

### **RULES:**

Subchapter 1. General Provisions [NEW]

25:30-1-1 [NEW]

25:30-1-2 [NEW]

25:30-1-3 [NEW]

25:30-1-4 [NEW]

25:30-1-5 [NEW]

Subchapter 3. Application Requirements [NEW]

25:30-3-1 [NEW]

25:30-3-2 [NEW]

25:30-3-3 [NEW]

25:30-3-4 [NEW]

Subchapter 5. Obstruction Standards [NEW]

25:30-5-1 [NEW]

25:30-5-2 [NEW]

Subchapter 7. Notice, Determination and Commission Actions [NEW]

25:30-7-1 [NEW]

25:30-7-2 [NEW]

25:30-7-3 [NEW]

25:30-7-4 [NEW]

25:30-7-5 [NEW]

25:30-7-6 [NEW]

Subchapter 9. Permits [NEW]

25:30-9-1 [NEW]

25:30-9-2 [NEW]

25:30-9-3 [NEW]

Subchapter 11. Miscellaneous Provisions [NEW]

### **GUBERNATORIAL APPROVAL:**

December 21, 2010

*[OAR Docket #11-127; filed 2-4-11]*

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

*[OAR Docket #11-123]*

### **RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

### **RULES:**

Subchapter 1. General Provisions

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

Subchapter 3. Records and Inspections

240:1-3-9. Release of Confidential Information to Specific Government Agencies [NEW]

### **GUBERNATORIAL APPROVAL:**

January 26, 2011

*[OAR Docket #11-123; filed 2-4-11]*

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

*[OAR Docket #11-124]*

### **RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

### **RULES:**

Subchapter 5. Hearings [REVOKED]

240:15-5-1. Request for hearing; new additional evidence [REVOKED]

240:15-5-2. Hearings; notice; Appeal Tribunal testimony; failure to appear [REVOKED]

240:15-5-3. Continuances [REVOKED]

240:15-5-4. Recording hearings [REVOKED]

240:15-5-5. Cameras [REVOKED]

Subchapter 7. Witnesses and Subpoenas

240:15-7-1. Attendance at hearing [REVOKED]

Subchapter 9. Records of the Board of Review

240:15-9-2. Board of Review records [AMENDED]

## Gubernatorial Approvals

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Subchapter 11. Appeals to District Court  
240:15-11-1. Board of Review decision; appeal to district Court [AMENDED]

**GUBERNATORIAL APPROVAL:**  
December 27, 2010

*[OAR Docket #11-124; filed 2-4-11]*

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

*[OAR Docket #11-125]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

Subchapter 9. Audits  
240:21-9-2. Delinquent audit [AMENDED]

**GUBERNATORIAL APPROVAL:**  
January 26, 2011

*[OAR Docket #11-125; filed 2-4-11]*

**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 510. CARE OF EYES FOR  
NEWBORN CHILDREN [REVOKED]**

*[OAR Docket #11-139]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

Subchapter 1. General provisions [REVOKED]  
310:510-1-1. Purpose [REVOKED]  
Subchapter 3. Approved Antiseptics [REVOKED]  
310:510-3-1. Approved antiseptics [REVOKED]  
Subchapter 5. Recommendations [REVOKED]  
310:510-5-1. Recommendations [REVOKED]

**GUBERNATORIAL APPROVAL:**  
January 31, 2011

*[OAR Docket #11-139; filed 2-14-11]*

**TITLE 325. OKLAHOMA HORSE RACING  
COMMISSION  
CHAPTER 25. ENTRIES AND  
DECLARATIONS**

*[OAR Docket #11-137]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rule

**RULE:**

325:25-1-10 [AMENDED]

**GUBERNATORIAL APPROVAL:**  
January 31, 2011

*[OAR Docket #11-137; filed 2-10-11]*

**TITLE 580. DEPARTMENT OF CENTRAL  
SERVICES  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #11-118]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

580:1-1-3 [AMENDED]  
580:1-1-4 [AMENDED]  
580:1-1-5 [NEW]

**GUBERNATORIAL APPROVAL:**  
December 21, 2010

*[OAR Docket #11-118; filed 1-28-11]*

**TITLE 580. DEPARTMENT OF CENTRAL  
SERVICES  
CHAPTER 70. STATE INVENTORY**

*[OAR Docket #11-117]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

Subchapter 1. General Provisions  
580:70-1-3 [AMENDED]

**GUBERNATORIAL APPROVAL:**  
December 21, 2010

*[OAR Docket #11-117; filed 1-28-11]*

**TITLE 600. REAL ESTATE APPRAISER  
BOARD  
CHAPTER 30. APPRAISAL MANAGEMENT  
COMPANY REGISTRATION**

*[OAR Docket #11-135]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

600:30-1-1. Purpose [NEW]  
600:30-1-2. Definitions [NEW]  
600:30-1-3. Certificate of Registration [NEW]  
600:30-1-4. Application process [NEW]

- 600:30-1-5. Renewal process [NEW]
- 600:30-1-6. Fee schedule [NEW]
- 600:30-1-7. Change of information [NEW]
- 600:30-1-8. Background investigations [NEW]
- 600:30-1-9. Business entities [NEW]
- 600:30-1-10. Recordkeeping [NEW]
- 600:30-1-11. Severability provision [NEW]

**GUBERNATORIAL APPROVAL:**

January 31, 2011

*[OAR Docket #11-135; filed 2-8-11]*

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**TITLE 600. REAL ESTATE APPRAISER  
BOARD  
CHAPTER 35. APPRAISAL MANAGEMENT  
COMPANY ENFORCEMENT**

*[OAR Docket #11-136]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**RULES:**

- 600:35-1-1. Purpose [NEW]
- 600:35-1-2. Definitions [NEW]
- 600:35-1-3. Conduct [NEW]

- 600:35-1-4. Complaints [NEW]
- 600:35-1-5. Complaint procedures [NEW]
- 600:35-1-6. Formal complaint [NEW]
- 600:35-1-7. Notice of disciplinary proceedings [NEW]
- 600:35-1-8. Pre-hearing matters [NEW]
- 600:35-1-9. Subpoenas and subpoenas duces tecum [NEW]
- 600:35-1-10. Disciplinary proceedings [NEW]
- 600:35-1-11. Burden of proof, standard of proof [NEW]
- 600:35-1-12. Right to counsel [NEW]
- 600:35-1-13. Rules of evidence [NEW]
- 600:35-1-14. Failure to appear [NEW]
- 600:35-1-15. Oral argument before the Board [NEW]
- 600:35-1-16. Rehearing, reopening or reconsideration of Board decision [NEW]
- 600:35-1-17. Record of hearing [NEW]
- 600:35-1-18. Request for declaratory ruling [NEW]
- 600:35-1-19. Request for rule adoption, amendment or repeal [NEW]
- 600:35-1-20. Severability provision [NEW]

**GUBERNATORIAL APPROVAL:**

January 31, 2011

*[OAR Docket #11-136; filed 2-8-11]*

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# Withdrawn Rules

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

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

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

## TITLE 360. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #11-133]*

### **RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

### **WITHDRAWN RULES:**

Subchapter 1. General Provisions

360:1-1-1.5. [AMENDED]

Subchapter 3. The Board

360:1-3-8. [AMENDED]

Subchapter 5. Grievance Panel Authority and Hearing  
Procedures

360:1-5-1. [AMENDED]

360:1-5-7. [AMENDED]

360:1-5-8. [AMENDED]

### **DATES:**

#### **Adoption:**

December 17, 2010

#### **Submitted to Governor:**

December 17, 2010

#### **Submitted to House:**

December 17, 2010

#### **Submitted to Senate:**

December 17, 2010

#### **Withdrawn:**

February 4, 2011

*[OAR Docket #11-133; filed 2-8-11]*

## TITLE 360. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD CHAPTER 10. STATE AND EDUCATION EMPLOYEES HEALTH, DENTAL, VISION AND LIFE PLANS

*[OAR Docket #11-134]*

### **RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

### **WITHDRAWN RULES:**

Subchapter 1. General Provisions

360:10-1-2. [AMENDED]

Subchapter 3. Administration of Plans

360:10-3-24. [AMENDED]

360:10-3-24.1. [AMENDED]

360:10-3-25. [AMENDED]

### **DATES:**

#### **Adoption:**

December 17, 2010

#### **Submitted to Governor:**

December 17, 2010

#### **Submitted to House:**

December 17, 2010

#### **Submitted to Senate:**

December 17, 2010

#### **Withdrawn:**

February 4, 2011

*[OAR Docket #11-134; filed 2-8-11]*



# 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

### 1:2011-3.

#### EXECUTIVE ORDER 2011-3

I, Mary Fallin, 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:

1. All of the 77 counties in Oklahoma are currently under a severe winter weather warning or watch for freezing rain, ice and snow starting today, January 31, 2011, 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 disaster emergency caused by the snow and ice storms, 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 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.

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 31st day of January, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-121; filed 2-3-11]*

### 1:2011-4.

#### EXECUTIVE ORDER 2011-4

I, Mary Fallin, 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., and pursuant to Title 49 CFR Part 390.23, hereby declare that because there is a state of emergency existing 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 oversized vehicles under Title 47;
2. The requirements for special permits for use of overweight vehicles operating off the interstate highway system under Title 47;
3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
4. The requirements for licensing/registration as required by the Oklahoma Tax Commission and the Oklahoma Corporation Commission;
5. Exemption from Parts 390 through 399 of Title 49 of the Federal Motor Carrier Safety Regulations.

Declaration of this emergency provides relief for 30 days from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers

## Executive Orders

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who are providing direct assistance for the immediate restoration of essential services ( such as electrical, sewer, water, and telecommunications ) or essential supplies ( such as food and fuel ). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements ( 49 CFR Part 382 ), the Commercial Driver License requirements ( 49 CFR Part 383 ), the Financial Responsibility requirements ( 49 CFR Part 387 ), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

Consistent with Title 49 CFR Part 390.23 this emergency notice will remain in effect for 30 days, February 01, 2011 through March 03, 2011.

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.

**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 31st day of January, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Michelle Day  
Assistant Secretary of State

*[OAR Docket #11-122; filed 2-3-11]*

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