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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**Dave Lopez,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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# Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.  
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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

*[OAR Docket #17-169]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 13. Milk and Milk Products

35:37-13-2 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 28, 2017

*[OAR Docket #17-169; filed 2-28-17]*

## **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

*[OAR Docket #17-172]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

140:1-1-2. [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 2, 2017

*[OAR Docket #17-172; filed 3-6-17]*

## **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS**

*[OAR Docket #17-173]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 5. Procedures for Renewal Licenses

140:10-5-2. [AMENDED]

## **140:10-5-3. [AMENDED] SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 2, 2017

*[OAR Docket #17-173; filed 3-6-17]*

## **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 15. SPECIAL CERTIFICATIONS AND MISCELLANEOUS PROVISIONS**

*[OAR Docket #17-174]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 7. Public Welfare

140:15-7-5. [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 2, 2017

*[OAR Docket #17-174; filed 3-6-17]*

## **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 30. CERTIFIED CHIROPRACTIC ASSISTANTS**

*[OAR Docket #17-175]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Certified Chiropractic Assistant

140:30-3-2. [AMENDED]

140:30-3-3. [AMENDED]

140:30-3-4. [AMENDED]

140:30-3-5. [AMENDED]

140:30-3-7. [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 2, 2017

*[OAR Docket #17-175; filed 3-6-17]*

## Submissions to Governor and Legislature

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

*[OAR Docket #17-179]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 3, 2016

*[OAR Docket #17-179; filed 3-7-17]*

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### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF**

*[OAR Docket #17-180]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 41. Teacher and Leader Effectiveness

210:20-41-1. Teacher and Leader Effectiveness Evaluation System overview [AMENDED]

210:20-41-2. Quantitative components of the Teacher and Leader Effectiveness Evaluation System [NEW]

210:20-41-3. Qualitative components of the Teacher and Leader Effectiveness Evaluation System [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 3, 2017

*[OAR Docket #17-180; filed 3-7-17]*

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

*[OAR Docket #17-181]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

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

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

Part 21. Standard XI: Accreditation Status

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

March 3, 2017

March 3, 2017

*[OAR Docket #17-181; filed 3-7-17]*

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### **TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 50. FIRE EXTINGUISHER INDUSTRY**

*[OAR Docket #17-176]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 3. License Requirements

265:50-3-2 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 6, 2017

*[OAR Docket #17-176; filed 3-6-17]*

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### **TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES CHAPTER 25. STATE AID GRANTS TO PUBLIC LIBRARIES**

*[OAR Docket #17-168]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

405:25-1-2 [AMENDED]

405:25-1-3 [AMENDED]

405:25-1-6 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 28, 2017

*[OAR Docket #17-168; filed 2-28-17]*

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

*[OAR Docket #17-163]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 9. Survivors and Beneficiaries  
590:10-9-4 [AMENDED]  
Subchapter 17. Step-Up Election and Benefits  
590:10-17-3 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2017

*[OAR Docket #17-163; filed 2-28-17]*

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

*[OAR Docket #17-164]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions  
590:15-1-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2017

*[OAR Docket #17-164; filed 2-28-17]*

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

*[OAR Docket #17-165]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 15. Trust  
590:25-15-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2017

*[OAR Docket #17-165; filed 2-28-17]*

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

*[OAR Docket #17-166]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 19. Administration of Plan  
590:35-19-7 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2017

*[OAR Docket #17-166; filed 2-28-17]*

**TITLE 590. OKLAHOMA PUBLIC  
EMPLOYEES RETIREMENT SYSTEM  
CHAPTER 40. DEFINED CONTRIBUTION  
SYSTEM**

*[OAR Docket #17-167]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 3. Administration of Defined Contribution System - Applicable to the 401(a) Plan and the 457(b) Plan

590:40-3-9 [AMENDED]

Subchapter 5. Eligibility and Participation - Applicable to the 401(a) Plan and the 457(b) Plan

Part 3. Contributions - Applicable to the 401(a) Plan and the 457(b) Plan

590:40-5-6 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2017

*[OAR Docket #17-167; filed 2-28-17]*

**TITLE 715. TEACHERS' RETIREMENT  
SYSTEM  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #17-177]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

715:1-1-16. [AMENDED]

## Submissions to Governor and Legislature

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### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 2, 2017

*[OAR Docket #17-177; filed 3-6-17]*

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

*[OAR Docket #17-178]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 15. Service Retirement

715:10-15-3 [AMENDED]

715:10-15-3.1 [NEW]

715:10-15-10 [AMENDED]

715:10-15-11.1 [NEW]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 2, 2017

*[OAR Docket #17-178; filed 3-6-17]*

### TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS

*[OAR Docket #17-171]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 7. Groundwater Quality Standards

785:45-7-1. Scope and applicability; purpose [AMENDED]

785:45-7-2. Criteria for groundwater protection and corrective actions Groundwater Quality Antidegradation Policy [AMENDED]

785:45-7-3. Groundwater Classifications, beneficial uses and vulnerability levels [AMENDED]

785:45-7-4. Criteria for Groundwater Quality Protection [NEW]

785:45-7-5. Corrective Action [NEW]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 2, 2017

*[OAR Docket #17-171; filed 3-2-17]*

### TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 50. FINANCIAL ASSISTANCE

*[OAR Docket #17-170]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-7. Disbursement of funds [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-6. Disbursement of funds [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 3. General Program Requirements

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-33. Application for financial assistance [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 2, 2017

*[OAR Docket #17-170; filed 3-2-17]*

# 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

**1:2017-3.**

### EXECUTIVE ORDER 2017-03

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution hereby declare the following:

1. Due to Moderate and Severe Drought conditions existing in northwest Oklahoma and the Panhandle, and the severe wildfires beginning March 6, 2017, and continuing, there is hereby declared a disaster emergency caused by wildfires and drought in the following counties: Alfalfa, Beaver, Blaine, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Osage, Payne, Pawnee, Roger Mills, Texas, Woods, and Woodward that threatens the lives and property of the people of this State and the public's peace, health, and safety.

This declaration may be amended as conditions warrant.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

4. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

5. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the

provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 7<sup>th</sup> day of March 2017.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Amy Canton  
Secretary of State

[OAR Docket #17-182; filed 3-7-17]

**1:2017-4.**

### EXECUTIVE ORDER 2017-04

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, and pursuant to 49 C.F.R. Part 390.23, hereby declare that there is a State of Emergency continuing in the State of Oklahoma. Due to severe drought and wildfires occurring in northwest Oklahoma, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for storm relief;

2. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

## Executive Orders

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Due to the on-going State of Emergency, resulting from drought and wildfires that began on March 6, 2017, and continuing, this Executive Order shall be effective until the end of thirty (30) days after the filing of this Order.

Declaration of this emergency provides relief from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance for the immediate restoration of essential services (such as electrical, sewer, water, and telecommunications) or essential supplies (such as feed, food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Executive Order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission, and the Commissioner of Public Safety, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8<sup>th</sup> day of March 2017.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Amy Canton  
Secretary of State

*[OAR Docket #17-183; filed 3-8-17]*

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**1:2017-5.**

### EXECUTIVE ORDER 2017-05

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.11 of Title 25 of the Oklahoma Statutes, in recognition of Vietnam Veterans Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Thursday, March 16, 2017, to honor the many sacrifices made by the men and women of Oklahoma and the United States during the Vietnam War.

Vietnam Veterans Day is a day to honor all the veterans who served in Vietnam, Cambodia, or Laos during the Vietnam War. The flying of these flags at half-staff is a symbol from Oklahomans that we remember all those who fought in the Vietnam War, especially those who were killed, and demonstrates our sympathy for their families.

This executive order shall be forwarded to the Division 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 13<sup>th</sup> day of March, 2017.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Tod Wall  
Secretary of State

*[OAR Docket #17-195; filed 3-14-17]*

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