

Volume 29  
Number 7  
December 15, 2011  
Pages 113 - 156

# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



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

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**INFORMATION ABOUT THIS PUBLICATION** may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Room 220, Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

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ISSN 0030-1728

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Board of Commercial <b>PET</b> Breeders .....	532	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma</i>	
Oklahoma State Board of <b>PHARMACY</b> .....	535	<b>TRANSPORATION</b> Authority <i>11-1-99</i> - <i>no rules enacted in this</i>	
<b>PHYSICIAN</b> Manpower Training Commission .....	540	<i>Title - See</i> Title 731) .....	745
Board of <b>PODIATRIC</b> Medical Examiners .....	545	Oklahoma <b>UNIFORM</b> Building Code Commission .....	748
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State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> ) .....	555	<i>11-1-98</i> ) .....	750
<b>POLYGRAPH</b> Examiners Board .....	560	<b>UNIVERSITY</b> Hospitals Authority .....	752
Oklahoma Board of <b>PRIVATE</b> Vocational Schools .....	565	<b>UNIVERSITY</b> Hospitals Trust .....	753
State Board for <b>PROPERTY</b> and Casualty Rates		Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted</i>	
( <i>abolished 7-1-06; see also Title 365</i> ) .....	570	<i>11-1-98</i> ) .....	755
State Board of Examiners of <b>PSYCHOLOGISTS</b> .....	575	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts	
Department of <b>CENTRAL</b> Services ( <i>Formerly: Office of <b>PUBLIC</b></i>		of Oklahoma ( <i>exempted 11-1-98</i> ) .....	760
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Oklahoma <b>PUBLIC</b> Employees Retirement System .....	590	Board of <b>VETERINARY</b> Medical Examiners .....	775
Department of <b>PUBLIC</b> Safety .....	595	Oklahoma Department of <b>CAREER</b> and Technology Education	
<b>REAL</b> Estate Appraiser Board .....	600	( <i>Formerly: Oklahoma Department of <b>VOCATIONAL</b> and</i>	
Oklahoma <b>REAL</b> Estate Commission .....	605	Technical Education) .....	780
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<i>11-1-98</i> ) .....	607	Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted</i>	
State <b>REGENTS</b> for Higher Education .....	610	<i>11-1-98</i> ) .....	790
State Department of <b>REHABILITATION</b> Services .....	612	Oklahoma <b>WHEAT</b> Commission .....	795
Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> ) .....	615	Department of <b>WILDLIFE</b> Conservation .....	800
Board of Regents of <b>ROSE</b> State College ( <i>exempted 11-1-98</i> ) .....	620	<b>WILL</b> Rogers and J.M. Davis Memorials Commission .....	805

# 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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 15. OAC GRANT PROGRAM**

*[OAR Docket #11-1078]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

25:15-1-2. Definitions [AMENDED]

25:15-1-3. Planning [AMENDED]

25:15-1-4. Programming Implementation Airport Grant Program Requirements and Procedures- [AMENDED]

### **SUMMARY:**

The proposed rules make changes to the grant program administered by the Oklahoma Aeronautics Commission (Commission). The proposed changes add definitions, modify cost shares for participation in the grant program and also place a maximum limit on the Commission's participation in airport terminal projects.

### **AUTHORITY:**

3 O.S. Section 84 (C); Oklahoma Aeronautics Commission

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 16, 2011 through January 16, 2012.

### **PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m. on Tuesday, January 17, 2012 at the Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK.

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

N/A

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

Copies of the proposed rules may be obtained from the contact person or at the following website link. [http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 30, 2011 or at the following website link.

[http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **CONTACT PERSON:**

Jane Mitchell, Administrative Rules Liaison, Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6901.

*[OAR Docket #11-1078; filed 11-10-11]*

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

*[OAR Docket #11-1079]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

25:30-1-2. Definitions [AMENDED]

25:30-1-3. Who is required to file [AMENDED]

Subchapter 3. Application requirements [AMENDED]

25:30-3-4. Fees [AMENDED]

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

25:30-7-1. Commission review [AMENDED]

25:30-7-3. Commission's determination [AMENDED]

Subchapter 9. Permits [AMENDED]

25:30-9-3. Amendments to permit [AMENDED]

### **SUMMARY:**

These are proposed amendments to the permanent rules which regulate obstructions to air navigation that have the potential of endangering the lives and property of aircraft pilots and passengers and those that live or work in the vicinity of public-use airports. These rules also regulate the use of land in close proximity to a public-use airport to ensure compatibility with aircraft operations. Lastly, these amendments to the permanent rules will better provide specific powers and duties to the Oklahoma Aeronautics Commission in the interest of the health, safety and welfare of the public so that the state may properly fulfill its duty to ensure that land use around a public-use airport is compatible with normal airport operations, including the landing and takeoff of aircraft.

### **AUTHORITY:**

3 O.S. Section 120.14; Oklahoma Aeronautics Commission

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 120 N.

## Notices of Rulemaking Intent

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Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 16, 2011 through January 16, 2012.

### **PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m. on Tuesday, January 17, 2012 at the Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK.

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

N/A

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

Copies of the proposed rules may be obtained from the contact person or at the following website link. [http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 30, 2011 or at the following website link. [http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **CONTACT PERSON:**

Jane Mitchell, Administrative Rules Liaison, Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6901.

*[OAR Docket #11-1079; filed 11-10-11]*

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## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES**

*[OAR Docket #11-1100]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 1. Fine Schedules

Part 3. Animal Health and Disease Violations

35:3-1-3 [NEW]

### **SUMMARY:**

The proposed rule changes establish a fine matrix for selling or offering for sale unregistered or expired biological products.

### **AUTHORITY:**

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.;

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

### **PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m., January 17, 2012, in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #11-1100; filed 11-22-11]*

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## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES**

*[OAR Docket #11-1104]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 1. Fine Schedules

Part 5. Food Safety Violations

35:3-1-5 [NEW]

### **SUMMARY:**

The proposed new rules establish a fine matrix for violations of food safety laws and rules.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

### **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., January 17, 2012 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #11-1104; filed 11-22-11]*

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

*[OAR Docket #11-1101]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 3. Animal Health Reportable Diseases  
35:15-3-2 [AMENDED]
- Subchapter 11. Importation of Livestock, Poultry, and Pets  
Part 13. Equine Piroplasmiasis  
35:15-11-52 [AMENDED]  
35:15-11-53 [AMENDED]  
35:15-11-54 [AMENDED]  
35:15-11-55 [AMENDED]  
35:15-11-56 [AMENDED]
- Subchapter 15. Equine Infectious Anemia (EIA)  
Part 7. Requirements for Approved Markets  
35:15-15-72 [REVOKED]

**SUMMARY:**

The proposed rule changes add and remove reportable diseases, remove certain regulatory and testing burdens on sale untested equidae, add and remove definitions, changes the testing procedures for equine piroplasmiasis, and makes several minor grammatical and textual changes.

**AUTHORITY:**

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., January 17, 2012 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #11-1101; filed 11-22-11]*

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

*[OAR Docket #11-1102]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 5. Biological Products and Laboratories  
35:15-5-1 [AMENDED]

**SUMMARY:**

The proposed rule changes make selling or offering for sale unregistered or expired biological products a violation of the rules.

**AUTHORITY:**

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.;

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

### PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., January 17, 2012, in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #11-1102; filed 11-22-11]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

*[OAR Docket #11-1103]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 3. Swine Feeding Operations  
35:17-3-6 [AMENDED]  
35:17-3-11 [AMENDED]  
35:17-3-13 [AMENDED]  
35:17-3-14 [AMENDED]  
35:17-3-25 [AMENDED]

### SUMMARY:

The proposed amendments include minor corrections and additions to citations of reference materials, add technical specifications and reporting requirements for the construction and maintenance of waste retention structures, and revise and standardize certain testing and remediation processes.

### AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma.; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 2A-1, 2A-22, et seq.

### COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

### PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 17, 2012 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #11-1103; filed 11-22-11]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

*[OAR Docket #11-1105]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 4. Concentrated Animal Feeding Operations  
35:17-4-4 [AMENDED]  
35:17-4-9 [AMENDED]  
35:17-4-11 [AMENDED]  
35:17-4-12 [AMENDED]  
35:17-4-21 [AMENDED]

**SUMMARY:**

The proposed amendments include minor corrections and additions to citations of reference materials, add technical specifications and reporting requirements for the construction and maintenance of waste retention structures, and revise and standardize certain testing and remediation processes.

**AUTHORITY:**

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 2A-1, 2A-22, et seq.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

**PUBLIC HEARING:**

A public hearing will be held at 10:30 a.m., January 17, 2012, in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #11-1105; filed 11-22-11]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

*[OAR Docket #11-1106]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

Subchapter 1. Agriculture Environmental Permitting and AGPDES

Part 1. General Provisions

35:44-1-2 [AMENDED]

35:44-1-3 [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3 [AMENDED]

**SUMMARY:**

The proposed rule change updates the incorporation by reference of Code of Federal Regulations citations for federal Concentrated Animal Feeding Operations and incorporates Title 40, Part 450 of the Code of Federal Regulations into the AgPDES rules. Part 450 relates to storm water regulations relating to construction activities. The incorporation is required by EPA so the Department can complete the process of receiving authorization from EPA to operate the federal Clean Water Act programs related to agricultural construction activities. This rule is required as an emergency rule to comply with deadlines in amendments to an agency's governing law or federal programs imposed by EPA. If the rule is not approved as an emergency rule, and subsequently a permanent rule, the EPA will not authorize the Department to operate federal Clean Water Act programs to the detriment of Oklahoma citizens.

**AUTHORITY:**

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 2-18.2, 2A-1 et seq., and 2A-21 et seq.; 27A O.S. § 1-3-101(D).

**COMMENT PERIOD:**

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2011 through January 17, 2012.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., January 17, 2012, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 15, 2011 through January 17, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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### CONTACT PERSON:

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

*[OAR Docket #11-1106; filed 11-22-11]*

### TITLE 175. STATE BOARD OF COSMETOLOGY CHAPTER 10. LICENSURE OF COSMETOLOGISTS, SCHOOLS AND RELATED ESTABLISHMENTS

*[OAR Docket #11-1119]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 7. Sanitation and Safety Standards for  
Cosmetology Establishments, Salons and Schools

175:10-7-5. [AMENDED]

175:10-7-6. [AMENDED]

175:10-7-31. [NEW]

Subchapter 9. Licensure of Cosmetologists and Related  
Occupations

Part 5. Demonstrators; Cosmetic Studios; Trade Shows;  
Guests Artists; Wig Dressing; Other Practices of  
Cosmetology

175:10-9-55. [NEW]

### SUMMARY:

The proposed amendments and new rules relate to standards of sanitation and safety which must be observed and practiced by all cosmetology salons, schools and related establishments. The proposed amendments and new rules also specify where licensed individuals may practice in order for the Board to fully and effectively carry out the provisions of the Oklahoma Cosmetology Act by regulating the practices of cosmetology and safety standards for the protection of the public.

### AUTHORITY:

59 O.S. § Section 199.3 (A); State Board of Cosmetology

### COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on February 13, 2012. Comments may be submitted to Sherry G. Lewelling, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma 73107.

### PUBLIC HEARING:

A public hearing has been scheduled for Monday, February 13, 2012 at 9:00 a.m. at 2401 NW 23<sup>rd</sup>, Suite 84 in the Testing Center, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The only known business entities affected by these rules are licensed cosmetology establishments and licensees. There may be some direct and indirect costs to implement more efficient sanitation and disinfectant standards but the costs will

be minimal. If licensees do not comply with the sanitation and disinfectant standards and the public is harmed, litigation costs will most certainly be higher when not in compliance. Establishments and licensees in the state of Oklahoma affected by these proposed rules are requested to provide comments to the agency during the period from January 3, 2012 to February 6, 2012.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma 73107. Copies may be obtained by written request mailed to the attention of Sherry G. Lewelling, Executive Director, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 1, 2011.

### CONTACT PERSONS:

Sherry G. Lewelling, Executive Director (405) 522-7615  
and Jennifer McRee, Principal Assistant (405) 522-7616.

*[OAR Docket #11-1119; filed 11-22-11]*

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

*[OAR Docket #11-1084]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Departmental Precepts

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

### SUMMARY:

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.

### AUTHORITY:

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #11-1084; filed 11-18-11]*

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

*[OAR Docket #11-1085]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED 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]

**SUMMARY:**

House Bill 1380 was signed into law on April 12, 2011, and will go into full force and effect on August 26, 2011. This bill reforms the dismissal procedures for career teachers by giving superintendents and local school boards the ability to dismiss or nonreemploy teachers in a timelier manner by repealing the trial de novo process. House Bill 1380 also requires the SBE to implement new hear procedures for districts to follow

when dismissing teachers and revokes trial de novo procedures contained at 70 O.S. §6-1-1.27.

**AUTHORITY:**

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #11-1085; filed 11-18-11]*

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

*[OAR Docket #11-1083]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

210:10-1-9. Transfers [REVOKED]

210:10-1-18. Transfers [NEW]

210:10-1-19. Special Education and Gifted Education transfers [NEW]

**SUMMARY:**

The rules regarding transfers were effective prior to the implementation of the Open Transfer Act. The rules directly conflict with several provisions within the Open Transfer Act

## Notices of Rulemaking Intent

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found at 70 O. S. § 8-101.1, and are creating confusion amongst districts and State Department of Education personnel. The State Department of Education revoked by emergency action prior rules relating to the implementation of the Oklahoma Open Transfer Act. These rules did not reflect the current state of the law.

Proposed rules reflect current law and departmental policy relating to transfers. Proposed rules address transfers made pursuant to the Oklahoma Open Transfer Act, and also rules relating to special education and gifted education transfers.

**AUTHORITY:**

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #11-1083; filed 11-18-11]*

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

*[OAR Docket #11-1086]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 27. Reading Sufficiency Act

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

210:15-27-2. Alternative standardized reading assessments and use of student portfolio for good cause promotion [NEW]

210:15-27-3. Standards for mid-year promotion of retained third graders [NEW]

**SUMMARY:**

Amendments to the Reading Sufficiency Act rules will better enable districts to utilize RSA funds and to insure the proper implementation of the Reading Sufficiency Act statutory changes as contemplated by Senate Bill 346.

Newly drafted rules are necessary to implement the provision of Senate Bill 346, passed and signed into law during the 2011 legislative session.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education; Senate Bill 346

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #11-1086; filed 11-18-11]*

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

*[OAR Docket #11-1087]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 34. Supplemental Online Course Procedures [NEW]
- 210:15-34-1. General provisions [NEW]
- 210:15-34-2. Access [NEW]
- 210:15-34-3. Funding [NEW]
- 210:15-34-4. School day [NEW]
- 210:15-34-5. Student eligibility, admissions & enrollment [NEW]
- 210:15-34-6. Grading scales [NEW]
- 210:15-34-7. Student information system [NEW]
- 210:15-34-8. Course withdrawal grace period [NEW]
- 210:15-34-9. Course completion [NEW]
- 210:15-34-10. Attendance [NEW]
- 210:15-34-11. Extracurricular and co-curricular activities [NEW]
- 210:15-34-12. Student assessments [NEW]
- 210:15-34-13. Communications: progress reports [NEW]
- 210:15-34-14. Online course providers [NEW]
- 210:15-34-15. Funding and payment [NEW]
- 210:15-34-16. Special education [NEW]

**SUMMARY:**

Pursuant to Senate Bill 280 the proposed rules create the Oklahoma Supplemental Online Course Program, which authorizes schools districts to spend state-aid dollars for students to enroll in supplemental courses provided by third party providers. The rules permit students enrolled in their district to take up to 5 hours of online instruction, while the remaining hour will be provided physically on a school campus. The rules delineate roles and responsibilities of local education agencies as to the proper implementation of supplemental online courses. In addition, the rules clearly dictate that all students are eligible to take supplemental online courses.

**AUTHORITY:**

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard,

Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #11-1087; filed 11-18-11]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION**

*[OAR Docket #11-1088]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Transportation
- 210:30-5-1. District operation and management [AMENDED]

**SUMMARY:**

The rule establishes a process by which insulin dependent individuals may be employed as bus drivers and sets forth eligibility requirements and monitoring requirements for both the individual and the employing school district. The purpose of the amendment is to bring into compliance SDE rules relating to bus driver certification with federal law, namely the Americans with Disabilities Act (ADA), 42 U.S.C. 12101, *et seq.*

**AUTHORITY:**

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

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Thursday, February 16, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Thursday, February 16, 2012, at the Hodge Education Building, State

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Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2011.

## CONTACT PERSON:

Connie Holland, 405-521-3308

*[OAR Docket #11-1088; filed 11-18-11]*

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## TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

*[OAR Docket #11-1144]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions

252:515-1-2 [AMENDED]

252:515-1-3 [AMENDED]

Subchapter 3. Permit Provisions and Applications

Part 1. General Provisions

252:515-3-1 [AMENDED]

252:515-3-2 [AMENDED]

252:515-3-6 [AMENDED]

Part 3. Permit Applications and Modifications

252:515-3-39 [AMENDED]

Subchapter 19. Operational Requirements

Part 1. General Provisions

252:515-19-1 [AMENDED]

Part 3. Operational Requirements for All Disposal Facilities

252:515-19-38 [AMENDED]

252:515-19-40 [AMENDED]

Subchapter 21. ~~Waste~~Used Tire Processing, Certification,

Permits and Compensation

252:515-21-1 [AMENDED]

252:515-21-2 [AMENDED]

252:515-21-3 [AMENDED]

252:515-21-4 [AMENDED]

252:515-21-5 [AMENDED]

Part 3. ~~Waste~~Used Tire Facilities

252:515-21-3 [AMENDED]

252:515-21-32 [AMENDED]

252:515-21-33 [AMENDED]

252:515-21-35 [AMENDED]

252:515-21-36 [AMENDED]

Part 5. ~~Waste~~Used Tire Transportation

252:515-21-51 [AMENDED]

Part 7. Compensation from the ~~Waste~~Used Tire Recycling Indemnity Fund

252:515-21-71 [AMENDED]

252:515-21-72 [AMENDED]

252:515-21-74 [AMENDED]

Part 9. Erosion Control, River Bank Stabilization and Other Conservation Projects

252:515-21-91 [AMENDED]

252:515-21-92 [AMENDED]

Part 11. ~~Waste~~Used Tire Baling

252:515-21-111 [AMENDED]

252:515-21-112 [AMENDED]

## SUMMARY:

The Department is proposing to amend OAC 252:515, Subchapter 21, because of recent statutory changes to the Oklahoma Used Tire Recycling Act, 27A O.S. § 2-11-401 et seq. The changes to Subchapter 21 include changing "waste tire" to "used tire", increasing the percentage requirement for the cleanup of tire dumps, identifying how the Department will allocate funds for tire dump remediation, and making minor changes to the requirements for mobile operations. In addition, the proposed amendments afford eligibility to tires used on implements of husbandry and agricultural equipment that are not more than fourteen (14) inches wide and forty-four (44) inches in diameter. The Department is also proposing to change all references to "waste tire" to "used tire" throughout all of Chapter 515.

## AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201, and the Oklahoma Waste Tire Recycling Act, 27A O.S. § 2-11-401, et seq.

## COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 15, 2011 through January 16, 2012. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 19, 2012 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102 and at the Environmental Quality Board at 9:30 a.m. on February 24, 2012 in the Multi-Purpose Room.

## PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 19, 2012, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 24, 2012, in the Multi-Purpose Room.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm), or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm).

**CONTACT PERSON:**

Ferrella March, Land Protection Division, Used Tire Recycling Program, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Ferrella.March@deq.ok.gov](mailto:Ferrella.March@deq.ok.gov), phone 405-702-5175, or fax 405-702-5101.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the public hearing to be held before the Solid Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #11-1144; filed 11-23-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

*[OAR Docket #11-1145]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Appendix H. Procedure for Calculating Closure Cost Estimates for Financial Assurance [NEW]
- Appendix H. Procedure for Calculating Closure Cost Estimates for Financial Assurance [REVOKED]
- Appendix I. Procedure for Calculating Post-closure Cost Estimates for Financial Assurance [NEW]

Appendix I. Procedure for Calculating Post-closure Cost Estimates for Financial Assurance [REVOKED]

**SUMMARY:**

The Department is proposing to adopt new OAC 252:515 Appendices H and I while concurrently revoking the existing OAC 252:515 Appendices H and I. The Department is proposing to take out the unit costs contained in these appendices and will publish the updated unit cost in accordance with OAC 252:515-27-34 and 27-4.

**AUTHORITY:**

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201, and the Oklahoma Solid Waste Management Act, 27A O.S. § 2-10-101, *et seq.*

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 15, 2011 through January 16, 2012. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 19, 2012 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102 and at the Environmental Quality Board at 9:30 a.m. on February 24, 2012 in the Multi-Purpose Room.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 19, 2012, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

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

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm), or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm).

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### CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance and Inspection Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at mike.stickney@deq.ok.gov, phone 405-702-5184, or fax 405-702-5101.

### ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Solid Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #11-1145; filed 11-23-11]*

### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS**

*[OAR Docket #11-1128]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Rules [NEW]

317:2-1-2. [AMENDED]

317:2-1-15. [NEW]

(Reference APA WF # (11-18B))

### SUMMARY:

Rules are revised to establish guidelines for and implement the Supplemental Hospital Offset Payment Program (SHOPP) as authorized by 63 Okla. Stat. §§ 3241.1 through 3241.6. OHCA is required by the SHOPP Act to assess all in-state hospitals, unless specifically exempted, an assessment fee of 2.5%. Funds derived from the assessment will be used to garner federal matching funds which will be used to maintain SoonerCare provider reimbursement rates as well as pay participating hospitals a quarterly access payment.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Sections 3241.1 through 3241.6 of Title 63 of the Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### PUBLIC HEARING:

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1128; filed 11-23-11]*

### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #11-1122]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 27. Independent Licensed Physical Therapists

317:30-5-291. [AMENDED]

Part 28. Occupational Therapy Services

317:30-5-296. [AMENDED]

Part 77. Speech and Hearing Services

317:30-5-676. [AMENDED]

(Reference APA WF # 11-07)

### SUMMARY:

PT/OT/ST rules restrict individually-contracted provider services to children, though adults may receive such therapy services in an outpatient hospital setting. Rules are amended to ensure clarity in policy that there is no coverage for adults for services rendered by individually-contracted providers, but there is coverage for adults in an outpatient hospital setting.

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1122; filed 11-23-11]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #11-1123]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 85. ADvantage Program Waiver Services  
317:30-5-763. [AMENDED]

(Reference APA WF # (11-11A))

**SUMMARY:**

OHCA rules for the ADvantage Waiver are revised to remove respiratory therapy as an allowable service within

the waiver and remove Hospice when the member is in a nursing facility receiving ADvantage Facility Based Extended Respite. Both services are removed due to lack of utilization. Additionally, rules are revised to remove language allowing for reimbursement to providers of case management transition services when the member fails to transition into the ADvantage waiver program. The revisions are necessary to align OHCA policy with revised operational procedures as approved by the Centers for Medicare and Medicaid Services.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915(C) of the Social Security Act pertaining to Home and Community Based Services waivers as approved by the Centers for Medicare and Medicaid Services

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1123; filed 11-23-11]*

## Notices of Rulemaking Intent

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #11-1125]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-5. [AMENDED]

(Reference APA WF # (11-16))

#### **SUMMARY:**

SoonerCare cost-sharing rules are revised to clarify OHCA's current policy that pregnancy-related services are exempt from cost-sharing requirements. Confusion existed among providers as to when pregnant women may be charged a co-pay. This rule makes clear the visit must be pregnancy-related. The rules are also revised to remove reference to another section of policy that is no longer in effect.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 447.70

#### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

#### **PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

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

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

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

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

#### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development,  
(405)522-7153.

*[OAR Docket #11-1125; filed 11-23-11]*

### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #11-1126]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 17. Medical Suppliers  
317:30-5-211.2. [AMENDED]

(Reference APA WF # (11-17))

#### **SUMMARY:**

SoonerCare provider rules are amended to exempt durable medical equipment repairs with a cost per item of less than \$250.00 from the prescription requirement.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

#### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

#### **PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

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

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1126; filed 11-23-11]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #11-1127]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 3. Hospitals  
317:30-5-58. [NEW]

(Reference APA WF # (11-18A))

**SUMMARY:**

Rules are revised to establish guidelines for and implement the Supplemental Hospital Offset Payment Program (SHOPP) as authorized by 63 Okla. Stat. §§ 3241.1 through 3241.6. OHCA is required by the SHOPP Act to assess all in-state hospitals, unless specifically exempted, an assessment fee of 2.5%. Funds derived from the assessment will be used to garner federal matching funds which will be used to maintain SoonerCare provider reimbursement rates as well as pay participating hospitals a quarterly access payment.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Sections 3241.1 through 3241.6 of Title 63 of the Oklahoma Statute and 42 CFR 433.68.

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping,

equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1127; filed 11-23-11]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #11-1120]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Eligibility and Countable Income  
Part 5. Countable Income and Resources  
317:35-5-42. [AMENDED]

(Reference APA WF # (11-02))

**SUMMARY:**

The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 requires state Medicaid agencies to disregard federal tax refunds or advance payments with respect to a refundable tax credits as income and as resources for purposes of determining eligibility. To bring Agency policy in compliance with this law, eligibility rules and income guidelines are revised to eliminate consideration of the Earned Income Tax Credit, which is the only refundable tax credits currently counted for eligibility purposes.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Public Law 111-312, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1120; filed 11-23-11]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #11-1124]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 17. ADvantage Waiver Services  
317:35-17-3. [AMENDED]

(Reference APA WF # (11-11B))

### **SUMMARY:**

The ADvantage waiver is a program designed to provide services to SoonerCare eligible individuals with physical disabilities and the elderly in their home rather than an institutional setting. The waiver must be renewed every five years by the Centers for Medicare and Medicaid Services (CMS). Upon the most recent renewal, effective July 1, 2011, respiratory therapy was removed as an allowable waiver service. In order to maintain compliance with conditions of waiver renewal as set forth by CMS, the ADvantage rules are revised to remove respiratory therapy.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915(C) of the Social Security Act pertaining to Home and Community Based Services waivers as approved by the Centers for Medicare and Medicaid Services

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #11-1124; filed 11-23-11]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 45. INSURE OKLAHOMA**

*[OAR Docket #11-1121]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Insure Oklahoma ESI Employee Eligibility  
317:45-9-4. [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 3. Insure Oklahoma IP Member Health Care Benefits

317:45-11-10. [AMENDED]  
317:45-11-12. [AMENDED]  
Part 5. Insure Oklahoma IP Member Eligibility  
317:45-11-24. [AMENDED]  
Subchapter 13. Insure Oklahoma Dental Services  
317:45-13-1. [AMENDED]  
**(Reference APA WF # (11-05))**

**SUMMARY:**

Insure Oklahoma cost-sharing rules are revised to comply with Federal law on Native American cost-sharing exemptions. Native Americans are exempt from Insure Oklahoma co-pays or premiums when they receive services provided by I/T/U providers or through referral by contract health services. Native American children are exempt from all cost-sharing requirements regardless of where the services were rendered.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 5006(a) of the American Recovery and Reinvestment Act; 42 CFR 457.535

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2011, through January 14, 2012, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Tuesday, January 17, 2012, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 14, 2012.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #11-1121; filed 11-23-11]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 75. CHILD WELFARE**

[OAR Docket #11-1117]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions of Child Welfare Services
- Subchapter 3. Child Protective Services
- Subchapter 4. Family-Centered and Community Services
- Subchapter 6. Permanency Planning
- Subchapter 7. Foster Home Care
- Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care
- Subchapter 15. Adoptions
- Subchapter 16. Mental Health Treatment Services
- Subchapter 18. Continuous Quality Improvement

**(Reference APA WF 11-06)**

**SUMMARY:**

The proposed amendments to Subchapter 1, 3, 4, 6, 7, 13, 15, 16, and 18 of Chapter 75 amend the rules to: (1) conform to statutory requirements; (2) clarify processes; and (3) incorporate legislation passed during the 2011 legislative session; and (4) update taglines, formatting, and sentence structure.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2 and 4 of the Oklahoma Constitution; HB 2136 and HB 1734; Section 40.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 40.1); 10 O.S. § 40.3; 10 O.S. § 40.6; 10 O.S. § 7505-5.3; 10 O.S. § 7508-1.2; 10 O.S. § 7510-2.1 through 10 O.S. § 7510-2.5; 10A O.S. § 1-1-105; 10A O.S. § 1-2-102; 10A O.S. § 1-4-204; 10A O.S. § 1-4-706; 10A O.S. § 1-4-707; 10A O.S. § 1-4-806; 10A O.S. § 1-4-807; 10A O.S. § 1-4-809; 10A O.S. § 1-6-103; 10A O.S. § 1-6-105; 10A O.S. § 1-7-103; 10A O.S. § 1-7-111; 10A O.S. § 1-7-112; 10A O.S. § 1-7-115; 10A O.S. § 1-1-101; 10A O.S. § 1-9-106; 10A O.S. § 1-9-114; 10A O.S. § 1-9-118; and Section 552 of Title 5 of the United States Code (U.S.C. 5 § 552); 25 U.S.C. § 1912; 25 U.S.C. § 1913; 25 U.S.C. § 1915; and 25 U.S.C. § 1951.

**COMMENT PERIOD:**

Written and oral comments are accepted December 15, 2011 through January 17, 2012, during regular business hours by contacting Caprice Tyner, Oklahoma Department of Human Services, Children and Family Services Division (CFSD), P.O. Box 25352, Oklahoma City, OK 73125, 918-581-2278.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by the above listed person, no later than 5:00 p.m., January 17, 2012.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to [www.okdhs.org/library/policy/pp/](http://www.okdhs.org/library/policy/pp/).

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

*[OAR Docket #11-1117; filed 11-22-11]*

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

*[OAR Docket #11-1118]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

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

Part 1. Introduction

340:105-10-3 [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-50.1 [AMENDED]

340:105-10-72 [AMENDED]

340:105-10-74 [AMENDED]

340:105-10-75 [AMENDED]

Subchapter 11. State Long-Term Care Ombudsman Program

Part 37. State Long-Term Care Ombudsman Program

340:105-11-249 [AMENDED]

340:105-11-250 [AMENDED]

**(Reference APA WF 11-05)**

### SUMMARY:

The proposed amendments to Chapter 105 Subchapter 10 and Subchapter 11 amend the rules to: (1) clarify salary range requirements; (2) match federal taxonomy definitions; and (3) standardize, outline procedures, and modify requirements regarding the use of registered dieticians and nutrition education activities.

### AUTHORITY:

Commission for Human Services, Article XXV, Sections 2 and 4 of the Oklahoma Constitution; and Sections 305 and 307 of The Older Americans Act of 1965, As Amended.

### COMMENT PERIOD:

Written and oral comments are accepted December 15, 2011 through January 17, 2012, during regular business hours by contacting Jennifer K. Case, Oklahoma Department of

Human Services, Aging Services Division, P.O. Box 25352, Oklahoma City, OK 73125, 405-521-4489.

### PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by the above listed person, no later than 5:00 p.m., January 17, 2012.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to [www.okdhs.org/library/policy/pp/](http://www.okdhs.org/library/policy/pp/).

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

*[OAR Docket #11-1118; filed 11-22-11]*

### TITLE 532. BOARD OF COMMERCIAL PET BREEDERS CHAPTER 1. ORGANIZATION, OPERATION, AND PURPOSE ADMINISTRATIVE OPERATIONS

*[OAR Docket #11-1097]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

532:1-1-1 [AMENDED]

532:1-1-2 [AMENDED]

532:1-1-3 [AMENDED]

532:1-1-4 [AMENDED AND RENUMBERED TO 532:1-3-1]

532:1-1-5 [REVOKED]

532:1-1-7 [AMENDED AND RENUMBERED TO 532:1-5-1]

532:1-1-8 [AMENDED AND RENUMBERED TO 532:1-5-2]

Subchapter 3. Organization and Operation [NEW]

532:1-3-1 [AMENDED AND RENUMBERED FROM 532:1-1-4]

Subchapter 5. Declaratory Ruling Procedures [NEW]

532:1-5-1 [AMENDED AND RENUMBERED FROM 532:1-1-7]

532:1-5-2 [AMENDED AND RENUMBERED FROM 532:1-1-8]

Subchapter 7. Rulemaking Procedures [NEW]

532:1-7-1 [NEW]

**SUMMARY:**

Subchapters were created and amendments proposed to remove unnecessary language and provide a more relevant, informative, concise and efficient description of the administrative operations of the Board.

**AUTHORITY:**

Commercial Pet Breeders Act 59 O.S. § 5001 et seq.

**COMMENT PERIOD:**

Written comments will be accepted December 15, 2011 through January 17, 2012 at: Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140, Oklahoma City, OK 73118. Anyone wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2012.

**PUBLIC HEARING:**

A Public Hearing is scheduled on January 17, 2012, at 5:00 p.m. at the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140, Oklahoma City, OK 73118. Anyone who wishes to speak must sign in at the door by 5:00 p.m. A time limit for comments may apply.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Blvd., Suite 140, Oklahoma City, OK 73105. The proposed rules will also be available on <http://www.ok.gov/petbreeders/>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Commercial Pet Breeders, at the above address, or on our website at <http://www.ok.gov/petbreeders/> beginning on December 30, 2011.

**CONTACT PERSON:**

Niki Wigington, Administrative Assistant, (405)286-3970.

*[OAR Docket #11-1097; filed 11-22-11]*

**TITLE 532. BOARD OF COMMERCIAL PET BREEDERS  
CHAPTER 10. LICENSING AND SUPERVISION OF COMMERCIAL PET BREEDERS**

*[OAR Docket #11-1098]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 532:10-1-1 [AMENDED]
- Subchapter 3. Licensing
- 532:10-3-1 [AMENDED]
- 532:10-3-2 [AMENDED]

- 532:10-3-3 [AMENDED]
- 532:10-3-4 [AMENDED]
- 532:10-3-5 [AMENDED]
- 532:10-3-6 [AMENDED]
- 532:10-3-11 [AMENDED]
- Subchapter 5. Violations, Complaints, Investigations, and Enforcement, Fine Matrix and Procedure [AMENDED]
- 532:10-5-1 [AMENDED]
- 532:10-5-2 [AMENDED]
- 532:10-5-3 [AMENDED]
- 532:10-5-7 [AMENDED]
- 532:10-5-8 [AMENDED]
- 532:10-5-9 [AMENDED]
- 532:10-5-10 [AMENDED]
- 532:10-5-11 [AMENDED]
- 532:10-5-13 [AMENDED]

**SUMMARY:**

The proposed rules are necessary to implement the Commercial Pet Breeders Act. The rules clarify the application, inspection and licensing process and include statutory changes that were made subsequent to the initial rule promulgation. Amendments also include a definition for "Humane Society," remove the Board from the definition of "Application Evaluator," and better clarify the fees that will be charged. Amendments also condense and better explain the way investigations are conducted and citations are issued. Language also clarifies that only veterinarians that contract with the Board or staff investigators may conduct inspections. The rules also will provide for an electronic hearing process to assist respondents with unnecessary costs associated with travel to attend a hearing.

**AUTHORITY:**

Commercial Pet Breeders Act 59 O.S. § 5001 et seq.

**COMMENT PERIOD:**

Written comments will be accepted December 15, 2011 through January 17, 2012 at: Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140, Oklahoma City, OK 73118. Anyone wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2012.

**PUBLIC HEARING:**

A Public Hearing is scheduled on January 17, 2012 at 5:00 p.m. at the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140, Oklahoma City, OK 73118. Anyone who wishes to speak must sign in at the door by 5:00 p.m. A time limit for comments may apply.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

## Notices of Rulemaking Intent

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address during the period from December 15, 2011 through January 17, 2012.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Blvd., Suite 140, Oklahoma City, OK 73105. The proposed rules will also be available on <http://www.ok.gov/petbreeders/>.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Commercial Pet Breeders, at the above address, or on our website at <http://www.ok.gov/petbreeders/> beginning on December 30, 2011.

### CONTACT PERSON:

Niki Wigington, Administrative Assistant, (405)286-3970.

*[OAR Docket #11-1098; filed 11-22-11]*

## TITLE 532. BOARD OF COMMERCIAL PET BREEDERS CHAPTER 15. COMMERCIAL PET BREEDER OPERATIONS GUIDELINES

*[OAR Docket #11-1099]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

532:15-1-2 [AMENDED]

Subchapter 3. Minimum Housing and Care Standards

532:15-3-1 [AMENDED]

532:15-3-5 [AMENDED]

532:15-3-9 [AMENDED]

532:15-3-11 [AMENDED]

532:15-3-12 [AMENDED]

Subchapter 5. Minimum Transportation and Sales Standards

532:15-5-2 [AMENDED]

532:15-5-5 [AMENDED]

Subchapter 7. Record Keeping and Sales Requirements

532:15-7-2 [AMENDED]

### SUMMARY:

The proposed rules are necessary to implement the Commercial Pet Breeders Act. Minimal amendments were made to correct typographical errors, better clarify food and water requirements, the required amount of rest between breeding cycles, and the Board was removed from the definition of Application Evaluator.

### AUTHORITY:

Commercial Pet Breeders Act 59 O.S. § 5001 et seq.

### COMMENT PERIOD:

Written comments will be accepted December 15, 2011 through January 17, 2012 at: Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140,

Oklahoma City, OK 73118. Anyone wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2012.

### PUBLIC HEARING:

A Public Hearing is scheduled on January 17, 2012 at 5:00 p.m. at the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Boulevard, Suite 140, Oklahoma City, OK 73118. Anyone who wishes to speak must sign in at the door by 5:00 p.m. A time limit for comments may apply.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Oklahoma Board of Commercial Pet Breeders at the above address during the period from December 15, 2011 through January 17, 2012.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Commercial Pet Breeders, 1000 N.W. Grand Blvd., Suite 140, Oklahoma City, OK 73105. The proposed rules will also be available on <http://www.ok.gov/petbreeders/>.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Commercial Pet Breeders, at the above address, or on our website at <http://www.ok.gov/petbreeders/> beginning on December 30, 2011.

### CONTACT PERSON:

Niki Wigington, Administrative Assistant, (405)286-3970.

*[OAR Docket #11-1099; filed 11-22-11]*

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

*[OAR Docket #11-1089]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

### SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to the duties of

retirement coordinators and providing plan information to members.

**AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2012, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2012, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on our website at <http://www.opers.ok.gov>.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2011, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**CONTACT PERSON:**

Joseph A. Fox, General Counsel (405) 858-6737.

*[OAR Docket #11-1089; filed 11-18-11]*

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

*[OAR Docket #11-1090]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Public Employees Retirement System  
[AMENDED]

**SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to employer remittance errors and late payments, rollovers to other qualified plans, differential wage payments, non-state agency contributions, incentive credit, termination credit, elected official service credit, early retirement, fractional year computations, normal retirement dates for post-hazardous duty members, and survivor benefits.

**AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2012, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2012, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on our website at <http://www.opers.ok.gov>.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2011, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**CONTACT PERSON:**

Joseph A. Fox, General Counsel (405) 858-6737.

*[OAR Docket #11-1090; filed 11-18-11]*

## Notices of Rulemaking Intent

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

*[OAR Docket #11-1091]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

#### **SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Uniform Retirement System for Justices and Judges more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to allocation of administrative expenses, rollovers to other qualified plans, and differential wage payments.

#### **AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909 and 20 O.S. Sections 1101.1 and 1108.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2012, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

#### **PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2012 in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

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

n/a

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

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on our website at <http://www.opers.ok.gov>.

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

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2011, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

#### **CONTACT PERSON:**

Joseph A. Fox, General Counsel (405) 858-6737.

*[OAR Docket #11-1091; filed 11-18-11]*

### **TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 25. DEFERRED COMPENSATION**

*[OAR Docket #11-1092]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Chapter 25. Deferred Compensation [AMENDED]

#### **SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Compensation Plan more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to rollovers to other qualified plans, differential wage payments, and allocation of administrative expenses.

#### **AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1701.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2012, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

#### **PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2012, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

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

n/a

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

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on our website at <http://www.opers.ok.gov>.

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

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2011, at the offices of the Oklahoma Public

Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**CONTACT PERSON:**

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #11-1092; filed 11-18-11]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN**

[OAR Docket #11-1093]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 35. Deferred Savings Incentive Plan [AMENDED]

**SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Savings Incentive Plan more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes may include topics related to differential wage payments, rollovers to other qualified plans, adjustments for certain amounts in excess of federal limits, and allocation of administrative expenses.

**AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2012, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2012, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on our website at <http://www.opers.ok.gov>.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2011, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

**CONTACT PERSON:**

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #11-1093; filed 11-18-11]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #11-1130]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

675:1-1-1.1. Definitions [AMENDED]

675:1-1-4. Officers of the Board [AMENDED]

675:1-1-9. Fee schedule [AMENDED]

**SUMMARY:**

These proposed amendments to the rules of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715.

Also, in addition to addressing the 2011 amendments to the Social Workers Licensing Act as described in the previous paragraph, the proposed amendments to Rule 675:1-1-1.1 clarify the procedure for face to face supervision by electronic means. This amendment results from the fact that the Board has received requests of late that seek to use computer programs such as Skype to interact during supervision. The Board's rules currently require a period of supervision by a licensed social worker of applicants for licensure, and this supervision must be face to face. The words "face to face" are not currently defined in the Social Workers Licensing Act or Board rules. The purpose of this emergency rule amendment is to provide a means for the Board to control the use of programs like Skype to meet the face to face supervision requirements and to prevent supervision by electronic means without review by the Board given that face to face supervision by electronic means is not going to be adequate in every situation. This will serve the purpose of helping to make sure only qualified applicants receive licenses as social worker.

Other than the addition of the term "assessment" to the terms defined in rule 675:1-1-1.1, the proposed amendments are currently effective as emergency rules. The definition of "assessment" was added as it is a definition currently used in the National Model Social Work Practice Act and because the definition is based on current practice standards by qualified,

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degreed social workers who have received the required and appropriate training from accredited Colleges of Social Work. Adding the definition of "assessment" provides further clarification as to scope of work to be provided by the various licensure levels.

### **AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

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

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

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

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

### **CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1130; filed 11-23-11]*

## **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 3. INDIVIDUAL PROCEEDINGS**

*[OAR Docket #11-1131]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

675:3-1-2. Definitions [AMENDED]

675:3-1-3. Complaint procedure [AMENDED]

675:3-1-3.1. Cooperation with investigations [NEW]

675:3-1-4. Procedures for denials, revocations, suspensions [AMENDED]

### **SUMMARY:**

The proposed amendments to Rule 675:3-1-2 adds the definition for "Complaint Committee" to further clarify paragraph 6 of subsection (a) of Rule 675:3-1-3. Rule 675:3-1-3(a) was changed to more accurately capture the procedural steps of complaint procedure. Rule 675:3-1-3(b) deletes references that are not needed as section (c) and (d) of the same subsection address the procedures depending on the type of violation. The proposed amendments to Subsections (c) and (d) of Rule 675:3-1-3 add the word "renewal" to make it clear that the denial of a license as those words are used in these subsections does not include the denial of a new license. The proposed amendment to Rule 675:3-1-3(c)(4) provides further clarification that the current rules do not intend that all consent decrees should not be reported to the national data banks, only those consent decrees in situations where the violations do not warrant denial, suspension or revocation. The proposed addition of new Rule 675:3-1-3a assures that licensees cooperate with ongoing Board investigations of complaints against licensees. The proposed amendments to 675:3-1-4(a) add the word "renewal" to make it clear that the denial of a license as those words are used in Subsection (a) does not include the denial of a new license. The proposed amendments to Rule 675:3-1-4(a) adds similar Oklahoma licenses as a ground for disciplinary action against a licensed social worker to mirror the ground for disciplinary action by the Board in current Paragraph 10 of this subsection for action against a similar license in other states. In addition, the proposed amendments to Subsection (a) include a time requirement to report disciplinary action against a licensed social worker taken by other Oklahoma state agencies or licensing agencies in other states .

### **AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and 1268.

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

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

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1131; filed 11-23-11]*

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS  
CHAPTER 10. LICENSURE REQUIREMENTS**

*[OAR Docket #11-1132]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 675:10-1-1.2. Requirements for Licensed Clinical Social Worker [AMENDED]
- 675:10-1-4. Requirements for Private or Independent Social Work Practice [AMENDED]
- 675:10-1-5. Titles of licenses [AMENDED]
- 675:10-1-6. Continuing education [AMENDED]
- 675:10-1-9. Form of application [AMENDED]
- 675:10-1-10. Examinations [AMENDED]
- 675:10-1-12.1. Renewal of licenses [AMENDED]

**SUMMARY:**

The proposed amendments to the rules as outlined in 675:10-1-4, 675:10-1-5(a)(1), (b)(2), (c)(2) and (e)(2), and 675:10-1-9(a)(6), (11 and (b) of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715.

Also, in addition to addressing the 2011 amendments to the Social Workers Licensing Act as described in the previous paragraph, the proposed amendments to Rule 675:10-1-1.2(1) are to provide clarification of "direct client contact". The proposed amendments to Rule 675:10-1-5(a) includes the addition of subparagraph (A) of paragraph (3) of subsection (a) to require that social workers using assessment tools observe all requirements associated with the tool. The proposed amendments to Rule 675:10-1-5 includes the deletion of paragraph (4) of subsection (a), because education and experience are already noted in Rule 675: 10-1-2(1). The definition of Licensed Masters Level Social Worker in Rule 675:10-1-5(b) was modified to make more consistent with the

other licensure types listed in this section and to clarify the restraints for private and independent practice. The definition of Licensed Social Worker in Rule 675:10-1-5(c) was modified to make more consistent with the other licensure types listed in this section and to clarify the restraints for private practice. Rule 675:10-1-5(d) adds clarification that the Licensed Social Worker-Adm cannot engage in the private practice of clinical social work. Paragraph (4) of subsection (d) of Rule 675:10-1-5 was deleted because education and experience are already noted in Rule 675:10-1-2.1. The definition of Licensed Social Worker Associate in Rule 675:10-1-5(e) was modified to make more consistent with the other licensure types listed in this section and to clarify the restraints for private and independent practice. Paragraph (5) of subsection (a) of Rule 675:10-1-6 was changed because of the difficulty licensees encounter in acquiring continuing education in the same year their application was approved, especially for those who are approved after July 1st of each calendar year. 675:10-1-9 provides clarification of requirements for making application for licensure in Oklahoma. The amendments to subsections (c), (d) and (e) of Rule 675:10-1-10 provide clarification regarding the revocation of provisional licenses pursuant to Section 1261.5 of Title 59 of the laws of Oklahoma and the steps necessary to continue re-taking the examination. The proposed amendments to subsection (c) of Rule 675:10-1-12.1 provide clarification of continuing education requirements needed to renew a license the following year.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1255, 1261.1 and 1261.5.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

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### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

### **CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1132; filed 11-23-11]*

### **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 12. GUIDELINES FOR SUPERVISION**

*[OAR Docket #11-1133]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

675:12-1-4. Supervision and private or independent practice [AMENDED]

675:12-1-6. Board Approved Supervisors [AMENDED]

675:12-1-8. Out of State Supervision [NEW]

### **SUMMARY:**

These proposed amendments to the rules as outlined in Rule 675:12-1-4 of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715.

Also, in addition to addressing the 2011 amendments to the Social Workers Licensing Act as described in the previous paragraph, the proposed amendments to Rule 675:12-1-6(b) define the minimum expectations for board approved and non-board approved Supervisors. The proposed amendments to Rule 675:12-1-6(c)(1), (2) and (3) clarify the procedure for minimum supervision expectations and the expectations of supervisees while under supervision. The language from Rule 675:12-1-6(c)(4) was deleted and moved to 675:12-1-6(b). The proposed amendments to Rule 675:12-1-6(c)(5) provide further clarification of the submission time frames for evaluation forms to the Oklahoma State Board of Licensed Social Workers. The proposed amendments to Rule 675:12-1-6(c)(6) add language to inform the licensee of the possibility of losing supervisory hours in the event they are not timely with the submission of their supervision evaluations. The proposed amendments to Rule 675:12-1-6(c)(9) formalize how often supervisors are required to attend supervisor training to maintain their status as a board approved or non-board approved supervisor. New Rule 675:12-1-8 was added to assure that those seeking licensure in Oklahoma from another state experienced a comparable supervision experience as is required by the Oklahoma Social Workers Licensing Act.

### **AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10) and 1261.1(A)(5).

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

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

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

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

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

### **CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1133; filed 11-23-11]*

### **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

*[OAR Docket #11-1134]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

675:15-1-2. Introduction [AMENDED]

675:15-1-3. Continuing education standards [AMENDED]

675:15-1-5. Information to providers of continuing education [AMENDED]

### **SUMMARY:**

The proposed amendments to Rule 675:15-1-2 expands the recognition of continuing education training activities accepted by the Oklahoma State Board of Licensed Social Workers.

Proposed amendments to Rule 675:15-1-3(a) reduces the continuing education requirement for individuals who hold more than one license requiring them to have 16 hours of continuing education for their first license and six additional hours for each additional license. Proposed amendments to Rule 675:15-1-5(c) expands the list of approved recognized providers for continuing education providers to include NASW state chapters.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1255 and 1261.1a.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1134; filed 11-23-11]*

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS  
CHAPTER 20. CODE OF PROFESSIONAL CONDUCT**

*[OAR Docket #11-1135]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

675:20-1-6. Social Workers Code of Ethics [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 675:20-1-6 accept the NASW Code of Ethics as revised by the 2008 Delegate Assembly.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), and 1266.1(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16<sup>th</sup>, 2012 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 20, 2012 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 16, 2011.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #11-1135; filed 11-23-11]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 10. AD VALOREM**

*[OAR Docket #11-1107]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 10. AD Valorem [AMENDED]

# Notices of Rulemaking Intent

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## SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing AD Valorem rules have been made.

Section 710:10-2-5 has been amended to reflect the recent Oklahoma Supreme Court decision [*Assessor of Roger Mills County vs. Unit Drilling Company*, 2011 OK 4] regarding the valuation of personal property used in the exploration of oil, natural gas, or other minerals, including drilling equipment and rigs for tax assessment purposes.

Proposed amendments to **Subchapter 7**, "*Manufacturing Facilities*", and **Subchapter 14**, "*Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate*" are intended to clarify eligibility and application requirements, to comply with current legal authority, and to correct scrivener's errors.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

## AUTHORITY:

68 O.S. §§ 203 and 2902(H); Oklahoma Tax Commission

## COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

## PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 18, 2012, 10:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if

possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

## CONTACT PERSON:

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

[OAR Docket #11-1107; filed 11-22-11]

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## TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 20. ALCOHOL, MIXED BEVERAGES, AND LOW-POINT BEER

[OAR Docket #11-1108]

## RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

## PROPOSED RULES:

Subchapter 2. Low-Point Beer  
710:20-2-5 [AMENDED]  
710:20-2-6 [AMENDED]  
Subchapter 3. Alcoholic Beverages  
710:20-3-3 [AMENDED]  
Subchapter 5. Mixed Beverages  
710:20-5-6 [AMENDED]

## SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Alcohol, Mixed Beverage, and Low-Point Beer rules have been made.

Section **710:20-2-5** has been amended to require the electronic reporting of low-point beer excise tax. [37:163.5]

Section **710:20-2-6** has been amended to conform with the provisions of House Bill 1106 [2003] and Senate Bill 353 [2003], which modified Section 163.7 of Title 37 of the Oklahoma Statutes, changing the license fees for manufacturers, wholesalers and retailers of low-point beer.

Section **710:20-3-3** has been amended to require the electronic reporting of excise tax on alcoholic beverages. [37:553]

Section **710:20-5-6** has been amended to reflect Commission policy regarding the due date for the reporting

and remittance of mixed beverage tax that falls on a day that the Federal Reserve banks are closed. [37:579]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 18, 2012, 9:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from

the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

[OAR Docket #11-1108; filed 11-22-11]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #11-1109]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 22. Boats and Motors [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Boats and Motors rules have been made.

Section 710:22-5-11 has been amended to reflect the provisions of Senate Bill 1398, Second Regular Session of the 52<sup>nd</sup> Legislature (2010), which relates to annual vessel and outboard motor registration renewal notices. Armed Forces personnel eligible for the reduced military registration fee set forth in 63 OS § 4021 may continue to receive mailed boat/motor renewal notices at no charge.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. § 203; 63 O.S. § 4004.

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 17, 2012, 1:30 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup>

## Notices of Rulemaking Intent

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floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

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

*[OAR Docket #11-1109; filed 11-22-11]*

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## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 25. COIN OPERATED VENDING DEVICES**

*[OAR Docket #11-1110]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

710:25-1-5 [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Coin Operated Vending Devices rules have been made.

Section **710:25-1-5** has been amended to implement House Bill 1634, enacted into law by the 53rd Legislature 1st Regular Session, effective July 1, 2011, which modified Section 1503 of Title 68 of the Oklahoma Statutes, decreasing the annual fee

for each coin-operated music device, coin-operated amusement device and any coin-operated vending device requiring a coin or thing valued at more than \$.25 cents or more from \$150.00 to \$75.00.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

### **AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. §§ 203 and 1504

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 17, 2012, 1:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #11-1110; filed 11-22-11]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 45. GROSS PRODUCTION**

[OAR Docket #11-1111]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 45. Gross Production [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Gross Production rules have been made.

Proposed amendments to **Subchapter 9, "Exemptions and Exclusions"**, have been made to:

- Implement the provisions of House Bill 2432 [Second Regular Session of the 52<sup>nd</sup> Legislature (2010)], which provides for the payment deferral of certain gross production tax rebates by the Tax Commission for the production periods ending June 30, 2010, and June 30, 2011, for horizontally drilled and deep wells completed below 15,000 feet; provides for a change in the method that certain exemptions are perfected; amends the rebate period for horizontal wells which eliminates the payback limitation and provides for an incentive period of forty-eight (48) months; and provides for an annual adjustment to the calendar year price cap based on the consumer price index.

- Implement the provisions of House Bill 1488 [First Regular Session of the 53<sup>rd</sup> Legislature (2011)], which removes gold and silver from the levy of gross production tax, as well as extends the sunset date for certain gross production tax incentives from July 1, 2012, to July 1, 2014, for secondary and tertiary projects, reestablished production, production enhancements, certain deep wells, new discovery and 3-D seismic wells.

- Implement the provisions of Senate Bill 885 [First Regular Session of the 53<sup>rd</sup> Legislature (2011)], which clarifies provisions in 68 O.S. Section 1001 that were previously amended under House Bill 2432 [Second Regular Session of the 52<sup>nd</sup> Legislature (2010)], relating to certain horizontal and deep wells that qualify for a reduction of the gross production tax rate. The previous amendment inadvertently excluded qualifying wells which exist prior to July 1, 2011.

- Implement the provisions of Senate Bill 1882 [Second Regular Session of the 52<sup>nd</sup> Legislature (2010)], which extends the sunset provision for the variable rate on Gross Production Tax from June 30, 2010, to June 30, 2013, and also extends the Gross Production Tax rebate for economically at-risk oil and gas leases for calendar years 2011, 2012 and 2013.

**AUTHORITY:**

68 O.S. §§ 203; 1001(M); 1001.1; and 1013; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 19, 2012, 9:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

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

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### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

*[OAR Docket #11-1111; filed 11-22-11]*

### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME**

*[OAR Docket #11-1112]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

### **PROPOSED RULES:**

Chapter 50. Income [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Income tax rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 53<sup>rd</sup> Legislature (2011) unless otherwise indicated.

Section 710:50-3-54 has been amended to correct a scrivener's error.

Section 710:50-15-48, Oklahoma source capital gain deduction, has been amended to conform to legislative changes [HB 1174XX (2006); HB 2195 (2007); SB 854 (2007); and SB 685 (2007)] and recent Tax Commission decisions [OTC Order Nos. 2009-06-23-02 and 2009-06-23-03]. **[68:2358(D) and (F)]**

Section 710:50-15-53 has been amended to reflect current Commission policy regarding the procedure to elect to forego the NOL carryback period. **[68:2358(A)(3)]**

Sections 710:50-15-109 and 710:50-15-110 have been amended to implement the provisions of House Bill 1008, which shortened the tax credit moratorium for the aerospace credits by one (1) year. **[68:2357.302, 2357.303 and 2357.304]**

New Section 710:50-3-55 has been added to implement the provisions of House Bill 1284, providing for the reporting of transferable tax credits and allocated tax credits to the Tax Commission. **[68:2357.1A-1]**

New Sections 710:50-15-114 and 710:50-15-115 have been added to implement the provisions of SB 969, creating the *Oklahoma Equal Opportunity Education Scholarship Act*, which provides for an income tax credit for contributions to eligible scholarship-granting organizations or eligible educational improvement grant organizations. **[68:2357.206]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove

obsolete language, update statutory citation, and insure accurate internal cross-references.

### **AUTHORITY:**

68 O.S. §§ 203; 2357.206; and 2358; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 18, 2012, 2:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #11-1112; filed 11-22-11]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #11-1113]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 60. Motor Vehicles [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the First Regular Session of the 53<sup>rd</sup> Legislature (2011) unless otherwise indicated.

Section 710:60-3-12 has been amended to clarify language to reflect established policy and practice of allowing the new owner of a currently registered vehicle to change the vehicle's month of expiration either at the time of transfer, or upon their first registration renewal. [47:1116]

Sections 710:60-3-24 and 710:60-3-141 have been amended to reflect the provision of House Bill 1939, changing "waste tire recycling fees" to "tire recycling fees". [27A:2-11-401.2]

Section 710:60-3-140 has been amended to reflect the provisions of Senate Bill 325 regarding the definition change of "all-terrain vehicles". [47:1102]

Section 710:60-3-201 has been amended to reflect the provisions of Senate Bill 1699 (2008) wherein the Oklahoma Corporation Commission assumed complete responsibility for issuance of 72-hour permits. [47:1124]

New Section 710:60-5-8 has been added to reflect the provisions of Senate Bill 38 which adds "rebodied title" as an additional type of certificate of title that may be issued by the Oklahoma Tax Commission. [47:1105]

Section 710:60-5-51 has been amended to clarify language to reflect established policy and practice of allowing a new vehicle to be registered, but the title placed on document hold, when the owner has yet to receive complete documentation from the selling dealership. [47:1105]

Section 710:60-5-61 has been amended to provide a procedural recourse for the owner/possessor of a recovered vehicle with an unrecovered-theft title, for which the recovering insurance company refuses to provide a damage declaration. [47:1105]

New Section 710:60-5-64 has been added to provide necessary application and issuance procedures for rebodied vehicle certificates of title. [47:1102; 1105]

Section 710:60-5-77 has been amended to provide a reference to the No Administrator Affidavit (OTC Form 798), used to transfer ownership of a vehicle to descendants, when the owner has died intestate. [84:232]

Section 710:60-5-91 has been amended to provide for proper lienholder notification when the vehicle or component on which they have loaned is to be utilized to construct a newly assembled vehicle that will reflect a new vehicle identification number. [47:1105; 1110]

Section 710:60-7-3 has been amended to clarify policy regarding the consecutive three (3) year period applicable to the 100% disabled veterans' excise tax exemption. [68:2105]

Section 710:60-9-54 has been amended to reflect current policies relating to tag agency processes and responsibilities regarding inventory verification and accountability. [47:1140]

Section 710:60-9-132 has been amended to allow the Tax Commission to consider applications for appointment as a motor license agent who are believed to be qualified, but fall short of current criteria. [47:1140]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

27A O.S. § 2-11-401.6; 47 O.S. §§ 1140, 1146 and 1149; 68 O.S. § 203; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 17, 2012, 2:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

## Notices of Rulemaking Intent

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### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

### CONTACT PERSON:

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

*[OAR Docket #11-1113; filed 11-22-11]*

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

*[OAR Docket #11-1114]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking  
**PROPOSED RULES:**

Chapter 65. Sales and Use Tax [AMENDED]

### SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales Tax rules have been made to implement recent legislation. All legislative references are to the 53rd Legislature, 1st Regular Session (2011).

Sections 710:65-1-7, 710:65-7-13, 710:65-19-56 have been amended to reflect the provisions of HB 1954 which allows a contractor, or a subcontractor to such contractor, to make purchases of tangible personal property or services exempt from sales/use tax pursuant to a contractual relationship with a manufacturer for the construction and improvement of manufacturing goods, wares, merchandise, property, machinery and equipment for use in a manufacturing operation classified under NAICS No. 324110 (Petroleum Refineries). **[68:1359]**

Section 710:65-3-1 has been amended to provide directions to taxpayers regarding requests to file semiannual sales tax reports. **[68:1365]**

Section 710:65-3-3 has been amended to set forth the Commission's policy regarding a due date for the reporting and remittance of sales tax that falls on a day that the Federal Reserve banks are closed.

Section 710:65-7-9 has been amended to outline the properly completed documentation that a vendor must obtain when making sales to purchasers claiming exemption pursuant to a contractual relationship for the construction and improvement of manufacturing goods, wares, merchandise, property, machinery and equipment for use in a manufacturing operation which is classified under NAICS 324110 (Petroleum Refineries). **[68:1359]**

Section 710:65-13-15 has been amended to update provisions regarding exempt and nonexempt transactions relating to the sales tax exemption for sales of items directly used in the production of agricultural products. **[68:1358]**

Section 710:65-13-16 has been revoked as unnecessary because the provisions have been combined with those in 710:65-13-15. **[68:1358]**

New Section 710:65-19-116 has been added to implement the provisions of Section 1 of House Bill 1475, effective August 26, 2011 which modified Section 1634 of Title 68 of the Oklahoma Statutes, by removing all exemptions from the sale of fireworks other than for resale purposes. **[68:1634]**

Section 710:65-13-130 has been amended to outline the sales tax exemption afforded certain foreign diplomats, consular missions and their personnel and eligible family member evidenced by cards issued by the U.S. Department of State, Office of Foreign Missions.

Section 710:65-13-210 has been amended in accordance with the provisions of Section 1356(13) of Title 68 of the Oklahoma Statutes. **[68:1356]**

Section 710:65-19-45 has been amended consistent with the statutory provision exempting certain sales of prosthetic devices and to outline examples of taxable items sold by chiropodists, osteopaths and chiropractors. **[68:1354 & 68:1357]**

Section 710:65-19-52 has been amended to clarify the circumstances upon which the purchase of optional computer software maintenance agreement is subject to sales/use tax. **[68:1354]**

Section 710:65-19-76 has been revoked as obsolete and unnecessary. **[68:1404]**

Section 710:65-19-109 relating to the computation of sales tax on free and reduced price meals has been amended consistent with the definitions of "gross receipts, gross proceeds and sales price" and "sales value". **[68:1352]**

Section 710:65-19-193 has been amended consistent with the definition of "gross receipts, gross proceeds and sales price" to include layaway service charges in the calculation of sales tax regardless of whether the charge is separately stated. **[68:1352]**

Section 710:65-19-329 has been amended consistent with the provisions of paragraphs (4) and (5) of Section 1354 of Title 68.

Sections 710:65-7-6, 710:65-9-10, 710:65-13-152.1, 710:65-13-337, 710:65-13-338, 710:65-13-511, 710:65-18-4, 710:65-19-49, 710:65-19-55, 710:65-19-210, 710:65-19-350 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. §§ 203 and 1354.18

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 19, 2012, 2:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard,

Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

*[OAR Docket #11-1114; filed 11-22-11]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES**

*[OAR Docket #11-1115]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 70. Tobacco, Tobacco Products, and Cigarettes  
[AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Tobacco, Tobacco Products, and Cigarettes rules have been made.

Section 710:70-2-2 amends the definition of "cigarette" to include devices commonly referred to as electronic cigarettes or e-cigarettes. **[68:301(1)]**

New Section 710:70-2-15 has been added to provide instructions specific to the filing of cigarette reports and will require copies of invoices of sales made the previous month to be attached to the monthly report. **[68:312]**

Section 710:70-5-3 has been amended to provide for electronic filing of monthly tobacco products tax reports; to allow better tracking of product; and provide easier verification that the tax on tobacco products found at retail locations has been paid. **[68:403.1]**

Section 710:70-5-14 has been amended to provide better tracking of tobacco products from the wholesaler who remits the tax, to the retailer. **[68:304]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. §§ 203, 304, 322, 415 and 420

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those

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wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 19, 2012, 10:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

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

*[OAR Docket #11-1115; filed 11-22-11]*

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## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING**

*[OAR Docket #11-1116]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

Subchapter 3. Returns and Payments  
710:90-3-11 [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Withholding rules have been made.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

### **AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. § 203

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., January 16, 2012, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **January 18, 2012, 1:30 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as

fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after December 30, 2011, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

*[OAR Docket #11-1116; filed 11-22-11]*

**TITLE 748. UNIFORM BUILDING CODE COMMISSION  
CHAPTER 20. ADOPTED CODES**

*[OAR Docket #11-1096]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 9. NEC® 2011 Edition [NEW]
- 748:20-9-1. Adoption of National Electric Code® 2011 [NEW]
- 748:20-9-2. Effect of Adoption [NEW]
- 748:20-9-3. NEC® 2011 Informative Annexes [NEW]
- 748:20-9-4. NEC® 2011 Provisions Adopted and Modified [NEW]
- 748:20-9-5. NEC® 2011 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
- 748:20-9-6. NEC® 2011 Article 90 Introduction [NEW]
- 748:20-9-7. NEC® 2011 Chapter 5 Special Occupancies [NEW]
- Subchapter 11. IFGC® 2009 [NEW]
- 748:20-11-1. Adoption of International Fuel Gas Code® 2009 Edition [NEW]
- 748:20-11-2. Effect of Adoption [NEW]
- 748:20-11-3. IFGC® 2009 Appendices [NEW]
- 748:20-11-4. IFGC® 2009 Provisions Adopted and Modified [NEW]
- 748:20-11-5. IFGC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
- 748:20-11-6. IFGC® 2009 Chapter 1 Scope and Administration [NEW]

- 748:20-11-7. IFGC® 2009 Chapter 3 General Regulations [NEW]
- 748:20-11-8. IFGC® 2009 Chapter 4 Gas Piping Installations [NEW]
- 748:20-11-9. IFGC® 2009 Chapter 6 Specific Appliances [NEW]
- 748:20-11-10. IFGC® 2009 Chapter 8 Referenced Standards [NEW]
- Subchapter 13. IMC® 2009 [NEW]
- 748:20-13-1. Adoption of International Mechanical Code® 2009 Edition [NEW]
- 748:20-13-2. Effect of Adoption [NEW]
- 748:20-13-3. IMC® 2009 Appendices [NEW]
- 748:20-13-4. IMC® 2009 Provisions Adopted and Modified [NEW]
- 748:20-13-5. IMC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
- 748:20-13-6. IMC® 2009 Chapter 1 Scope and Administration [NEW]
- 748:20-13-7. IMC® 2009 Chapter 2 Definitions [NEW]
- 748:20-13-8. IMC® 2009 Chapter 3 General Regulations [NEW]
- 748:20-13-9. IMC® 2009 Chapter 5 Exhaust Systems [NEW]
- 748:20-13-10. IMC® 2009 Chapter 6 Duct Systems [NEW]
- 748:20-13-11. IMC® 2009 Chapter 15 Referenced Standards [NEW]
- Subchapter 15. IPC® 2009 [NEW]
- 748:20-15-1. Adoption of International Plumbing Code® 2009 Edition [NEW]
- 748:20-15-2. Effect of Adoption [NEW]
- 748:20-15-3. IPC® 2009 Appendices [NEW]
- 748:20-15-4. IPC® 2009 Provisions Adopted and Modified [NEW]
- 748:20-15-5. IPC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
- 748:20-15-6. IPC® 2009 Chapter 1 Scope and Administration [NEW]
- 748:20-15-7. IPC® 2009 Chapter 2 Definitions [NEW]
- 748:20-15-8. IPC® 2009 Chapter 3 General Provisions [NEW]
- 748:20-15-9. IPC® 2009 Chapter 4 Fixtures, Faucets and Fixture Fittings [NEW]
- 748:20-15-10. IPC® 2009 Chapter 5 Water Heaters [NEW]
- 748:20-15-11. IPC® 2009 Chapter 6 Water Supply and Distribution [NEW]
- 748:20-15-12. IPC® 2009 Chapter 7 Sanitary Drainage [NEW]
- 748:20-15-13. IPC® 2009 Chapter 8 Indirect/Special Waste [NEW]
- 748:20-15-14. IPC® 2009 Chapter 9 Vents [NEW]
- 748:20-15-15. IPC® 2009 Chapter 10 Traps, Interceptors, and Separators [NEW]
- 748:20-15-16. IPC® 2009 Chapter 11 Storm Drainage [NEW]

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748:20-15-17. IPC® 2009 Chapter 13 Referenced Standards [NEW]

### **SUMMARY:**

748:20-9-1, 20-9-2, 20-9-3 and 20-9-4 adopt the NEC® 2011, without annexes, as the minimum standards for commercial electrical construction in the State of Oklahoma. 748:20-9-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-9-6 establishes that Article 90 of the NEC® 2011 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-11-7 sets forth the Commission's adoption of Oklahoma modifications to the provisions of the NEC® 2011.

748:20-11-1, 20-11-2, 20-11-3, and 20-11-4 adopt the IFGC® 2009, without appendices, as the minimum standards for commercial fuel gas construction in the State of Oklahoma. 748:20-11-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-11-6 establishes that Chapter 1 of the IFGC® 2009 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-11-7, 20-13-8, 20-11-9 and 20-11-10 set forth the Commission's adoption of Oklahoma modifications to the provisions of the IFGC® 2009.

748:20-13-1, 20-13-2, 20-13-3, and 20-13-4 adopt the IMC® 2009, without appendices, as the minimum standards for commercial mechanical construction in the State of Oklahoma. 748:20-13-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-13-6 establishes that Chapter 1 of the IMC® 2009 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-13-7, 20-13-8, 20-13-9, 20-13-10 and 20-13-11 set forth the Commission's adoption of Oklahoma modifications to the provisions of the IMC® 2009.

748:20-15-1, 20-15-2, 20-15-3, and 20-15-4 adopt the IPC® 2009, without appendices, as the minimum standards for commercial plumbing construction in the State of Oklahoma. 748:20-15-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-15-6 establishes that Chapter 1 of the IPC® 2009 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-15-7, 20-15-8, 20-15-9, 20-15-10, 20-15-11, 20-15-12, 20-15-13, 20-15-14, 20-15-15, 20-15-16 and 20-15-17 set forth the Commission's adoption of Oklahoma modifications to the provisions of the IPC® 2009.

### **AUTHORITY:**

These rules are being promulgated under the authority of 59 O.S. § 1000.23, 1000.24, and 1000.29; Uniform Building Code Commission

### **COMMENT PERIOD:**

Written and oral comments will be accepted during regular business hours beginning December 16, 2011 and will be accepted through 1:00 p.m. on January 17, 2012, at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at the Offices of the Construction Industries Board, 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 60410, Oklahoma City, OK 73146.

### **PUBLIC HEARING:**

A public hearing on these proposed rules will be held at 1:00 p.m. on January 17, 2012, at a regular meeting of the Uniform Building Code Commission at the offices of the Construction Industries Board at 2401 NW 23rd, Suite 5. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on January 17, 2012.

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

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at the offices of the Construction Industries Board, 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107, before the close of the comment period on January 17, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: [www.ok.gov/oubcc](http://www.ok.gov/oubcc)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the offices of the Construction Industries Board at the above address.

### **CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.271.1595

Kathy Hehnlly, Commission Secretary 405.271.1595

*[OAR Docket #11-1096; filed 11-21-11]*

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# Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

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

*[OAR Docket #11-1150]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 3. Fee Schedules

35:2-3-10. [REVOKED]

### **SUBMITTED TO GOVERNOR:**

November 23, 2011

### **SUBMITTED TO HOUSE:**

November 23, 2011

### **SUBMITTED TO SENATE:**

November 23, 2011

*[OAR Docket #11-1150; filed 11-23-11]*

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

*[OAR Docket #11-1149]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 1. General Provisions

35:10-1-3 [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 23, 2011

### **SUBMITTED TO HOUSE:**

November 23, 2011

### **SUBMITTED TO SENATE:**

November 23, 2011

*[OAR Docket #11-1149; filed 11-23-11]*

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

*[OAR Docket #11-1146]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 23, 2011

### **SUBMITTED TO HOUSE:**

November 23, 2011

### **SUBMITTED TO SENATE:**

November 23, 2011

*[OAR Docket #11-1146; filed 11-23-11]*

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

*[OAR Docket #11-1148]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

35:30-17-13 [AMENDED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-89.1 [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 23, 2011

### **SUBMITTED TO HOUSE:**

November 23, 2011

### **SUBMITTED TO SENATE:**

November 23, 2011

*[OAR Docket #11-1148; filed 11-23-11]*

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

*[OAR Docket #11-1147]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 3. Meat Inspection

Part 1. General Provisions

35:37-3-1 [AMENDED]

35:37-3-3 [AMENDED]

## Submissions for Review

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

**SUBMITTED TO GOVERNOR:**

November 23, 2011

**SUBMITTED TO HOUSE:**

November 23, 2011

**SUBMITTED TO SENATE:**

November 23, 2011

*[OAR Docket #11-1147; filed 11-23-11]*

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

*[OAR Docket #11-1136]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 2. Incorporation By Reference  
252:100-2-1. [AMENDED]  
252:100-2-3. [AMENDED]  
Appendix Q. Incorporation By Reference [REVOKED]  
Appendix Q. Incorporation By Reference [NEW]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1136; filed 11-23-11]*

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

*[OAR Docket #11-1137]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources  
Part 5. Permits for Part 70 Sources  
252:100-8-2. [AMENDED]  
252:100-8-4. [AMENDED]  
Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas  
252:100-8-31. [AMENDED]  
252:100-8-33. [AMENDED]  
Part 9. Major Sources Affecting Nonattainment Areas

252:100-8-51.1. [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1137; filed 11-23-11]*

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

*[OAR Docket #11-1138]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 3. Incorporation by Reference.  
252:205-3-1. [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1138; filed 11-23-11]*

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 410. RADIATION MANAGEMENT**

*[OAR Docket #11-1139]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. General Provisions  
252:410-1-7. [AMENDED]  
Subchapter 10. Radioactive Materials Program  
Part 1. General Provisions  
252:410-10-1. [AMENDED]  
Part 35. Medical Use of Byproduct Material  
252:410-10-35. [AMENDED]  
Part 40. Domestic Licensing of Source Material  
252:410-10-40. [AMENDED]  
Part 71. Packaging and Transporting Radioactive Material  
252:410-10-71. [AMENDED]  
Subchapter 20. Standards For Protection Against Radiation  
252:410-20-1.[AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1139; filed 11-23-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 410. RADIATION MANAGEMENT**

*[OAR Docket #11-1140]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 3. Radiation Machines - Common Requirements

Part 3. Radiation Safety Management

252:410-3-33. [AMENDED]

Subchapter 11. Use of X-rays and/or Particles for Therapeutic Purposes in the Healing Arts and Veterinary Medicine

Part 1. General Provisions

252:410-11-1. [AMENDED]

252:410-11-2. [AMENDED]

252:410-11-4. [AMENDED]

Part 7. Radiation Safety Management

252:410-11-71. [AMENDED]

252:410-11-74. [AMENDED]

252:410-11-75. [AMENDED]

252:410-11-81. [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1140; filed 11-23-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 410. RADIATION MANAGEMENT**

*[OAR Docket #11-1141]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 19. X-Ray Fluorescence Instruments Used or Lead-Based Paint Detection [REVOKED]

252:410-19-1. [REVOKED]

252:410-19-2. [REVOKED]

252:410-19-3. [REVOKED]

252:410-19-4. [REVOKED]

252:410-19-5. [REVOKED]

252:410-19-6. [REVOKED]

252:410-19-7. [REVOKED]

252:410-19-8. [REVOKED]

252:410-19-9. [REVOKED]

252:410-19-10. [REVOKED]

252:410-19-11. [REVOKED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1141; filed 11-23-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

*[OAR Docket #11-1142]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. Introduction

252:606-1-4. Date of federal regulations incorporated [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1142; filed 11-23-11]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 623. PRETREATMENT FOR CENTRAL TREATMENT TRUSTS**

*[OAR Docket #11-1143]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

## Submissions for Review

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**RULES:**

Subchapter 1. General Provisions  
252:623-1-7. Incorporation by reference [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 21, 2011

**SUBMITTED TO HOUSE:**

November 21, 2011

**SUBMITTED TO SENATE:**

November 21, 2011

*[OAR Docket #11-1143; filed 11-23-11]*

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

*[OAR Docket #11-1081]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

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

**SUBMITTED TO GOVERNOR:**

November 8, 2011

**SUBMITTED TO HOUSE:**

November 8, 2011

**SUBMITTED TO SENATE:**

November 8, 2011

*[OAR Docket #11-1081; filed 11-15-11]*

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

*[OAR Docket #11-1082]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

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

710:65-18-6. [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 16, 2011

**SUBMITTED TO HOUSE:**

November 16, 2011

**SUBMITTED TO SENATE:**

November 16, 2011

*[OAR Docket #11-1082; filed 11-16-11]*

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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

**1:2011-29B.**

### SECOND AMENDED EXECUTIVE ORDER 2011-29

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., hereby declare that because there is a state of emergency existing in the State of Oklahoma due to extremely dry weather and lack of significant rainfall, it is necessary to assist and expedite all efforts of drought relief and wildfire suppression. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles used in the support efforts:

1. The requirements for special permits for use of oversized vehicles under Title 47 only when transporting hay. These vehicles shall not exceed 12' in width and 13' 6" in height.
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission;
4. The requirements contained in the Motor Carrier Safety Regulations, under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

Due to the severe drought conditions occurring statewide it is necessary to expedite access to hay for livestock. In order to accommodate this need and to provide assistance to our farmers and ranchers in this extraordinary situation, I hereby order the temporary suspension of the requirements for special permits for use of oversized vehicles under Title 47 as they apply to vehicles used to transport round baled hay for livestock as outlined above.

This order shall terminate at the end of sixty (60) days.

This Executive Order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission, the

Commissioner of Public Safety, and 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 18th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day

Assistant Secretary of State

[OAR Docket #11-1095; filed 11-21-11]

**1:2011-52.**

### EXECUTIVE ORDER 2011-52

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 8:00 a.m. until 5:00 p.m. on Monday, November 21, 2011, to honor former Oklahoma State Senator Olin Branstetter and his wife Paula, Oklahoma State University women's basketball head coach Kurt Budke, and assistant women's basketball coach Miranda Serna, who died in a plane crash in Perry County, Arkansas, on Thursday, November 17, 2011.

The loss of Oklahoma citizens is a heavy burden for Oklahomans to bear. The flying of the flags at half staff is a symbol Oklahomans have to remember those who died.

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 18th day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-1094; filed 11-18-11]*

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**1:2011-53.**

### EXECUTIVE ORDER 2011-53

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 8:00 a.m. until 5:00 p.m. on Tuesday, November 29, 2011, to honor former Oklahoma County District Attorney Robert H. Macy, who died on Friday, November 18, 2011, at the age of 81.

Macy was appointed by Governor George Nigh in 1980 to serve as Oklahoma County's top prosecutor; a position he held

for 21 years. He was known as a friend to law enforcement, and once stated that his goal was to "make Oklahoma County the safest county in the country." Throughout his life, former District Attorney Macy 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 22nd day of November, 2011.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

MARY FALLIN

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #11-1129; filed 11-23-11]*

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