

Volume 30
Number 9
January 15, 2013
Pages 173 - 214

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



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

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The *Oklahoma Register* and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library

Alva - Northwestern Oklahoma State University,
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

Goodwell - Oklahoma Panhandle State University

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library System

Tulsa - University of Tulsa, McFarlin Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 30 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 2300 N. Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105.

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

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 53 copies have been prepared and distributed at a cost of \$174.81. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Notices of Rulemaking Intent	
Athletic Commission, Oklahoma State (Title 92)	173, 174
Construction Industries Board (Title 158)	175, 176, 177, 178, 179
Education, State Department of (Title 210)	180, 181, 182
Funeral Board, Oklahoma (Title 235)	183, 184
Engineers and Land Surveyors, State Board of Licensure for Professional (Title 245)	185
Environmental Quality, Department of (Title 252)	186
Grand River Dam Authority (Title 300)	187, 188
Human Services, Department of (Title 340)	189
Medicolegal Investigations, Board of (Title 445)	190
Mental Health and Substance Abuse Services, Department of (Title 450)	190
Central Services, Department of (Title 580)	191, 192
Tax Commission, Oklahoma (Title 710)	193
Teachers' Retirement System (Title 715)	194
Transportation, Department of (Title 730)	194
Submissions for Review	
Uniform Building Code Commission, Oklahoma (Title 748)	197, 198
Gubernatorial Approvals	
Commerce, Oklahoma Department of (Title 150)	199
Environmental Quality, Department of (Title 252)	199
Real Estate Appraiser Board (Title 600)	199
Uniform Building Code Commission, Oklahoma (Title 748)	199, 200
Emergency Adoptions	
Environmental Quality, Department of (Title 252)	201
Personnel Management, Office of (Title 530)	202
Public Safety, Department of (Title 595)	204, 208
Executive Orders (Title 1)	213

Agency/Action/Subject Index

<p>ATHLETIC Commission, Oklahoma State (Title 92) <i>Notices of Rulemaking Intent</i> General Agency Rules (Chapter 1) 173 Rules for Boxing and Other Activities (Chapter 10) 173, 174</p> <p>COMMERCE, Oklahoma Department of (Title 150) <i>Gubernatorial Approvals</i> <u>Oklahoma Quick Action Closing Fund</u> (Chapter 140) 199</p> <p>CONSTRUCTION Industries Board (Title 158) <i>Notices of Rulemaking Intent</i> Procedures of the Oklahoma Construction Industries Board (Chapter 1) 175 Fine Schedule (Chapter 10) 175 Plumbing Industry Regulations (Chapter 30) 176 Electrical Industry Regulations (Chapter 40) 177 Mechanical Industry Regulations (Chapter 50) 177 Inspectors Regulations (Chapter 60) 178 Home Inspectors Act (Chapter 70) 179</p> <p>EDUCATION, State Department of (Title 210) <i>Notices of Rulemaking Intent</i> School Administration and Instructional Services (Chapter 10) 180 School Facilities and Transportation (Chapter 30) 181 Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35) 182</p> <p>FUNERAL Board, Oklahoma (Title 235) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 183 Funeral Services Licensing (Chapter 10) 183, 184</p> <p>ENGINEERS and Land Surveyors, State Board of Licensure for Professional (Title 245) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 2) 185 Licensure and Practice of Professional Engineers and Land Surveyors (Chapter 15) 185</p> <p>ENVIRONMENTAL Quality, Department of (Title 252) <i>Notices of Rulemaking Intent</i> Rules of Practice and Procedure (Chapter 4) 186 <i>Gubernatorial Approvals</i> Hazardous Waste Management (Chapter 205) 199 TNI Laboratory Standards (Chapter 303) 199 <i>Emergency Adoptions</i> TNI Laboratory Accreditation (Chapter 303) 201</p> <p>GOVERNOR <i>Executive Orders</i> Ordering flags at half-staff to honor former State Representative Abraham "Abe" Deuschendorf (12-31) 213</p> <p>GRAND River Dam Authority (Title 300) <i>Notices of Rulemaking Intent</i> Purchasing Policy (Chapter 20) 187 Lake Rules (Chapter 35) 188</p> <p>HUMAN Services, Department of (Title 340) <i>Notices of Rulemaking Intent</i> Function and Structure of the <u>Department Oklahoma Department of Human Services</u> (Chapter 1) 189 Administrative Components (Chapter 2) 189</p>	<p>MEDICOLEGAL Investigations, Board of (Title 445) <i>Notices of Rulemaking Intent</i> Medical Examiner Cases (Chapter 10) 190</p> <p>MENTAL Health and Substance Abuse Services, Department of (Title 450) <i>Notices of Rulemaking Intent</i> Standards and Criteria for Certified Behavioral Health Case Managers (Chapter 50) 190</p> <p>PERSONNEL Management, Office of (Title 530) <i>Emergency Adoptions</i> Merit System of Personnel Administration Rules (Chapter 10) 202</p> <p>CENTRAL Services, Department of (Title 580) <i>Notices of Rulemaking Intent</i> Central Purchasing (Chapter 16) 191 Construction and Properties (Chapter 20) 191 Fleet Management Division (Chapter 35) 192 Alternative Fuels Program (Chapter 55) 192</p> <p>PUBLIC Safety, Department of (Title 595) <i>Emergency Adoptions</i> Class D Driver Licenses and Identification Cards and Motor License Agent Procedures (Chapter 10) 204 Commercial Driver Licenses (Chapter 11) 208</p> <p>REAL Estate Appraiser Board (Title 600) <i>Gubernatorial Approvals</i> Licensure and Certification Requirements (Chapter 10) 199</p> <p>TAX Commission, Oklahoma (Title 710) <i>Notices of Rulemaking Intent</i> Withholding (Chapter 90) 193</p> <p>TEACHERS' Retirement System (Title 715) <i>Notices of Rulemaking Intent</i> General Operations (Chapter 10) 194</p> <p>TRANSPORTATION, Department of (Title 730) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 194</p> <p>UNIFORM Building Code Commission, Oklahoma (Title 748) <i>Submissions for Review</i> Administrative Operations (Chapter 1) 197 General Provisions (Chapter 3) 197 Fees and Collection of Fees (Chapter 5) 197 Commission Committees (Chapter 7) 197 Code Adoption Procedures (Chapter 10) 197 Code Adopted by State Agencies and Political Subdivisions (Chapter 15) 198 Adopted Codes (Chapter 20) 198 <i>Gubernatorial Approvals</i> Administrative Operations (Chapter 1) 199 General Provisions (Chapter 3) 199 Fees and Collection of Late Fees (Chapter 5) 200 Commission Committees (Chapter 7) 200 Code Adoption Procedures (Chapter 10) 200 Code Adopted by State Agencies and Political Subdivisions (Chapter 15) 200 Adopted Codes (Chapter 20) 200</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Rules Affected Index

[(E) = *Emergency action*]

Rule	Register Page	Rule	Register Page
150:140-1-1. [NEW] (E)	101	595:10-11-11. [NEW] (E)	207
150:140-1-2. [NEW] (E)	101	595:10-11-12. [NEW] (E)	207
150:140-1-3. [NEW] (E)	101	595:10-11-13. [NEW] (E)	207
150:140-1-4. [NEW] (E)	102	595:10-11-14. [NEW] (E)	207
150:140-1-5. [NEW] (E)	102	595:10-11-15. [NEW] (E)	208
150:140-1-6. [NEW] (E)	103	595:10-11-16. [NEW] (E)	208
252:303-1-1. [AMENDED] (E)	202	595:11-1-15. [AMENDED] (E)	209
330:30-2-8.1. [AMENDED] (E)	23	595:11-1-16. [AMENDED] (E)	209
377:3-11-2. [AMENDED] (E)	137	595:11-1-17. [NEW] (E)	210
377:3-11-5. [AMENDED] (E)	137	595:11-1-18. [NEW] (E)	210
377:3-11-10. [AMENDED] (E)	138	710:1-5-110. [NEW] (E)	104
377:3-11-11. [AMENDED] (E)	138	710:1-5-111. [NEW] (E)	104
377:35-9-8. [AMENDED] (E)	139	710:1-5-112. [NEW] (E)	104
530:10-15-48. [AMENDED] (E)	202	710:1-5-113. [NEW] (E)	104
530:10-21-10. [NEW] (E)	203	710:1-5-114. [NEW] (E)	104
530:10-21-11. [NEW] (E)	204	710:1-5-115. [NEW] (E)	105
530:10-21-12. [NEW] (E)	204	710:1-5-116. [NEW] (E)	105
595:10-11-1. [NEW] (E)	204	710:1-5-117. [NEW] (E)	105
595:10-11-2. [NEW] (E)	204	710:1-5-118. [NEW] (E)	105
595:10-11-3. [NEW] (E)	204	710:1-5-119. [NEW] (E)	105
595:10-11-5. [NEW] (E)	205	710:1-5-120. [NEW] (E)	105
595:10-11-6. [NEW] (E)	205	710:1-5-121. [NEW] (E)	105
595:10-11-7. [NEW] (E)	206	710:1-5-122. [NEW] (E)	106
595:10-11-8. [NEW] (E)	206	715:10-17-6. [AMENDED] (E)	73
595:10-11-9. [NEW] (E)	206	748:3-1-2. [AMENDED] (E)	106
595:10-11-10. [NEW] (E)	206	748:5-3-1. [AMENDED] (E)	107

Agency/Title Index

[Assigned as of 1-15-13]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	EDGE Fund Policy Board	208
Oklahoma ACCOUNTANCY Board	10	State Department of EDUCATION	210
State ACCREDITING Agency	15	EDUCATION Oversight Board	215
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma AERONAUTICS Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	State ELECTION Board	230
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma EMPLOYMENT Security Commission	240
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma ENERGY Resources Board	243
ANATOMICAL Board of the State of Oklahoma	50	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly</i> : Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Board of Trustees for the END Higher Education Program (<i>exempted 11-1-98</i>)	250
ARCHIVES and Records Commission	60	Department of ENVIRONMENTAL Quality	252
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	State Board of EQUALIZATION	255
Oklahoma ARTS Council	70	ETHICS Commission (<i>Title revoked</i>)	257
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		ETHICS Commission	258
ATTORNEY General	75	Office of State FINANCE	260
State AUDITOR and Inspector	80	State FIRE Marshal Commission	265
State BANKING Department	85	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State Employees BENEFITS Council	87	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Council of BOND Oversight	90	[RESERVED]	275
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	FORENSIC Review Board	277
State BURIAL Board (<i>abolished 7-1-92</i>)	95	State Board of Registration for FORESTERS	280
[RESERVED]	100	FOSTER Care Review Advisory Board	285
Oklahoma CAPITAL Investment Board	105	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUTURES	290
State CAPITOL Preservation Commission	115	GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GRAND River Dam Authority	300
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association GUARANTY Fund Board	302
Board of Regents of CARL Albert State College (<i>exempted</i> <i>11-1-98</i>)	125	Individual Self-Insured GUARANTY Fund Board	303
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
CEREBRAL Palsy Commission	130	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Commission on CHILDREN and Youth	135	Oklahoma State Department of HEALTH	310
Board of CHIROPRACTIC Examiners	140	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma HEALTH Care Authority	317
Oklahoma Department of COMMERCE	150	HIGHWAY Construction Materials Technician Certification Board	318
COMMUNITY Hospitals Authority	152	Oklahoma HISTORICAL Society	320
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		Oklahoma HORSE Racing Commission	325
Oklahoma CONSERVATION Commission	155	Oklahoma HOUSING Finance Agency	330
CONSTRUCTION Industries Board	158	Oklahoma HUMAN Rights Commission	335
Department of CONSUMER Credit	160	Department of HUMAN Services	340
CORPORATION Commission	165	Committee for INCENTIVE Awards for State Employees	345
Department of CORRECTIONS	170	Oklahoma INDIAN Affairs Commission	350
State Board of COSMETOLOGY	175	Oklahoma INDIGENT Defense System	352
Oklahoma State CREDIT Union Board	180	Oklahoma INDUSTRIAL Finance Authority	355
CRIME Victims Compensation Board	185	INJURY Review Board	357
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma State and Education Employees Group INSURANCE Board	360
Board of DENTISTRY	195	INSURANCE Department	365
Oklahoma DEVELOPMENT Finance Authority	200	COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund)	370
Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of INVESTIGATION	375
Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	205	Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377
		Department of LABOR	380
		Department of the Commissioners of the LAND Office	385
		Council on LAW Enforcement Education and Training	390
		Oklahoma LAW Enforcement Retirement System	395
		Board on LEGISLATIVE Compensation	400

Agency/Title Index – continued

Agency	Title	Agency	Title
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
LIEUTENANT Governor	410	SCENIC Rivers Commission	630
Oklahoma LINKED Deposit Review Board	415	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LIQUEFIED Petroleum Gas Board	420	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	The Oklahoma School of SCIENCE and Mathematics	645
LITERACY Initiatives Commission	425	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LONG-RANGE Capital Planning Commission	428	SECRETARY of State	655
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>) - <i>See</i> Title 490		Department of SECURITIES	660
LOTTERY Commission, Oklahoma	429	Board of Regents of SEMINOLE State College (<i>exempted 11-1-98</i>)	665
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (<i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i>)	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight Committee for (<i>Formerly: STATE Agency Review Committee</i>)	695
MERIT Protection Commission	455	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>) - <i>See</i> Title 304	
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma STUDENT Loan Authority	700
Department of MINES	460	TASK Force 2000	705
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TAX Commission	710
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	State TEXTBOOK Committee	720
Oklahoma Board of NURSING	485	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>)	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i>) - <i>See</i> Title 731	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority</i>) - <i>See</i> also Title 745	731
State Board of OSTEOPATHIC Examiners	510	State TREASURER	735
PARDON and Parole Board	515	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - no rules enacted in this Title - See</i> Title 731)	745
Oklahoma State PENSION Commission	525	Oklahoma UNIFORM Building Code Commission	748
State Board of Examiners of PERFUSIONISTS	527	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
Office of PERSONNEL Management	530	UNIVERSITY Hospitals Authority	752
Board of Commercial PET Breeders	532	UNIVERSITY Hospitals Trust	753
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
PHYSICIAN Manpower Training Commission	540	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
Board of PODIATRIC Medical Examiners	545	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of VETERANS Affairs	770
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of VETERINARY Medical Examiners	775
POLYGRAPH Examiners Board	560	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WATER Resources Board	785
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma WHEAT Commission	795
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Department of WILDLIFE Conservation	800
PUBLIC Employees Relations Board	585	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		
Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620		

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 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 1. GENERAL AGENCY RULES

[OAR Docket #12-1112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. General Course and Method of Operations
92:1-5-1 [AMENDED]

SUMMARY:

The proposed rule amends the address of the Commission's office.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 6, 2013. Comments may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. The comment period is from February 1, 2013, to March 6, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for March 6, 2013, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 314, Oklahoma City, OK, at 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma State Athletic Commission. Copies may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after January 30, 2013. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma

State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSONS:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #12-1112; filed 12-19-12]

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #12-1113]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provision
92:10-1-4 [AMENDED]

SUMMARY:

The proposed rule increases existing fees and creates new fees. The proposed changes are necessary to allow the Commission to continue performing its statutory duty of regulating combative sports in order to protect the health and safety of participants, officials and the general public.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 6, 2013. Comments may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. The comment period is from February 1, 2013, to March 6, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for March 6, 2013, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 314, Oklahoma City, OK, at 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma State Athletic Commission. Copies may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after January 30, 2013. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSONS:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #12-1113; filed 12-19-12]

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #12-1114]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provision

92:10-1-2 [AMENDED]

92:10-1-5 [AMENDED]

92:10-1-6 [AMENDED]

92:10-1-7 [AMENDED]

92:10-1-8 [AMENDED]

Subchapter 3. Boxing and Kickboxing Participants

92:10-3-2 [AMENDED]

92:10-3-5 [AMENDED]

92:10-3-13 [AMENDED]

Subchapter 5. Professional Boxing and Kickboxing Events

92:10-5-2 [AMENDED]

92:10-5-11 [AMENDED]

92:10-5-14 [AMENDED]

92:10-5-15 [AMENDED]

Subchapter 11. Mixed Martial Arts

92:10-11-3 [AMENDED]

SUMMARY:

The proposed rules modify definitions to accord with the Commission's enabling act; state that event permits are not transferrable to another date; establish standards consistent with Association of Boxing Commissions guidelines regarding the gender of a participant; set minimum number of bouts

required to hold an event; provide standards to clearly identify complimentary tickets issued by promoters; set requirements for information regarding fighters that must be submitted by matchmakers and provide a deadline for finalization of matches; establish standards for the conduct of seconds at events; extend the rest period between bouts if approved by the Commission; establish standards for the use and issuance of gloves; and otherwise contain clean-up language. The necessity and intended effect of the rules is to allow the Commission to more effectively perform its statutory duty of regulating combative sports in order to protect the health and safety of participants, officials and the general public.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 6, 2013. Comments may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. The comment period is from February 1, 2013, to March 6, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for March 6, 2013, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 314, Oklahoma City, OK, at 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma State Athletic Commission. Copies may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after January 30, 2013. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSONS:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #12-1114; filed 12-19-12]

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

[OAR Docket #12-1127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Description of Organization
158:1-1-1. Purpose [AMENDED]
- Subchapter 3. General Operation 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.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted between January 15, 2013 through February 14, 2013, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23rd, 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 20, 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 Constructions 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1127; filed 12-21-12]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 10. FINE SCHEDULE**

[OAR Docket #12-1128]

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 January 15, 2013 through February 14, 2013, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23rd, 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 20, 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 Constructions 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

Notices of Rulemaking Intent

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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1128; filed 12-21-12]

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

[OAR Docket #12-1129]

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 adds definition of "Act" and cleans up language. 158:30-1-4 Shows code documents adopted by the Oklahoma Uniform Building Code Commission. 158:30-3-1 Updates language

on examination procedures. 158:30-3-2 Appoints 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. 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); 59 O.S. § 1002.

COMMENT PERIOD:

Written and oral comments will be accepted from January 15, 2013 through February 14, 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 20, 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1129; filed 12-21-12]

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

[OAR Docket #12-1130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 158:40-1-4. Standard of installation [AMENDED]
- 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 licenses 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:

158:40-1-4 Shows code documents adopted by the Oklahoma Uniform Building Code Commission. 158:40-3-1 Grammatical change. 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 language on (b) 11 and 12. 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. 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 regarding the establishment of licensing and registration fees at. 59 O.S. § 1000.5. The Construction Industries Board has the authority to adopt and amend rules pertaining to continuing education requirements and procedures pursuant to 59 O.S. § 1681.

COMMENT PERIOD:

Written and oral comments will be accepted from January 15, 2013 through February 14, 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 20, 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 Constructions 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1130; filed 12-21-12]

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

[OAR Docket #12-1131]

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]
- 158:50-1-4. ~~Standard of installation~~ Adopted references and standard of workmanship [AMENDED]
- 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

Notices of Rulemaking Intent

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 licenses [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", and "Variance" have been modified for regulatory clarification. 158:50-1-3(c), (d), (e), (f) and (g) provide 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. 158:50-1-4 Shows code documents adopted by the Oklahoma Uniform Building Code Commission. 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 and cleans up language. 158:50-9-1(b)(2) grammatical changes. 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 which corrects a misspellings and typographical errors. 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 January 15, 2013 through February 14, 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 20, 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1131; filed 12-21-12]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

[OAR Docket #12-1132]

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," and "political subdivision." 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 (1),(2),(3), and (4) adds the word "approved" before each CEU class. 158:60-5-4(5) adds the Energy Code Inspector. 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. 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 January 15, 2013 through February 14, 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 20, 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1132; filed 12-21-12]

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

[OAR Docket #12-1133]

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. 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. It eliminates the course evaluation form and adds a complaint procedure for the licensee to submit.

Notices of Rulemaking Intent

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 January 15, 2013 through February 14, 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 20, 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 February 14, 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 February 14, 2013.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared prior to January 30, 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 #12-1133; filed 12-21-12]

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

[OAR Docket #12-1119]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment
210:10-13-11. Testing students with disabilities
[AMENDED]

SUMMARY:

The purpose of the changes to the proposed rule is to clarify the requirements of 210:10-13-11(f) regarding portfolio assessments of special education students with the most significant cognitive disabilities under the Oklahoma Alternate Assessment Program ("OAAP"). The proposed changes to the rule clarify that scoring of OAAP portfolio assessments shall be conducted by an assessor who holds at least a bachelor's degree in the subject area of the assessment, and that assessors scoring OAAP portfolio assessments shall be supervised by an individual who has received training in providing access to students with severe or profound disabilities from the Oklahoma State Department of Education Office of Special Education.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 1210.507.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Friday, February 15, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 15, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after January 15, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after January 15, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-1119; filed 12-20-12]

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

[OAR Docket #12-1120]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Facilities

210-30-3-3. Mobile classrooms [REVOKED]

SUMMARY:

The purpose of the proposed rule is to revoke 210:30:3-3, which set forth conditions under which the State Department of Education would provide mobile classroom facilities to school districts. Because the Oklahoma State Legislature no longer provides for emergency classroom facilities for use when schools are destroyed or extensively damaged as a result of natural disasters, and because the State Department of Education no longer maintains mobile classroom units, the agency seeks to revoke the rule because it is outdated and no longer applicable.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Friday, February 15, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 15, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

Education Web site at www.sde.ok.gov on and after January 15, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after January 15, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-1120; filed 12-20-12]

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

[OAR Docket #12-1121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation

210:30-5-1. District administration, operation and management of transportation [AMENDED]

210:30-5-3. Transportation of students [NEW]

210:30-5-4. Transportation for school activities [NEW]

210:30-5-5. Transportation routes and boundaries [NEW]

210:30-5-6. School buses [NEW]

210:30-5-7. Transportation of special education students [NEW]

SUMMARY:

The purpose of the proposed rule change is to update State Department of Education rules regarding transportation of students.

First, the proposed change to the rule adds a procedure to the provision of the rule regarding certification of school bus drivers at 210:30-5-1(g), whereby licensed drivers of commercial motor vehicles who have monocular vision conditions may apply for a waiver of the vision requirements under certain circumstances in order to be able to obtain a certification as a school bus driver. The waiver procedure brings the school bus driver certification requirements into compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

Second, the proposed change to the rule adds a requirement to the provision of the rule regarding renewal of a school bus driving certificate at 210:30-5-1(g)(2)(C). The proposed change would require that any driver seeking to renew a certificate which has been expired for more than one year shall complete a bus driver refresher course approved by the State Department of Education.

Third, the proposed change to the rule adds a requirement for school bus inspections currently set forth in

Notices of Rulemaking Intent

210:30-5-1(e)(2), whereby all certified school bus drivers shall be required to conduct a post-trip inspection of the vehicle to ensure that no schoolchildren have been left on the bus.

Fourth, the proposed change to the rule corrects and clarifies the procedure currently in the rule whereby an individual who has not been licensed to inspect school buses by the Oklahoma State Department of Public Safety may become qualified to perform annual school bus inspections under an alternate procedure. The proposed change to the rule also corrects an inaccurate citation to specific provisions of the Federal Motor Carrier Safety Act.

Finally, the proposed change to the rule reorganizes the rule, which deals with several different transportation topics, by removing subsections (b)-(g) of 210:30-5-1 and renumbering subsections (b)-(g) of 210:30-5-1 as separate sections, which will be considered separate rules. Dividing this long rule into separate rules will provide more clarity to the public and make future changes to the rule less confusing.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 9-101; 70 O.S. § 9-101.1; 70 O.S. § 9-105; 70 O.S. § 9-118; 47 O.S. § 15-109.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Friday, February 15, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 15, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after January 15, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after January 15, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-1121; filed 12-20-12]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

[OAR Docket #12-1122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 21. Standard XI: Accreditation Status

210:35-3-201. Statement of the standard [AMENDED]

SUMMARY:

The purpose of the proposed rule is to update the language of 210:35-3-201 to reflect the current categories of schools designated as schools in need of improvement. The rule sets forth the statement of the standard for accreditation status of school sites and designates the categories of classification of accreditation.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 3-104.4; 70 O.S. § 1210.541.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Friday, February 15, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 15, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

Education Web site at www.sde.ok.gov on and after January 15, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O. S. § 303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after January 15, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-1122; filed 12-20-12]

**TITLE 235. OKLAHOMA FUNERAL BOARD
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #12-1081]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

235:1-1-2 [AMENDED]

SUMMARY:

The proposed rule provides for additional time for Board staff to review applications before being considered at a Board meeting.

AUTHORITY:

Oklahoma Funeral Board
Title 59 O.S. Section 396.2a
Title 59 O.S. Section 396.17
Title 75 O.S. Section 302 (A)(1)
Title 75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 4545 North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105, from January 15, 2013 to February 14, 2013.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, February 14, 2013 in the Oklahoma State Capitol Building, Room 104, Oklahoma City, Oklahoma, 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board request that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts the level of direct cost, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Riley at the above address, before the close of the comment period on February 14, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 4545, North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105 or by email request at info@okfuneral.com

RULE IMPACT STATEMENT

A rule impact statement will be prepared and available on and after January 15, 2013, at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Mark Riley Executive Director, Oklahoma Funeral Board, 4545 N. Lincoln Blvd., Suite 175, Oklahoma City, Oklahoma 73105, 405-522-1790.

[OAR Docket #12-1081; filed 12-14-12]

**TITLE 235. OKLAHOMA FUNERAL BOARD
CHAPTER 10. FUNERAL SERVICES
LICENSING**

[OAR Docket #12-1080]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
235:10-1-2 [AMENDED]
235:10-1-4 [AMENDED]
Subchapter 3. Qualification and Requirements for
Licensure
235:10-3-2 [AMENDED]
235:10-3-5 [AMENDED]
Subchapter 5. Licensing Fees
235:10-5-2 [AMENDED]
Subchapter 7. Licensure Renewal, Revocation, and
Suspension
235:10-7-2 [AMENDED]
Subchapter 11. Minimum Standards of Performance
235:10-11-1 [AMENDED]

SUMMARY:

The proposed rules make the rules consistent with the statutes, provide an clarification on requests for rule interpretation, allows exemption of certain funeral establishment requirements under exigent circumstances, provides additional grounds for refusing to issue an establishment license, allows for exemption of individual renewal fees for active duty military on multiple enlistments, clarifies prohibited acts regarding conviction of a crime, prohibits the failure to respond to complaint, prohibits obstruction of Board investigation, prohibits forgery, prohibits compromising a licensing exam, sets standards of performance for funeral service establishments and commercial embalming establishments regarding financial obligations, approved places of disposition and document retention.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma Funeral Board
Title 59 O.S. Section 396.2a
Title 59 O.S. Section 396.17
Title 75 O.S. Section 302 (A)(1)
Title 75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 4545 North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105, from January 15, 2013 to February 14, 2013.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, February 14, 2013 in the Oklahoma State Capitol Building, Room 104, Oklahoma City, Oklahoma, 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board request that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts the level of direct cost, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Riley at the above address, before the close of the comment period on February 14, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 4545, North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105 or by email request at info@okfuneral.com

RULE IMPACT STATEMENT

A rule impact statement will be prepared and available on and after January 15, 2013, at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Mark Riley Executive Director, Oklahoma Funeral Board, 4545 N. Lincoln Blvd., Suite 175, Oklahoma City, Oklahoma 73105, 405-522-1790.

[OAR Docket #12-1080; filed 12-14-12]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 10. FUNERAL SERVICES LICENSING

[OAR Docket #12-1082]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensing Fees

235:10-5-1 [AMENDED]

SUMMARY:

The proposed rule provides for increases in initial licensing and annual renewal fees for funeral directors and embalmers, increases in annual licensing fees for funeral establishment, commercial embalming establishment, and crematories, creates fees for verification of licensure to another state, creates fees for transferring apprenticeships from one funeral establishment or commercial embalming establishment to another.

AUTHORITY:

Oklahoma Funeral Board
Title 59 O.S. Section 396.2a
Title 59 O.S. Section 396.17
Title 75 O.S. Section 302 (A)(1)
Title 75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 4545 North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105, from January 15, 2013 to February 14, 2013.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, February 14, 2013 in the Oklahoma State Capitol Building, Room 104, Oklahoma City, Oklahoma, 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board request that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts the level of direct cost, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Riley at the above address, before the close of the comment period on February 14, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 4545, North Lincoln Boulevard, Suite 175, Oklahoma City, Oklahoma 73105 or by email request at info@okfuneral.com.

RULE IMPACT STATEMENT

A rule impact statement will be prepared and available on and after January 15, 2013, at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Mark Riley Executive Director, Oklahoma Funeral Board, 4545 N. Lincoln Blvd., Suite 175, Oklahoma City, Oklahoma 73105, 405-522-1790.

[OAR Docket #12-1082; filed 12-14-12]

**TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
CHAPTER 2. ADMINISTRATIVE OPERATIONS**

[OAR Docket #12-1110]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 2. Administrative Operations [AMENDED]

SUMMARY:

The proposed revisions to Chapter 2 are as follows:

Chapter 2. Provides language to comply with the Post-Military Service Occupation, Education and Credentialing Act; clean-up language;

AUTHORITY:

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., February 14, 2013 at: Oklahoma Engineering Center, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

PUBLIC HEARING:

A public hearing is scheduled for oral comments at the regular meeting of the Board on February 15, 2013, 9:00 a.m. at the Oklahoma Engineering Center, 201 NE 27th St., Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be downloaded from our website at www.pels.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

[OAR Docket #12-1110; filed 12-19-12]

**TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
CHAPTER 15. LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

[OAR Docket #12-1109]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Application and Eligibility for Licensing [AMENDED]

Subchapter 5. Examinations [AMENDED]

Subchapter 7. Licensure [AMENDED]

Subchapter 9. Rules of Professional Conduct [AMENDED]

Subchapter 11. Continuing Education [AMENDED]

Subchapter 13. Minimum Standards for THE Practice of Land Surveying [AMENDED]

Subchapter 15. Ethical Marketing of Services

Subchapter 17. Licensee's Seal [AMENDED]

Subchapter 19. Organizational Practice [AMENDED]

Subchapter 21. Corner Perpetuation and Filing Act Requirements [AMENDED]

Subchapter 23. Violations [AMENDED]

SUMMARY:

The proposed revisions to the subchapters are as follows:

Subchapter 1. General Provisions: The proposed amendments will clarify and modify the definitions of "Oklahoma Model Law Engineer", "Related science degree", and the "Practice of Engineering". It will also revise the "Statutory charges to the Board" to reflect statutory language.

Subchapter 3. Application and Eligibility for Licensing: The proposed amendments will modify the non-resident applications for original license to include all U.S. citizens who are lawfully present in the U.S. and allow for administrative changes required for national computer based testing. Additionally, it provides rule language to further define new statutory language regarding waiving the fundamentals of engineering examination in certain circumstances, and clarification on accepting foreign experience to qualify for licensure. Additionally, it further defines the type of engineering and surveying experience acceptable for licensure.

Subchapter 5. Examinations: Updates language to reflect administrative changes required for national computer based testing and the new national structural engineering professional engineer examination.

Subchapter 7. Licensure: Provides language to comply with the Post-Military Service Occupation, Education and Credentialing Act

Subchapter 9. Rules of Professional Conduct: Clean up existing language

Notices of Rulemaking Intent

Subchapter 11. Continuing Education: Provide language to comply with Post-Military Service Occupation, Education and Credentialing Act and clean-up language

Subchapter 13. Minimum Standards for Land Surveying: Clarify the accuracy of measurement statement; allow for a written report to be prepared in some circumstances in lieu of a survey plat when a land or boundary survey is done; create a separate section for Mortgage Inspection Reports.

Subchapter 15. Ethical Marketing of Services: Clarify that the definition of "Ethical marketing of professional services" is for governmental clients only; clarify that contingency basis contracts are only allowed when there is a conflicting federal funding requirements; clarify that the ethical marketing of services must comply with the State Consultants Act.

Subchapter 17. Licensee's Seal: Clean up language

Subchapter 19. Organizational Practice: Clarify the provision that a full-time licensee is required to be in responsible charge of the professional practice of the firm; further define the requirements when using a consultant; clarify exception for the practice of software engineering since there is now a national PE Software Engineering examination.

Subchapter 21. Corner Perpetuation and Filing Act Requirements: Include language that was formerly included in the Instruction Manual for Oklahoma Land Surveyors regarding the preparation and filing of Corner Records.

Subchapter 23. Violations: Revise to be in accordance with recent statute revisions; provide a definition to clarify the requirement for an expert witness must be licensed in Oklahoma; further modify definitions of "Fraud or misrepresentation", "Gross negligence", "Gross incompetence", "Misconduct or dishonest practice". Clarify the procedure for filing a formal complaint,

AUTHORITY:

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., February 14, 2013 at: Oklahoma Engineering Center, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

PUBLIC HEARING:

A public hearing is scheduled for oral comments at the regular meeting of the Board on February 15, 2013, 9:00 a.m. at the Oklahoma Engineering Center, 201 NE 27th St., Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be downloaded from our website at www.pels.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

[OAR Docket #12-1109; filed 12-19-12]

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

[OAR Docket #12-1089]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:4-1-3. Organization [AMENDED]

252:4-1-5. Availability of a record [AMENDED]

Subchapter 7. Environmental Permit Process

Part 1. The Process

252:4-7-13. Notices [AMENDED]

252:4-7-15. Permit issuance or denial [AMENDED]

252:4-7-18. Pre-issuance permit review and correction [AMENDED]

252:4-7-20. Agency review of final permit decision [NEW]

Subchapter 9. Administrative Proceedings

Part 3. Individual Proceedings

252:4-9-32. Individual proceedings filed by others [AMENDED]

SUMMARY:

The proposed changes are needed: (1) to update DEQ's Rules of Practice and Procedure due to recent statutory changes made by the Legislature; (2) to correct errors in the text of the rules; (3) to clarify permit review and correction opportunities for an applicant prior to issuance of a draft permit by the DEQ; (4) to clarify the process for a permit applicant who wishes to seek agency review of a final permit decision and what constitutes the administrative record for such a review; and (5) to clarify that a declaratory ruling request is a prerequisite to seeking judicial review of a final permit decision. These proposed changes are of general applicability to DEQ programs and are not within the jurisdiction of a particular advisory council.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101 (Board as rulemaking body for DEQ); Environmental Quality Code, 27A O.S. § 2-3-201 (DEQ Executive Director powers and duties); Oklahoma Administrative Procedures Act, 75 O.S. § 307 (requiring rulemaking by each agency for filing and disposition of declaratory ruling petitions).

COMMENT PERIOD:

Written comments may be made, delivered or mailed to the contact person from January 15, 2013, through February 15, 2013. Oral comments may be made at the Environmental Quality Board meeting on February 22, 2013.

PUBLIC HEARING:

Before the Environmental Quality Board meeting on February 22, 2013, at 9:30 a.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

The contact person is Martha Penisten, DEQ General Counsel. Ms. Penisten may be contacted at: martha.penisten@deq.ok.gov (e-mail), (405) 702-7184 (phone) or (405) 702-7101 (fax). DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

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

[OAR Docket #12-1089; filed 12-17-12]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 20. PURCHASING POLICY**

[OAR Docket #12-1115]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 300:20-1-1. [AMENDED]
- 300:20-1-2. [AMENDED]
- 300:20-1-3. [AMENDED]
- 300:20-1-4. [AMENDED]
- 300:20-1-8. [AMENDED]
- 300:20-1-10. [AMENDED]
- 300:20-1-11. [REVOKED]
- 300:20-1-12. [AMENDED]
- 300:20-1-13. [AMENDED]
- 300:20-1-14. [AMENDED]
- 300:20-1-15. [AMENDED]
- 300:20-1-16. [REVOKED]
- 300:20-1-17. [NEW]

SUMMARY:

Proposed language has been added to specify procedures concerning purchases for repair, construction or improvements to Grand River Dam Authority ("GRDA") facilities or land that are governed by the provisions of Title 61 of the Oklahoma Statutes. Additionally, proposed language has been included which more particularly define those certain acquisitions and expenditures which are exempt from the competitive bidding processes. The specific exemptions added are acquisitions pursuant to the Oklahoma State Interlocal Cooperation Act and utility acquisitions. The proposed rule amendments provide that the selection of vendors for these exempt services and products may deviate from the guidelines set out in the rules and the proposed amendments.

The proposed rule amendments provide language more specifically defining an "emergency" for allowance of emergency acquisitions. The General Manager may declare an emergency and authorize the purchase of necessary material or services which exceeds the dollar limit delegated by the Board of Directors to ensure continued operations.

Language has been proposed that the General Manager shall have authority to approve acquisitions as may be delegated by the Board of Directors as governed by applicable law. Further, the General Manager may delegate acquisition approval to other GRDA employees and determine the monetary threshold for mandatory competitively bid purchases, subject to the approval of the Board of Directors in accordance with applicable law. The Chief Financial Officer or designee is responsible for maintaining procedures approved by the Board of Directors, and forms for all acquisition processes.

The proposed rule amendments reflect that statewide contracts awarded by the Office of Management Enterprise Services may be utilized when such may bring efficiency to the acquisition process.

The proposed changes to the business expenses rule provide clarification of the types of expenses allowed. Language has been added to state to the extent practicable, the General Manager shall authorize the expense prior to it being incurred. Further, every reimbursement request shall include a justification accompanied by specific receipts and/or invoices or other appropriate supporting documentation, and a monthly summary shall be provided to the Board of Directors.

Notices of Rulemaking Intent

General clarifications have been proposed and 300:20-1-11 ("Responsibilities, delegation, source selection, evaluations, and disputes) has been revoked as the subjects of the rule are addressed elsewhere in the rules and the proposed amendments, statute, or GRDA's Bidding Instructions. 300:20-1-16 "Reverse auction bidding" has been repealed, and is covered in the proposed amendments to 300:20-1-4(g). A new section 300:20-1-17. "Advanced payments" has been added.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010, § 861A(B)(1); 82 O.S.Supp. 2012, § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2013 through 4:45 p.m. on February 15, 2013 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen C. Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, February 20, 2013 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 16, 2013 through February 15, 2013, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2013 through 4:45 p.m. on February 15, 2013 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen C. Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen C. Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen C. Edwards, General Counsel, (918) 256-5545

[OAR Docket #12-1115; filed 12-20-12]

TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 35. LAKE RULES

[OAR Docket #12-1116]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities

300:35-11-11. [AMENDED]

Subchapter 13. Permits for Dikes, Excavations, Dredgings, Erosion Control Devices, Retaining Walls, and Shoreline Stabilization

300:35-13-6. [AMENDED]

Subchapter 17. Raw Water Permits

300:35-17-3. [REVOKED]

Subchapter 21. Administration of Rules and Hearings

300:35-21-4. [AMENDED]

300:35-21-8. [AMENDED]

SUMMARY:

The proposed amendments include reimbursement of storage costs for personal property after notification and hearing of rule violation(s). Language has been stricken regarding incomplete private and commercial dock permits and dredging permits expiring on March 9, 2012 or earlier. 300:35-17-3. ("Irrigation billing") has been revoked and other general clarifications have been made.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010 § 861A(B)(1), 82 O.S.Supp.2012 § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2013 through 4:45 p.m. on February 15, 2013 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen C. Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Thursday, February 21, 2013 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules

provide the agency, within the Comment Period from January 16, 2013 through February 15, 2013, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2013 through 4:45 p.m. on February 15, 2013 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen C. Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen C. Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen C. Edwards, General Counsel, (918) 256-5545

[OAR Docket #12-1116; filed 12-20-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 1. FUNCTION AND STRUCTURE OF THE DEPARTMENT OF HUMAN SERVICES**

[OAR Docket #12-1106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 340:1-1-1 through 340:1-1-2 [AMENDED]
- 340:1-1-3 [REVOKED]
- 340:1-1-4 [AMENDED]
- 340:1-1-17 [AMENDED]
- 340:1-1-18 [REVOKED]
- 340:1-1-19 [AMENDED]

(Reference WF 12-22)

SUMMARY:

The proposed revisions to Subchapter 1 of Chapter 1 amend rules to comply with Constitution and Statute changes.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 25 O.S. §§ 301 through 314; and Article XXV, Sections 2 and 4 of the Oklahoma Constitution repealed November 6, 2012.

COMMENT PERIOD:

Written and oral comments are accepted January 15, 2013, through February 14, 2013, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services, OIRP, PO Box 25352, Oklahoma City, OK 73125, 405-521-4326.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., February 14, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #12-1106; filed 12-18-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 2. ADMINISTRATIVE COMPONENTS**

[OAR Docket #12-1107]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 31. ~~Legislative~~Intergovernmental Relations and Policy
- Part 4. Office of ~~Legislative~~Intergovernmental Relations and Policy
- 340:2-31-10 [AMENDED]
- Part 5. Petitioning for Rulemaking
- 340:2-31-31 through 340:2-31-33 [AMENDED]
- Subchapter 33. Rates and Standards
- 340:2-33-1 through 340:2-33-3 [AMENDED]

(Reference WF 12 23)

SUMMARY:

The proposed revisions to Subchapters 31 and 33 of Chapter 2 amend rules to: (1) comply with Constitution and Statute changes; (2) revise sentence structure; and (3) update language and division name.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Administrative Procedures

Notices of Rulemaking Intent

Act, 75 O.S. §§ 250 et. seq.; the Oklahoma Central Purchasing Act, 75 O.S. §§ 85.1 et. seq.; and Article XXV, Sections 2 and 4 of the Oklahoma Constitution repealed November 6, 2012.

COMMENT PERIOD:

Written and oral comments are accepted January 15, 2013, through February 14, 2013, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services, OIRP, PO Box 25352, Oklahoma City, OK 73125, 405-521-4326.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., February 14, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #12-1107; filed 12-18-12]

TITLE 445. BOARD OF MEDICOLEGAL INVESTIGATIONS CHAPTER 10. MEDICAL EXAMINER CASES

[OAR Docket #12-1079]

INTENDED RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

445:10-1-11 [AMENDED]

SUMMARY:

The proposed rules make the rules consistent with the statutes, increases fees for Physician case review/ Literature review, Physician Conference, Interrogatories, Depositions, and Court Appearances. Additionally, increases fees for Investigator Conferences, Interrogatories, Depositions and Court Appearances. Increases fees for Cremation Permits, Transportation out of State Investigations and Body storage fees. Finally, increases fees for toxicology laboratory services.

AUTHORITY:

Medicolegal Board of Investigations
63 O.S., Section 932

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Office of the Chief Medical examiner, 901 North Stonewall, Oklahoma City, Oklahoma 73117 from January 15, 2013 to February 14, 2013.

PUBLIC HEARING:

A public hearing will be held on Thursday, February 14, 2013 in the Meeting Room of the Office of the Chief Medical Examiner, 901 North Stonewall, Oklahoma City, Oklahoma 73117.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OCME requests that business entities affected by these proposed rules provide the OCME, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs due to compliance with the proposed rules. Business entities may submit this information in writing to Amy Elliott, at the address above, before the close of the comment period on February 14, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Office of the Chief Medical Examiner, 901 N. Stonewall, Oklahoma City, OK 73117.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Office of the Chief Medical Examiner at the address above beginning December 14, 2012.

CONTACT PERSON:

Amy Elliott, Chief Administrative Officer (405) 239-7141 x232

[OAR Docket #12-1079; filed 12-14-12]

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

[OAR Docket #12-1077]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 50 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-318.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 16, 2013 until 5:00 p.m., February 15, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, e-mailed to ggeis@odmhsas.org, hand-delivered to the Department at 2401 NW 23rd Street, Suite 85, Oklahoma City, OK or by facsimile, at (405) 522-0236.

PUBLIC HEARING:

The Department will conduct a public hearing on February 19, 2013 at 10:00 a.m. in Conference Room A of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 15, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2013. Copies may be obtained from the Department's website www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

CONTACT PERSON:

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

[OAR Docket #12-1077; filed 12-14-12]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 16. CENTRAL PURCHASING**

[OAR Docket #12-1123]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULE:

Subchapter 3. Supplier Provisions
580:16-3-21. Supplier's protest [AMENDED]

SUMMARY:

The proposed revision is intended to establish a time limit for requesting a stay of contract award, clarify existing language, and correct scrivener's errors.

AUTHORITY:

74 O.S., §85.5; Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at 2401 N. Lincoln Blvd, Oklahoma City, Oklahoma during the period from January 15, 2013 through February 15, 2013.

PUBLIC HEARING:

A public hearing will be held at 9 a.m. Friday, February 15, 2013 at the Will Rogers Building, 2401 N. Lincoln Blvd., Conference Room 216, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:

This rule amendment is not intended to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available for review after January 29, 2013 at the above address.

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.gov.

[OAR Docket #12-1123; filed 12-21-12]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 20. CONSTRUCTION AND PROPERTIES**

[OAR Docket #12-1124]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Subchapter 27. Use of Best Value Competitive Proposals to Award a Contract
580:20-27-7. Vendor selection [NEW]

SUMMARY:

The proposed new rule is necessary to fully implement statutory changes, create greater transparency by fully informing the vendor population of the process and criteria for vendor selection in the Best Value process, and to provide clarity. The proposed new permanent rule is intended to supersede an emergency rule currently in effect.

AUTHORITY:

61 O.S., §103; Office of Management and Enterprise Services

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at 2401 N. Lincoln Blvd, Oklahoma City, Oklahoma during the period from January 15, 2013 through February 15, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for 10:30 a.m. Friday, February 15, 2013 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed rule is not intended to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available for review after January 29, 2013 at the above address.

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.gov.

[OAR Docket #12-1124; filed 12-21-12]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 35. FLEET MANAGEMENT DIVISION

[OAR Docket #12-1125]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

- 580:35-1-1. General provisions [AMENDED]
- 580:35-1-2. Vehicle inventory control [AMENDED]
- 580:35-1-3. Vehicle management control [AMENDED]
- 580:35-1-4. Use of state owned and leased vehicles [AMENDED]
- 580:35-1-5. Service and rental rates [AMENDED]
- 580:35-1-6. Daily reservations and monthly assignments [AMENDED]
- 580:35-1-7. Gasoline and oil purchases [AMENDED]
- 580:35-1-8. Wrecker service, on-the-road breakdown and repairs [AMENDED]
- 580:35-1-9. Other credit and cash purchases [AMENDED]
- 580:35-1-10. Care and maintenance of vehicles [AMENDED]

SUMMARY:

The proposed new rules are necessary to add provisions relating to the leasing of vehicles and restrictions on the use of vehicles, implement statutory changes, correct scrivener's errors, and to provide clarification.

AUTHORITY:

74 O.S., §78; Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at 2401 N. Lincoln Blvd, Oklahoma City, Oklahoma during the period from January 15, 2013 through February 15, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m. Friday, February 15, 2013 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd., Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed rule is not intended to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available for review after January 29, 2013 at the above address.

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.gov.

[OAR Docket #12-1125; filed 12-21-12]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 55. ALTERNATIVE FUELS PROGRAM

[OAR Docket #12-1126]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Chapter 55. Committee of Alternative Fuels Technician Examiners [AMENDED]

SUMMARY:

The proposed amendments are necessary to correct statutory citations, provide clarification, and correct scrivener's errors. Amendments are also proposed to modify a retesting requirement for late renewals, and to clarify insurance requirements. Proposed amendments, if promulgated, would also clarify requirements for application and examination, and would implement other clarifications as approved by the Committee.

AUTHORITY:

74 O.S., §130.18.; Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at 2401 N. Lincoln Blvd, Oklahoma City, Oklahoma during the period from January 15, 2013 through February 15, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. Friday, February 15, 2013 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd., Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about any increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kimberlee.Williams@omes.ok.gov during the period from January 15, 2013 to February 15, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available for review after January 29, 2013 at the above address.

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.gov.

[OAR Docket #12-1126; filed 12-21-12]

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

[OAR Docket #12-1111]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Chapter 90. Withholding [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing withholding rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 53rd Legislature, 2nd Regular Session (2012).

Proposed amendments to **Subchapter 3, "Returns and Payments"** have been made to implement the provisions of House Bill 2576 which modified certain withholding tax remitters reporting requirements and changed the date late payment penalty is imposed for wage, royalty and pass through withholding.

AUTHORITY:

68 O.S. § 203, Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 19, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 20, 2013, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2013, from the same source listed above for obtaining copies of proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #12-1111; filed 12-19-12]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #12-1118]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Establishing Other Service Credits

715:10-5-19 [AMENDED]

Subchapter 15. Service Retirement

715:10-15-3 [AMENDED]

715:10-15-6 [AMENDED]

715:10-15-26 [AMENDED]

Subchapter 17. Post-Retirement Employment

715:10-17-6 [AMENDED]

Subchapter 23. State and Education Employees Group
Health and Dental Insurance Program

715:10-23-6 [NEW]

SUMMARY:

715:10-5-19 is being added to comply with the Post-EGTRRA Amendments specific to the Heroes Earnings Assistance and Tax Relief Act of 2008.

715:10-15-3 is being amended to ensure payments for additional service credit are paid timely and are accurately included in estimate of benefits and to remove restriction on how early a client may submit a retirement contract.

715:10-15-6 is being amended to update acceptable forms for verification of date of birth.

715:10-15-26 is being amended to update the Internal Revenue Code Section 415 provisions for the Worker, Retiree, and Employee Recovery Act of 2008.

715:10-17-6 is being amended to make the previously approved emergency rule permanent.

715:10-23-6 is being added to ensure compliance of OTRS plan with Internal Revenue Service (IRS) requirements to remain a qualified plan.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from January 15, 2013 through February 14, 2013, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers'

Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on February 15, 2013, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 5:00 p.m. on February 15, 2013. Written notice may be mailed to: Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and also will be available on the TRS website (www.ok.gov/TRS).

RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.ok.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning January 9, 2013, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Becky Wilson, Rules Liaison (405) 521-2387.

[OAR Docket #12-1118; filed 12-20-12]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-1117]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Department of Transportation

730:1-5-1. [AMENDED]

SUMMARY:

The proposed rulemaking action is to provide for an increase in the change order ceiling amount to One Hundred Thousand Dollars (\$100,000) from Fifty Thousand Dollars

(\$50,000) as part of the authority the Director may delegate to field division engineers, in accordance with the law. This rulemaking action will assist with the efforts to streamline the change order process and to provide payment to contractors in a more timely manner.

AUTHORITY:

51 O.S. §§ 24A.1 et seq.; 61 O.S. § 121; 69 O.S. §§ 303, 304, 306, 306.1 and 4007; Department of Transportation

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 January 22, 2013 to February 21, 2013.

PUBLIC HEARING:

A public hearing will not be held on this proposed rulemaking action. In accordance with 75 O.S. § 303(B)(9), persons demanding a public hearing may do so by sending such requests to bbigbie@odot.org before February 15, 2013.

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 25, 2013 and may be obtained at the same location listed above for obtaining copies.

CONTACT PERSON:

Brian Bigbie (405)522-6002

[OAR Docket #12-1117; filed 12-20-12]

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 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-1099]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

748:1-1-1. Organization [AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1099; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 3. GENERAL PROVISIONS

[OAR Docket #12-1100]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

748:3-1-2. Definitions [AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1100; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 5. FEES AND COLLECTION OF FEES

[OAR Docket #12-1101]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Fees

748:5-1-1. Fee for initial permit and permit renewal
[AMENDED]

Subchapter 3. Collection and Late Fee Assessment

748:5-3-1. Late Fee Assessment [AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1101; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 7. COMMISSION COMMITTEES

[OAR Docket #12-1102]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Standing Committees

748:7-5-1. Standing Committees [AMENDED]

Subchapter 7. Technical Committees

748:7-7-1. Specific purpose [AMENDED]

748:7-7-3. Technical committee composition
[AMENDED]

748:7-7-4. Member selection [AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1102; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 10. CODE ADOPTION PROCEDURES

[OAR Docket #12-1103]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

Submissions for Review

RULES:

Subchapter 1. General
748:10-1-2. Public input to technical committees
[AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1103; filed 12-18-12]

**TITLE 748. UNIFORM BUILDING CODE
COMMISSION
CHAPTER 15. CODE ADOPTED BY STATE
AGENCIES AND POLITICAL SUBDIVISIONS**

[OAR Docket #12-1104]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

748:15-1-1. Codes which may be adopted [AMENDED]

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1104; filed 12-18-12]

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

[OAR Docket #12-1105]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. NEC® 2011

748:20-9-7. NEC® 2011 Chapter 5 Special Occupancies
[NEW]

Subchapter 11. IFGC® 2009

748:20-11-10. IFGC® 2009 Chapter 8 Referenced
Standards [NEW]

Subchapter 13. IMC® 2009

748:20-13-11. IMC® 2009 Chapter 15 Referenced
Standards [NEW]

Subchapter 15. IPC® 2009

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

SUBMITTED TO GOVERNOR:

November 14, 2012

SUBMITTED TO HOUSE:

November 14, 2012

SUBMITTED TO SENATE:

November 14, 2012

[OAR Docket #12-1105; filed 12-18-12]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

**TITLE 150. OKLAHOMA DEPARTMENT OF
COMMERCE
CHAPTER 140. OKLAHOMA QUICK
ACTION CLOSING FUND**

[OAR Docket #12-1085]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 150:140-1-1. Purpose and scope [NEW]
- 150:140-1-2. Definitions [NEW]
- 150:140-1-3. Application process [NEW]
- 150:140-1-4. Award process [NEW]
- 150:140-1-5. Award agreement [NEW]
- 150:140-1-6. Disclosure of payments [NEW]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1085; filed 12-17-12]

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

[OAR Docket #12-1088]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 252:205-3-1. Reference to 40 CFR [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1088; filed 12-17-12]

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

[OAR Docket #12-1087]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions
- 252:303-1-1. Purpose, basis, authority, applicability, and implementation date [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1087; filed 12-17-12]

**TITLE 600. REAL ESTATE APPRAISER
BOARD
CHAPTER 10. LICENSURE AND
CERTIFICATION REQUIREMENTS**

[OAR Docket #12-1108]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 600:10-1-18. National Registry Fee [NEW]

GUBERNATORIAL APPROVAL:

December 5, 2012.

[OAR Docket #12-1108; filed 12-19-12]

**TITLE 748. UNIFORM BUILDING CODE
COMMISSION
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #12-1092]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 748:1-1-1. Organization [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1092; filed 12-18-12]

**TITLE 748. UNIFORM BUILDING CODE
COMMISSION
CHAPTER 3. GENERAL PROVISIONS**

[OAR Docket #12-1093]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 748:3-1-2. Definitions [AMENDED]

Gubernatorial Approvals

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1093; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 5. FEES AND COLLECTION OF LATE FEES

[OAR Docket #12-1094]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Fees

748:5-1-1. Fee for initial permit and permit renewal
[AMENDED]

Subchapter 3. Collection and Late Fee Assessment

748:5-3-1. Late Fee Assessment [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1094; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 7. COMMISSION COMMITTEES

[OAR Docket #12-1095]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Standing Committees

748:7-5-1. Standing Committees [AMENDED]

Subchapter 7. Technical Committees

748:7-7-1. Specific purpose [AMENDED]

748:7-7-3. Technical committee composition
[AMENDED]

748:7-7-4. Member selection [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1095; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 10. CODE ADOPTION PROCEDURES

[OAR Docket #12-1096]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General

748:10-1-2. Public input to technical committees
[AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1096; filed 12-18-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 15. CODE ADOPTED BY STATE AGENCIES AND POLITICAL SUBDIVISIONS

[OAR Docket #12-1097]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

748:15-1-1. Codes which may be adopted [AMENDED]

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1097; filed 12-18-12]

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

[OAR Docket #12-1098]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 9. NEC® 2011

748:20-9-7. NEC® 2011 Chapter 5 Special Occupancies
[NEW]

Subchapter 11. IFGC® 2009

748:20-11-10. IFGC® 2009 Chapter 8 Referenced
Standards [NEW]

Subchapter 13. IMC® 2009

748:20-13-11. IMC® 2009 Chapter 15 Referenced
Standards [NEW]

Subchapter 15. IPC® 2009

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

GUBERNATORIAL APPROVAL:

December 5, 2012

[OAR Docket #12-1098; filed 12-18-12]

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

[OAR Docket #12-1086]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

252:303-1-1 [AMENDED]

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Laboratory Services Advisory Council, 27A O.S. § 2-2-201; Laboratory Services and Certification, 27A O.S. §§ 2-4-301 *et seq.*

DATES:

Comment period:

June 15, 2012 through July 20, 2012.

Public hearing:

Before the Laboratory Services Advisory Council on July 26, 2012.
Before the Environmental Quality Board on November 7, 2012.

Adoption:

November 7, 2012

Approved by Governor:

December 5, 2012

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 1, 2013, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

Publicly and privately owned laboratories performing analyses of water and wastewater, solid and hazardous waste, soil, sludge and petroleum hydrocarbons are currently accredited by the Department of Environmental Quality (DEQ) under OAC 252:301. New accreditation rules, OAC 252:303, consistent with a national environmental laboratory accreditation system (The NELAC Institute, i.e. TNI) were promulgated in 2011 with an implementation date of January 1, 2013.

In early March, 2012, the DEQ learned that other states that had adopted rules consistent with the national program found a lack of regulatory language within the TNI standards and were unable to provide effective enforcement due to the ambiguity and uncertainty in the TNI standards. Therefore, the DEQ decided not to submit its application to become a TNI accreditation body until these issues can be resolved and new proposed rules can be developed to address the ambiguity and uncertainty in the TNI standards.

The DEQ discussed these issues with the Laboratory Services Advisory Council in a regular meeting held at the DEQ building in Oklahoma City on March 13, 2012, and the Council scheduled a Special Meeting to consider this proposed rule, which would change the implementation date from January 1, 2013, to January 1, 2016. On March 28, 2012, the DEQ notified TNI that Oklahoma was postponing its application to be recognized as a TNI

accreditation body until the recent recognition of a lack of regulatory language within the TNI standards has been resolved.

The DEQ determined that the implementation date of January 2013 should be extended to January 2016 so that public and private laboratories currently accredited by the DEQ or applying to be accredited by the DEQ will not be subject to unenforceable, ambiguous and uncertain TNI standards in January 2013 and finds that an emergency rulemaking is necessary to extend the implementation date of the TNI Laboratory Accreditation rules until 2016 to avoid serious prejudice to the public interest.

The emergency situation was not created by the DEQ's delay or inaction, nor could it have been averted. DEQ acted in all due haste to bring the issue of regulatory ambiguity and uncertainty to the Council's attention by discussing the situation with the Council in a public meeting within two weeks of learning of other states facing unenforceable TNI accreditation programs and also by notifying TNI of the DEQ's decision to postpone its application to become recognized as a TNI accreditation body until issues are resolved.

The DEQ believes that its evaluation of a known, real problem that other states are facing constitutes credible evidence of sufficient quality and probative value to enable a person of reasonable caution to support the conclusion that an emergency rulemaking is necessary to avoid serious prejudice to the public interest.

In order for the TNI Laboratory Accreditation rules to be postponed for three years, an emergency rulemaking, followed by a permanent rulemaking is necessary so that the rules will not be implemented in January, 2013. The DEQ therefore finds that serious prejudice to the public interest exists, requiring an emergency rule adoption.

ANALYSIS:

The rules proposed in this Chapter provide standards for accreditation of privately and publicly owned laboratories for performance of analyses of water and wastewater, solid and hazardous waste, soil, sludge and petroleum hydrocarbons and apply to laboratories accredited or applying to be accredited by the Department of Environmental Quality (DEQ) consistent with The NELAC Institute (TNI) standards. The implementation date was originally January 2013.

The DEQ has determined that the implementation date of January 2013 should be extended to January 2016 to allow the DEQ to evaluate the enforceability of the The NELAC Institute rules as adopted by reference and to make adjustments as needed to develop an enforceable laboratory accreditation program. The additional time will also allow laboratories to prepare for compliance with an enforceable laboratory accreditation program, whether continuing with the TNI standards as adopted by reference or developing additional state rules consistent with the TNI accreditation program.

CONTACT PERSON:

David Caldwell, State Environmental Laboratory Services Division, Department of Environmental Quality, PO Box 1677, Oklahoma City, OK 73101-1677; email at david.caldwell@deq.ok.gov; phone (405) 702-1000 or fax at (405) 702-1001.

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

Emergency Adoptions

SUBCHAPTER 1. GENERAL PROVISIONS

252:303-1-1. Purpose, basis, authority, applicability, and implementation date

- (a) The rules in this Chapter provide standards for accreditation of privately and publicly owned laboratories for performance of analyses of water and wastewater, solid and hazardous waste, soil, sludge and petroleum hydrocarbons. This Chapter was promulgated and adopted pursuant to the Oklahoma Environmental Quality Code (Code), 27A O.S. § 2-4-101 *et seq.*, and shall apply to laboratories certified or applying to be accredited by the Department of Environmental Quality consistent with The NELAC Institute (TNI) Standards.
- (b) As the Board promulgates new rules, accredited laboratories shall incorporate those procedures for all accredited analytes upon the effective date of the rule.
- (c) The implementation date of this Chapter is January 1, ~~2013~~2016.

[OAR Docket #12-1086; filed 12-17-12]

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

[OAR Docket #12-1078]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
530:10-15-48 [AMENDED]
Subchapter 21. Employee Assistance Programs
Part 2. State Employee Debriefing and Counseling Services [NEW]
530:10-21-10 [NEW]
530:10-21-11 [NEW]
530:10-21-12 [NEW]

AUTHORITY:

The Administrator of the Office of Management and Enterprise Services, Human Capital Management, (formerly Office of Personnel Management of the Office of State Finance): 74 O.S., §§ 840-1.6A, 840-2.10a, 840-2.20C.

DATES:

Comment period:

N/A

Public hearing:

N/A

Adoption:

October 29, 2012

Approved by Governor:

December 5, 2012

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 1, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

CONTACT PERSON:

Kara I. Smith, Deputy General Counsel, Office of Management and Enterprise Services, Human Capital Management, 2101 N. Lincoln, G-80, Oklahoma City, OK 73105, (405) 521-2177.

FINDING OF EMERGENCY:

The proposed rule, 530:10-15-48, is necessary to incorporate the new 30 day notice requirement to state employees who are affected by a furlough, pursuant to HB 2724's (2012 Legislative Session) creation of a new section of law, Title 74 O.S. §840-2.20C. The proposed rules, 530:10-21-10, 11 and 12, are necessary pursuant to implement the provisions of SB 1083 (2012 Legislative Session) that requires the Department of Human Services; Department of Mental Health and Substance Abuse Services; Department of Corrections; Department of Transportation; and Office of Juvenile Services to provide or contract to provide debriefing and counseling services for state employees who are affected by violent or traumatic events that occur in the workplace. The rules are necessary implement the provisions of HB 2724 which became effective August 23, 2012 and SB 1083 which becomes effective November 1, 2012.

ANALYSIS:

The proposed rule, 530:10-15-48, is necessary to incorporate the new 30 day notice requirement to state employees who are affected by a furlough, pursuant to HB 2724's (2012 Legislative Session) creation of a new section of law, Title 74 O.S. §840-2.20C. The proposed rules, 530:10-21-10, 11 and 12, are necessary pursuant to implement the provisions of SB 1083 (2012 Legislative Session) that requires the Department of Human Services; Department of Mental Health and Substance Abuse Services; Department of Corrections; Department of Transportation; and Office of Juvenile Services to provide or contract to provide debriefing and counseling services for state employees who are affected by violent or traumatic events that occur in the workplace. The rules are necessary implement the provisions of HB 2724 which became effective August 23, 2012 and SB 1083 which becomes effective November 1, 2012.

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

SUBCHAPTER 15. TIME AND LEAVE

PART 5. MISCELLANEOUS TYPES OF LEAVE

530:10-15-48. Involuntary leave without pay (furlough)

- (a) Policy. An Appointing Authority may place classified and unclassified employees on involuntary leave without pay (furlough) for up to a total of 184 hours in any 12 month period in accordance with this Section. An Appointing Authority may only furlough employees when it is necessary to reduce expenditures or when it is required because of a temporary decline or cessation of work activities.
- (b) Required announcement of reasons for furlough. Before beginning a furlough, an Appointing Authority shall announce in writing the reasons that require it. The Appointing Authority shall post this announcement throughout the agency and send it to the Governor, the Office of Personnel Management, and the Office of State Finance. This announcement is not part of the furlough plan required in (c) of this Section, and it is not subject to the approval of the Administrator.
- (c) Required plan for implementation of furlough.
- Before beginning a furlough, an Appointing Authority shall develop an equitable and systematic plan for the furlough and shall submit the plan to the Office of Personnel Management for review and approval. The Administrator of the Office of Personnel Management shall

disapprove any plan that is not in substantial compliance with the Merit Rules.

(2) After approval of the plan by the Administrator, the Appointing Authority shall post the approved plan throughout the agency a minimum of 2 working days before furloughing any employee.

(3) The plan shall apply uniformly to employees regardless of classified or unclassified status [74:840-2.27C]. As far as possible, the Appointing Authority shall furlough all full-time employees, including those on paid leave, the same number of hours and shall prorate the number of hours for part-time employees. The Appointing Authority shall address the application of the furlough to employees who are on other types of leave without pay.

(d) Non-uniform treatment of employees. The Appointing Authority may find non-uniform treatment of employees necessary during a furlough. The Appointing Authority must certify the reasons for non-uniform treatment as described in paragraph (1) of this subsection. It is possible that more than one reason may apply in any specific furlough. Paragraph (2) of this subsection describes how the Appointing Authority may limit the effect of a furlough on specified employees. Any certifications issued by an Appointing Authority shall be included in the furlough plan.

(1) Certification of reasons for non-uniform treatment.

(A) If the Appointing Authority certifies that uniform treatment of all employees would cause undue hardship on lower paid employees and uniform treatment is not required to meet the reduced revenue levels which made the furlough necessary, the Appointing Authority may limit the applicability of a furlough on lower paid employees.

(B) If the Appointing Authority certifies that uniform treatment of all employees would endanger public health, safety, or property, or continued operations of critical agency functions, the Appointing Authority may limit the applicability of the furlough on specified employees, positions, jobs, or organizational units as needed to avoid the danger.

(C) If the Appointing Authority certifies that a furlough is due to a decline or loss of funding to the agency that supports specific positions, jobs, or organizational units, the Appointing Authority may limit a furlough to specific employees supported by the funding that is lost or reduced.

(D) If the Appointing Authority certifies that a furlough is due to a budgetary shortfall which results in a decline or loss of funding to the agency, the Appointing Authority may limit the furlough to employees who request to participate in a furlough and certify that they have done so without coercion, undue influence, threat or intimidation of any kind or type.

(2) Types of non-uniform treatment. In certifying the reasons for non-uniform treatment of employees, the Appointing Authority may use any of the following types of limits. The Appointing Authority may:

(A) exclude specified employees from the furlough,

(B) place specified employees on a lesser number of hours without pay than other employees,

(C) make the furlough of specified employees subject to early cancellation or periodic call-back.

(D) limit the furlough to employees who have certified that they have requested to participate in a furlough without an coercion, undue influence, threat or intimidation of any kind or type.

(e) Required notice to employee. The Appointing Authority shall ~~give employees who are to be furloughed individual written notice of the furlough before its starting date~~ provide a written notice to any employee of such agency who will be furloughed by the agency at least thirty (30) days prior to the first date that the furlough period is scheduled to begin. The notice shall provide information about the anticipated first date of the furlough period and an estimate of the duration of the furlough or the day or days during which the furlough will be in effect. This written notice shall explain the reasons for the furlough and how the furlough will affect the employee. The notice shall also include the dates and times leave is to begin and end. A copy of this Section shall be enclosed with the written notice to the employee. If an Appointing Authority makes leave for employees subject to early cancellation or periodic call-back, the employee's notice of furlough shall describe the reasons for, and conditions of, the cancellation or call-back.

(f) Continuation of benefits while on furlough. While on furlough, employees who would otherwise accrue leave shall continue to accrue annual and sick leave as though the furlough had not occurred. The Appointing Authority shall schedule the furlough so the furlough does not interrupt the agency's payment of the employees' insurance premiums.

(g) Failure to return as directed cause for discipline. Failure on the part of an employee to return from such leave to his or her previous work status as directed in writing shall be cause for discipline.

(h) Appeal rights. Furlough, as provided for by rules adopted by the Administrator of the Office of Personnel Management, shall not be appealable under the provisions of the Oklahoma Personnel Act [74:840-2.27C].

SUBCHAPTER 21. EMPLOYEE ASSISTANCE PROGRAMS

PART 2. STATE EMPLOYEE DEBRIEFING AND COUNSELING SERVICES

530:10-21-10. Purpose and scope

(a) The purpose of the rules in this part is to implement the provisions of Section 840-2.10a of the Oklahoma Personnel Act which pertains to debriefing and counseling services provided to employees who are affected by violent or traumatic events that occur in the workplace of the following agencies:

(1) The Department of Human Services;

Emergency Adoptions

(2) The Department of Mental Health and Substance Abuse;

(3) The Department of Corrections;

(4) The Department of Transportation; and

(5) The Office of Juvenile Affairs.

(b) The agencies identified in (a) shall provide or contract to provide debriefing and counseling services to its employees who are affected by violent or traumatic events that occur in the workplace.

(c) At the discretion of the Appointing Authority, an agency may provide counseling services to household/family members of the affected employee.

530:10-21-11. Definitions

In addition to the terms defined in 530:10-1-2, the following words and terms, when used in Part 2 of this Subchapter, shall have the following meaning unless the context clearly indicates otherwise.

"Line of Duty Deaths" means death of an employee during the course of performing their duties and responsibilities while employed with an agency identified in 530:10-21-10.

"Violent or Traumatic Event" means, including but not limited to, physical assault or threat of assault of a serious nature; sexual assault, hostage incident, incident causing serious injury/death to a person; suicide/suicide attempt of an employee; accident resulting in serious injury or death of an employee; line of duty deaths; significant events involving children; disasters.

530:10-21-12. Employee participation

The participation in debriefing and counseling services shall be on a voluntary basis, except where participation is required by other state or federal law or at the discretion of the Appointing Authority due to a public health, safety and environment concern.

[OAR Docket #12-1078; filed 12-14-12]

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

[OAR Docket #12-1091]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 11. Certified Schools and Designated Class D Examiners [NEW]

595:10-11-1. Purpose [NEW]

595:10-11-2. Scope and application [NEW]

595:10-11-3. Definitions [NEW]

595:10-11-5. Requirements for certifications as a designated examiner; display of certificate; certification renewal [NEW]

595:10-11-6. Course of instruction for driver education instructors applying for certification as a designated examiner [NEW]

595:10-11-7. Examination requirements and standards [NEW]

595:10-11-8. Reexamination upon failure of examination [NEW]

595:10-11-9. Driver license applicant [NEW]

595:10-11-10. Records to be maintained by designated examiners [NEW]

595:10-11-11. Records to be maintained at the Department [NEW]

595:10-11-12. Prescribed forms [NEW]

595:10-11-13. Official Seal [NEW]

595:10-11-14. Prohibited acts; conduct [NEW]

595:10-11-15. Termination, withdrawal, or denial of certification [NEW]

595:10-11-16. Hearings [NEW]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §6-101 et seq.

DATES:

Adoption:

October 26, 2012

Approved by Governor:

December 5, 2012

Effective:

Immediately upon Governor's approval.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The rule is needed to implement the provision of House Bill 2367, which is effective November 1, 2012.

ANALYSIS:

The rules implement the provisions of House Bill 2367 regarding the use of private examiners to test applicants for Class D and motorcycle licenses.

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3500 Martin Luther King, P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. E-mail: bwwalker@dps.state.ok.us.

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. CERTIFIED SCHOOLS AND DESIGNATED CLASS D EXAMINERS

595:10-11-1. Purpose

This Subchapter establishes requirements and procedures standards for the certification of designated examiners who are also certified driver education instructors. Certified designated examiners shall be authorized under 47 O.S. § 6-110(D) and this Subchapter to administer driving skills examinations, on routes approved by the Department, to qualified applicants for a Class D driver license.

595:10-11-2. Scope and application

The provisions of this Subchapter shall apply only to persons described under the provisions of 47 O.S. §6-110(D).

595:10-11-3. Definitions

In addition to terms defined in 47 O.S. §1-101 et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates

otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

"Certified driver education instructor" means an instructor, as defined by 47 O.S. § 801(B) or 70 O.S. § 19-113 et seq., who is currently certified to instruct in a school students who are seeking a Class D driver license in a school, but shall not include an instructor who instructs for the operation of motorcycles only.

"Department" means the Department of Public Safety.

"Designated examiner" means a certified driver education instructor who has been approved and certified by the Department of Public Safety or State Department of Education to administer driving skills examinations, on routes approved by the Department and who is employed by or operating a school.

"Division" means the Driver License Examining Division of the Department.

"Driver education" or **"driver education course"** means

(A) a public secondary school driver education course [70 O.S. §19-113 et seq.],

(B) a parochial, private, or nonpublic secondary school driver education course, certified by the Department of Public Safety, or

(C) a commercial driver training course [47 O.S. §801 et seq.].

"Examination" means the driving skills examinations for an Oklahoma Class D driver license.

"School" means a:

(A) public school which is a secondary school, as defined in 70 O.S. §1-106, within a school district, as defined in 70 O.S. §1-108, which offers a prescribed secondary school driver education course, as defined by 70 O.S. §19-113,

(B) private school which is a secondary school, including parochial and other nonpublic schools, which offers a driver education course certified by the Department of Public Safety, or

(C) commercial driver training school, as defined in 47 O.S. §801(A).

595:10-11-5. Requirements for certification as a designated examiner; display of certificate; certification renewal

(a) **Requirements and application for certification.** A certified driver education instructor may apply for certification as a designated examiner. The applicant must meet the following requirements:

(1) Complete an application provided by the Department [see 595:10-11-12],

(2) Be employed by a school,

(3) Possess a portable computer which shall meet current specifications, as provided by the Department, to enable it to be loaded with software necessary to train the applicant and, upon certification as a designated examiner, to conduct examinations and report examination results electronically to the Department, and the applicant shall sign a user agreement with the Department regarding the installation, maintenance, and use of the software.

(4) Maintain throughout the time period to be covered by the certification all other certification requirements to be a certified driver education instructor, and

(5) Successfully complete a course of instruction prescribed by the Department [see 595:10-11-6].

(b) **Certification.** Upon acceptance and approval by the Department of the application for certification from a driver education instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a designated examiner, and upon completion to the satisfaction of the Department by the instructor or designated examiner of all other requirements for certification, the Department shall provide the designated examiner with:

(1) a certificate evidencing approval by the Department as a designated examiner, which shall be presented for inspection to each driver license applicant, and to the parent or legal guardian of any applicant under eighteen (18) years of age, before the applicant enters the vehicle in which the examination is to be administered. The certificate shall be carried in the vehicle in which any examination is being administered. The certificate shall be valid for the calendar in which it is issued, and

(2) an official seal to be used by the designated examiner as provided in 595:10-11-13.

(c) **Ineligibility.** Any person shall be deemed ineligible for certification as a designated examiner if the person is not a certified driver education instructor.

(d) **Renewal of certification.**

(1) A certified designated examiner shall be eligible for renewal of certification if the examiner:

(A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:10-11-12],

(B) is currently employed by a school,

(C) currently meets the requirements and standards of the Department as prescribed by this Subchapter,

(D) administered twenty (20) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification.

(2) Any driver education instructor who was previously certified as a designated examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.

595:10-11-6. Course of instruction for driver education instructors applying for certification as a designated examiner

(a) A driver education instructor applying for certification as a designated examiner shall enroll in and successfully complete a course of instruction as determined by the Department before the instructor will be considered for approval and certification as a designated examiner.

(b) The Department shall, from time to time, conduct a course of instruction for driver education instructors applying for certification as designated examiners. The Department shall determine the standards and requirements for the curriculum and successful completion of the course of instruction.

Emergency Adoptions

The curriculum shall include, but not be limited to, the following subjects:

- (1) Examination standards and scoring.
- (2) Forms and reports.
- (3) Oklahoma statutes.
- (4) Department rules.
- (5) Behind-the-wheel driving.
- (6) Records and recordkeeping.

(c) The dates and locations of courses of instruction will be determined by the Department.

595:10-11-7. Examination requirements and standards

(a) **Application.** Before an examination may be given to a driver license applicant by a designated examiner, the applicant shall provide a valid Oklahoma learner permit for inspection by the designated examiner and completely fill out and submit to the examiner an Oklahoma skills examination application (DPS Form DL-18-DE) which shall be provided to the applicant by the examiner [see 595:10-11-12]. The examiner shall, by electronic means, verify with the Department on the day of the examination that the applicant is eligible to be administered the examination. If the applicant is not eligible, the examiner shall refer the applicant to a Driver License Examiner.

(b) **Standards.** Current minimum standards for the skills examination of applicants for an Oklahoma Class D intermediate license or driver license, as set forth in state statutes and Department rules shall be provided to all designated examiners by the Department.

(c) **Examinations.**

(1) The driving skills examination for an Oklahoma Class D intermediate license or driver license administered by a designated examiner shall:

- (A) include all specified maneuvers as required by the Department, and
- (B) meet or exceed all requirements of the Department for the Class D driver license.

(2) If an applicant fails a skills examination administered by the designated examiner, the examiner shall immediately notify the Division by electronic means of the failure. The notification shall include, at a minimum, the applicant's:

- (A) name and date of birth,
- (B) driver license number, if applicable;
- (C) score on the failed examination, along with any details of the failure which the examiner deems pertinent to the Department's records.

(d) **Location of examination.** All skills examination shall be administered on the route approved for the designated examiner which shall be a different route than any route used for training the applicant being examined.

(e) **Vehicle used for driving skills examination.** The applicant or parent or legal guardian of the applicant may specify the vehicle in which the driving skills examination is administered. The vehicle shall meet the same requirements as any vehicle which is used for Class D driving skills tests administered by the Department of Public Safety.

(f) **Auditing.** An employee of the Department of Public Safety or the State Board of Education may, at any time and without prior notice, accompany a designated examiner and a driver license applicant while a skills examination is being administered for the purpose of auditing the performance and effectiveness of the designated examiner.

595:10-11-8. Reexamination upon failure of examination

(a) If the driver license applicant fails the skills examination administered by a designated examiner, the designated examiner may administer only one (1) subsequent examination to the applicant. The designated examiner shall wait the required amount of time before reexamining the applicant [see 595:10-3-7 and 595:10-3-9]. If the applicant fails the examination two (2) times, the designated examiner shall refer the applicant to the Department for any further examination.

(b) The designated examiner shall record each failed examination on the Oklahoma skills examination application (DL-18-DE) [see 595:10-11-12] and the examiner shall immediately notify the Division by electronic means of the failure, as provided in OAC 595:10-11-7(c).

595:10-11-9. Driver license applicant

(a) Any applicant who requests an examination from a designated examiner shall have passed the vision test and shall have enrolled in and successfully completed a driver education course and been issued an Oklahoma learner permit.

(b) Any applicant who does not pass an examination administered by a designated examiner:

(1) shall wait the required amount of time [see 595:10-3-7 and 595:10-3-9] before being reexamined, and

(2) may be given no more than one (1) subsequent examination by any designated examiner. Further examination of the driver license applicant shall be conducted by the Department.

(c) Enrollment in or successful completion of a driver education or training course, or successful passage of an examination administered by a designated examiner does not grant to the driver license applicant the privilege to operate any vehicle and does not ensure that a driver license will be issued to the applicant if the applicant is not otherwise eligible.

(d) No person shall knowingly apply to be administered the skills examination by a designated examiner when the person is not eligible to be issued an Oklahoma driver license.

(e) At its discretion, the Department may retest any applicant for any reason.

595:10-11-10. Records to be maintained by designated examiners

(a) A designated examiner shall be responsible for maintaining all records pertaining to:

- (1) the certification of the examiner,
- (2) examinations,
- (3) Oklahoma skills examination application (DL-18-DE), and

(4) payments for examinations, which shall be itemized by individual examination which identifies the person by name, date of birth, and driver license number, and the date of examination, and which shall be posted into a ledger which can be provided in electronic format to the Department by e-mail or computer media.

(b) All records are to be kept for a period of three (3) years and open for audit and inspection by the Department and the State Board of Education. An employee of any of the foregoing entities shall not be required to give prior notice before appearing to examine the records of a certified school or a designated examiner.

595:10-11-11. Records to be maintained at the Department

(a) The following records shall be maintained by the Department at its headquarters for each designated examiner and for each driver education instructor who submitted an application for certification as a designated examiner but was denied certification by the Department:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) Annual quality inspection reports.
- (4) Complaints received.
- (5) Commendations received.
- (6) Evidence of violation of any standard, requirement, state statute or Department rule relating to driver license examination.
- (7) Correspondence.
- (8) Canceled, suspended or revoked certifications.
- (9) Individual files of audits.

(b) The Department shall make available to the public upon request a list of all current designated examiners.

595:10-11-12. Prescribed forms

(a) **Designated examiner application.** A driver education instructor may request an application form from the Department to apply for certification as a designated examiner. A designated examiner shall request an application form from the Department to apply for renewal of certification as a designated examiner. The application shall require the applicant to provide the following personal information:

- (1) Date of application.
- (2) Whether the application is an original or renewal application.
- (3) Full name.
- (4) Complete home address and mailing address
- (5) Telephone numbers (residence and business).
- (6) Name of the employing school.
- (7) Name and number of the school district in which the employing school is located (when applicable).
- (8) Date of birth.
- (9) Social security number.
- (10) Oklahoma driver license number.

(11) Any other information the Department deems necessary to process the application.

(12) Signature of applicant.

(b) **Designated examiner certificate.** The certificate for a designated examiner shall include, but not limited to, the following information:

- (1) Official name and seal of the Department
- (2) Full name of the designated examiner.
- (3) Name, school district name and number (when applicable), city (when applicable), county, and certification number of each school employing the designated examiner.
- (4) Type of certification.
- (5) Date of certification.
- (6) Expiration date of certification.
- (7) A unique certification number.
- (8) Name and signature of the Commissioner of Public Safety.

(c) **Oklahoma driver license application.** Oklahoma skills examination applications (DPS Form DL-18-DE) shall be provided by the Department to each designated examiner. Each portion of the application shall be completed by the applicant or designated examiner, as indicated on the application. The applicant shall complete the applicant's portion of the application and submit the application to the designated examiner. The designated examiner shall document on the application the results of the skills examination administered to the applicant, verifying all the information on the application, and certifying the examination administered and successfully passed by the applicant. If the applicant fails to pass the examination, the designated examiner shall indicate and certify the failure on the application and immediately notify the Department, as provided in OAC 595:10-11-7(c). Upon certification, the designated examiner shall affix the examiner's seal and certification number to the application. If the applicant passes the examination, the examiner shall refer the applicant to a motor license agent, if the applicant is otherwise eligible.

(d) **Where to obtain forms.** All forms are provided by the Department and can be obtained by a designated examiner from the Department's web site.

595:10-11-13. Official seal

(a) The Department will provide its official seal to each designated examiner. The seal shall be imprinted upon each approved Oklahoma skills examination application (DPS Form DL-18-DE) signed by the designated examiner as a part of the examiner's verification of each examination administered to the applicant whose name appears on the application form.

(b) If the designated examiner does not renew certification as a designated examiner, or leaves the employment of or is terminated from employment by the school, the official seal of the Department shall be surrendered by the examiner to the Department.

595:10-11-14. Prohibited acts; conduct

(a) **Prohibited acts.** A designated examiner shall not:

Emergency Adoptions

- (1) use or permit to be used any form of alcoholic beverage or drugs in or about the examination route, or in any motor vehicle being used for the purpose of administering an examination.
 - (2) administer an examination to any driver license applicant with a physical disability.
 - (3) administer an examination on the same route on which the applicant was trained, or
 - (4) administer an examination to any applicant:
 - (A) who does not have a valid Oklahoma learner permit, or
 - (B) who does not fill out an Oklahoma skills examination application (DL-18-DE) issued by the Department of Public Safety.
 - (5) administer an examination to any applicant related by consanguinity (by blood relation) or affinity (by marriage) within the third degree.
 - (6) administer an examination to any applicant who has previously been a student of the designated examiner for any of the required six (6) hours of behind-the-wheel instruction in his or her capacity as a driver education instructor; provided, this paragraph shall not be construed to allow an examiner to give the applicant a practice examination or pre-examination instruction.
 - (7) accept any present or favor from an applicant or any other person who has or may have an interest in the outcome of an examination, or accept any employment which represents a conflict of interest to the examination process.
 - (8) use the designated examiner position for any personal advantage, or
 - (9) commit or omit any act which constitutes a violation of any of the rules of this subchapter or the laws of this state governing designated examiner certification.
- (b) **Conduct.** A designated examiner shall:
- (1) Recognize that his or her position is of the highest public trust and that, on the wisdom of his or her decision, the lives of many people daily depend.
 - (2) Impartially administer all official duties without regard to race, creed, position, or influence, according no applicant more reasonable treatment than any other.
 - (3) Conduct each examination in a manner which reflects:
 - (A) its importance to society,
 - (B) its seriousness to the individual, and
 - (C) the unquestioned competence of the examiner.
 - (4) Exercise only such legal authority as has been duly vested in the position of a designated driver examiner, and
 - (5) Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in driver license examinations.

595:10-11-15. Termination, withdrawal, or denial of certification

- (a) Certification granted under this Subchapter may be terminated by either the Department or the certified party, by giving written notice to the other party, stating cause or reason for termination

- (b) The Department may:
- (1) cancel, suspend, revoke, or refuse to renew the certification of a designated examiner for failure to comply with any provisions of state law, federal regulation, or Department rule.
 - (2) deny certification to any driver education instructor applying for certification as a designated examiner for failure to meet the requirements prescribed by this Subchapter.
- (c) Where it is determined that a minor disqualification exists that may readily be rectified by the designated examiner, the Department may informally notify the designated examiner by mail or telephone of the minor disqualification with a request for compliance within a specified period of time. If such designated examiner fails to rectify the disqualification, the Department may proceed to deny, suspend, revoke or cancel certification.

595:10-11-16. Hearings

Any party aggrieved under this Subchapter may request a hearing with the Department pursuant to OAC 595:1-3.

[OAR Docket #12-1091; filed 12-18-12]

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

[OAR Docket #12-1090]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. Commercial Driver Licensing

Part 2. Application for Initial Commercial Driver License

595:11-1-15. Applicability, substitutions, limitations, and additions to federal regulations adopted by reference [AMENDED]

595:11-1-16. Waiver of certain physical conditions for Class A, B, or C commercial driver license applicants [AMENDED]

595:11-1-17. Medical examiner's certificate requirements [NEW]

595:11-1-18. Downgrade of commercial driver license to Class D driver license [NEW]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

DATES:

Adoption:

October 26, 2012

Approved by Governor:

December 5, 2012

Effective:

Immediately upon Governor's approval.

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

Not applicable

INCORPORATIONS BY REFERENCE:

Not applicable

FINDING OF EMERGENCY:

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.

ANALYSIS:

Amendments to this chapter would update procedures relating to the issuance of commercial driver licenses.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are discussed in the "Finding of Emergency" section above.

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.

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

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 1. COMMERCIAL DRIVER LICENSING

PART 2. APPLICATION FOR INITIAL COMMERCIAL DRIVER LICENSE

595:11-1-15. Applicability, substitutions, limitations, and additions to federal regulations adopted by reference

(a) **Applicability.** The licensing regulations found in 49 C.F.R., Parts 383 and 391, as adopted in OAC 595:11-1-14 are applicable to all applicants for Class A, B, and C commercial driver licenses.

(b) **Terminology substitutions.** Unless otherwise specified, the following terminology shall apply to federal rules adopted by referenced in OAC 595:11-1-14:

(1) "Department of Public Safety" shall be substituted wherever the term "Department of Transportation" or "Federal Motor Carrier Safety Administration" is used.

(2) "Commissioner of Public Safety" shall be substituted wherever the term "Federal Motor Carrier Safety Administrator" or "Regional Director" is used.

(c) **Limitations to scope of definitions.** The definitions provided in (b) of this Section are limited in application to 47 O.S. § 6-101 et seq. and the rules adopted by the Department to carry out the provisions those statutes. These definitions do not alter, replace, or change any definitions contained in Title 47 of the Oklahoma Statutes.

(d) **Additional qualification of all classes of commercial drivers.** The following additions are made to the federal requirement in Qualifications of Drivers [49 CFR §391.11(b)(1)] that a driver be twenty-one (21) years of age or older:

(1) A driver operating solely in intrastate commerce shall be at least eighteen (18) years of age; and

(2) Any person who is not at least twenty-one (21) years old shall not be licensed for:

(A) the transportation of hazardous materials which are required to be placarded or marked in accordance with 49 CFR §177.823, or

(B) transporting fifteen (15) or more passengers; provided, this subparagraph shall not apply to school bus drivers as provided in OAC 210:30-5.

(e) **Additional qualifications for non-excepted commercial drivers.** The following additions are made to the federal requirement in Commercial Driver's License Standards; Requirements and Penalties [49 CFR §384] relating to medical ~~examiner certification~~ examiner's certificate:

(1) A non-excepted commercial driver operating solely in intrastate commerce shall meet the same qualifications as a driver operating in interstate commerce; and

(2) Current medical ~~examiner certification~~ examiner's certificate, including any variance if applicable, shall be delivered to the Department of Public Safety by the driver by:

(A) by mail to: Department of Public Safety, Attn: CDL Program Administration

(B) by fax to: 405-425-2060/405-419-2196

(C) by e-mail to: mec@dps.state.ok.us

(D) in person to: the Department of Public Safety headquarters or any Department of Public Safety ~~Examine~~ Examination Site

(3) Until January 30, 2014, the Department shall date stamp the medical examiner's certificate and return a copy, along with the variance if applicable, as a receipt to the driver; and the driver shall keep the copy of the medical examiner's certificate, and any variance if applicable, in his or her possession at all times when operating a commercial motor vehicle.

(4) Changes to the status of any driver from non-excepted status to excepted status or from excepted status to non-excepted status shall be made in writing to the Department by the driver, using one of the delivery methods described in paragraph (2).

595:11-1-16. Waiver of certain physical conditions for Class A, B, or C commercial driver license applicants

(a) **For interstate commerce.** An applicant who is non-excepted, who does not meet the physical requirements of 47 C.F.R., § 391.41, and who desires to be considered for an interstate commercial driver license, shall apply for a variance under the alternative physical qualification standards under 49 C.F.R., Section 391.49, by contacting the Federal Motor Carrier Safety Administration, Oklahoma Division Office, 300 N. Meridian, Suite 106 North, Oklahoma City, OK 73107, (405) 605-6047. The variance along with the medical examiner's certificate shall be delivered in person by the applicant to the Driver Examiner of the Department of Public Safety prior to the skills examination being administered by the Department to the applicant.

(b) **For intrastate commerce.**

(1) **Applicability to certain applicants.** This subsection applies to an applicant who does not meet the

Emergency Adoptions

requirements of 49 C.F.R., § 391.41, who will be operating solely in intrastate commerce, and who:

(A) has been continuously operating as a commercial motor vehicle driver with the proper type of commercial driver license prior to and since June 12, 1989, or

(B) is ~~exempt~~excepted from meeting the medical requirements as prescribed in 49 CFR § 390.3(f).

(2) **Applicability to certain physical conditions.** This subsection shall apply to the following physical conditions:

(A) Metabolic diseases (see OAC 595:10-5-5)

(B) Cardiovascular diseases (see OAC 595:10-5-6)

(C) Musculoskeletal problems (see OAC 595:10-5-8)

(D) Neurological disorders (see OAC 595:10-5-9)

(3) **Application process.** Application for an intrastate waiver shall be made jointly by the applicant and the motor carrier employer of the applicant. Applications for this waiver are available through the Medical Desk, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136-0415, (405) 425-2083.

(4) **Determination by the Department.** The Medical Desk of the Department shall make the final determination as to whether the applicant may be further considered by the Department for an intrastate Class A, B, or C commercial driver license.

(A) If the Medical Desk authorizes the applicant for further consideration, the Medical Desk shall issue an authority letter to the applicant, to include any recommendations to the Driver License Examining Division as to driving limitations deemed necessary for the condition of the applicant.

(B) If the Medical Desk does not authorize the applicant for further consideration, the Medical Desk shall issue a letter to the applicant stating that authority is being denied. The applicant may appeal the denial pursuant to OAC 595:10-5-18.

(5) **Limitation of waiver.** If a waiver is granted by the Medical Desk, the waiver is only effective in intrastate commerce, subject to the restrictions imposed pursuant to (c) of this Section.

(c) **Restrictions.** The Department of Public Safety may impose restrictions on any applicant under (b) of this section to whom the Department issues an intrastate waiver restricting the operation of a commercial motor vehicle to specified area, time of day, streets and highways, speed limits and any other restriction deemed necessary by the Department for the safe operation of a commercial motor vehicle. An extended skills examination may be conducted to determine the appropriate restriction. The restrictions shall apply upon and be a condition of the applicant becoming licensed by the Department to operate a motor vehicle.

595:11-1-17. Medical examiner's certificate requirements

(a) **Definitions.** As used in this section, "**licensed medical professional**" means one of the following:

(1) medical doctor (M.D.),

(2) doctor of osteopathy (D.O.),

(3) chiropractor,

(4) physician's assistant (P.A.), or

(5) advanced practical nurse (A.P.N.).

(b) **Submission of medical examiner certificate.** The following persons shall submit to the Department and maintain with the Department a current approved medical examiner's certificate, and any variance if applicable, signed by a licensed physician authorized to perform and approve medical examiner's certificates:

(1) Every applicant who is subject to the requirements of 49 C.F.R. Part 391 and is applying for an original, renewal, or replacement commercial license, and

(2) Every person who is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R. Part 391 and who does not apply for a renewal or replacement license prior to January 30, 2014.

(c) **Retention of medical examiner's certificate.** The Department shall maintain medical examiner's certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384.

(d) **Failure to deliver or maintain medical examiner's certificate.**

(1) If a person fails to deliver to or maintain with the Department his or her medical examiner's certificate as provided in subsection (b):

(A) the person, if an applicant for a commercial driver license, shall not be granted commercial driving privileges; or

(B) the person, if currently the holder of a commercial driver license, shall be downgraded to a Class D driver license by the Department. The person shall surrender the commercial driver license to the Department.

(2) If any person in (d)(1) later delivers a medical examiner's certificate to the Department:

(A) the person, if an applicant for a commercial driver license, may be reconsidered by the Department for commercial driving privileges; or

(B) the person, if previously downgraded to a Class D driver license by the Department, shall be eligible to obtain commercial driving privileges, if the person is otherwise eligible.

(f) **Requirement to possess medical examiner's certificate.** Until January 30, 2014, any person required to maintain a medical examiner's certificate for the purposes of operating commercial motor vehicles shall have in his or her possession the date-stamped copy of the certificate, along with the variance if applicable, at all times when operating a commercial motor vehicle. [See OAC 595:11-1-15 regarding date-stamped copy]

595:11-1-18. Downgrade of commercial driver license to Class D driver license

(a) **Notice of pending downgrade.** Whenever any person required to maintain a medical examiner's certificate on file with the Department of Public Safety fails to do so, the Department shall send notice to the person advising that the person

has thirty (30) days from the date of notice to provide a valid and current medical examiner's certificate to the Department, and that failure to do so will result in the loss of commercial driving privileges resulting in the downgrade of the person's license to a Class D driver license.

(b) **Avoiding downgrade.** To avoid and prevent downgrading of his or her commercial driver license to a Class D driver license, the person shall deliver to the Department a current and valid medical examiner's certificate.

(c) **Mandatory downgrade.** If a current and valid medical examiner's certificate is not received with the thirty (30) days as provided in the notice, the Department shall downgrade the person's license to a Class D driver license and shall send notice to the person of the downgrade. The person shall submit his or her commercial driver license to the Department and shall be issued a Class D license, after payment of appropriate fees and if the person is otherwise eligible to be granted driving privileges by the Department.

(d) **Removal of downgrade.** If the person submits a current and valid medical examiner's certificate to the Department after the thirty (30) days as provided in the notice, the Department shall review the person's driving record to determine if the person is eligible for removal of the downgrade and otherwise eligible to be granted commercial driving privileges. The Department shall send notice to the person stating the determination, and, if eligible for commercial driving privileges, the person may obtain a commercial driver license, after payment of appropriate fees.

(e) **Hearing.** Any party aggrieved under this Section may request a hearing with the Department pursuant to OAC 595:1-3.

[OAR Docket #12-1090; filed 12-18-12]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2012-31.

EXECUTIVE ORDER 2012-31

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Friday, December 28, 2012, to honor former State Representative Abraham "Abe" Deutschendorf, who passed away on Sunday, December 23, 2012.

Representative Deutschendorf was first elected to the Oklahoma House of Representatives in 1994 to represent District 62. Before being elected to the State House of Representatives, he served the Lawton Public School District as a teacher, coach, counselor, and ending his service with more than 25 years as the principal of Eisenhower Junior High School. He was a deacon at Trinity Baptist Church of Lawton. He spent his life as a public servant to the city of Lawton and to the state of Oklahoma. Representative Deutschendorf will be remembered for his hard work, dedication, and the influence he had on the State of Oklahoma.

This executive order shall be forwarded to the Department of Capital Assets Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 27th day of December, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #12-1135; filed 12-27-12]

