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Notices of Rulemaking Intent

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

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

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

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #12-1022]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Description of Organization

158:1-1-1. Purpose [AMENDED]

Subchapter 3. General Operations and Procedures

158:1-3-1. Address [AMENDED]

Subchapter 5. Procedure in Individual Proceedings

158:1-5-2. Notice of hearing [AMENDED]

158:1-5-3. Service of petition and notice of hearing [AMENDED]

SUMMARY:

The purpose of the proposed rules is to change the address of the agency and clean-up language.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4.

COMMENT PERIOD:

Written and oral comments will be accepted between December 17, 2012 through January 16, 2013, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013, at the monthly meeting of the Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107. Anyone who wishes to make public comments must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda

McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

[OAR Docket #12-1022; filed 11-20-12]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 10. FINE SCHEDULE

[OAR Docket #12-1023]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:10-1-1. Purpose [AMENDED]

Subchapter 3. Administrative Fine Schedule

158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act, the Plumbing License Law of 1955, and Home Inspectors Licensing Act [AMENDED]

158:10-3-4. Payment of fines [AMENDED]

Subchapter 5. Oklahoma Small Business Regulatory Flexibility Act

158:10-5-1. Purpose [AMENDED]

SUMMARY:

The purpose of the proposed rule changes is to update the physical address of the Construction Industries Board and to correct scrivener's errors in citations. There are no changes for fine amounts.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.1, *et seq.*

COMMENT PERIOD:

Written and oral comments will be accepted between December 17, 2012 through January 16, 2013, during regular business hours at the office of the Administrator, Construction

Notices of Rulemaking Intent

Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013, at the monthly meeting of the Construction Industries Board, 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107. Anyone who wishes to make public comments must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 2nd, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

[OAR Docket #12-1023; filed 11-20-12]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

[OAR Docket #12-1024]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-1. Purpose [AMENDED]

158:30-1-2. Definitions [AMENDED]

158:30-1-4. Standard of installation [AMENDED]

Subchapter 3. Procedures of the Committee and Hearing Board

158:30-3-1. Procedures of the Committee [AMENDED]

158:30-3-2. Procedures of the Hearing Board [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-4. Plumbing journeymen and contractor licenses by reciprocity [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses.

158:30-9-1. Examination procedures [AMENDED]

158:30-9-3. Duration of Licenses [AMENDED]

158:30-9-4. Continuing Education [AMENDED]

SUMMARY:

158:30-1-1 Cleans up statutory citation. 158:30-1-2 corrects the statutory citation in definition of "Act" and cleans up language. 158:30-1-4 Approves code documents adopted by the Oklahoma Uniform Building Code Commission. 158:30-3-1 Updates language on examination procedures. 158:30-3-2 Allows for a designee to the committee. 158:30-5-4 Cleans up statutory citation. 158:30-9-1 Changes the requirements needed for examination allowing education to substitute for experience and conforming language to current procedure allowing credit for plumbing experience earned while serving in the U.S. Military. 158:30-9-3 Updates language to allow for internet based renewal process. 158:30-9-4 Clarifies the continuing education requirements and reflects changes adopted in the emergency rule process. These rules define a credit hour of education. These rules eliminate the completion of a continuing education evaluation form. These rules add a complaint procedure.

AUTHORITY:

The Construction Industries Board has the general power to adopt, amend, repeal and promulgate rules as may be necessary to regulate the plumbing trade. 59 O.S. § 1000.4(A)(1); The Construction Industries Board has the specific authority to promulgate and amend rules pertaining to the licensing and registration of plumbing tradesmen at 59 O.S. § 1002.

COMMENT PERIOD:

Written and oral comments will be accepted from December 17, 2012 through January 16, 2013 at the following address: 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

The Public Hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013 at the monthly meeting of the Construction Industries Board at 2401 NW 23rd, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make public comments must sign in by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda

McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Rules Liaison, 405.521.6546

[OAR Docket #12-1024; filed 11-20-12]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

[OAR Docket #12-1025]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Procedures of the Committee and the Hearing Board

158:40-3-1. Procedures of the committee [AMENDED]

Subchapter 7. License Classifications

158:40-7-1. Unlimited electrical license [AMENDED]

158:40-7-5. Electrical journeyman and contractor license by reciprocity [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals.

158:40-9-3. License and registration fees and renewals. [AMENDED]

158:40-9-4. Continuing education. [AMENDED]

SUMMARY:

158:40-3-1 Grammatical changes. 158:40-7-1 Clarifies experience required for unlimited journeyman license. 158:40-7-5 Clarifies reciprocal agreement is to be in written form. 158:40-9-3 corrects the scrivener's error in the renewal contractor license. Has clean-up and clarification language. 158:40-9-4 clarifies the language for continuing education requirements and reflects changes adopted in the emergency rule process. It also eliminates the continuing education evaluation form and adds clarification to on-line course procedures. It adds a complaint procedure for the licensee to submit.

AUTHORITY:

The Construction Industries Board has the general power to adopt, amend, repeal and promulgate rules as may be necessary to regulate the electrical trade. 59 O.S. § 1000.4(A)(1). The Construction Industries Board has the specific authority to

promulgate rules pertaining to the licensing and registration of electrical tradesmen. 59 O.S. § 1681.

COMMENT PERIOD:

Written and oral comments will be accepted from December 17, 2012 through January 16, 2013 at the following address: 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

The Public Hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013 at the monthly meeting of the Construction Industries Board at 2401 NW 23rd, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make public comments must sign in by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

[OAR Docket #12-1025; filed 11-20-12]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

[OAR Docket #12-1026]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2. Definitions [AMENDED]

158:50-1-3. License requirement and exemptions [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-1. License types [AMENDED]

158:50-5-2. Limitations of licenses [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1. Qualifications for mechanical licensure [AMENDED]

158:50-9-2. License and registration fees and renewals [AMENDED]

158:50-9-3. Duration of license [AMENDED]

158:50-9-7. Continuing Education [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:50-11-2. Prohibited acts [AMENDED]

SUMMARY:

158:50-1-2 defines "Credit hour", "Health care facility", "Medical gas piping work", "Medical gas journeyman", for purposes of regulatory compliance. "Mechanical work", "Process piping", "Refrigeration system", "Variance", and "Verifiable experience" have been modified for regulatory clarification. 158:50-1-3 provides uniformity between the Mechanical Licensing Act and these Mechanical Industry Regulations and establish the requirements for the installation, replacement, modification, or repair of mechanical systems. 158:50-5-1(b)(9) creates the mechanical license category and license type for medical gas journeyman as adopted in the emergency rule. 158: 50-5-2(b)(10) clarifies the authorized activities and limitations of a medical gas journeyman licensee. 158:50-9-1(b)(1) clarifies experience requirements to conform to current procedure allowing credit for mechanical experience earned while serving in the U.S. Military and cleans up language. 158:50-9-1 grammatical change. 158:50-9-1(c) sets forth the requirement of proof of current certification to meet the standard for the Medical Gas journeyman license category. 158:50-9-2 is clean up language. 158:50-9-3 corrects rule citation. 158:50-9-7 is clean up language and clarification of requirements and reflects changes adopted in the emergency rule process. It also eliminates the course evaluation form and creates a complaint procedure. 158: 50-9-7(l) and (m) eliminate continuing education requirements for ground source piping category licensees and medical gas category licensees. 158:50-11-2 prohibits one having a Medical Gas license from working without having the required current certification.

AUTHORITY:

The Construction Industries Board has the general power to adopt, amend, repeal and promulgate rules as may be necessary to regulate the mechanical trade. 59 O.S. § 1000.4(A)(1). The Construction Industries Board has the specific authority to promulgate and amend rules pertaining to the licensing and registration of mechanical tradesmen. 59 O.S. § 1850.3. The Construction Industries Board has the specific authority to

promulgate rules regarding the establishment of licensing and registration fees at 59 O.S. § 1000.5.

COMMENT PERIOD:

Written and oral comments will be accepted from December 17, 2012 through January 16, 2013 at the following address: 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

The Public Hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013 at the monthly meeting of the Construction Industries Board at 2401 NW 23rd, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make public comments must sign in by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

[OAR Docket #12-1026; filed 11-20-12]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

[OAR Docket #12-1027]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:60-1-2. Definitions [AMENDED]

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification

and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-1. Categories and classifications of inspector licenses [AMENDED]

158:60-5-2. Qualifications for inspector licensure [AMENDED]

158:60-5-3. License requirements for inspectors [AMENDED]

158:60-5-4. Fees, certification and continuing education for inspectors [AMENDED]

158:60-5-5. Continuing education courses [AMENDED]

SUMMARY:

158:60-1-2 adds definitions including: "Credit Hour", "OUBCC", "Political Subdivision", and "Regular Work Place". The revision removes unnecessary specific references to "IAPMO" and "ICC" which are already included in general entity references. The revision adds the OUBCC as the code authority for the State of Oklahoma. The revision to the Residential definition recognizes the Residential code adopted by the OUBCC. The Energy Code Inspector classifications, both Unlimited and Residential, are moved to 158:60-5-1(a)(5) from 158:60-5-2(d). 158:60-5-1(b)(3) clarifies the definition of an inactive Inspector. 158:60-5-2(a) clarifies the approval of the employing political subdivision. 158:60-5-2(c)(1) deletes unnecessary reference to specific entities covered by general references. 158:60-5-2(d) deletes Energy Code Inspector which is moved to 158:60-5-1(a)(5) and adds certifications recognized and approved by the Committee. 158:60-5-2(e) clarifies the language on the provisional licensing requirements. 158:60-5-2(f) removes the requirement to maintain a list of inactive inspectors. 158:60-5-3(e) clarifies the type of inspections that can be made. 158:60-5-4 adds the word "approved" before each CEU class. 158:60-5-4(5) adds Energy Code Inspector continuing education requirements. 158:60-5-5(a) clarifies language for the provider and the instructor. 158:60-5-5(b) eliminates evaluation form and adds that courses must be at least 2 credit hours; sets parameters for continuing education courses. Permits video presentations during continuing education courses under certain parameters. 158:60-5-5(c) adds a complaint procedure.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4 and 1032 of the Oklahoma Inspectors Act. Written and oral comments will be accepted between December 17, 2012 through January 16, 2013, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

The Public Hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013 at the monthly meeting of the Construction Industries Board at 2401 NW 23rd, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make public comments must sign in by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 NW 23th, Suite 2F, Oklahoma City, OK 73107 before January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Rules Liaison, 405.520.6546

[OAR Docket #12-1027; filed 11-20-12]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 70. HOME INSPECTORS ACT**

[OAR Docket #12-1028]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:70-1-2. Definitions [AMENDED]

158:70-1-3. Standards of workmanship and practice [AMENDED]

158:70-1-4. Sample Forms or Formats. [NEW]

Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity

158:70-9-1. Qualifications and examination application [AMENDED]

158:70-9-5. Continuing education. [AMENDED]

158:70-9-6. Denied application appeal. [AMENDED]

SUMMARY:

158:70-1-2 clarifies "classroom hour". 158:70-1-3 allows for certain systems and components to be excluded from the inspection when written prior to the inspection and recorded on a signed form; adds previous CSST emergency rule language.

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158:70-1-4 shows a sample of forms or formats. 158:70-9-1 increases the examination requirements from 50 clock hours to 90 credit hours to conform to the statutory requirement. 158:70-9-5 changes conforming to the statute the renewal continuing education hours from 5 (five) clock hours to 8 (eight) credit hours consisting of no more than 2 (two) hours of ancillary systems topics per year and it clarifies the continuing education requirements and provides recommended curriculum for continuing education. It eliminates the course evaluation form and adds a complaint procedure for the licensee to submit. 158:70-9-6 increases the credit hour for committee approval from fifty (50) hours to ninety (90) hours.

AUTHORITY:

The Construction Industries Board is specifically authorized to promulgate, amend and repeal rules pertaining to the standards of practice for licensed home inspectors. 59 O.S. § 858-627(B)(5). The CIB has general rulemaking authority at 59 O.S. § 1000.4(A)(1).

COMMENT PERIOD:

Written and oral comments will be accepted from December 17, 2012 through January 16, 2013 at the following address: 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

The Public Hearing on these proposed rules will be held at 1:30 p.m. on February 13, 2013 at the monthly meeting of the Construction Industries Board at 2401 NW 23rd, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make public comments must sign in by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, 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 reporting, 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 Linda McLennan at the above address, before the close of the comment period on January 16, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23rd, Suite 2F, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 16, 2013, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

[OAR Docket #12-1028; filed 11-20-12]

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

[OAR Docket #12-1020]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 13. Open Burning
252:100-13-2. [AMENDED]
252:100-13-5. [AMENDED]
252:100-13-7. [AMENDED]
252:100-13-8. [NEW]
252:100-13-9. [AMENDED]
252:100-13-10. [AMENDED]
252:100-13-12. [NEW]

SUMMARY:

The Department is proposing to amend OAC 252:100-13, Open Burning, to modify the requirements for "air curtain incinerators" or "ACIs" (also known as "air curtain destructors" and "open-pit incinerators"). Air curtain destructors are combustion units that operate by forcefully projecting a curtain of air across an open, integrated combustion chamber (firebox) or open pit or trench in which the combustion occurs. The proposed rulemaking would primarily affect the owners and operators of air curtain destructors that are used on a temporary basis to burn trees, brush, and similar materials from land clearing, public health, safety, and disaster response activities. The affected entities include private as well as state, county, and municipal governmental entities. The Department is proposing changes to add flexibility in the operation of these units, including an extension of the allowed hours of operation. The existing rule requires land clearing operations in current and former nonattainment areas (Tulsa and Oklahoma Counties) to use ACIs. The proposal would expand this requirement to all counties in the Oklahoma City and Tulsa Metropolitan Statistical Areas (MSAs), and would prohibit open burning in areas under an Ozone or PM Watch. Additionally, the Department proposes to modify the rule to allow, under certain conditions, the transport of materials from the site where they are generated to the site where they would be burned.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through - 117, specifically 27A O.S. Section 2-5-105 and 27A O.S. Section 2-5-106.1.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 16, 2013. For comments received at least five (5) business days prior to

the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 16, 2013 hearing and at the February 22, 2013 Environmental Quality Board meeting.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 16, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Also, a public hearing is scheduled before the Environmental Quality Board at 9:30 a.m. on Friday, February 22, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENTS:

The rule impact statement will be available on and after December 17, 2012 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify

the Air Quality Division three (3) days in advance at (405) 702-4216. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #12-1020; filed 11-20-12]

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

[OAR Docket #12-1021]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits for Minor Facilities

Part 9. Permits-By-Rule

252:100-7-60. [AMENDED]

252:100-7-60.5. [NEW]

252:100-7-60.6. [NEW]

Subchapter 13. Open Burning

252:100-13-2. [AMENDED]

252:100-13-5. [AMENDED]

252:100-13-7. [AMENDED]

252:100-13-8. [NEW]

252:100-13-9. [AMENDED]

252:100-13-10. [AMENDED]

252:100-13-12. [NEW]

SUMMARY:

The Department is proposing to modify OAC 252:100-7, Permits for Minor Facilities, to add new Permit By Rule (PBR) for minor facilities and area sources in the oil and natural gas production segment and the natural gas processing, transmission, and distribution segments of the oil and natural gas sector. The Department is also proposing to update the PBR general requirements and references. The Department is proposing to change the requirements regarding registration under PBRs to make the registration effective upon receipt of the application by the Department of Environmental Quality.

The Department is proposing to amend OAC 252:100-13, Open Burning, to modify the requirements for "air curtain incinerators" or "ACIs" (also known as "air curtain destructors" and "open-pit incinerators"). Air curtain destructors are combustion units that operate by forcefully projecting a curtain of air across an open, integrated combustion chamber (firebox) or open pit or trench in which the combustion occurs. The proposed rulemaking would primarily affect the owners and operators of air curtain destructors that are used on a temporary basis to burn trees, brush, and similar materials from land clearing, public health, safety, and disaster response activities. The affected entities include private as well as state, county, and municipal governmental entities. The Department is proposing changes to add flexibility in the operation of these units, including an extension of the allowed

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hours of operation. The existing rule requires land clearing operations in current and former nonattainment areas (Tulsa and Oklahoma Counties) to use ACIs. The proposal would expand this requirement to all counties in the Oklahoma City and Tulsa Metropolitan Statistical Areas (MSAs), and would prohibit open burning in areas under an Ozone or PM Watch. Additionally, the Department proposes to modify the rule to allow, under certain conditions, the transport of materials from the site where they are generated to the site where they would be burned.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Section 2-5-105 for Subchapters 7 and 13; 27A O.S. Section 2-5-106.1 for Subchapter 13; and 27A O.S. Section 2-5-112 and -114 for Subchapter 7.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 16, 2013. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 16, 2013 hearing and at the February 22, 2013 Environmental Quality Board meeting.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 16, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Also, a public hearing is scheduled before the Environmental Quality Board at 9:30 a.m. on Friday, February 22, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENTS:

The rule impact statements will be available on and after December 17, 2012 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtg/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

PERSONS WITH DISABILITIES:

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

[OAR Docket #12-1021; filed 11-20-12]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 30. RESIDENTIAL RENTAL MULTIFAMILY BOND PROGRAM RULES

[OAR Docket #12-1013]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Residential Rental Multifamily Bond Program
[AMENDED]

SUMMARY:

The Board of Trustees of the Oklahoma Housing Finance Agency (OHFA), a public trust, has adopted OHFA's Chapter 30. Residential Rental Multifamily Bond Program Rules (the "Rules") for use in considering applications for bond issuance in OHFA's Multifamily Tax-Exempt and Taxable Bond Finance Programs. The Rules provide guidelines which OHFA outlines in the Rules and are intended to describe the bond issuance process. In addition, the Rules provide a description of the procedures to be followed by applicants for

bond issuance and to be followed by OHFA in evaluating and prioritizing applications.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darrell Beavers, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before January 25, 2013. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pam Miller

PUBLIC HEARING:

A public hearing will be held: January 22, 2013 at 1:00 PM, at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, January 25, 2013, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at ohfa.org or are available at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before December 17, 2012 at the offices of OHFA.

CONTACT PERSON:

Darrell Beavers, Housing Development Program Supervisor, 1-(405)-419-8261 or Pamela Miller, Housing Finance Analyst, 1-(405)-419-8134.

[OAR Docket #12-1013; filed 11-20-12]

**TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY
CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM**

[OAR Docket #12-1014]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36: Affordable Housing Tax Credit Program Rules [AMENDED]

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to comply with new changes to U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to changes in the requirements of the Code and Treasury Regulations.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Emily Anderson, Housing Finance Analyst, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before January 25, 2013. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pam Miller

PUBLIC HEARING:

A public hearing will be held: January 22, 2013 at 2:00 PM, at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, January 25, 2013, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at ohfa.org or are available at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before December 17, 2012 at the offices of OHFA.

Notices of Rulemaking Intent

CONTACT PERSON:

Emily Anderson, Housing Finance Analyst,
1-(405)-419-8162 or Pamela Miller, Housing Finance Analyst,
1-(405)-419-8134.

[OAR Docket #12-1014; filed 11-20-12]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 55. HOME INVESTMENT PARTNERSHIPS PROGRAM RULES

[OAR Docket #12-1012]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Home Investment Partnerships Program Rules
[AMENDED]

SUMMARY:

The Board of Trustees of the Oklahoma Housing Finance Agency (OHFA), a public trust, has adopted OHFA's Chapter 55: HOME Investment Partnerships Program Rules (the "Rules") for use in considering applications for funding HOME eligible program activities. The Rules provide guidelines which OHFA outlines in the Rules and are intended to describe eligibility criteria and the application and selection processes and criteria. In addition, the Rules further describe contractor responsibilities including responsibilities for maintaining records and accounts. The intent of the Rules is to administer the HOME Program in such a way that it strengthens public and private partnerships to increase affordable housing opportunities for low income persons.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before January 25, 2013. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: Pam Miller

PUBLIC HEARING:

A public hearing will be held: January 22, 2013 at 9:00 AM, at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, January 25, 2013, in dollar amounts, if possible, the level of

costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at ohfa.org or are available at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before December 17, 2012 at the offices of OHFA.

CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor,
1-(405)-419-8145 or Pamela Miller, Housing Finance Analyst,
1-(405)-419-8134.

[OAR Docket #12-1012; filed 11-20-12]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[OAR Docket #12-1031]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of
Juvenile Affairs

377:1-1-9. Conduct of Committee Meetings [AMENDED]

377:1-1-10. Public hearing regarding a fixed rate
[AMENDED]

SUMMARY:

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per House Bill 3079 (2012), effective August 24, 2012, pertaining to the designation name changes of certain state agencies. The proposed rules are necessary in order to conform to new state agency name designations.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLYnn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLYnn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1031; filed 11-21-12]

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

[OAR Docket #12-1032]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Finance Department
- 377:3-7-3. Regulatory authority [AMENDED]
- 377:3-7-4. OJA financial system [AMENDED]
- Subchapter 11. Risk Management
- Part 1. Drug Policy
- 377:3-11-2. Definitions [AMENDED]
- 377:3-11-5. Substance screening [AMENDED]
- 377:3-11-10. Consequences of positive test results [AMENDED]
- 377:3-11-11. Job applicant and employee opportunities [AMENDED]

SUMMARY:

Proposed rule revisions for Subchapter 7 are the results of changes within the Oklahoma State Statutes, as per House Bill 3079 (2012), effective August 24, 2012, pertaining to the name

designation changes for state agencies. The proposed rules are necessary in order to conform to the correct state agency name designations.

Proposed rule revisions for Subchapter 11 are the results of substantive changes within the Oklahoma State Statutes, as per House Bill 2204 (2012), effective May 8, 2012, and House Bill 2033 (2011), effective November 1, 2011. Both measures pertain to drug testing of employees and job applicants, as found in 75 O.S., Sections 551-563, also known as the Standards for Workplace Drug and Alcohol Testing Act. The proposed rules are necessary in order to conform to state law.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLYnn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLYnn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLYnn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLYnn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1032; filed 11-21-12]

Notices of Rulemaking Intent

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 5. RELEASE FROM INSTITUTIONAL PLACEMENT

[OAR Docket #12-1033]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Pre-Release Planning

377:5-3-4. Review of the targeted review date
[AMENDED]

Subchapter 5. Hearings

377:5-5-2. Parole Hearing [AMENDED]

377:5-5-3. Parole revocation hearing [AMENDED]

377:5-5-4. Administrative Transfer Hearing [AMENDED]

377:5-5-5. Conduct of Parole Revocation and
Administrative Transfer Hearings [AMENDED]

SUMMARY:

Proposed rule revisions are provided for clarification on the notification pertaining to waiver and Hearing processes.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1033; filed 11-21-12]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #12-1034]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:10-1-4.1. Use of chemical agents [AMENDED]

SUMMARY:

Proposed rule revisions are to provide for clarification on the use of chemical agents in a secure facility.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N.

Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1034; filed 11-21-12]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. OFFICE OF JUVENILE
AFFAIRS**

[OAR Docket #12-1035]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
377:10-1-11. Documents and records [AMENDED]

SUMMARY:

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per House Bill 3079 (2012), effective August 24, 2012, pertaining to the designation name changes of certain state agencies. The proposed rules are necessary in order to conform to new state agency name designations.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide, in dollar amounts

if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules, to submit this information in writing during the comment period to JLynn Hartman.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1035; filed 11-21-12]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 15. COMMUNITY-BASED
YOUTH SERVICES**

[OAR Docket #12-1036]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Certification of Children's Shelters Operated by the Oklahoma Department of Human Services [NEW]
377:15-11-1. Origin and authority [NEW]
377:15-11-2. Duties and responsibilities [NEW]
377:15-11-3. Certification process [NEW]

SUMMARY:

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per House Bill 2300 (2012), effective June 8, 2012 with a requirement effective November 1, 2012 for OJA to establish a system of certification and to promulgate rules to certify the two children's shelters operated and managed by the Oklahoma Department of Human Services. The proposed rules are necessary in order to conform to state statutes for OJA to promulgate the required rules.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013

Notices of Rulemaking Intent

at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1036; filed 11-21-12]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #12-1037]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Pre-Court

Part 5. Restitution

377:25-3-40. Juvenile Offender Victim Restitution Work Program [AMENDED]

377:25-3-41. Court-Ordered Restitution [NEW]

SUMMARY:

Proposed rule revisions are to provide detail and clarification regarding the Juvenile Offender Victim

Restitution Work Program, as well as Court-Ordered Restitution.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to JLynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to JLynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1037; filed 11-21-12]

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

[OAR Docket #12-1038]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Juvenile Rights
377:35-9-8. Use of tobacco products [AMENDED]

SUMMARY:

Executive Order 2012-01 refers to both the Smoking in Public Places and Indoor Workplaces Act, 63 O.S., §§ 1521-1527, and the Clean Air in Restaurants Act, 63 O.S., § 1515, a report issued by the U.S. Surgeon General stating there is no risk-free level of exposure to secondhand smoke, and a finding by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, that the use of smokeless tobacco is known to be a cause of cancer and increases the risk of developing cancer.

Executive Order 2012-01 prohibits the use of any tobacco product on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies and instrumentalities of the State of Oklahoma.

This proposed rule revision interprets Executive Order 2012-01 pertaining to the use of tobacco products and conforms OJA policy to comply for the preservation of public health, safety or welfare.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from December 17, 2012 through January 16, 2013 at: Office of Juvenile Affairs, Attn: J Lynn Hartman, 3812 N. Santa Fe Ave., P.O. Box 268812, Oklahoma City, OK 73126-8812. Email comments may be sent to J Lynn.Hartman@oja.ok.gov. During the same time period, oral comments may be made to J Lynn Hartman at (405) 530-2866 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 17, 2013 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK. Each person must sign-in at the door to orally present his or her comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules, to submit this information in writing during the comment period to J Lynn Hartman.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Oklahoma City, OK, as well as on the OJA website. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: J Lynn Hartman, P.O. Box 268812, Oklahoma City, OK 73126-8812.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 17, 2012 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

J Lynn Hartman, Director of Government Relations, (405) 530-2866.

[OAR Docket #12-1038; filed 11-21-12]

TITLE 395. OKLAHOMA LAW ENFORCEMENT RETIREMENT SYSTEM CHAPTER 10. RETIREMENT AND PENSION BENEFIT PROGRAM

[OAR Docket #12-1042]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 395:10-1-11.1. Direct Rollovers [REVOKED]
- 395:10-1-11.3. Direct Trustee-to-Trustee Transfer by Nonspouse Beneficiary [REVOKED]

SUMMARY:

The proposed revisions to the Sections listed above are to revoke the sections dealing with Direct Rollovers and Direct Trustee to Trustee transfers. These rules are also in Oklahoma Law Enforcement Retirement System's statutes and they are in conflict with the rules. The Statutes are in compliance with the Internal Revenue Service and the Rules are not.

AUTHORITY:

Oklahoma Law Enforcement Retirement System; Title 47 §2-300- 2-315.

COMMENT PERIOD:

Persons wishing to present their view orally or in writing may do so from December 17, 2012 through February 9, 2013 at the following address: Oklahoma Law Enforcement Retirement System, 421 NW 13th Street, Suite 100, Oklahoma City, Ok 73103.

PUBLIC HEARING:

There will be no public hearing held but one can be requested by contacting Ginger Poplin, no later than 5:00 pm on February 1, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Law Enforcement Retirement System, 421 NW 13th Street, Suite 100, Oklahoma City, Ok 73103.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Law Enforcement Retirement System at the above address beginning January 2, 2013.

Notices of Rulemaking Intent

CONTACT PERSON:

Ginger Poplin, Executive Director, (405) 522-4931

[OAR Docket #12-1042; filed 11-21-12]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-1039]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 14. Scheduled or Controlled Dangerous Substances Classifications or Exclusions

535:1-14-4. Exclusion of Rx Only products not federally scheduled from Oklahoma Controlled dangerous substance scheduling

SUMMARY:

The revision removes OAC 535:1-14-4 (b) since there are no longer any exempt butalbital products.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 353.30; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

The comment period will run from December 17, 2012 through January 16, 2013, at 12:01 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 16, 2013, at 2:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than January 16, 2013, at 12:01 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after December 17, 2012, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #12-1039; filed 11-21-12]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 13. EMERGENCY / DISASTER PRESCRIPTION DRUG RULES PHARMACY RESPONSE

[OAR Docket #12-1040]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

535:13-1-1. Purpose [AMENDED]

535:13-1-3. Declaration of Emergency [AMENDED]

535:13-1-4. Pharmacy Emergency / Disaster Response [AMENDED]

SUMMARY:

The revisions in 535:13-1-1, 535:13-1-3 and 535:13-1-4 allow medical gas suppliers and medical gas distributors to provide emergency prescription drug medical gases under these rules.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.15A, 353.17, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 354; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

The comment period will run from December 17, 2012 through January 16, 2013, at 12:01 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Blvd Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 16, 2013, at 2:00 p.m. in our office at 4545 Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than January 16, 2013, 2011, at 12:01 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov for free, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available on and after December 17, 2012, at the location listed above for copies of the proposed rules. It may be reviewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Blvd Suite 112, Oklahoma City, OK 73105-3488. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #12-1040; filed 11-21-12]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #12-1041]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pharmacies
 - 535:15-3-12. Transfer of prescription refill information [AMENDED]
- Subchapter 10. Good Compounding Practices
 - Part 1. Good Compounding Practices for Non-Sterile Products
 - 535:15-10-3. Pharmacist responsibilities [AMENDED]
 - Part 3. Good Compounding Practices for Sterile Products
 - 535:15-10-64. Compounding for institution and/or practitioner administration [AMENDED]
- Subchapter 16. Pharmacy Emergency Medication Kits for Use in a Facility
 - 535:15-16-4. Policies and procedures for use of emergency medication kit drugs [AMENDED]

SUMMARY:

535:15-3-12 is revised to allow faxed documents to have a part in prescription transfers between pharmacies.

535:15-10-3 (c) (10) (D) removes "sterile" from the non-sterile compounding rules. 535:15-10-64 (c) removes "Compounding" from the Drug Supplier Permit. 535:15-16-4 (d) adds "a practitioners order" to order required for emergency medication from the medication kit. These revisions improve rule clarity.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29, 354, and 367.8.

COMMENT PERIOD:

The comment period will run from December 17, 2012 through January 16, 2013, at 12:01 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 16, 2013, at 2:00 p.m. in our office at 4545 Lincoln Blvd Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than January 16, 2013, at 12:01 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov for free, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available on and after December 17, 2012, at the location listed above for copies of the proposed rules. It may be reviewed in our office or on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #12-1041; filed 11-21-12]

Notices of Rulemaking Intent

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

[OAR Docket #12-1018]

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 definitions, normal retirement age, filing of contribution rate changes, rounding of fractional years, seasonal and temporary employment, and eligibility for the step-up program.

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 16, 2013, 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 17, 2013, 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, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at 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 28, 2012, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

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

[OAR Docket #12-1018; filed 11-20-12]

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

[OAR Docket #12-1017]

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 health insurance contribution and normal retirement age.

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 16, 2013, 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 17, 2013 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, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at 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 28, 2012, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

CONTACT PERSON:

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

[OAR Docket #12-1017; filed 11-20-12]

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

[OAR Docket #12-1016]

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 discontinuance of the 2009 required minimum distributions.

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 16, 2013, 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 17, 2013, 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, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400,

Oklahoma City, Oklahoma 73118, or on the OPERS website at 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 28, 2012, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

CONTACT PERSON:

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

[OAR Docket #12-1016; filed 11-20-12]

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

[OAR Docket #12-1015]

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 discontinuance of the 2009 required minimum distributions.

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 16, 2013, 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 17, 2013, 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, General

Notices of Rulemaking Intent

Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at 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 28, 2012, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

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

[OAR Docket #12-1015; filed 11-20-12]

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

[OAR Docket #12-1003]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Organization of the Department of Public Safety

595:1-1-3 [AMENDED]

SUMMARY:

Amendments would also change the name of divisions within the Department of Public Safety.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1003; filed 11-16-12]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #12-1004]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Certified Schools and Designated Class D

Examiners [NEW]

595:10-11-1 [NEW]

595:10-11-2 [NEW]

595:10-11-3 [NEW]

595:10-11-6 [NEW]

595:10-11-7 [NEW]

595:10-11-8 [NEW]

595:10-11-9 [NEW]

595:10-11-10 [NEW]

595:10-11-11 [NEW]

595:10-11-12 [NEW]

595:10-11-13 [NEW]

595:10-11-14 [NEW]

595:10-11-15 [NEW]

595:10-11-16 [NEW]

SUMMARY:

This change would implement the provisions of new state law which allows for certified driver schools and designated examiners for driver license testing.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1004; filed 11-16-12]

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

[OAR Docket #12-1005]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Medical Aspects
Part 1. Medical Conditions
595:10-5-5 [AMENDED]

SUMMARY:

Amendments to this chapter would provide procedures for determining if a person with controlled insulin-dependent diabetes may be issued a commercial driver license.

The proposed actions is to amend existing rule.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by state law and federal law and regulation without discriminating against any person based upon a specific medical disability.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1005; filed 11-16-12]

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

[OAR Docket #12-1006]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
Part 2. Application for Initial Driver License
595:10-1-3 [AMENDED]
Part 13. Motor License Agents
595:10-1-51 [AMENDED]

Notices of Rulemaking Intent

Part 19. Driver License and Identification Card Content
595:10-1-92 [AMENDED]

SUMMARY:

Amendments to this chapter would modify and clarify the necessary documents and procedures to obtain a driver license or an identity card. Amendments would also change the name of the Drivers License Examining Division to Drivers License Services Division.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1006; filed 11-16-12]

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

[OAR Docket #12-1007]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Commercial Driver Licensing
Part 2. Application for Initial Commercial Driver License
595:11-1-15 [AMENDED]
595:11-1-16 [AMENDED]
595:11-1-17 [NEW]
595:11-1-18 [NEW]

SUMMARY:

The rule is necessary for Oklahoma to be in compliance with changes in 49 C.F.R. 383.71 and 383.73, which modifies the proof of medical certification for the issuance of commercial driver's licenses.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1007; filed 11-16-12]

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

[OAR Docket #12-1008]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wreckers and Towing Services [AMENDED]

SUMMARY:

Amendments to this chapter would clarify the definitions used in the regulation of wrecker and towing services and the requirements of operators and would modify existing regulations regarding the licensing of wrecker services, the assignment of wrecker services when requested by law enforcement, the storage of vehicles which have been towed, the assignment of wrecker services, and the claiming of personal property in stored vehicles.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2012.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma

City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1008; filed 11-16-12]

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

[OAR Docket #12-1009]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Size and Weight Permits [AMENDED]

SUMMARY:

The rule would modify the permit requirements for oversized loads, provide new rules regarding trailer license plates, and create driver safety requirements for the operation of escort vehicle. The rules would also provide an exemption on oversize load traffic on National System of Interstate and Defense Highways in Cleveland County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday on Interstate 35 South of Highway 9.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1009; filed 11-16-12]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

[OAR Docket #12-1010]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

595:35-1-1 [AMENDED]
595:35-1-2 [AMENDED]
595:35-1-3 [AMENDED]
595:35-1-4 [AMENDED]
595:35-1-5 [AMENDED]
595:35-1-6 [AMENDED]
595:35-1-7 [AMENDED]
595:35-1-8 [AMENDED]
595:35-1-9 [AMENDED]
595:35-1-10 [AMENDED]
595:35-1-11 [NEW]

SUMMARY:

Amendments to this chapter would modify and clarify the necessary the language related to size and weights standards. A new rule would address intrastate compliance reviews related to size and weights.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1010; filed 11-16-12]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 70. SPECIAL TRAFFIC-RELATED ENFORCEMENT DESIGNATION**

[OAR Docket #12-1011]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Special Traffic Related Enforcement Designation [NEW]

SUMMARY:

The amendment creates a new chapter of code which implements the provisions of 47 O.S. § 2-117 et seq. which provides that the Commissioner of Public Safety shall make Special Traffic Enforcement Divisions in municipalities under certain circumstances.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-117

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., Tuesday, January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on January 23, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther

King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #12-1011; filed 11-16-12]

**TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 30. HIGHWAY DESIGN**

[OAR Docket #12-1019]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Permitting of Oversize, Overweight and Special Combination Vehicles

730:30-9-2. [AMENDED]

730:30-9-6. [AMENDED]

730:30-9-7. [AMENDED]

730:30-9-9. [AMENDED]

730:30-9-16. [AMENDED]

Appendix A. Gross Weight Load Table for Overweight Permits Based on Bridge Inventory [REVOKED]

Appendix D. Split or "Trunnion" Axles [REVOKED]

Appendix D. Dual Lane Axles [NEW]

Appendix E. Oklahoma Department of Transportation Weight Supplement Sheet for Annual Envelop Permit Not to Exceed 120,000 [REVOKED]

Appendix E. Oklahoma Department of Transportation Weight Supplement Sheet for Annual Envelop Permit Not to Exceed 120,000 [NEW]

SUMMARY:

The proposed rulemaking action is to reflect Department policy regarding the implementation of the automated permit and routing system, to remove obsolete language and to clarify existing language.

AUTHORITY:

23 U.S.C. §§ 127 and 315; 49 U.S.C. §§ 101 through 113; 47 O.S. § 14-118; 69 O.S. §§ 101, 301, 303 and 4002

COMMENT PERIOD:

Persons may submit written and oral comments to Mike Patterson, Deputy Director, at 200 NE 21st Street, Oklahoma City, OK 73105-3204 during the period from December 18, 2012 to January 22, 2013.

PUBLIC HEARING:

A public hearing will be held at 1:30pm on Friday, January 25, 2013 at the Oklahoma Department of Transportation Commission Room, 200 NE 21st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 3:05pm.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Comments from business entities may be sent to: Oklahoma Department of Transportation, Attn: Brian Bigbie, 200 NE 21st Street, Room 1B7, Oklahoma City, OK 73105 or sent electronically by sending requests to bbigbie@odot.org

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the Oklahoma Department of Transportation, 200 NE 21st Street, Room 1B7, Oklahoma City, OK 73105 or sent electronically by sending request to: bbigbie@odot.org

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to January 2, 2013 and may be obtained at the same location listed above for obtaining copies.

CONTACT PERSON:

Brian Bigbie (405)522-6002

[OAR Docket #12-1019; filed 11-20-12]

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

[OAR Docket #12-1002]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

November 13, 2012

SUBMITTED TO HOUSE:

November 13, 2012

SUBMITTED TO SENATE:

November 13, 2012

[OAR Docket #12-1002; filed 11-15-12]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 303. TNI LABORATORY ACCREDITATION**

[OAR Docket #12-1001]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:303-1-1 [AMENDED]

SUBMITTED TO GOVERNOR:

November 13, 2012

SUBMITTED TO HOUSE:

November 13, 2012

SUBMITTED TO SENATE:

November 13, 2012

[OAR Docket #12-1001; filed 11-15-12]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #12-1029]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 11. Risk Management

Part 1. Drug Policy

377:3-11-2. Definitions [AMENDED]

377:3-11-5. Substance screening [AMENDED]

377:3-11-10. Consequences of positive test results [AMENDED]

377:3-11-11. Job applicant and employee opportunities [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

DATES:

Adoption:

September 27, 2012

Approved by Governor:

November 8, 2012

Effective:

Immediately upon approval by the Governor

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253 (2005 Supplement), the emergency rules are necessary as an emergency in order to avoid violation of state law. The Standards for Workplace Drug and Alcohol Testing Act, 75 O.S., §§ 551-563, was amended by House Bill 2204 (2012), effective May 8, 2012, and House Bill 2033 (2011), effective November 1, 2011, which necessitates the promulgation of emergency rules by conforming OJA drug testing policy to current state law.

ANALYSIS:

This emergency rule interprets House Bill 2204 (2012) and House Bill 2033 (2011), pertaining to drug and alcohol testing of employees and job applicants, as found in 75 O.S., Sections 551-563, also known as the Standards for Workplace Drug and Alcohol Testing Act.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 11. RISK MANAGEMENT

PART 1. DRUG POLICY

377:3-11-2. Definitions

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

"**Alcohol**" means ethyl alcohol or ethanol;

"**Employee**" means any person who works full-time, part-time, or on a temporary basis for OJA, including management staff;

"**Job Applicant**" means any person who has applied to be an employee of OJA;

"**Illegal Drugs**" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

"**OJA**" means the Office of Juvenile Affairs;

"**OSDH**" means the Oklahoma State Department of Health;

"**Transferred or reassigned employee**" means an employee who transfers to a different position or job, or who is reassigned to a different position or job.

377:3-11-5. Substance screening

Drug and alcohol testing may be required for employees and job applicants under the following circumstances:

(1) **Job applicant or transferred or reassigned employee testing.** Every job applicant or transferred or reassigned employee who is conditionally offered employment in the following job families shall be tested:

- (A) Juvenile Justice Specialist;
- (B) Youth Guidance Specialist;
- (C) Police Officer;
- (D) Recreational Therapist;
- (E) Institutional Safety & Security Coordinator;
- (F) Registered Nurse;
- (G) Licensed Practical Nurse;
- (H) Nursing Manager;
- (I) Food Service Personnel; and
- (J) Psychological Clinician.

Emergency Adoptions

(2) **For-cause testing.** Any employee, at the request of the Executive Director or, if he is unavailable, the Chief of Staff, may be requested or required to undergo drug or alcohol testing at any time it is reasonably believed that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- (A) Observable phenomena such as:
 - (i) The physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty; or
 - (ii) The direct observation of drug or alcohol use while at work or on duty;
- (B) A report of drug or alcohol use while at work or on duty ~~provided by reasonable and credible sources and which has been independently corroborated;~~
- (C) Information that an employee has tampered with drug or alcohol testing at any time;
- (D) Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while on duty or while on any OJA premises or premises with which OJA has contracted services, or operating any OJA vehicle, machinery, or equipment;
- (E) Drugs or alcohol on or about the employee's person or in the employee's vicinity;
- (F) Negative performance patterns; or
- (G) Excessive or unexplained absenteeism or tardiness.

(3) **Post-accident testing.** Any employee may be tested when ~~the Director of Safety and Risk Management has a reasonable suspicion that the employee or another person has sustained an injury while at work or that Office of Juvenile Affairs property has been damaged as a direct result of the employee's use of drugs or alcohol while at work,~~ including damage to equipment. No employee who tests positive for the presence of substances, as set forth in and in violation of 63 O.S., § 465.20, or who consumes or intakes such substances in a manner prohibited by such section alcohol, illegal drugs or illegally used chemicals, or who refuses to take a drug or alcohol test required by OJA, shall be eligible for Workers' Compensation Benefits.

(4) **Post-rehabilitation.** Any employee who has had a positive test or has participated in a drug or alcohol dependency treatment program may be tested for a period of up to two (2) years, commencing with the employee's return to work.

(5) **Random Testing.** The Executive Director may order random drug testing for OJA permanent, temporary or probationary employees who hold a position within the applicable job families as listed in paragraph one of this rule. The affected employees shall be notified of the effective date and process for testing.

(6) **Return from leave, fitness-of-duty, and other periodic testing.**

- (A) The Executive Director may request or require an employee to undergo drug or alcohol testing as a routine part of a routinely scheduled employee fitness-for-duty medical examination, or in connection

with an employee's return to duty from leave of absence.

(B) The Executive Director may schedule periodic drug or alcohol testing for employees occupying a position in 377:3-11-5(1).

377:3-11-10. Consequences of positive test results

(a) Any employee who has a positive test result will be subject to discipline up to and including discharge from employment. Such an employee will also be referred to the Administrator of Employee Assistance Program. After evaluation, the employee may be required to complete drug and alcohol education and/or treatment. Unsuccessful completion or refusal to participate will result in termination of employment.

(b) Any job applicant who has received a conditional offer of employment and who has a positive test result will not be hired by OJA.

(c) An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a positive drug or alcohol test shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits as provided for in Section 2-406A and 406.1 of Title 40. ~~In order to prove misconduct, the employer need only provide proof of a testing policy and either a refusal to take a drug or alcohol test or a positive test result.~~

377:3-11-11. Job applicant and employee opportunities

(a) **Explanation of test results.**

(1) Any job applicant who has received a conditional offer of employment ~~and~~ a transferred or reassigned employee who has a positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Director of Safety and Risk Management.

(2) Any employee who has a positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Director of Safety and Risk Management.

(3) An employee may challenge a positive test result within 24 hours of notice of a positive test result. The cost of such confirmation test shall be the responsibility of the employee unless the confirmation test reverses the findings of the challenged positive test.

(b) **Information.** Records of all drug and alcohol test results and related information shall be the property of OJA and, upon the request of the job applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. OJA will not release such records to any person other than the job applicant, employee, or the employee's review officer, ~~unless the job applicant or employee, in writing and following receipt of the test results, has expressly granted permission for OJA to release such records in order to comply with a valid judicial or administrative order~~ except for any of the following purposes:

(1) As admissible evidence by an employer or the individual tested in a case or proceeding before a court of record or administrative agency if either the employer or

the individual tested are named parties in the case or proceeding;

(2) In order to comply with a valid judicial or administrative order; or

(3) To an employer's employees, agents and representatives who need access to such records in the administration of the Standards For Workplace Drug and Alcohol Testing Act.

(4) If OJA contracts with another employer, OJA may share drug or alcohol testing results of any tested person who works pursuant to such contractual agreement.

(c) **Appeal.** Any employee disciplined pursuant to this policy shall have grievance and appeal rights as provided by the OJA Rules and by the Oklahoma Merit Protection Commission in accordance with the Oklahoma Personnel Act, Title 74, Section 840.1 et seq.

[OAR Docket #12-1029; filed 11-21-12]

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

[OAR Docket #12-1030]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 9. Juvenile Rights

377:35-9-8. Use of tobacco products [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

DATES:

Adoption:

September 27, 2012

Approved by Governor:

November 8, 2012

Effective:

Immediately upon approval by the Governor

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., Section 253 (2005 Supplement), the emergency rule is necessary as an emergency in order for the preservation of the public health, safety or welfare regarding the use of tobacco products.

ANALYSIS:

Executive Order 2012-01 refers to both the Smoking in Public Places and Indoor Workplaces Act, 63 O.S., §§ 1521-1527, and the Clean Air in Restaurants Act, 63 O.S., § 1515, a report issued by the U.S. Surgeon General stating there is no risk-free level of exposure to secondhand smoke, and a finding by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, that the use of smokeless tobacco is known to be a cause of cancer and increases the risk of developing cancer. Executive Order 2012-01 prohibits the use of any tobacco product on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies and instrumentalities of the State of Oklahoma. This emergency rule interprets Executive Order 2012-01 pertaining to the use of tobacco products, and conforms OJA use of tobacco policy to comply for the preservation of public health, safety or welfare.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 9. JUVENILE RIGHTS

377:35-9-8. Use of tobacco products

Juveniles shall be prohibited from possessing or using any tobacco products. Such products shall be considered contraband and are subject to rules set forth in 377:35-3-7. The Office of Juvenile Affairs' institutions are "tobacco-free environments." As such, use of tobacco products on institutional grounds (except in personal vehicles) is prohibited.

[OAR Docket #12-1030; filed 11-21-12]

