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**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 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY**

*[OAR Docket #11-1062]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 23. Registration

10:15-23-2.1 [NEW]

Subchapter 25. Permits

10:15-25-4 [AMENDED]

### **SUMMARY:**

The proposed addition to Subchapter 23, Registration, sets out the qualification standards for non-CPA ownership of public accounting firms as allowed by Title 59 O.S. Section 15.15A, as amended. The proposed revision to Subchapter 25, Permits, changes the attestation clause a public accounting firm must submit in order to apply for a permit to practice. Per the proposed additional language, the individual signing would also attest that non-CPA owners of the firm are qualified individuals as set out in 10:15-23-2.1.

### **AUTHORITY:**

Oklahoma Accountancy Board, 59 O.S. Section 15.5(B)(6)

### **COMMENT PERIOD:**

Written and oral comments will be accepted through close of business January 3, 2012. Comments can be submitted directly through the Oklahoma Accountancy Board (OAB) website at [www.ok.gov/oab](http://www.ok.gov/oab). Click on the link in the "In the Spotlight" section to submit your comments. Comments can also be submitted to Randy Ross, Executive Director, or LaLisa Semrad, Rules Committee Liaison, Oklahoma Accountancy Board, 201 NW 63<sup>rd</sup> Street, Suite 210, Oklahoma City, Oklahoma 73116. Telephone: 405-521-2397, E-mail: [lsemrad@oab.ok.gov](mailto:lsemrad@oab.ok.gov) or FAX: 405-521-3118.

### **PUBLIC HEARING:**

A public hearing will be held at 2:00 p.m. on Thursday, January 5, 2012, at the OAB Boardroom located at 201 NW 63<sup>rd</sup> Street, Suite 210, Oklahoma City, OK 73116. Anyone wishing to speak must sign in at the door by 2:10 p.m.

### **REQUEST 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 Randy Ross or LaLisa Semrad at the above address through close of the comment period on January 3, 2012.

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

Copies of the proposed rules may be obtained from the OAB website at [www.ok.gov/oab](http://www.ok.gov/oab) or from the Oklahoma Accountancy Board, 201 NW 63<sup>rd</sup> Street, Suite 210, Oklahoma City, OK 73116.

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement will be prepared and will be available December 15, 2011 on the OAB website or from the OAB at the address and contact numbers listed above.

### **CONTACT PERSONS:**

Randy Ross or LaLisa Semrad at 405-521-2397

*[OAR Docket #11-1062; filed 11-9-11]*

## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

*[OAR Docket #11-1063]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Environmental Permit Process

Part 7. Water Quality Division Tiers and Time Lines

252:4-7-76. UIC applications-Tier I [AMENDED]

252:4-7-78. UIC applications-Tier III [AMENDED]

### **SUMMARY:**

The purpose of the proposed amendment is to include the Underground Injection Control (UIC) Class VI carbon dioxide geologic sequestration injection well permit applications in the permit process rules.

In a separate rulemaking, DEQ is seeking to amend its UIC rules to incorporate federal Class VI rules by reference. Oklahoma does not currently regulate Class VI wells. Upon adoption of the federal rules for Class VI wells, these permit applications will be processed as follows:

Class VI carbon dioxide geologic sequestration injection well permits will be processed as Tier III UIC applications. Minor modifications of Class VI injection well permits will be processed as Tier I UIC applications.

# Notices of Rulemaking Intent

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## **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. §2-2-201; and 27A O.S. §§3-5-103, and 3-5-104.

## **COMMENT PERIOD:**

Written comments may be made, delivered or mailed to the contact person from December 1, 2011, through January 3, 2012. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

## **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012 at 1:00 p.m., at the Department of Environmental Quality, Multipurpose Room, 707 North Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board meeting on February 24, 2012 at 9:30 a.m. at the Department of Environmental Quality, Multipurpose Room, 707 North Robinson, Oklahoma City, OK 73102.

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

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

## **COPY OF PROPOSED RULE:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at [http://www.deq.state.ok.us/WQDnew/wqmac/wqmac\\_details.html](http://www.deq.state.ok.us/WQDnew/wqmac/wqmac_details.html).

## **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at [http://www.deq.state.ok.us/WQDnew/wqmac/wqmac\\_details.html](http://www.deq.state.ok.us/WQDnew/wqmac/wqmac_details.html).

## **CONTACT PERSON:**

The contact person is Saba Tahmassebi, Ph.D., P.E. He can be reached at [Saba.Tahmassebi@deq.ok.gov](mailto:Saba.Tahmassebi@deq.ok.gov) (email), (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 North Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

## **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) working days in advance of the hearing. For hearing impaired, the TDD relay number

is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1063; filed 11-9-11]*

## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

*[OAR Docket #11-1064]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 7. Environmental Permit Process

Part 7. Water Quality Division Tiers and Time Lines

252:4-7-73. Water quality applications - Tier I  
[AMENDED]

252:4-7-74. Water quality applications - Tier II  
[AMENDED]

## **SUMMARY:**

DEQ is proposing to add new rules on water reuse in Chapters 627 and 656. Water reuse systems take treated wastewater and with additional treatment create "reclaimed water" for beneficial reuse. The purpose of the proposed amendment is to include new water reuse systems in the environmental permitting process.

## **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

## **COMMENT PERIOD:**

Written comments may be made, delivered or mailed to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

## **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board meeting on February 24, 2012 at 9:30 a.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

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

The Department requests that business entities affected by these rules provide DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue

loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1064; filed 11-9-11]*

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

*[OAR Docket #11-1065]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 252:100-1-3. [AMENDED]
- Subchapter 7. Permits for Minor Facilities
  - Part 3. Construction Permits
    - 252:100-7-15. [AMENDED]
  - Part 4. Operating permits
    - 252:100-7-18. [AMENDED]
  - Subchapter 31. Control of Emission of Sulfur Compounds
    - Part 1. General Provisions
      - 252:100-31-1. [AMENDED]
      - 252:100-31-2. [AMENDED]
      - 252:100-31-4. [NEW]
    - Part 2. Ambient Air Concentration Limits or Impacts for New and Existing Equipment, Sources, or Facilities
      - 252:100-31-7. [AMENDED]
    - Part 3. Existing Equipment Standards
      - 252:100-31-13. [AMENDED]

- 252:100-31-15. [AMENDED]
- 252:100-31-16. [AMENDED]
- Part 5. New Equipment Standards
  - 252:100-31-25. [AMENDED]
  - 252:100-31-26. [AMENDED]
  - 252:100-31-27. AMENDED]

**SUMMARY:**

The Department is proposing to modify Subchapter 1, General Provisions, to include the revision to the definition of "carbon dioxide equivalent emissions" or "CO<sub>2</sub>e" required by the U.S. Environmental Protection Agency's (EPA's) recent changes to the Prevention of Significant Deterioration (PSD) and Part 70 programs, which allows the deferral of permitting of carbon dioxide (CO<sub>2</sub>) emissions from certain biomass sources until July 21, 2014. This proposed modification will prevent the State rule from being perceived to be more stringent than the corresponding federal rule. The Department is also proposing to correct an error in this definition that occurred during publication in the *Oklahoma Register* (28 OK Reg 1079) published June 15, 2011. For clarity, the Department is proposing to add other new definitions to Subchapter 1 including a definition for "commencement of operation" or "commencing operation."

To further the purpose of the Oklahoma Clean Air Act, the Department is proposing modifications to Subchapter 7, Permits for Minor Facilities. Language would be added to OAC 252:100-7-15(a)(2)(B)(I) to require a construction permit when adding a piece of equipment or a process that is subject to an emission standard, equipment standard, or work practice standard in a federal New Source Performance Standard (NSPS) (found in 40 CFR Part 60) or a federal National Emission Standard for Hazardous Air Pollutants (NESHAP) (found in 40 CFR Parts 61 and 63). The construction permit requirement would not apply to the addition of a piece of equipment or a process that is only subject to a recordkeeping or reporting requirement in an NSPS or NESHAP. Also, 252:100-7-18(a) would be amended to increase the number of days allowed after commencement of operation to submit an air quality operating permit application to the Department.

The Department is proposing changes to Subchapter 31, Control of Emission of Sulfur Compounds, to clarify the language and to bring the allowable sulfur dioxide (SO<sub>2</sub>) ambient air limits set forth in OAC 252:100-31-7(a) into line with the requirements of the recently-enacted change to the SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS). In response to previous public and Council comments, the Department is considering additional changes to several longstanding control, monitoring, and emission requirements of the Subchapter. In addition, the Department is proposing to add requirements for fuel-burning equipment that uses an alternative fuel. The Department is also proposing to add a new section 252:100-31-4, which aligns Subchapter 31 excess emission reporting requirements with those of 252:100-9 for facilities that are also covered by a 40 CFR Part 60 emission limit.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

The powers and duties of the Environmental Quality Board are set out in 27A O.S. § 2-2-101 and 27A O.S. § 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. § 2-2-201 and 27A O.S. § 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 through -117, specifically 27A O.S. §§ 2-5-105 and -112 for the proposed changes to OAC 252:100, Subchapter 1, and 27A O.S. § 2-5-112 for the proposed changes to Subchapters 7 and 31.

### **COMMENT PERIOD:**

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 18, 2012. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 18, 2012 hearing and at the February 24, 2012 Environmental Quality Board meeting.

### **PUBLIC HEARINGS:**

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 18, 2012, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma.

Also, a public hearing is scheduled before the Environmental Quality Board at 9:30 a.m. on Friday, February 24, 2012, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR § 51.102 and 27A O.S. § 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. § 2-5-107(3).

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

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

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

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm). Copies also may be obtained from the Department by calling the contact person listed below.

### **RULE IMPACT STATEMENTS:**

The rule impact statements will be available on and after December 16th on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm). Copies also may be obtained from the Department by calling the contact person listed below.

### **CONTACT PERSON:**

The contact person for this proposal is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4100. Please send written comments on the proposed rule changes to Ms. Bradley at [cheryl.bradley@deq.ok.gov](mailto:cheryl.bradley@deq.ok.gov). Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

### **PERSONS WITH DISABILITIES:**

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4216. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1065; filed 11-9-11]*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 619. OPERATION AND MAINTENANCE OF NON-INDUSTRIAL TOTAL RETENTION LAGOON SYSTEMS AND LAND APPLICATION**

*[OAR Docket #11-1066]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

- Subchapter 1. General Provisions  
252:619-1-4. [AMENDED]
- Subchapter 3. Operation and Maintenance  
252:619-3-2. [AMENDED]  
252:619-3-3. [AMENDED]
- Subchapter 5. Closure Requirements  
252:619-5-2. [REVOKED]

### **SUMMARY:**

The main purpose for this rulemaking is to omit language concerning the operation, maintenance and closure of land application sites connected to total retention lagoon systems. Operation and maintenance of land application sites will be moved to the new Chapter 627, Water Reuse. DEQ also proposes to add language to the signage requirement which must be posted near or on the fence at each side of the lagoon. Additionally, DEQ proposes several non-substantive changes for clarification.

### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. § 2-6-103, 2-6-402 and 2-6-501.

### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management

Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g. fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

**CONTACT PERSON:**

The contact person is Robert Huber. He can be reached at [Robert.Huber@deq.ok.gov](mailto:Robert.Huber@deq.ok.gov) (e-mail), (405) 702-6100 (phone) or (405) 702-6226 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1066; filed 11-9-11]*

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 621. NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS INCLUDING LAND APPLICATION**

*[OAR Docket #11-1067]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions  
252:621-1-1. [AMENDED]
- Subchapter 3. Permit Procedures  
252:621-3-4. [AMENDED]  
252:621-3-5. [REVOKED]  
252:621-3-6. [REVOKED]
- Subchapter 5. Operation and Maintenance  
252:621-5-2. [REVOKED]  
252:621-5-3. [AMENDED]  
252:621-5-4. [REVOKED]
- Subchapter 7. Monitoring, Reporting, Inspections and Records Requirements  
252:621-7-1. [AMENDED]

**SUMMARY:**

The main purpose for this rulemaking is to revoke and/or amend language concerning the operation, maintenance and closure of land application sites connected to non-industrial discharging and public water supply facilities. Operation and maintenance of land application sites associated with these types of facilities will be moved to the new Chapter 627, Water Reuse. DEQ also revoked redundant language concerning financial assurances, which will be covered in the new Chapter 627, and which is also found in Chapters 606, 626 and 656. The applicable financial assurance provision will depend on the type of facility being permitted.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. § 2-6-103, 2-6-402 and 2-6-501.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g. fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department

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of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

### **CONTACT PERSON:**

The contact person is Mark Hildebrand. He can be reached at [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1067; filed 11-9-11]*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS**

*[OAR Docket #11-1068]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

Subchapter 9. Treatment

252:626-9-2. [AMENDED]

252:626-9-8. [AMENDED]

252:626-9-9. [AMENDED]

252:626-9-14. [NEW]

Subchapter 13. Residuals and Decant Water Management

252:626-13-1. [AMENDED]

252:626-13-2. [AMENDED]

252:626-13-3. [AMENDED]

252:626-13-4. [AMENDED]

252:626-13-5. [AMENDED]

### **SUMMARY:**

The Department proposes to modify the pretreatment standards for water treatment plant pretreatment by removing the provision regarding large volume off-stream storage basins. The Department proposes to modify the clarification standards to include new approved methods. The Department proposes to modify the media requirements for slow sand filters. The Department proposes to modify the standards for residuals management to conform with residual and wastewater management standards in other Chapters. Additionally, the Department proposes a new rule containing standards for anion exchange for nitrate removal.

### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; 27A O.S. § 2-3-402 and 27A O.S. §§ 2-6-103, 2-6-303, 2-6-304 and 2-6-501.

### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

### **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

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

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

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

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1068; filed 11-9-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS**

*[OAR Docket #11-1069]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General provisions [NEW]
  - 252:627-1-1. Purpose and authority [NEW]
  - 252:627-1-2. Definitions [NEW]
  - 252:627-1-3. Permit requirements [NEW]
  - 252:627-1-4. Compliance required [NEW]
  - 252:627-1-5. General requirements for water reuse systems [NEW]
  - 252:627-1-6. Permitted uses of reclaimed water [NEW]
  - 252:627-1-7. Annual fees for water reuse systems [NEW]
- Subchapter 3. Operation and Maintenance [NEW]
  - 252:627-3-1. Distribution system [NEW]
  - 252:627-3-2. Requirements for using Category 2 reclaimed water [NEW]
  - 252:627-3-3. Requirements for using Categories 3 and 4 reclaimed water [NEW]
  - 252:627-3-4. Requirements for using Category 5 reclaimed water [NEW]
- Subchapter 5. Monitoring, reporting and records requirements [NEW]
  - 252:627-5-1. Reporting, records and sampling [NEW]
  - 252:627-5-2. Unpermitted discharges [NEW]
  - 252:627-5-3. DEQ approved inspection program [NEW]
- Appendix A. Testing Frequency and Limits for Water Reuse Systems [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking is to establish standards for the operation and maintenance of systems that take treated wastewater and with additional treatment, create "reclaimed water" for beneficial reuse. The new rules establish four categories of reclaimed water based on four different levels of treatment and establish permitted uses for each category. The regulations governing land application of wastewater from lagoon treatment systems was formerly in Chapters 619 and 621. The provisions that were in 619 and 621 have been incorporated into this new rule as "Categories 4 and 5" reclaimed water. The new rules define new terms, establish permitting treatment, monitoring and record keeping requirements for reclaimed water suppliers and users. In the rules, DEQ also proposes to charge annual fees to the suppliers of reclaimed water. The fees will cover DEQ's costs to inspect, track compliance, provide technical assistance and for enforcement of the new standards.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201;

and 27A O.S. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities affected by the proposed rules provide to DEQ (within the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: mark.hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1069; filed 11-9-11]*

## Notices of Rulemaking Intent

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### TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 631. PUBLIC WATER SUPPLY OPERATION

*[OAR Docket #11-1070]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. Introduction

252:631-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

Subchapter 3. Operations

252:631-3-3. Disinfection requirements [AMENDED]

252:631-3-11. Operating records & reports [AMENDED]

252:631-3-21. Public water supply annual service fees [AMENDED]

#### **SUMMARY:**

The Department proposes to modify the annual fees for public water supply systems. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2010, to July 1, 2011. The Department also proposes to update its rules concerning the disinfection requirements for chlorine. The change will establish an alternate minimum required free chlorine residual at the point of entry to the distribution system for public water supplies that qualify through maintaining a minimum required log-inactivation upstream from the point of entry to the distribution system. The change will also establish a chlorine residual requirement for some consecutive systems. Finally, the Department proposes to update its rules concerning the submittal of the DEQ-approved monthly operational report form. The change will clarify which systems are required to submit the monthly operational report form to DEQ.

#### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103 and 2-6-306

#### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

#### **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

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

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

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

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

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

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

#### **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

#### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1070; filed 11-9-11]*

### TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS

*[OAR Docket #11-1071]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

252:641-1-2 [AMENDED]

252:641-1-3 [AMENDED]

Subchapter 3. Soil Tests

252:641-3-2 [AMENDED]

252:641-3-4 [AMENDED]

Subchapter 9. Pump Tanks

252:641-9-2 [AMENDED]

Subchapter 10. Aerobic Treatment Systems

252:641-10-2 [AMENDED]  
252:641-10-3 [AMENDED]  
Subchapter 15. Lagoons  
252:641-15-3 [AMENDED]  
Appendix C. Pipe Specifications for On-site Sewage Treatment Systems [REVOKED]  
Appendix C. Pipe Specifications for On-site Sewage Treatment Systems [NEW]

**SUMMARY:**

There are four (4) main reasons for this proposed rulemaking. First is to establish water body protection areas for siting and designing on-site sewage treatment systems. Second is to require nitrogen reduction systems to be installed prior to dispersal for any on-site sewage treatment systems located within Zone 1 of a water body protection area. Third, is to prohibit any system installed within Zone 2 of a water body protection area from being designed using a soil percolation test. Fourth, any pressurized piping conveying treated sewage for reuse must be purple pipe. Finally, DEQ proposes other non-substantive changes to existing language for clarification purposes

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and 2-6-402; and 59 O.S. § 1158.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board on February 24, 2012, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/eclsnew/index.htm>.

**CONTACT PERSON:**

The contact person is Robert Huber. He can be reached at [Robert.Huber@deq.ok.gov](mailto:Robert.Huber@deq.ok.gov) (e-mail), (405) 702-6100 (phone) or (405) 702-6226 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1071; filed 11-9-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 652. UNDERGROUND INJECTION CONTROL**

*[OAR Docket #11-1072]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 252:652-1-3. Incorporation by reference [AMENDED]
  - 252:652-1-5. Hazardous waste [AMENDED]
  - 252:652-1-6. Fees [AMENDED]
- Subchapter 3. Exclusionary Siting Criteria for Class I Wells
  - 252:652-3-1. Siting criteria [AMENDED]
- Subchapter 5. Application Content Requirements
  - 252:652-5-1. Class I injection well facilities [AMENDED]
  - 252:652-5-4. Class VI injection well facilities [NEW]
- Subchapter 7. Construction Requirements
  - 252:652-7-4. Class IV injection well facilities [NEW]

**SUMMARY:**

The purpose of the proposed rulemaking is to incorporate by reference the federal regulations pertaining to underground injection control found in 40 CFR Parts 124 (Subpart A) and 144 through 148 revised as of July 1, 2011. The revised changes specifically include regulatory requirements for Class VI carbon dioxide geologic sequestration injection wells. The proposed rulemaking also includes additional regulations that are more stringent than the requirements of the federal rule. These additional requirements pertain to exclusionary siting criteria and plugging and abandonment of Class VI wells. The proposed rule also includes a fee for the processing of Class VI permit applications.

Jurisdiction over geologic sequestration of carbon dioxide in Oklahoma is divided between DEQ and the Oklahoma

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Corporation Commission (OCC). OCC has jurisdiction over injections into oil reservoirs, gas reservoirs, coal-bed methane reservoirs, and mineral brine reservoirs. DEQ has jurisdiction over injections into all other reservoirs.

The proposed rulemaking also updates references to outdated rules and language.

### **AUTHORITY:**

Environmental Quality Board, 27A O.S. §§ 2-2-101, 2-2-104; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 3-5-103, and 3-5-104.

### **COMMENT PERIOD:**

Written comments may be made, delivered or mailed to the contact person from December 1, 2011, through January 3, 2012. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2012, and at the Environmental Quality Board meeting on February 24, 2012.

### **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012 at 1:00 p.m., at the Department of Environmental Quality, Multipurpose Room, 707 North Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board meeting on February 24, 2012 at 9:30 a.m. at the Department of Environmental Quality, Multipurpose Room, 707 North Robinson, Oklahoma City, OK 73102.

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

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

### **COPY OF PROPOSED RULE:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at [http://www.deq.state.ok.us/WQDnew/wqmac/wqmac\\_details.html](http://www.deq.state.ok.us/WQDnew/wqmac/wqmac_details.html).

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at [http://www.deq.state.ok.us/WQDnew/wqmac/wqmac\\_details.html](http://www.deq.state.ok.us/WQDnew/wqmac/wqmac_details.html).

### **CONTACT PERSON:**

The contact person is Saba Tahmassebi, Ph.D., P.E. He can be reached at [Saba.Tahmassebi@deq.ok.gov](mailto:Saba.Tahmassebi@deq.ok.gov) (email), (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 North Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) working days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #11-1072; filed 11-9-11]*

## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS**

*[OAR Docket #11-1073]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Introduction

252:656-1-1 [AMENDED]

252:656-1-2 [AMENDED]

252:656-1-3 [NEW]

Subchapter 3 Permit Procedures

252:656-3-1 [AMENDED]

252:656-3-2 [AMENDED]

252:656-3-4 [AMENDED]

252:656-3-5 [AMENDED]

252:656-3-6 [AMENDED]

252:656-3-8 [REVOKED]

252:656-3-9 [AMENDED]

252:656-3-10 [AMENDED]

Subchapter 9. General Standards

252:656-9-2 [AMENDED]

Subchapter 25. Wastewater Land Application Systems

252:656-25-1 [AMENDED]

252:656-25-2 [AMENDED]

Subchapter 27. ~~Wastewater Reuse~~ Water Reuse

252:656-27-1 [NEW]

252:656-27-2 [NEW]

252:656-27-3 [NEW]

252:656-27-4 [NEW]

252:656-27-5 [NEW]

### **SUMMARY:**

There are three primary purposes for this rulemaking: to incorporate design, construction and permitting requirements for water reuse systems, to establish application fees for water reuse treatment and reclaimed water distribution systems and to clarify language in existing sections. Water reuse systems take treated wastewater and with additional treatment make it into "reclaimed water" for beneficial reuse. The proposed regulations in this Chapter and the new Chapter 627 establish four categories of reclaimed water. Each category has a different level of treatment and permitted uses. The standards

for land application from lagoon systems were previously found in Chapters 619 and 621, those standards have been moved to this Chapter as "Categories 4 and 5 reclaimed water." The proposed changes to this Chapter are as follows:

1) definitions have been added for "end-of-pipe", "reclaimed water", "UL" and "water reuse";

2) a new Subchapter, 1-3, has been added; it requires permits before constructing wastewater or water reuse systems and before supplying reclaimed water;

3) reclaimed water systems have been added to the permitting requirements in the Permit Procedures Subchapter; the amendments also identify the documents that permit applicants must submit with permit applications; further, applicants must demonstrate that they have the technical and managerial capacity to comply with the requirements of this Chapter and some of the subsections have been renumbered;

4) the Engineering Report section has been amended to include requirements for reclaimed water treatment and distributions systems; the section now includes a list of the information that must be included in engineering reports for those projects and allows permit applicants to use a DEQ approved engineering report form for line extension and lift station construction for non-industrial wastewater systems;

5) the Plans and Specifications section has been amended to include requirements for reclaimed water treatment and distribution systems;

6) the requirement for references to specific applicable standards has been changed from ASTM standards alone, to allow references to ASTM and other applicable standards like UL;

7) water reuse systems in have been added to the Revisions section;

8) Section 3-8, "Financial responsibility" has been revoked because its provisions already exist in Section 3-2(d);

9) DEQ is proposing to charge permitting fees for water reuse systems and reclaimed water distribution systems in accordance with the existing fee structure in section 3-9;

10) the Operation and Maintenance Manual section has been amended to include water reuse systems;

11) the Essential facilities section has been amended to include requirements to prevent cross-connections between potable, sanitary sewer and reclaimed water lines;

12) in OAC 252:656-21-2(j) the citation has been corrected to reference 252:626-11-4(g);

13) in "The slow rate land application process" section, the words "land treatment" have been changed to "slow rate land application";

14) the title of section 252:565-25-2 has been changed to "Slow rate land application system design" and the wording of that section has been amended to clarify that primary treatment of non-industrial wastewater must be completed in a primary lagoon cell before being land applied;

15) new Subchapter 627 contains the operational standards reclaimed water systems, including treatment, storage and distribution;

16) new Appendix A to Subchapter 627 contains the specific treatment requirements for each category of reclaimed water;

17) finally, flushing requirements for reclaimed water systems have been added to appropriate sections of this rule.

### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2011, through December 31, 2011. Oral comments may be made at the Water Quality Management Advisory Council Meeting on January 10, 2012 and at the Environmental Quality Board meeting on February 24, 2012.

### **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 10, 2012 at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 24, 2012 at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

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

DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

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

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday, excluding holidays) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: mark.hildebrand@deq.ok.gov (E-mail); (405) 702-8100 (phone) or (405) 702-8101 (fax). DEQ is located at 707 North Robinson, Oklahoma City, Oklahoma 73102. DEQ's mailing address is P. O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For the hearing impaired, the TDD relay number is

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1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[*OAR Docket #11-1073; filed 11-9-11*]

### **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS**

[*OAR Docket #11-1050*]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 13. Infection Control  
310:667-13-5 [NEW]

#### **SUMMARY:**

310:667-13-5 - The proposed new rule language ensures that all live infants born in Oklahoma are protected against hepatitis B disease by receiving the birth dose of hepatitis B vaccine within twelve hours of birth. This change is necessary because all pregnant women who are at risk of transmitting the hepatitis B virus to their newborn during birth are not being identified prior to delivery.

The following excerpt is from the December 23, 2005, issue of the Centers for Disease Control and Prevention's (CDC) Morbidity and Mortality Weekly Report:

Hepatitis B virus (HBV) is a bloodborne and sexually transmitted virus. Rates of new infection and acute disease are highest among adults, but chronic infection is more likely to occur in persons infected as infants or young children. Before hepatitis B vaccination programs became routine in the United States, an estimated 30%-40% of chronic infections are believed to have resulted from perinatal or early childhood transmission, even though <10% of reported cases of hepatitis B occurred in children aged <10 years (1). Chronically infected persons are at increased lifetime risk for cirrhosis and hepatocellular carcinoma (HCC) and also serve as the main reservoir for continued HBV transmission.

Hepatitis B vaccination is the most effective measure to prevent HBV infection and its consequences. Since they were first issued in 1982, recommendations for hepatitis B vaccination have evolved into a comprehensive strategy to eliminate HBV transmission in the United States. A primary focus of this strategy is universal vaccination of infants to prevent early childhood HBV infection and to eventually protect adolescents and adults from infection. Other components include routine screening of all pregnant women for hepatitis B surface antigen (HBsAg) and postexposure immunoprophylaxis of infants born to HBsAg-positive women, vaccination of children and adolescents who were not previously vaccinated, and vaccination of unvaccinated adults at increased risk for infection.

Source: Centers for Disease Control and Prevention. A comprehensive immunization strategy to eliminate

transmission of hepatitis B virus infection in the United States: recommendations of the Advisory Committee on Immunization Practices (ACIP); Part 1: Immunization of Infants, Children, and Adolescents. MMWR 2005;54(No. RR-16):[inclusive page numbers], <http://www.cdc.gov/mmwr/pdf/wk/mm5506.pdf>.

The Department's Perinatal hepatitis B Program identified 83 babies born to HbsAg positive women in Oklahoma in 2010. The CDC recommends that infants born to HbsAg positive women be given hepatitis B immune globulin (HBIG) and hepatitis B vaccine within 12 hours of birth. Seventy (85.4%) of these babies received both injections within 12 hours, seventy-five (91.5%) received both injections within 24 hours and seventy-seven (93.9%) received both injections within 48 hours of birth. Fifty-two (63.4%) of the infants had received HBIG and all three hepatitis B vaccines by 12 months of age.

The effect of this new rule language will be to help prevent perinatal hepatitis B infection in infants born in licensed hospitals in Oklahoma.

#### **AUTHORITY:**

Oklahoma State Board of Health, 63 O.S. Sections 1-104(B)(2), 1-705(a), and 1-707(A)(9).

#### **COMMENT PERIOD:**

December 2, 2011, through January 11, 2012. Interested persons may informally discuss the proposed rules with Tom Welin, Chief, Medical Facilities; or may, before January 11, 2012, submit written comment to Tom Welin, Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone: (405) 271-6576; electronic mail: [tomw@health.ok.gov](mailto:tomw@health.ok.gov); or may, at the hearing, ask to present written or oral views.

#### **PUBLIC HEARING:**

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 11, 2012, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

#### **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, the increase in the level of direct costs such as fees, and indirect costs such as 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 rule;. Business entities may submit this information in writing before January 11, 2012, to Tom Welin, Chief, Medical Facilities Service,

Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tomw@health.ok.gov.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from staff of the Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 or via electronic mail request to medicalfacilities@health.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the rule.

**CONTACT PERSON:**

Tom Welin, Chief, Medical Facilities, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone: (405) 271-6576; electronic mail: tomw@health.ok.gov.

*[OAR Docket #11-1050; filed 11-4-11]*

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

*[OAR Docket #11-1052]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Consumer Rights [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 2, 2011 until 5:00 p.m., January 3, 2012, 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 2401 NW 23<sup>rd</sup> ST. Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on January 5, 2012, at 9:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**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 January 3, 2012.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at 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 December 16, 2011. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365.

*[OAR Docket #11-1052; filed 11-7-11]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 16. STANDARDS AND CRITERIA FOR COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES**

*[OAR Docket #11-1053]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 16. Standards and Criteria for Community Residential Mental Health Facilities [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 16 are part of the Department's review of Title 450. The proposed rules clarify existing rules.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 2, 2011 until 5:00 p.m., January 3, 2012, 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

## Notices of Rulemaking Intent

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53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2401 NW 23<sup>rd</sup> ST. Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at ggeis@odmhsas.org.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on January 5, 2012, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

### **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 January 3, 2012.

### **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 December 16, 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) 521-6365.

*[OAR Docket #11-1053; filed 11-7-11]*

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**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 27. STANDARDS AND CRITERIA  
FOR MENTAL ILLNESS SERVICE  
PROGRAM**

*[OAR Docket #11-1054]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 27. Standards and Criteria for Mental Illness Service Program [NEW]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rules implement 43A O.S. §3-323A, which

authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify mental illness service programs. Section 3-323A became effective on November 1, 2011, and requires the Board to promulgate rules and standards for optional certification of mental illness service programs.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-323A.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 2, 2011 until 5:00 p.m., January 3, 2012, 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 2401 NW 23<sup>rd</sup> ST. Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **PUBLIC HEARING:**

The Department will conduct a public hearing on January 5, 2012, at 11:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

### **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 January 3, 2012.

### **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 December 16, 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) 521-6365.

*[OAR Docket #11-1054; filed 11-7-11]*

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

[OAR Docket #11-1055]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 53 are part of the Department's review of Title 450. The proposed rules clarify existing rules.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-326.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 2, 2011 until 5:00 p.m., January 3, 2012, 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 2401 NW 23<sup>rd</sup> ST. Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on January 5, 2012, at 1:00 p.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**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 January 3, 2012.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at 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 December 16, 2011. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen

Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365.

[OAR Docket #11-1055; filed 11-7-11]

**TITLE 485. OKLAHOMA BOARD OF NURSING  
CHAPTER 1. ADMINISTRATION**

[OAR Docket #11-1047]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Administration  
485:1-1-1. [AMENDED]

**SUMMARY:**

485:1-1-1. Functions: References are added to certification as an Advanced Unlicensed Assistant. Some functions have been reworded for clarification.

**AUTHORITY:**

Oklahoma Board of Nursing 59 O.S. §§567.2, 567.4.F, 567.5, 567.6, 567.6a, 567.7, 567.12, and 567.12a

**COMMENT PERIOD:**

Persons wishing to submit written comments must do so by January 16, 2012, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, Ed.D., R.N.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 31, 2012, at 5:30 p.m., at the Wyndham Garden Hotel Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 31, 2012.

**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 January 16, 2012, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, Ed.D., R.N.

**COPIES OF PROPOSED RULES:**

Copies of the proposed Rules may be obtained by contacting Gayle McNish, Ed.D., R.N., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

# Notices of Rulemaking Intent

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## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2011. The rule impact statement may be obtained by contacting Gayle McNish, Ed.D., R.N., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

## CONTACT PERSON:

Gayle McNish, Ed.D., R.N., (405) 962-1800

[OAR Docket #11-1047; filed 11-3-11]

## TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #11-1048]

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions

485:10-1-1. [AMENDED]

485:10-1-2. [AMENDED]

485:10-1-3. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-12. [AMENDED]

Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse

485:10-7-1. [AMENDED]

485:10-7-2. [AMENDED]

485:10-7-4. [AMENDED]

485:10-7-5. [AMENDED]

Subchapter 8. Criminal Background Checks for Applicants for Licensure/Certification [NEW]

485:10-8-1. [NEW]

Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse

485:10-9-1. [AMENDED]

485:10-9-2. [AMENDED]

485:10-9-4. [AMENDED]

485:10-9-5. [AMENDED]

Subchapter 10. Advanced Unlicensed ~~Assistive Personnel~~ Assistant

485:10-10-2. [AMENDED]

485:10-10-3. [AMENDED]

485:10-10-5. [AMENDED]

485:10-10-6. [AMENDED]

485:10-10-7. [AMENDED]

485:10-10-8. [AMENDED]

485:10-10-8.1. [AMENDED]

485:10-10-10. [AMENDED]

Subchapter 11. Disciplinary Action

485:10-11-1. [AMENDED]

485:10-11-2. [AMENDED]

485:10-11-3. [AMENDED]

Subchapter 13. Requirements for Employment

485:10-13-1. [AMENDED]

485:10-13-2. [AMENDED]

485:10-13-3. [AMENDED]

Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse

485:10-15-4. [AMENDED]

485:10-15-4.1. [REVOKED]

485:10-15-5. [AMENDED]

485:10-15-6. [AMENDED]

485:10-15-7. [AMENDED]

485:10-15-8. [AMENDED]

485:10-15-9. [AMENDED]

485:10-15-9.1. [NEW]

Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses

485:10-16-1. [AMENDED]

485:10-16-2. [AMENDED]

485:10-16-3. [AMENDED]

485:10-16-4. [AMENDED]

485:10-16-5. [AMENDED]

485:10-16-6. [AMENDED]

485:10-16-7. [AMENDED]

485:10-16-8. [AMENDED]

Subchapter 18. Prescriptive Authority for ~~C.R.N.A.~~ CRNA

485:10-18-2. [AMENDED]

485:10-18-3. [AMENDED]

485:10-18-4. [AMENDED]

485:10-18-5. [AMENDED]

## SUMMARY:

To incorporate 2011 statute changes in the *Oklahoma Nursing Practice Act*, the following revisions have been made throughout the *Rules*. The term "advanced practice nurse" ("APN"), "advanced practitioners" and "advanced practice nursing" are revised to "Advanced Practice Registered Nurse" ("APRN") and "advanced practice registered nursing". The term "advanced registered nurse practitioner" ("ARNP") is revised to "Certified Nurse Practitioner" ("CNP"). The term "recognition" in relationship to advanced practice registered nursing is revised to "license" or "licensure". The terms "registered nurse", "licensed practical nurse", and "advanced unlicensed assistant" or "advanced unlicensed assistive person" are revised to "Registered Nurse", "Licensed Practical Nurse", and "Advanced Unlicensed Assistant". Punctuation has been removed from abbreviations (for example, "R.N." becomes "RN").

485:10-1-2. Definitions: Definitions are added for "continuous incarceration" and "key party" in response to 2011 statute changes. The definition for "core skills" is revised to delete reference to the AUA Advisory Committee as this committee was removed from statutes in 2011.

485:10-1-3. Fees: The fee for temporary recognition for APRNs was deleted from statutes in 2011, thus the fee is

deleted. A reference to an effective date that is now in the past is deleted for survey visits. Clarifying language is added for supervisory physician change requests. No fees are changed or added.

485:10-7-1 and 485:10-9-1. Licensure by examination: The minimum age for licensure by examination for RNs and LPNs is added to incorporate 2011 statute changes.

485:10-7-2 and 485:10-9-2. Licensure by endorsement: The minimum age for licensure by endorsement for RNs and LPNs is added to incorporate 2011 statute changes. Reference to effective dates for requirements for continuing qualifications for practice that are now past are deleted. Clarifying language is added to sections related to endorsement of RNs and LPNs educated outside the United States; and requirements for English language testing are revised to reflect currently available tests. Requirements for CGFNS reports are revised to reflect current titles of reports. The requirements for temporary licenses are revised to reflect that criminal background fingerprint images must be submitted prior to receiving a temporary license.

485:10-7-4, 485:10-7-5, 485:10-9-4, and 485:10-9-5. Reinstatement of license & Inactive status: References to effective dates for requirements for continuing qualifications for practice that are now past are deleted.

485:10-8-1. Requirements for criminal background checks for licensure/certification: 2011 statute revisions included federal criminal background check requirements on initial applications. Requirements to implement federal criminal background checks for applicants for initial licensure and certification, and for applicants for endorsement of licensure are added.

485:10-10-2. Certification training program: References to the Advanced Unlicensed Assistive (AUA) Personnel Advisory Committee ("the working committee") are deleted as this committee was removed from statutes in 2011.

485:10-10-7. Certification: Clarifying language regarding the AUA training program is added. The minimum age for AUA certification is added to incorporate 2011 statute revisions. The requirement for notarization of the AUA application is deleted to allow online application submission.

485:10-11-1. Denial, revocation or suspension of license or certificate: Revisions proposed include clarifying language specific to disciplinary action and aligning language in the *Rules* to the 2011 statute changes. Behaviors termed as unprofessional have been added to include acts recently addressed by the Board of Nursing that are included in the *Nursing Practice Act* but not currently listed in the *Rules*.

485:10-11-2. Hearings: Changes proposed include the addition of timelines for receipt of continuance requests, discovery, and pre-hearing motions to avoid receipt of such the day before or day of the scheduled hearing, allowing time for review prior to the case hearing. Subpoenas are also addressed in this section providing clarifying language related to subpoena requests and delivery, and aligning the *Rules* to the statute change that the agency issues the subpoenas.

Clarification is added related to the Board's ability to take emergency action with regard to a respondent's license.

485:10-11-3. Informal disposition: Changes address clarifying language that should the Board not accept the recommendation of the Informal Disposition Panel, a case will be set and notice given for a hearing before the full Board thereby eliminating reference in the *Rules* to the next Board meeting.

485:10-15-4. Application: The January 1, 2016, requirement for APRN education and certification in one of the population foci is added to align the *Rules* to 2011 statute revisions. Clarifying language is added regarding certification that is consistent with APRN educational preparation and adding new certifications. 2011 statute revisions allow endorsement of APRN licensure from another state or territory, thus rules are added to specify the requirements. Requirements for certification programs are moved from other sections of the *Rules*, and language clarified.

485:10-15-4.1. Temporary recognition: 2011 statute revisions deleted the ability to obtain APRN temporary recognition prior to achieving certification, thus rules related to this are being deleted.

485:10-15-5. Recognition, renewal, reinstatement, and inactive status: Requirements for continuing qualifications for practice as an APRN are added.

485:10-15-6. Practice as an Advanced Registered Nurse Practitioner: To incorporate 2011 statute revisions, requirements for graduate level education and certification in a population focus effective January 1, 2016, are added. Requirements for national certification are moved to 485:10-15-4.

485:10-15-7. Practice as a Clinical Nurse Specialist: Requirements for educational preparation are revised to delete outdated language and incorporate 2011 statute revisions. Requirements for national certification are moved to 485:10-15-4.

485:10-15-8. Practice as a Certified Nurse-Midwife: Requirements for educational preparation are revised to incorporate 2011 statute revisions. A requirement for enrollment in a current cycle of continuing competency assessment (CCA) or Certificate Maintenance Program is deleted, as requirements for re-certification have now been established by the American Midwifery Certification Board for all Certified Nurse-Midwives. Certain information is deleted, as it is duplicative of other sections of the *Rules*.

485:10-15-9. Practice as a Certified Registered Nurse Anesthetist: Requirements for educational preparation are revised to incorporate 2011 statute revisions. Other language is revised to provide consistency with other sections of the *Rules*.

485:10-15.9.1. Approval of advanced practice education programs: Requirements for approval of advanced practice education programs are added to incorporate 2011 statute revisions, including requirements for establishment of a new advanced practice education program, and requirements for

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reports to the Board. These requirements will take effect January 1, 2016.

485:10-16-3. Initial application [for prescriptive authority recognition]: Language is revised to provide consistency with the definition of a "course in pharmacotherapeutic management" in 485:10-16-1. In addition, language is added to end a current exception for Clinical Nurse Specialists on January 1, 2016, to align the *Rules* to 2011 statute revisions.

485:10-16-6. Renewal: Current language is clarified to reflect that continuing education hours used for renewal of prescriptive authority recognition must be applicable to the specialty certification.

485:10-16-7. Reinstatement/Inactive Status: Current law requires the APRN to provide notification of a change of supervising physician within 30 days of the change. If the APRN does not notify the Board office of a change within 30 days of the change, disciplinary action may be taken. Language that requires the Board to automatically place the APRN's prescriptive authority recognition on inactive status upon notification that the nurse does not have a current physician supervising prescriptive authority is deleted.

485:10-18-2. Initial application [for CRNA prescriptive authority]: The ability to use academic hours, in addition to continuing education hours, is added. A requirement for professional liability insurance is deleted to be consistent with 2011 statute revisions to the *Oklahoma Nursing Practice Act*.

### **AUTHORITY:**

Oklahoma Board of Nursing 59 O.S. §§567.2, 567.3a.5, 567.3a.6, 567.3a.7, 567.3a.8, 567.3a.10, 567.3a.13, 567.4.F, 567.4a.2, 567.4a.3, 567.4a.6, 567.5.A, 567.5.B, 567.5.C, 567.5.D, 567.5a.A, 567.5a.B, 567.5a.C, 567.5a.D, 567.5a.E, 567.6.A, 567.6.B, 567.6.C, 567.6.D, 567.6a.A, 567.6a.B, 567.6a.C, 567.7.A, 567.7.B, 567.8.A, 567.8.B, 567.12a.A, 567.12a.B, 567.18.A, and 567.18.B; 75 O.S. § 314.1

### **COMMENT PERIOD:**

Persons wishing to submit written comments must do so by January 16, 2012, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, Ed.D., R.N.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 31, 2012, at 5:30 p.m., at the Wyndham Garden Hotel Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 31, 2012.

### **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 January 16, 2012, at 4:30 p.m., to the Oklahoma Board of

Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, Ed.D., R.N.

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

Copies of the proposed *Rules* may be obtained by contacting Gayle McNish, Ed.D., R.N., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2011. The rule impact statement may be obtained by contacting Gayle McNish, Ed.D., R.N., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

### **CONTACT PERSON:**

Gayle McNish, Ed.D., R.N., (405) 962-1800

[OAR Docket #11-1048; filed 11-3-11]

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

[OAR Docket #11-1061]

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

595:25-1-2. Definitions [AMENDED]

595:25-1-3. General policies [AMENDED]

Subchapter 5. All Wrecker Operators [AMENDED]

595:25-5-6. Schedule of rates and fees; ~~indoor storage~~ [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements [AMENDED]

595:25-9-1. Oklahoma Highway Patrol Rotation Log [AMENDED]

### **SUMMARY:**

Amendments to this chapter would update the authority of the Department to "license, supervise, govern and control wrecker vehicles and wrecker or towing services".

The proposed action is to amend existing rule.

The circumstance which created the need for this rule was enactment of EHB 1743 (2011).

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by state 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 until 4:30 p.m., Tuesday January 3, 2012.

**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 4:30 p.m., Tuesday January 3, 2012, 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 Department's website <http://www.dps.state.ok.us/rules/> or 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](mailto:dbeatty@dps.state.ok.us)

*[OAR Docket #11-1061; filed 11-9-11]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #11-1059]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 13. Minority Teacher Recruitment Center [REVOKED]
- 610:1-13-1. Purpose [REVOKED]
- 610:1-13-2. Minority Teacher Recruitment Advisory Committee [REVOKED]
- 610:1-13-3. Programs and services [REVOKED]

**SUMMARY:**

It is proposed that the rules be revoked for the following reason. House Bill 1015 was signed into law by the Oklahoma State Legislature on April 13, 2011. The law altered the statutory status of the MTRC. Specifically, an act was passed relating to sunset; amending 74 O.S. 2001, Section 3906, as

last amended by Section 2, Chapter 165, O.S.L. 2010 (74 O.S. Supp. 2010, Section 3906), which relates to the termination of certain statutory entities; re-creating certain entities; and modifying termination date. Among other provisions, the measure included the elimination of the MTRC Advisory Committee as created by Section 6-129.1 of Title 70 of the Oklahoma Statutes.

**AUTHORITY:**

74 O.S. §3906, 70 O.S. §§ 6-129.1 and 6-130, Oklahoma State Regents for Higher Education

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2011

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2011.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2011.

**CONTACT PERSON:**

David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #11-1059; filed 11-8-11]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #11-1060]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 23. Oklahoma Higher Learning Access Program
- 610:25-23-2. Eligibility of participants [AMENDED]
- 610:25-23-3. Applications [AMENDED]
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-5. Securing program benefits [AMENDED]

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610:25-23-6. Retaining eligibility in postsecondary education [AMENDED]

610:25-23-8. Administrative responsibilities [AMENDED]

610:25-23-9. Heroes Promise [NEW]

### SUMMARY:

The proposed rule changes address the following issues:

#### 1. Second Family Income Check When Oklahoma's Promise Students Begin College

Beginning with the 2012 high school graduating class, Oklahoma's Promise students will be subject to a second family income check at the time they start college. If the student's family income exceeds \$100,000 at that time, the student will permanently lose their eligibility for the Oklahoma's Promise award. Data from 2009 Oklahoma's Promise college freshmen indicates that about 2 percent of the freshmen students may lose their eligibility for the award due to this provision.

- SB 610 changed and simplified the definition of the income that will be counted toward the \$100,000 limit to "federal adjusted gross income." Previously, the law had defined income as all "taxable and nontaxable" income. This change will significantly reduce the complexity of implementing the second income check. However, this definition change applies only to the second income check at the time the student begins college. The definition of income for the \$50,000 family income limit when the student initially applies for Oklahoma's Promise in the 8th, 9th, or 10th grade has not changed and remains defined as all "taxable and nontaxable" income.

- The amendments clarify that income information submitted by students and their parents through the Free Application for Federal Student Aid (FAFSA) will be used to determine compliance with the new second income check.

#### 2. New College Grade Point Average (GPA) Requirements

Oklahoma's Promise students starting college in fall 2012 and each year thereafter will be subject to new statutory GPA standards that require the student to "achieve a minimum cumulative grade point average of 2.0 on a 4.0 scale or its equivalent for courses taken through the student's sophomore year and achieve a minimum grade point average of 2.5 on a 4.0 scale or its equivalent for courses taken during the student's junior year and thereafter" (Title 70, Section 2603 of the Oklahoma Statutes).

- The rule revisions reflect an amendment in SB 610 to delay the implementation of new college GPA requirements so that they will apply to students entering college in 2012 and thereafter. This statutory change was requested by the State Regents so that the requirements would not be applied to students/parents for whom it was not a condition at the time the student enrolled in the program in the 8<sup>th</sup>, 9<sup>th</sup>, or 10<sup>th</sup> grade.

- Students that do not have at least a 2.0 cumulative GPA upon the completion of 60 earned semester credit hours will permanently lose their eligibility for the Oklahoma's Promise award. 2009-10 data indicates that possibly 10 percent of Oklahoma's Promise college sophomores may be disqualified.

- Students must also achieve at least a 2.5 cumulative GPA calculated only on courses taken after the completion of 60

earned semester credit hours. If the student's GPA for these courses drops below 2.5, the student will lose eligibility for the award until they raise their GPA to 2.5. Data compiled from 2009-10 Oklahoma's Promise award recipients indicates that possibly 18 percent of college juniors in the program may be disqualified.

#### 3. Federal "Satisfactory Academic Progress" (SAP) Standards

HB 1421 requires that, beginning in 2012-13, all Oklahoma's Promise college students (not just entering freshmen) meet the "satisfactory academic progress" (SAP) standards required for the retention of federal student financial aid. Federal SAP policy contains both GPA requirements and minimum standards for completing courses in which the student enrolls. This requirement is in addition to the statutory GPA requirement discussed above and will apply to all Oklahoma's Promise award recipients whether or not they are also receiving federal student financial aid. Any Oklahoma's Promise student who is ineligible to receive federal financial aid for failure to meet institutional SAP requirements will also be ineligible to receive the Oklahoma's Promise award. If the student regains their eligibility for federal student aid, the student could also regain their eligibility for the Oklahoma's Promise award. A survey of Oklahoma colleges and universities earlier in 2011 indicated that possibly 3 percent of Oklahoma's Promise students might be disqualified for failure to meet the SAP standards.

#### 4. "Heroes Promise" legislation

HB 1343 created a new unique category of participation in the Oklahoma Higher Learning Access Program for children of military personnel killed in the line of duty after January 1, 2000. This new category is called the "Heroes Promise." The legislation establishes some unique provisions for these students, including the following:

- Allows an eligible student up to age 21 to enroll in the program and begin receiving the benefit in college.

- Exempts eligible students from the program's family income limits, both at the time of application and at the time the student begins college.

- Exempts eligible students from the high school curricular and conduct standards.

#### 5. Other Changes and Clarifications

- The amendments clarify that an incomplete application must be completed by the official date of the student's graduation from high school or the last day of classes for that school year, whichever is later.

- The amendments delete language describing the high school curricular requirements that applied to students graduating high school in 2010 and prior years.

- The amendments add pre-calculus to the list of math courses eligible to meet the math high school curriculum requirements, a change that has already been made to the regular college admission curricular requirements.

- The amendments clarify language related to a few administrative activities and documents.

**AUTHORITY:**

70 O.S. §2601 *et seq.*; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 31, 2011.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 31, 2011.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after December 1, 2011.

**CONTACT PERSON:**

David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #11-1060; filed 11-8-11]*

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

*[OAR Docket #11-1042]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Operations and Procedures [AMENDED]

**SUMMARY:**

These rules will amend an Outdoor Store item by updating the price for a Cy Curtis book according to current production costs and will include a one-year subscription to Outdoor Oklahoma magazine.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 13, 2012, at the following

address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 10, 2012

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

**Poteau** - Kiamichi Vo-Tech Center, 1509 South McKenna  
**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 13, 2011 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Nels Rodefeld, Chief of I&E Division, 405/521-3855 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #11-1042; filed 10-27-11]*

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

*[OAR Docket #11-1043]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Sport Fishing Rules [AMENDED]

**SUMMARY:**

These rule changes would put the Raymond Gary area in the Conservation fishing areas, delete the slot limit on large and smallmouth bass at Lake Elmer Thomas, add Black Kettle National grasslands to list of impoundments with 14 inch length limit on black bass, standardize regulations statewide on striped bass to a limit to five except for lake Texoma, standardize regulations on Kaw Reservoir and remove trout license requirements which were eliminated under Title 29; 4-120.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103, 4-120, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 13, 2012, at the following address: Oklahoma Department of Wildlife Conservation,

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Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

### **PUBLIC HEARINGS:**

**Date:** January 10, 2012

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

**Poteau** - Kiamichi Vo-Tech Center, 1509 South McKenna  
**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

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

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 13, 2011 at the above address for the Oklahoma Department of Wildlife Conservation.

### **CONTACT PERSON:**

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #11-1043; filed 10-27-11]*

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

*[OAR Docket #11-1044]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 25. Wildlife Rules [AMENDED]

### **SUMMARY:**

These rules will expand the hunting opportunity on Keystone Lake Corps land; allow anyone hunting small game or furbearers with a rifle larger than a .22 caliber in an area with an antelope season after September to not be required to have a valid antelope tag; make it unlawful to possess an American Alligator; require antelope and elk annual license holders to complete the 'Record of Game'; change bag limit on youth deer season to allow 2 deer, no more than 1 buck; remove daily bag limits and increase season bag limits on certain furbearers; add regulations for newly acquired property in Beaver County and make permanent the emergency rules for Cross Timbers WMA; expand bear hunting opportunities; increase hunting opportunity on several WMA's; revise regulations on transfer of landowner doe antelope permits; and increase acreage and requirements to enroll in the deer management assistance program.

### **STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103, 4-144 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 13, 2012, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

### **PUBLIC HEARINGS:**

**Date:** January 10, 2012

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

**Poteau** - Kiamichi Vo-Tech Center, 1509 South McKenna  
**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

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

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 13, 2011 at the above address for the Oklahoma Department of Wildlife Conservation.

### **CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #11-1044; filed 10-27-11]*

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

*[OAR Docket #11-1045]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Department of Wildlife Lands Management [AMENDED]

### **SUMMARY:**

These changes will establish rules on camping and non-hunter use of the Cross Timbers WMA, increase opportunities on Vann's Lake Refuge, make the ORV rules consistent on Honobia Creek WMA with other WMA's, and make it unlawful to bait wildlife on Wildlife Management Areas.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 13, 2012, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 10, 2012

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation Auditorium, 1801 N. Lincoln Blvd.

**Poteau** - Kiamichi Vo-Tech Center, 1509 South McKenna

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 13, 2011 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #11-1045; filed 10-27-11]*

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# 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 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

*[OAR Docket #11-1049]*

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 23. Registration  
10:15-23-2.1 [NEW]  
Subchapter 25. Permits  
10:15-25-4 [AMENDED]

### AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5(B)(6)

### DATES:

#### Adoption:

September 30, 2011

#### Approved by Governor:

October 28, 2011

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature

#### SUPERSEDED EMERGENCY ACTIONS:

N/A

#### INCORPORATED BY REFERENCE:

N/A

#### FINDING OF EMERGENCY:

Title 59 O.S. Section 15.15A, as amended, became effective as of August 26, 2011, and allows for non-CPA ownership of public accounting firms. Due to the general public's reliance on public accounting firms meeting specific professional standards, emergency rules are needed to address the qualifications of the non-CPA owners.

#### ANALYSIS:

10:15-23-2.1 [NEW] sets out qualification standards for non-CPA owners of public accounting firms as allowed by Title 59 O.S. Section 15.15A, as amended. 10:15-25-4 [AMENDED] changes the attestation clause a public accounting firm must submit in order to apply for a permit to practice. Per the new amended language, the individual signing would also attest that non-CPA owners of the firm are qualified individuals as set out in 10:15-23-2.1.

#### CONTACT PERSON:

Randall A. Ross, Executive Director (405) 522-4464

**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 23. REGISTRATION

### 10:15-23-2.1. Non-CPA owners of public accounting firms or affiliated entities

(a) A firm which includes non-CPA owners may not qualify for a firm registration and permit unless every non-CPA owner of the firm:

- (1) is an individual;
- (2) is actively providing personal services in the nature of management of some portion of the firm's business interest or performing services for clients of the firm or an affiliated entity;
- (3) is of good character as defined in Section 15.9 of the Act;
- (4) is not a suspended or revoked CPA or PA;
- (5) is registered with the Board in the same manner as a CPA under Section 15:14 of the Oklahoma Accountancy Act on a form prescribed by the Board.

(b) Each of the non-CPA owners who are residents of Oklahoma must:

- (1) be in compliance with Oklahoma tax laws;
- (2) provide evidence of the successful completion (90% or better), within the past 365 days prior to initial registration, of the AICPA Ethics Examination or its equivalent as determined by the Board;
- (3) comply with the Rules of Professional Conduct as set out in 10:15-39-1;
- (4) hold a baccalaureate or graduate degree conferred by a college or university, or equivalent education as determined by the Board;
- (5) maintain any professional designation held by the individual in good standing with the appropriate organization or regulatory body that is identified or used in an advertisement, letterhead, business card, or other firm-related communication;
- (6) maintain continuing education in accordance with Section 10:15-32-1, provided credit shall be given for any other professional CPE or equivalent professional continuing education earned;
- (7) submit to a national criminal history record check. The costs associated with the record check shall be paid by the non-CPA owner.

# Emergency Adoptions

(c) A "Non-CPA Owner" includes any individual who has any financial interest in the firm or any voting rights in the firm.

## SUBCHAPTER 25. PERMITS

### 10:15-25-4. Firm permits

- (a) Each firm permit shall have a maximum term of one (1) year unless extended by the Board and shall expire on June 30 following the date of issuance.
- (b) The application for renewal of a firm permit shall be filed with the Board in a format prescribed by the Board prior to the expiration of the permit currently held.
- (c) Each firm with an office located in Oklahoma applying for a permit to practice as a certified public accountant firm or as a public accountant firm shall submit a written affidavit signed by an owner, partner, member or shareholder demonstrating compliance with the requirements set out in Section 15.15A of the Oklahoma Accountancy Act and attesting that each partner, shareholder, owner, member and certified or licensed employee of the firm serving Oklahoma clients holds a valid individual permit, ~~or~~ enters the state under the provisions of Section 15.12A of the Act, or is a non-CPA owner as provided for in 10:15-23-2.1.
- (d) A firm is required to hold a valid permit if that firm is serving Oklahoma clients from outside this state only if such firm is providing services under the provision of Section 15.12A.A.5 of the Act.
- (e) Each firm required to hold a permit shall pay the applicable fee.

[OAR Docket #11-1049; filed 11-3-11]

## TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 1. STATE BOARD OF EDUCATION

[OAR Docket #11-1056]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 3. Departmental Precepts

210:1-3-2. Annexation, consolidation, ~~and~~ dispensation, and severance determination [AMENDED]

### AUTHORITY:

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

### DATES:

#### Adoption:

September 28, 2011

#### Approved by Governor:

October 28, 2011

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The proposed rule amendments will clarify and implement an application procedure and method for determining severance prior to the State Board of Education needing to act on upcoming severance applications. Currently, there are four different school districts that have been affected by annexation and/or consolidation or who have employees who will be applying for severance by September 2, 2011.

### ANALYSIS:

The proposed rule amendments include a new section entitled "severance determination". When a school district undergoes annexation or consolidation, the districts who annex or consolidate the closing district receive money from the State Department of Education from the School Consolidation Assistance Fund. This Fund is used to cover costs districts incur during the process, including payment of severance to district employees dismissed due to the annexation or consolidation. The proposed amendments will provide a true application process and a method and procedure for determining severance. It will also provide due process for applicants affected by the severance determinations made by the State Board of Education. Because the State Board of Education is charged with the duty to manage the School Consolidation Assistance Fund, the proposed rules that create a procedure for severance determination will greatly assist the Board in fulfilling this statutory duty.

### CONTACT PERSON:

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

## SUBCHAPTER 3. DEPARTMENTAL PRECEPTS

### 210:1-3-2. Annexation, consolidation, and dispensation, and severance determination

(a) **State Board of Education role.** The State Board of Education's role is: to receive and implement an order from the State Superintendent which declares that all or part of a district has been voted to be annexed, following statutory requirements, to adjacent or transporting district(s); to decide on the division of assets and property of a disorganized district in the event the problem cannot be resolved by the boards of annexing districts; and to set standards, promulgate rules and procedures, and conduct studies relating to the consolidation of two or more adjacent school districts. [70:7-105 & 106]

### (b) **Mandatory annexation.**

(1) Mandatory annexation will be considered by the State Board of Education upon occurrence of the following situations:

(A) When a school district has been declared "academically at-risk" pursuant to 70 O.S. 1989, §1210.541.

(B) When a school district is nonaccredited by the State Board of Education.

(C) When a district, without officially dispensing with school, fails to open or maintain a school (except when situations beyond the control of the district cause a normal delay). [Title 70 O.S. § 8-106].

(2) When it comes to the attention of the State Board of Education that a local school district is facing the possibility of mandatory annexation, the State Board of Education shall provide the district with an opportunity to be heard. The State Board of Education shall notify the superintendent and each school board member of the time, date and place of the meeting. At the meeting, representatives of the school district, including patrons, shall have an opportunity to address the State Board of Education and to provide information to the Board. The President of the State Board of Education may set time limits on individual presentations and may require groups to select a representative to speak on behalf of the group.

(3) When the State Board of education determines that a local school district is to be mandatorily annexed, the following steps will be followed:

(A) The Board will notify one or more of the potential receiving districts that they are responsible for taking an inventory of property and securing the buildings and other property of the district being mandatorily annexed. In selecting the district(s) responsible for this procedure, the State Board of Education may rely on recommendations from the State Superintendent.

(B) The State Board of Education will immediately notify the district superintendent of the Board's action.

(C) The state superintendent shall notify the parents or legal guardians of all students in the district being annexed that they must apply for a transfer to the state superintendent within 10 days of the State Board of Education's action to annex. The state superintendent may require the parents to furnish a legal description of their residence at the time the transfer request is made.

(D) Once the state superintendent has received the transfer requests, she/he shall notify the State Department of Education, in writing, of the breakdown of where students are asking to attend school by transfer and provide the State Department of Education with the legal description of the residence of each student.

(E) The State Department of Education will utilize the transfer requests and legal descriptions submitted to the state superintendent as a guide in plotting the proposed boundary lines for dividing the annexed district. To the maximum extent possible, the preference of the students and parents shall be acknowledged.

(F) The State Department of Education will present the proposed boundary lines for division of the annexed district to the State Board of Education for approval. The proposal shall be accompanied by the legal description of the property being annexed.

(G) The assets and liabilities of the annexed district shall become part of the annexing districts. When an annexing district assumes a debt incurred by the annexed district prior to July 1, the district assuming the debt should receive a comparable portion of the assets.

(H) When two or more annexing districts are involved in the division of an annexed district, the assets and liabilities are divided by agreement between the boards of education. If the boards of education are unable to agree, the matter shall be divided by the State Board of Education.

(c) **Consolidation of school districts.**

(1) A petition by the board of education of any school district desiring a study of the consolidation of such school district with another school district or districts, or proposing such consolidation, shall be signed by the president and clerk of such board of education, and such petition shall be considered by the State Board of Education at its next regular meeting. If a study of the proposed consolidation is deemed proper and advisable, the Secretary of the State Board of Education shall forthwith advise the boards of education of all districts involved that a study of the proposed consolidation is going to be made.

(2) The State Board of Education reserves the right to make a study of the advisability of consolidating two or more school districts in any area of the State, on its own initiative, and without any petition from a board of education. When such decision is made, each school district involved shall forthwith be advised that such study is going to be made, and such districts shall be directed to determine, by such procedures as the State Board of Education may prescribe what, if any, consolidation should be carried on in the area under study.

(3) All studies of the advisability of consolidation shall be under the direction of the President of the State Board of Education, who shall utilize the services of appropriate divisions of the State Department of Education.

(4) If after a study of the population, wealth, terrain, trade areas and other pertinent factors, it is determined that two or more school districts should be consolidated, the board of education of each school district involved shall be so advised.

(5) No election to determine consolidation shall be called or held unless there shall have been filed with the State Board of Education a petition therefore, signed by a majority of the school district electors of each school district included in the proposed consolidation. When such a petition is received and is determined to be sufficient, the State Board of Education shall call an election for the purpose of affording to the school district electors in the school districts involved an opportunity to express their wishes through a majority vote of the school district electors in the entire territory involved. Notice of such election, stating the time and date thereof and the polling places, shall be posted in five (5) public places in each school district involved, not less than ten (10) days before date of such election. Such election shall be conducted by one or more members of the State Department of Education, as designated by the President of the State Board of Education.

(6) If a majority vote at such election is in favor of consolidation, the State Board of Education shall issue a written order to such effect, declaring the participating

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school districts dissolved and the new school district established. Copies of such order shall be sent to the county treasurer, county assessor and the county clerk of each county in which the districts involved are situated, and to the Oklahoma Tax Commission, and to the board of education of each school district involved. If a majority vote at such election is not in favor of consolidation, the State Board of Education shall make a written order to such effect, and shall send a copy thereof to the board of education of each school district involved.

(7) The local board of education members representing the school district having the largest number of enumerated children shall serve as board members of the newly-formed school district for the remainder of their term.

(8) All liabilities, assets, powers and duties shall become the responsibility of the newly-formed school district.

(d) **Dispensing with a school district.**

(1) Should residents of a district desire to dispense with all or part of this school district, it is the duty of the State Superintendent to notify the State Board of Education of a majority vote of eligible electors at an annual or special election or by a petition signed by sixty (60) percent of eligible school district electors to dispense with either grades 1 thru 8 or grades 9 thru 12, or both, and such procedure shall be accomplished prior to June 30. Subsequently, parents of such children in the dispensed grades should file an application transfer for the ensuing year with the State Superintendent. Any district which dispenses with its entire school district for the ensuing year shall be mandatorily annexed on July 1 by the State Board of Education to an adjacent school district(s) to which pupils have been transferred.

(2) Provided that if a school district does not officially dispense with its school following the preceding procedure and fails to open and maintain a school during such ensuing year, the State Board of Education, except as otherwise provided, shall at its next regular meeting annex such district, as provided by law. [70-8-106]

(e) **Guidelines and forms.** Copies of corresponding State Department of Education forms and guidelines for the implementation of annexations/consolidation are available from the consolidation officer of the State Department of Education.

**Severance determination.** Pursuant to 70 O.S. §7-203(B), the State Board of Education may promulgate rules regarding its authority to budget and make expenditures of monies contained in the School Consolidation Fund. School Consolidation Funds can be used by annexing or consolidating districts to provide employment assistance in the form of severance for school district employees who are dismissed due to annexation or consolidation under 70 O.S. §7-203(B)(1)(c). The procedure for employees to make a severance application and receive a severance determination is as follows:

(1) To qualify for severance, district employees (teachers, administrators, and support personnel) must first seek severance allowance from the annexing or consolidating

district(s) prior to making application to the State Department of Education.

(A) Any annexing or consolidating school district(s) that receive School Consolidation Funds must accept and consider all requests for severance made by district employees who were dismissed due to annexation or consolidation, but not subsequently employed by the consolidating or annexing district(s).

(B) The annexing or consolidating district(s) may elect to award qualifying employees a severance in an amount up to and not to exceed eighty percent (80%) of the individual's salary or wages, exclusive of fringe benefits.

(C) Severance allowance from the annexing or consolidating district(s) is permissible in any amount from 0% to 80% of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation.

(D) For the purposes of calculation, the district(s) shall include only the salary or wages actually paid to the employee for the school year preceding the consolidation or annexation.

(E) Applications for severance shall be considered on an individual case by case basis.

(F) Each district shall promulgate their own rules and procedures for accepting, reviewing, and awarding severance. The criteria used for awarding severance must be measurable, objective, non-discriminatory, and uniformly applied.

(2) If the annexing or consolidating district makes an award of employment assistance in the form of severance, the district employee will not be eligible to make application to the State Department of Education for severance allowance unless the employee has also been denied unemployment compensation.

(3) Unemployment benefits received by any district employee dismissed due to annexation or consolidation may be counted as a form of employment benefit under 70 O.S. §7-203(B)(1)(c). Unemployment compensation may be considered as part of the total employment assistance received and may be taken into account or offset when severance allowance determinations are made.

(4) If a district employee is not employed by the annexing or consolidating district(s) and is subsequently denied severance or unemployment compensation by the annexing or consolidating district(s), pursuant to 70 O.S. §7-203(B)(1)(c), the district employee will be eligible to make an application for severance to the State Board of Education. Qualifying applicants shall receive a severance allowance from the State Board of Education pursuant to the following procedure:

(A) Severance allowance from the State Board of Education shall be in an amount up to and not to exceed eighty percent (80%) of the individual's salary or wages, exclusive of fringe benefits. An award of a severance allowance by the State Board of Education

will be made only if: (i) the applicant was not employed by the consolidating or annexing district and (ii) severance or unemployment compensation was denied at the district level.

(B) Severance allowance from the State Department of Education can be in any amount from 0% to 80% of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation.

(C) For the purposes of calculation, the State Department of Education shall include only the salary or wages actually paid to the employee by the district for the school year preceding the consolidation or annexation.

(D) Only timely applications for severance received by the State Department of Education, Finance Division, will be considered. All applications for severance to the State Department of Education must be received no later than September 1 of the fiscal year immediately following the fiscal year in which the annexation or consolidation occurred. The application for employment assistance in the form of severance can be found on the SDE website, [www.sde.ok.gov](http://www.sde.ok.gov), or by contacting the State Department of Education, Finance Division.

(5) Severance allowance by the State Department of Education can be denied only for good cause with supporting documentation of the following:

(A) The applicant was hired by the consolidating or annexing district(s), regardless of the number of hours, part time or full time status, or rate of pay.

(B) The applicant was dismissed or non-reemployed by the local school district board for reasons other than consolidation or annexation (i.e. reduction in force or inability to pay due to financial exigency).

(C) The applicant received severance from the consolidating or annexing district(s) and in addition to unemployment compensation.

(6) Severance allowance by the State Department of Education can be reduced or adjusted below eighty (80%) percent of the applicant's salary or wages, excluding fringe benefits, for good cause with supporting documentation. Good cause to reduce or adjust severance can include, but is not limited to, consideration of the following:

(A) The annexation or consolidation was mandatory rather than voluntary.

(B) The applicant's length of service to the district.

(C) The applicant's service record, job performance, or conduct warrants consideration of a reduction or adjustment in severance. The application of this criteria must be supported by verifiable documentation and evidence that is made available for the Board's review.

(D) The applicant was hired by the local school board after the annexation or consolidation election

results are called by the State Superintendent of Public Instruction.

(E) The applicant was hired by the local school board after the State Board of Education voted to non-accredit the district.

(F) The applicant failed to apply for or make an attempt to gain employment with the consolidating or annexing district(s).

(G) The applicant failed to apply for or attempt to obtain a severance allowance from the consolidating or annexing district(s).

(H) The applicant received unemployment compensation. The amount of unemployment compensation received can be considered an offset when determining severance.

(7) Severance Determinations. Upon receiving the application for severance the State Department of Education, Finance Division staff shall review the applications for severance and make a written recommendation to the State Board of Education regarding each severance application. Each severance application will be considered on an individual case by case basis and a recommendation for severance allowance or denial will be made by the SDE staff to the State Board of Education in writing during a regularly scheduled Board of Education meeting.

(A) The applicant will be notified of the SDE staff recommendation and will be given written notice of the time, place, and date of the regularly scheduled State Board of Education meeting that the Board will consider and voting upon the SDE staff recommendation for severance.

(B) The State Board of Education will vote on all SDE staff recommendations for severance in open meeting. All votes of the State Board of Education approving or denying a severance application will be considered a final order of the Board.

(8) The applicant will be notified in writing of the State Board of Education's final determination regarding severance allowance. The applicant will have ten (10) days from the date the notification of severance determination is received within which time to file a petition for appeal or reconsideration of the Board's determination.

(9) Any petition, reconsideration, or hearing on the Board's final order regarding severance shall be made pursuant to, and governed by, the Due Process Procedures of the State Board of Education as outlined in 210:1-5-1 of the Oklahoma Administrative Code.

(f) **Guidelines and forms.** Copies of corresponding State Department of Education forms and guidelines for the implementation of annexations/consolidation and severance are available from the consolidation officer of the State Department of Education.

*[OAR Docket #11-1056; filed 11-7-11]*

# Emergency Adoptions

## TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 1. STATE BOARD OF EDUCATION

[OAR Docket #11-1057]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 5. Due Process

210:1-5-7. Teacher evaluation, dismissal and nonreemployment  
[AMENDED]

210:1-5-8. Teacher due process hearings; hearing procedures;  
~~probationary teachers~~ [AMENDED]

### AUTHORITY:

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

### DATES:

#### Adoption:

September 28, 2011

#### Approved by Governor:

October 7, 2011

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The trial de novo process is revoked effective August 26, 2011. Any delay in implementing the proposed rule amendments could negatively impact districts from being able to make termination decisions. Administrators and superintendents will need to have procedures for teacher termination in place for the 2011-2012 school year.

### ANALYSIS:

House Bill 1380 reforms the dismissal procedures for career teachers by giving superintendents and local school boards the ability to dismiss or nonreemploy teachers in a timely manner by repealing the trial de novo process.

### CONTACT PERSON:

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

## SUBCHAPTER 5. DUE PROCESS

### 210:1-5-7. Teacher evaluation, dismissal, and nonreemployment

#### (a) Teacher Evaluation, Dismissal, and Nonreemployment Act.

(1) The State Board of Education recognizes its regulatory and leadership role in the implementation of this statute and commits its cooperation accordingly. It believes that the most effective vehicle to promote professional growth is self-motivation. The teacher should be the prime recipient of the benefits of teacher evaluation

thus identifying his/her own needs for improvement. The evaluation instrument serves as one objective measure by which administrators and boards of education can validly infer inadequate competencies of both teachers and administrators.

(2) The State Board of Education believes that grievances between boards of education and teachers can best be settled in the locale and thus supports the principle of due process before the local school board. It further supports the right of appeal in the exercise of human rights.

(b) **Duties.** The law requires the State Board of Education to develop and adopt standards and procedures to be followed in due process hearings of local boards of education. Such standards are to follow the pattern of the Administrative Procedures Act [75-301-308.2].

(c) **Written policy of evaluation.** A teaching principal may conduct teacher evaluations if so designated by the local board of education.

(d) **Minimum criteria for establishing evaluation systems.** The written policy and procedures will facilitate the implementation of the Teacher Evaluation Law of 1977, as amended by House Bill No. 1466 (70-6-102.2). Written policy of evaluation for all teachers and administrators is to be based on minimum criteria developed by the State Board of Education and shall include both teaching and administrative criteria. Each board of education shall maintain and annually review the evaluation policy. Each district's evaluation system should contain the following elements:

(1) A written policy addressing purpose, goals, objectives, targets, procedures, methods, and uses of the evaluation system. This policy shall be developed by the board in consultation with representative teachers and administrators.

(2) Procedures for making evaluation information available to all affected personnel.

(3) A listing of the evaluation and hearing steps.

(4) Written performance criteria by which to evaluate all certificated staff. This must include, but is not limited to, state mandated minimum criteria for effective teaching performance and minimum criteria for effective administrative performance.

(5) Dates (or a schedule) for evaluation visits for probationary and tenured staff.

(6) Identification of the personnel or positions which will perform the evaluations.

(7) What is to be evaluated. Consideration should be given to:

(A) Self-evaluation progress reports by individuals being evaluated.

(B) Criteria, in addition to state mandated criteria, which might include: criteria related to the job description, district goals, school objectives, and the previously cooperatively developed position objectives.

(C) Equitable application of evaluation criteria to all personnel.

(D) Evaluating only those things which are currently applicable to the job the staff member is performing and not those things which should have been evaluated during preemployment.

(8) Specified ways that evaluation data will be collected as well as when, how long, and how observations will be performed.

(9) Security and controlled access to the evaluation reports.

(10) Provisions for initial, post visit, and follow-up conferences with evaluator or immediate supervisor. Forms should be completed by evaluator, signed, then reviewed, commented on, and signed by the person being evaluated.

(11) Place for recommendations, prescriptions, or citations of inadequacy. These procedures should include written statements by the evaluator as to:

(A) What should be done by the person evaluated, including level of performance expected.

(B) When the corrective action is expected to be completed, which time shall not exceed two months.

(C) What resources the school will provide to help the person evaluated achieve the expected performance.

(D) The form in which the report of performance should be submitted (i.e., oral interview, self-evaluation report, narrative description, list of data action documents, etc.).

(12) Ways the administration will provide resources and assistance for corrective action. This assistance should provide alternatives which could include:

(A) Assignment to another school or position within the district.

(B) Visitations and planning.

(C) Demonstrations or simulations.

(D) Video tapings and assigned supervisor.

(E) Reports.

(F) Special supervision.

(G) Assignment to a performance team.

(H) Conference.

(I) Workshops and inservice sessions.

(13) Ways the district will utilize the evaluation finding to improve learning in the district to:

(A) Develop inservice education programs to resolve inadequacies.

(B) Identify areas where improvements are needed.

(C) Provide justification for changes in staff, facilities, resources, and programs, or to be a needs assessment for developing new programs.

(D) Disseminate valuable information to various publics.

(E) Provide a record of the quality of teaching and quality of staff in the district.

(e) **Procedures designed to avoid potential teacher dismissal.** Principals having delegated administrative responsibilities as a part of the comprehensive operation of their respective schools have an inherent obligation for the professional success of their teaching staff. Subsequent to an analysis of the results of a number of measures from which it can be

validly inferred from a teacher's performance the principal or evaluator shall, according to law:

(1) Bring the matter to the attention of the teacher, in writing, and make a reasonable effort to assist the teacher to correct whatever appears to be the cause for potential dismissal or nonreemployment; and

(2) Allow a reasonable time for improvement, which time shall not exceed two (2) months. The nature and gravity of the teacher's conduct shall be considered in determining what length of time would be reasonable. If the teacher does not correct the cause for potential dismissal or nonreemployment within a reasonable length of time, the principal shall make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher. (70-6-103.2) This section does not apply to a superintendent of schools. 648 P.2d 26

(3) The school system should make facilities at its disposal available to help such teachers. The principal will encourage the use of such facilities as:

(A) an accessible professional library and/or media center;

(B) local, county, and State Department of Education supervisory services;

(C) inservice education activities with local, county, regional service center, college, or state groups;

(D) individual study; and

(E) the acquisition and utilization of a wide variety of teacher materials.

~~(f) **Pretermination procedures.** Subsequent to the decision by the superintendent that cause does, in fact, exist for the dismissal or nonreemployment of a teacher certain steps must be followed. These include notification and hearing. The United States Supreme Court has ruled that school employees have certain pretermination rights which must be met prior to dismissal which include:~~

~~(1) Being told orally or in writing the charges against the employee.~~

~~(2) Being given an explanation of the school's evidence against the employee; and~~

~~(3) Being given an opportunity to present evidence in person or in writing of why the employee should not be discharged.~~

## **210:1-5-8. Teacher due process hearings; hearing procedures; probationary teachers**

(a) The parties to the hearing are the ~~probationary~~ teacher and the district superintendent or designee and they shall be afforded the following rights at any hearing held pursuant to these regulations.

(1) The right to be represented.

(2) The right to present witnesses in person or to present their testimony by interrogatories, affidavits, or depositions. A list of all witnesses shall be furnished to the other party at least five (5) days before the hearing.

(3) The right to cross-examine witness.

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- (4) The right to testify in his/her own behalf and present evidence and argument on all issues involved.
  - (5) The right to have an orderly hearing.
  - (6) The right to have an impartial decision based upon the evidence presented.
- (b) The President of the school board, or in case of absence a designee, shall be the presiding officer at the hearing.
- (c) All hearings shall conform to the following:
- (1) Hearings shall be held no sooner than twenty (20) and no later than sixty (60) days after the teacher receives written notification of the recommendation for dismissal or nonreemployment and notice of the opportunity for hearing.
  - (2) Hearings held within the scope of these guidelines shall be convened by the President of the board who shall state the purpose of the hearing, introduce the parties and administer the oath to all persons who will testify.
  - (3) Upon the request of either party, the Presiding Officer may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his/her representative shall not be excluded.
  - (4) At the hearing, the burden of proof shall be on the superintendent and the standard of proof shall be by a preponderance of the evidence.
  - (5) ~~While a record of the hearing is not required by law, the State Board of Education strongly suggests that the~~ The local board of education shall maintain such a record (including a tape recording of the hearing and any documents or evidence presented to the board) for two (2) years from the date of the hearing.
  - (6) Informal disposition of any recommendation for dismissal or nonrenewal may be made by written stipulation, agreed settlement, consent order or default.
- (d) The order of procedures shall be:
- (1) Opening statement by superintendent.
  - (2) Opening statement by the teacher.
  - (3) Presentation of superintendent's evidence, followed by cross-examination of witnesses by teacher.
  - (4) Questions by local board members.
  - (5) Presentation of teacher's evidence followed by cross-examination of witnesses by superintendent.
  - (6) Questions by local board members.
  - (7) Presentation of Rebuttal and Surrebuttal Evidence as necessary.
  - (8) Closing argument by superintendent.
  - (9) Closing argument by teacher.
  - (10) Deliberation by local board.
  - (11) Vote by local board to accept or reject the superintendent's recommendation and recitation of findings of fact upon which the decision is based.
- (e) Presentation and consideration of evidence shall abide by the following:
- (1) Only evidence which reasonably relates to the issues before the board, as reflected in the notice to the teacher, should be deemed relevant.
  - (2) Strict rules of evidence as required by a court of law shall not apply in these hearings.

- (3) Rulings on admissibility of evidence will be made by the Presiding Officer.
  - (4) Documentary evidence may be received in the form of copies or excerpts.
  - (5) Documentary evidence presented to the board shall be marked with a distinguishing number or letter such as Teacher's Exhibit #1 or Superintendent's Exhibit #1.
  - (6) While hearings are open to the public, no questions or statements will be allowed by members of the public attending the hearing except through the parties or their council.
- (f) Decision on hearing will be rendered.
- (1) After due consideration of the evidence and the testimony presented at the hearing, the local board shall decide whether to dismiss or nonreemploy the teacher.
  - (2) The board's decision shall be voted in open meeting.
  - (3) The decision of the board shall include a recitation of the basic or underlying facts relied upon by the board in reaching its decision.
  - (4) The board shall notify the ~~probationary~~ teacher in writing of its decision as set out above by certified mail, restricted delivery, return receipt requested or substitute process as authorized by law within ten (10) business days of the hearing.
  - (5) The school board's decision regarding the dismissal or nonreemployment of a ~~probationary~~ teacher is final.

[OAR Docket #11-1057; filed 11-7-11]

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

[OAR Docket #11-1058]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 27. Reading Sufficiency Act  
210:15-27-1. Reading Sufficiency Act [AMENDED]

**AUTHORITY:**

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

**DATES:**

**Adoption:**

September 28, 2011

**Approved by Governor:**

October 7, 2011

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Amendments to state law from Senate Bill 346, 2011 Legislative Session, go into effect beginning with the 2011-2012 school year. Proposed rule amendments are needed to clarify implementation and provide more flexibility regarding allowable expenditures.

ANALYSIS:

The proposed rule amendments update and clarify language of the statute that has been amended by legislation. The amendments are needed to existing rule created restrictions on ways school districts may utilize their Reading Sufficiency Act funds. The changes will update allowable expenditures so school districts can begin to plan and implement RSA programming that correspond with the new legislative requirements of Senate Bill 346.

CONTACT PERSON:

Connie Holland, 405-521-3308

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D)

SUBCHAPTER 27. READING SUFFICIENCY ACT

210:15-27-1. Reading Sufficiency Act

(a) ~~No later than September 30, 1998, each~~ Each public school district will ~~submit~~ develop a district reading sufficiency plan that includes a plan for each site, ~~to the State Department of Education for approval.~~ The district reading plan will become a part of each district's Comprehensive Local Education Plan and must be updated annually as part of the requirements for receiving accreditation.

(b) Each school district and each school site shall submit to the State Department of Education the information to be used for the required Reading Sufficiency Act ~~annual~~ Annual Reading Report Card. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(c) Each school district will submit to the State Department of Education, the number of students in kindergarten, first, second and third grades found to be in need of remediation in reading based on screening instruments approved by the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(d) Pursuant to the Reading Sufficiency Act, each school district shall submit to the State Department of Education its annual improvement goals necessary to progress from the baseline established September 1, 2005, to achieving the reading goal by July 1, 2008. These improvement goals shall be submitted to the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(e) Contingent on the availability of appropriated funds, the State Department of Education ~~will~~ may award up to ~~\$150~~ \$150.00 to public school districts for each currently enrolled first, second, and third grade student who is found to be in need of remediation in reading.

(f) Reading sufficiency funds allocated under this section (e) must be used ~~only~~ for expenses relating to individual and small group tutoring, purchase of ~~and~~ and/or development of instructional training in the use of screening assessment

measures, summer school programs, ~~and~~ Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the Reading Sufficiency Act for students in the first, second, and third grades who have been identified by the elementary site as in need of a program of reading instruction.

(g) Each school district with one or more school sites identified for School Improvement shall submit its district reading sufficiency plan to the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(h) The district reading sufficiency plan shall be submitted to the State Board of Education if the district has any schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(i) Contingent on the availability of appropriated funds, the State Department of Education ~~will~~ may award up to ~~\$400~~ \$400.00 to public school districts for each eligible currently enrolled student who is found not to be reading at grade level and who subsequently participates in a summer academy reading program pursuant to the Reading Sufficiency Act.

(j) Each district will submit the number of eligible students who may participate in an approved summer academy reading program based on results from an approved assessment as outlined in the Reading Sufficiency Act. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(k) Reading Sufficiency funds allocated from the student count in (j) ~~must~~ may be used for expenses relating to any approved ~~summer academy~~ reading programs for participating eligible students.

(l) Summer academy reading programs for students shall be courses that:

(1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days,

(2) incorporate the content of a reading program ~~administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading program administered and approved by the State Board of Education~~ that meets the criteria set forth in the Reading Sufficiency Act.

(3) are taught by teachers who have successfully completed a professional development institute or program in reading ~~administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading professional development program administered by the State Board of Education~~ as prescribed by the statutory provisions of the Reading Sufficiency Act.

(4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.

(m) Superintendents of districts ~~offering summer academy reading programs~~ will sign and submit an assurance statement that their ~~reading program~~ program(s) ~~has met~~ meet the

# Emergency Adoptions

requirements ~~in~~ <sup>(k)</sup> of the Reading Sufficiency Act prior to receipt of funding.

[OAR Docket #11-1058; filed 11-7-11]

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 5. ADULT PROTECTIVE SERVICES

[OAR Docket #11-1051]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 5. Investigation of Adult Protective Service Referrals  
340:5-5-6 [AMENDED]  
(Reference APA WF 11-04)

### AUTHORITY:

Commission for Human Services, Article XXV, Sections 2 and 4 of the Oklahoma Constitution; and Section 10-108 of Title 43A of the Oklahoma Statutes (SB 492).

### DATES:

#### Adoption:

September 27, 2011

#### Approved by Governor:

October 28, 2011

#### Effective:

Immediately upon Governor's approval.

#### Expiration:

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to comply with Section 10-108 of Title 43A of the Oklahoma Statutes amendments effective November 1, 2011.

### ANALYSIS:

The proposed amendments to Subchapter 5 of Chapter 5 are made to comply with changes to Oklahoma Statutes effective 11-1-11 and amend the rules to: (1) clarify information regarding religious beliefs of the vulnerable adult; (2) remove the provision that emergency placement is not made to facilities for the acutely mentally ill when the individual is under the guardianship of Adult Protective Services (APS); (3) add provision that emergency placement not be made as an alternative to involuntary commitment; (4) add provision that services to vulnerable adults must be provided in a setting that is segregated from residents who have been determined to be a danger to others; and (5) add that transportation by law enforcement can be court ordered.

The proposed amendments improve the APS specialist's ability to provide timely and appropriate protective services to vulnerable adults. The APS Program is able to reduce the risk of harm by providing improved structure and details to the processes by which the APS specialists meet the safety needs of the vulnerable adults. Section 10-108 of Title 43A of the Oklahoma Statutes was amended effective November 1, 2011 [Senate Bill (SB) 492] to remove the provision that vulnerable adults under APS guardianship must not be placed in facilities for the acutely mentally ill. When the statute was first enacted in 1977, language was meant to specifically refer to the state mental hospitals run by the Oklahoma Department of Mental Health and Substance Abuse Services. Mental health services have since expanded to the private sector and hospitals have developed evaluation centers to diagnose and treat illnesses of vulnerable adults with dementia or related disorders. There has been confusion as to whether these facilities are placements for evaluations or commitments in facilities for the acutely mentally ill. Courts have allowed APS placement in these facilities to determine types of services needed for continued safety and recommendations for placement and supports within the community or for out-of-home placements. The change in statute and

OKDHS rules allows vulnerable adults under APS guardianship to be properly evaluated in a comprehensive manner and still offers protection from otherwise dangerous individuals that may be receiving treatment in the same facilities.

Section 10-108 of Title 43A of the Oklahoma Statutes and APS rules are also revised to allow reimbursement of transportation costs to law enforcement agencies court-ordered to transport APS clients to an approved placement. Reimbursement may now be made from resources of the APS client or an APS emergency fund. Making provision for reimbursement increases cooperation and availability of law enforcement for transportation services.

### CONTACT PERSON:

Dena Thayer at (405)521-4326

**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 5. INVESTIGATION OF ADULT PROTECTIVE SERVICES REFERRALS

### 340:5-5-6. Provision of protective services to vulnerable adults receiving APS services

(a) **Voluntary protective services.** Protective services may be provided on a voluntary basis when a vulnerable adult consents to provision of services, requests services, and is willing to allow the Adult Protective Services (APS) specialist to provide or arrange for services as authorized by Section 10-106 of Title 43A of the Oklahoma Statutes (43A O.S. § 10-106).

(b) **Payment for protective services.** The cost of providing voluntary or involuntary protective services is borne by the vulnerable adult if the APS specialist determines that the person is financially able to make payment or by any private or public programs for which the vulnerable adult is eligible. If a caretaker controls the person's funds and refuses to pay for necessary services, this may be construed as caretaker interference and is handled as described in (3) of this subsection.

(1) **Payment for voluntary services.** If voluntary services are required to meet an emergency need and no other payment source is available, the APS specialist follows procedures described in (3) of this subsection. In cases where the services are not to meet an emergency need, the APS specialist arranges for voluntary services if:

- (A) services can be provided free of charge;
- (B) the vulnerable adult has funds and agrees to pay for the services; or
- (C) there is a public or private assistance program available to pay for the services.

(2) **Payment for involuntary services.** Payment for involuntary protective services is made from the vulnerable adult's funds only upon order of the court. If payment is required for involuntary services, procedures described in (3) of this subsection are followed if:

- (A) no funds are available from the vulnerable adult's assets; and
- (B) no private or public payment source is available.

(3) **Payment for emergency protective services.** The Oklahoma Department of Human Services (OKDHS)

maintains a limited APS Emergency Fund that may be accessed only when specific criteria are met. This fund is used as a short-term measure for crisis situations until other arrangements are made.

(c) **Court-related services.** All petitions or motions filed with the court regarding a vulnerable adult require the signature of the district attorney (DA), assistant district attorney (ADA), or OKDHS Office of General Counsel attorney.

(d) **Non-cooperation of caretaker.** When a vulnerable adult consents to receive protective services, but the caretaker refuses to allow the provision of services, OKDHS may petition the court for an injunction prohibiting the caretaker from interfering with the provision of protective services in accordance with subsection (e).

(e) **Petitioning the court - order enjoining caretaker.** When the vulnerable adult's caretaker refuses to allow the provision of protective services to which the vulnerable adult has consented or otherwise interferes in the provision of services, OKDHS may petition the court for an Order to Enjoin Caretaker.

(f) **Refusal to consent to protective services.** If a vulnerable adult does not consent to the provision of needed services, or withdraws consent after it is given, the APS specialist documents the vulnerable adult's refusal in the case narrative or on Form 08AP002E, Adult Protective Services Report of Investigation. Services are terminated unless OKDHS determines that the person lacks capacity to consent. In that case, the APS specialist considers action as outlined in OAC 340:5-1-4.

(g) **Religious beliefs.** A vulnerable adult has the right to depend on spiritual means for healing through prayer, in accordance with the practices of a recognized religious method in accordance with the tenets and practices of said church place of worship as mandated by 43A O.S. § 10-103(B).

(h) **Involuntary protective services.** Involuntary protective services are authorized by 43A O.S. § 10-107. If a vulnerable adult is suffering from abuse, neglect, or exploitation that presents a substantial risk of death or immediate and serious physical harm to self, or significant and unexplained depletion of the adult's estate, but lacks the capacity to consent to receive protective services and no consent can be obtained from anyone acting as caretaker, the services may be ordered by the court on an involuntary basis. In accordance with 43A O.S. § 10-107(B)(1), the court authorizes provision of specific services that the court finds least restrictive of the rights and liberty while consistent with the welfare and safety of the person involved.

(i) **Petitioning the court - emergency order for involuntary protective services.** OKDHS may petition the court for an order to provide emergency protective services. The petition is made in the county of the vulnerable adult's residence or in a county where any of the protective services are provided.

(1) If the court issues an emergency order to provide protective services, the order includes the appointment of a temporary guardian for the person in need of services. The temporary guardian may be either OKDHS or an interested person. The order gives the temporary guardian authority only to consent to the specified protective services on behalf of the person.

(2) The vulnerable adult, temporary guardian, or any other interested person may at any time petition the court to have the emergency order set aside or modified.

(j) **Do not resuscitate (DNR).** In accordance with 43A O.S. § 10-108(A), only the court may make decisions regarding the granting or denying of consent for a DNR order, the withdrawal of hydration or nutrition, or other life-sustaining treatment.

(k) **Notice to recipient.** The court sets a date to hear the case. The hearing is scheduled within five days of the date the judge signs the notice to the recipient of protective services. The vulnerable adult must receive notice 48 hours in advance of the hearing. Notice may be waived by the court in emergency cases, as described in (2) of this subsection.

(1) A court order is issued showing OKDHS has petitioned the court for an order to provide protective services, and giving the date, time, and place of the hearing. The order specifies who serves the notice to the vulnerable adult.

(2) When petitioning the court for an order for emergency protective services, OKDHS may file a motion to waive notice if there is a risk that immediate and reasonably foreseeable death or serious physical harm to the person will result from a delay. This action is authorized by 43A O.S. § 10-108(D). In response, the court may enter a 72-hour verbal order if not during regular court hours or issue a limited order during regular hours and order written notice be served on the vulnerable adult and attorney, if known, of a hearing to be held within that 72-hour period.

(3) If the hearing is declined, the court may either terminate the emergency temporary guardianship or enter a temporary 30-day order to provide involuntary protective services.

(l) **Emergency services responsibilities for out-of-home placements.** As a result of a substantiated investigation, the APS specialist develops a service plan to address the identified needs and safety issues.

(1) All out-of-home placements, including any change of placement, of vulnerable adult's under APS guardianship, are reported to and subject to approval of the court. Only protective services that are necessary to remove the conditions immediately threatening the life and well-being of the person are ordered.

(A) Protective services that may be authorized by an emergency court order include a change of residence only if the court gives specific approval for such action and names the facility in its order.

(B) Emergency placements may be made to nursing homes, personal medical institutions, other home placements, or other appropriate facilities that provide services appropriate for the vulnerable adult's age and condition. Emergency placement is not made to facilities for the acutely mentally ill.

(C) Emergency placement shall not be made or construed as an alternative to emergency detention and protective custody as authorized under 43A O.S. § 5-206, et seq., or made or construed as an alternative to involuntary commitment under 43A O.S. §

## Emergency Adoptions

5-410, et seq., when the person otherwise meets the criteria for involuntary commitment.

(D) Services provided to vulnerable adults are provided in a setting that is segregated from residents of a facility who have been determined to be a danger to others.

(12) When the service plan recommends out-of-home placement for safety, health, and care needs, the APS specialist discusses this plan with the vulnerable adult. The vulnerable adult is provided with all the information necessary to make an informed decision. This may include visits to a variety of placement options arranged or facilitated by the APS specialist. The vulnerable adult's family, if appropriate and approved by the vulnerable adult, is included in the planning stages. The vulnerable adult or family is provided with all the information available to the APS specialist regarding the quality of care provided by the identified and selected placement.

(23) Information on current quality issues of specific nursing facilities are obtained from a variety of sources to determine the appropriateness of a facility for a vulnerable adult receiving APS services. Placements are determined by the local APS specialist and APS specialist IV, with approval from the county director and area APS program field representative (PFR). If a facility has any Oklahoma State Department of Health (OSDH) deficiencies at or above the actual harm level, or has had more than three substantiated Long Term Care Investigations (LTCI) reports in the past year, the placement must be approved by the Family Support Services Division (FSSD) APS Unit.

(m) **Restricted visitation.** Supervised or restricted visitation with the vulnerable adult may be put in place only by court order as mandated in 43A O.S. § 10-111 when:

- (1) consistent with the welfare and safety of a vulnerable adult; or
- (2) the vulnerable adult needs protection as the OKDHS investigation determined that maltreatment occurred.

(n) **Time limits for providing involuntary emergency protective services.** Protective services under an emergency court order other than a 72-hour order may be provided for 30 days. If the APS specialist determines protective services are required past this 30-day period, a petition is filed for continuation of involuntary protective services in accordance with (o) of this Section.

(o) **Continuation of services.** Continuation of services is authorized by 43A O.S. § 10-108(L).

(1) If, upon expiration of the original 30-day order, the vulnerable adult continues to require protective services, OKDHS immediately files a motion for the court to order either or both:

- (A) appointment of a guardian; and
- (B) ~~commitment placement~~ placement of the vulnerable adult ~~to in~~ a nursing home, personal medical institution, home placement, or other appropriate facility ~~other than a facility for the acutely mentally ill.~~

(i) Emergency placement shall not be made or construed as an alternative to emergency detention

and protective custody as authorized under 43A O.S. § 5-206, et seq., or made or construed as an alternative to involuntary commitment under 43A O.S. § 5-410, et seq., when the person otherwise meets the criteria for involuntary commitment.

(ii) Services provided to vulnerable adults are provided in a setting that is segregated from residents of a facility who have been determined to be a danger to others.

(2) Before the court enters a 180 calendar day order for continued protective services, the court directs that an evaluation of the vulnerable adult is conducted and submitted to the court within 30 days at a review hearing. The evaluation shall include at least:

(A) the address where the person resides and the name of any persons or agencies presently providing care, treatment, or services;

(B) a summary of the professional treatment and services provided the person by OKDHS or other agency, if any, in connection with the problem creating the need for protective services; and

(C) a medical, psychological or psychiatric, and social evaluation and review, including recommendations for or against maintenance of partial legal rights and recommendations for placement consistent with the least restrictive environment required.

(3) The original order continues in effect until the evaluation is submitted and the hearing is held on the motion.

(4) Notice of this hearing is served as described in subsection (k).

(5) The APS specialist is responsible for assembling the required information and submitting it to the court of jurisdiction.

(6) When an investigation indicates that the vulnerable adult is likely to need assistance with his or her affairs for an extended period of time, consideration is given to identifying a relative, friend, or other person interested in the well-being of the vulnerable adult to serve as permanent guardian. Any person interested in the welfare of a person believed incapacitated or partially incapacitated may file a guardianship petition with the court. Procedures for filing the petition are given in 30 O.S. § 3-101, the Oklahoma Guardianship and Conservatorship Act. Interested persons are referred to the office of the district court for further information and assistance.

(7) If the alleged victim's mental state is in question, the APS specialist may request the court to order a psychological or psychiatric evaluation.

(p) **Continuation of services for an additional period.** If after the hearing the vulnerable adult is found in need of continued protective services, the court issues an order to continue the temporary guardianship to provide specified protective services for an additional period not to exceed 180 calendar days, as authorized by 43A O.S. § 10-108. If after the 180 calendar days the vulnerable adult is still found in need of protective services, the court may renew the order every 180 days as needed.

(q) **Sale of real property.** In the event that temporary guardianship extends for more than one year or the vulnerable adult owns real property that must be sold in order to qualify for SoonerCare (Medicaid), OKDHS may as temporary guardian sell the real property of the vulnerable adult pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act and as directed by the OKDHS Office of General Counsel. The fact that the vulnerable adult would be in jeopardy for receipt of SoonerCare (Medicaid) if the property was not sold shall be stated in the court order directing the sale of the real property.

(r) **Sale of personal property.** The court may issue an order authorizing OKDHS to sell personal property of a vulnerable adult when additional resources are required to pay for necessary care for the vulnerable adult.

(s) **Responsibilities of the temporary guardian of the person or estate.** The APS specialist as temporary guardian is responsible for ensuring, to the extent possible, protection of the vulnerable adult residence, resources, and belongings. This includes:

(1) securing the residence, checking and gathering the mail, and feeding or arranging for care for the vulnerable adult's domestic animals or livestock;

(2) inventorying the vulnerable adult's home and personal property, using a camera where available.

(A) For enhanced accountability a minimum of two people must be present during the inventory, one of whom is a law enforcement representative or non-OKDHS employee.

(B) All persons present during the inventory must sign a document attesting to the authenticity of the inventory and/or the photographic record noting the date and their professional affiliation;

(3) establishing an account at a local financial institution and depositing any cash and uncashed checks; and

(4) securing other valuables located during the inventory. The APS specialist:

(A) arranges to have the locks changed or padlocks the residence to secure it from intrusion, if necessary; and

(B) advises all parties that no one is allowed to enter the residence unless accompanied by a representative of OKDHS, for as long as the temporary guardianship is in effect.

(t) **Additional responsibilities of temporary guardian of the estate.** The APS specialist responsible for the temporary guardianship of the estate:

(1) opens a guardianship account in a local financial institution and regularly collects and deposits monies due to the vulnerable adult;

(2) submits an accounting to the court as ordered by the court, no less than annually;

(3) works with the court, the vulnerable adult's attorney, the DA, and the OKDHS Office of General Counsel to obtain a professional accountant to manage the estate; and

(4) absent the availability of professional financial management, is responsible for regular financial activities

as dictated by the vulnerable adult's circumstances, ~~which~~ that include, but are not limited to, the timely:

(A) payment and documentation of the vulnerable adult's expenses, and other bills as they occur.

(B) deposit of funds received;

(C) redirection of incoming funds to the new account; and

(D) protection of existing accounts.

(u) **Responsibility of APS specialist - involuntary protective services.** In cases where temporary guardianship of the person has been granted to OKDHS, the APS specialist provides, arranges, or facilitates the protective services ordered by the court. This may include, but is not limited to:

(1) hiring of in-home caregivers to provide in-home care and protection for the vulnerable adult;

(2) placement in a medical facility for treatment of health related problems;

(3) placement in a safe and anonymous location;

(4) placement in a facility for either short or long term care needs. Long term care facilities include:

(A) residential care facilities;

(B) group homes;

(C) nursing homes;

(D) intermediate care facilities for persons with mental retardation;

(E) assisted living centers;

(F) skilled nursing facilities; or

(G) any other type of facility licensed to provide 24-hour care and/or services for vulnerable adults;

(5) making application or completing reviews for any state or federal programs on behalf of the vulnerable adult for which he or she is or may be eligible to receive; or

(6) making arrangements for facilities to be paid from the vulnerable adult's funds or resources.

(v) **Responsibility of APS specialist - emergency out-of-home placement - ex-parte hearing.** When an emergency situation requires immediate placement, the APS specialist places the vulnerable adult in a licensed facility that, to the best of the APS specialist's knowledge, provides the required services needed to ameliorate the current emergency situation. Reasons for this choice are documented in the case record and provided to the court at the 72-hour hearing.

(w) **Enforcement of involuntary court orders.** To enforce an involuntary order of protective services, 43A O.S. § 10-108 provides that the court may order:

(1) forcible entry of the premises of the vulnerable adult to be protected;

(2) transportation by law enforcement of the vulnerable adult to another location; or

(3) the eviction of a person from any property owned, leased, or rented by the vulnerable adult and restricting that person from further access to any property of the vulnerable adult.

(x) **Dismissal of involuntary court orders.** When the vulnerable adult is subject to an involuntary court order and OKDHS serves in the role of temporary guardian, after the temporary order has expired, the APS specialist is responsible for responding to a court's request to dismiss the guardianship

## **Emergency Adoptions**

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by preparing a motion for the ~~attorney representing OKDHS's~~  
OKDHS attorney's consideration for an order of dismissal  
when it is no longer needed.

*[OAR Docket #11-1051; filed 11-4-11]*

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# 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

**1:2011-47.**

### EXECUTIVE ORDER 2011-47

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 Thursday, November 10, 2011, until 8:00 a.m. on Monday, November 14, 2011, to honor Private First Class Sarina N. Butcher, an Oklahoma soldier, who died on November 1, 2011, at the age of 19 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 9th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Tod Wall

Acting Assistant Secretary of State

*[OAR Docket #11-1074; filed 11-9-11]*

**1:2011-48.**

### EXECUTIVE DEPARTMENT

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 Thursday, November 10, 2011, until 8:00 a.m. on Monday, November 14, 2011, to honor

Specialist Christopher D. Gailey, an Oklahoma soldier, who died on November 1, 2011, at the age of 26 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 9th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Marry Fallin

ATTEST:

Tod Wall

Acting Assistant Secretary of State

*[OAR Docket #11-1075; filed 11-9-11]*

**1:2011-49.**

### EXECUTIVE ORDER 2011-49

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, in recognition of Veterans' Day, 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, November 11, 2011, to honor those Americans who gave their lives for the freedoms we enjoy today.

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 9th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Tod Wall

Acting Assistant Secretary of State

*[OAR Docket #11-1076; filed 11-9-11]*

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**1:2011-50.**

### EXECUTIVE ORDER 2011-50

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. Earthquakes, tornadoes, severe storms, straight line winds, and flooding beginning Saturday, November 5, 2011, and that are continuing, have caused extensive damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this state.

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 earthquakes, tornadoes, severe storms, straight line winds, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Caddo, Carter, Cleveland, Comanche, Greer, Harmon, Jackson, Johnston, Kiowa, LeFlore, Lincoln, McCurtain, Murray, Okfuskee, Oklahoma, Pottawatomie, Pushmataha, Sequoyah, Tillman, and Washita.

This declaration may be amended to add and/or remove additional counties as conditions warrant.

4. The State Emergency Operations Plan was 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.

5. 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.

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 set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 9th day of November 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Tod Wall

Acting Assistant Secretary of State

*[OAR Docket #11-1077; filed 11-9-11]*

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**1:2011-51.**

### EXECUTIVE ORDER 2011-51

I, Mary Fallin, 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 1:00 p.m. until 5:00 p.m. on Tuesday, November 15, 2011, to honor State Senator David Myers, who died on Friday, November 11, 2011.

Senator Myers was first elected to the Oklahoma Senate in 2002 to represent District 20, which covers all or portions of Alfalfa, Garfield, Grant, Kay, and Noble Counties, and served as chairman of the State Senate Appropriations Committee. He was a dedicated public servant and an avid supporter of business and education. Throughout his life, Senator Myers 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 15th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day

Acting Assistant Secretary of State

*[OAR Docket #11-1080; filed 11-15-11]*

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