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# The Oklahoma Register

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Oklahoma  
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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES**

*[OAR Docket #11-1003]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Fee Schedules

35:2-3-10 [REVOKED]

### **SUMMARY:**

The proposed rule change removes the fee for meat inspection overtime service to plants requiring less than full-time inspection service.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-181 et seq., 6-251 et seq., 6-280.1 et seq., and 6-290.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from September 16, 2011 through October 25, 2011.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., October 25, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from September 16, 2011 through October 25, 2011.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #11-1003; filed 8-26-11]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS**

*[OAR Docket #11-1000]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

35:10-1-3 [AMENDED]

### **SUMMARY:**

The proposed rules update any necessary dates of incorporations by reference.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 14-31 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from September 16, 2011 through October 25, 2011.

### **PUBLIC HEARING:**

A public hearing will be held at 10:30 a.m., October 25, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

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*[OAR Docket #11-1000; filed 8-26-11]*

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### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #11-1001; filed 8-26-11]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL

*[OAR Docket #11-1001]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

### SUMMARY:

The proposed amendments incorporate the date for the most recent version of the Code of Federal Regulations for the Fuel Alcohol program.

### AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4, 2-18, 11-20 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

### COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from September 16, 2011 through October 25, 2011.

### PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., October 25, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from September 16, 2011 through October 25, 2011.

## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

*[OAR Docket #11-1002]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

35:30-17-13 [AMENDED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-89.1 [AMENDED]

### SUMMARY:

The proposed amendments incorporate the date for the most recent version of the Code of Federal Regulations.

### AUTHORITY:

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

### COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from September 16, 2011 through October 25, 2011.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., October 25, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Bennett Abbott at the above address during the period from September 16, 2011 through October 25, 2011.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #11-1002; filed 8-26-11]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 37. FOOD SAFETY**

*[OAR Docket #11-999]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 3. Meat Inspection
  - Part 1. General Provisions
    - 35:37-3-1 [AMENDED]
    - 35:37-3-3 [AMENDED]
- Subchapter 5. Poultry Products Inspection
  - Part 1. General Provisions
    - 35:37-5-1 [AMENDED]
    - 37:37-5-2 [AMENDED]

**SUMMARY:**

The proposed rule changes update the incorporation by reference of Code of Federal Regulations citations in the food safety rules,

**AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-181 et seq., 6-251 et seq., 6-280.1 et seq., and 6-290.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from September 16, 2011 through October 25, 2011.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., October 25, 2011 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from September 16, 2011 through October 25, 2011.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #11-999; filed 8-26-11]*

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS**

*[OAR Docket #11-998]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- 435:30-1-2. Definitions [AMENDED]
- 435:30-1-16. Responsible supervision [AMENDED]

**SUMMARY:**

The proposed amendments add definitions for Occupational Therapist supervisors at different levels and clarifies the meaning of supervision at the different levels. The proposed amendments also further clarify the responsibilities of both the Occupational Therapist and the Occupational Therapy Assistant in their roles as supervisor/supervisee. The goal of the amendments is to tighten the relationship between Occupational Therapists and the Assistants they supervise to ensure better, safer care is provided to the citizens of Oklahoma. The rules will encourage accountability between the OT and the OTA, between the professionals and their patients, and with the Board.

**AUTHORITY:**

TITLE 59 O.S., Section 888.14, Section 489, State Board of Medical Licensure and Supervision

**COMMENT PERIOD:**

The comment period will run from September 15, 2011 to October 18, 2011. 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 October 20, 2011, at 9:00 a.m. at the office of the Board, 101 N.E. 51<sup>st</sup> Street,

## Notices of Rulemaking Intent

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Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than October 18, 2011.

### **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, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and available after September 15, 2011, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, 73015.

### **CONTACT PERSON:**

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

*[OAR Docket #11-998; filed 8-26-11]*

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## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX**

*[OAR Docket #11-991]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 18. Sourcing Pursuant to the Streamlined Sales and Use Tax Administration Act

710:65-18-6. [AMENDED]

### **SUMMARY:**

Section 710:65-18-6, dealing with the sourcing of sales of direct mail, has been amended to clarify that Oklahoma law complies with the Streamlined Sales Tax Agreement as it relates to the sourcing of "advertising and promotional direct mail" and that "other direct mail" transactions are not taxable in Oklahoma.

### **AUTHORITY:**

68 O.S. §§ 203, 1354.18, Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m. October 21, 2011** to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 521-3133

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **October 25, 2011 at 10:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

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

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at [www.tax.ok.gov](http://www.tax.ok.gov)

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after September 19, 2011 from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #11-991; filed 8-22-11]*

# 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

**1:2011-35.**

### EXECUTIVE ORDER 2011-35

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to 25 O.S. § 90.19, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. on Friday, August 19, 2011, until 8:00 a.m. on Monday, August 22, 2011, to honor Specialist Jordan M. Morris, an Oklahoma soldier, who died on August 11, 2011, at the age of 23 while on active duty supporting Operation Enduring Freedom in Afghanistan.

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 19th day of August, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Glenn Coffee  
Secretary of State

*[OAR Docket #11-994; filed 8-19-11]*

**1:2011-36.**

### EXECUTIVE ORDER 2011-36

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to 25 O.S. § 90.19, 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 Friday, August

26, 2011, to honor Second Lieutenant Joe L. Cunningham, an Oklahoma soldier, who died on August 13, 2011, at the age of 27 while on active duty supporting Operation Enduring Freedom in Afghanistan.

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 22nd day of August, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-992; filed 8-22-11]*

**1:2011-37.**

### EXECUTIVE ORDER 2011-37

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to 25 O.S. § 90.19, 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, August 25, 2011, to honor First Lieutenant Damon T. Leehan, an Oklahoma soldier, who died on August 14, 2011, at the age of 30 while on active duty supporting Operation Enduring Freedom in Afghanistan.

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

## Executive Orders

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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 22nd day of August, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-993; filed 8-22-11]*

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**1:2011-38.**

### EXECUTIVE ORDER 2011-38

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to 25 O.S. § 90.19, 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 Friday, August 26, 2011, to honor Specialist Joshua M. Seals an Oklahoma soldier, who died on August 16, 2011, at the age of 21 while on active duty supporting Operation Enduring Freedom in Afghanistan.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23rd day of August, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-997; filed 8-23-11]*

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**1:2011-39.**

### EXECUTIVE ORDER 2011-39

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and the Oklahoma Homeland Security Act, 74 O.S. §§ 51, *et seq.*, hereby direct and order as follows:

In March of 2008, the Oklahoma Information Fusion Center ("OIFC") was opened in an effort to better share information between Oklahoma's law enforcement agencies and public safety agencies, and to enhance those agencies' abilities to protect the citizens of Oklahoma. The OIFC was created to serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism intelligence and other criminal activity information relating to Oklahoma.

The first objective of OIFC is to establish and maintain an information clearinghouse designed to accept and appropriately process intelligence information provided by law enforcement agencies, public safety agencies, private sector agencies, and concerned citizens.

The second objective of OIFC is to provide informative reports and intelligence assessments, both strategic and tactical, to be used in strengthening homeland security initiatives in Oklahoma and the United States.

The Oklahoma Office of Homeland Security is charged with providing oversight of the Oklahoma Information Fusion Center project by creating a Governance Board that will provide strategic direction, ensure objectives are achieved, risks are managed appropriately, and resources are used responsibly. The Oklahoma State Bureau of Investigation ("OSBI") will manage the day to day operations of the OIFC, and OIFC resources will be made available to all participating local, state, tribal, and federal agencies in accordance with the Center's policies and procedures. The Oklahoma Office of Homeland Security and the OSBI will work together to ensure OIFC meets criteria set by the United States Department of Homeland Security for state fusion centers.

This Executive Order shall be forwarded to all members of the Governor's Cabinet, the Director of the Oklahoma Office of Homeland Security, and the Director of the Oklahoma State Bureau of Investigation 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 30th day of August, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-1004; filed 8-31-11]*

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