

Volume 34
Number 6
December 1, 2016
Pages 103 - 128

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
Mike Hunter,
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
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 - Enid Public Library

Goodwell - Oklahoma Panhandle State University, Marvin E.
McKee Library

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Publications Clearinghouse,
Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan 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: 31 *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, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103, 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 Suite 220, Colcord Center, 421 NW 13th Street, 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. 44 copies have been prepared and distributed at a cost of \$120.43. 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	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	103, 104, 105, 106, 107
Environmental Quality, Department of (Title 252)	107, 108, 110
Horse Racing Commission, Oklahoma (Title 325)	111, 112, 113
Nursing, Oklahoma Board of (Title 485)	113
Teachers' Retirement System (Title 715)	114, 115, 116
Wildlife Conservation, Department of (Title 800)	117, 118, 119
Emergency Adoptions	
Corporation Commission (Title 165)	121
Wildlife Conservation, Department of (Title 800)	123
Executive Orders (Title 1)	127

Agency/Action/Subject Index

AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)

Notices of Rulemaking Intent

Fees (Chapter 2)	103
Agricultural Products (Chapter 10)	103
Fuel Alcohol (Chapter 13)	104
Animal Industry (Chapter 15)	104
Consumer Protection (Chapter 30)	105
Food Safety (Chapter 37)	105
Agriculture Pollutant Discharge Elimination System (Chapter 44)	106
Aquaculture (Chapter 50)	106
Commercial Pet Breeders and Animal Shelters (Chapter 55)	107

CORPORATION Commission (Title 165)

Emergency Adoptions

Underground Storage Tanks (Chapter 25)	121
--	-----

ENVIRONMENTAL Quality, Department of (Title 252)

Notices of Rulemaking Intent

Rules of Practice and Procedure (Chapter 4)	107
Management of Solid Waste (Chapter 515)	108
Disposal of Coal Combustion Residuals from Electric Utilities (Chapter 517)	110
Minor Public Water Supply Systems (Chapter 624)	110

GOVERNOR

Executive Orders

Declaring disaster emergency caused by Earthquakes in Payne County (16-35)	127
---	-----

HORSE Racing Commission, Oklahoma (Title 325)

Notices of Rulemaking Intent

Commission Powers and Jurisdiction (Chapter 1)	111
Medication and Equine Testing Procedures (Chapter 45)	112
Human Substance Abuse Testing (Chapter 50)	112
Oklahoma-Bred Program (Chapter 75)	113

NURSING, Oklahoma Board of (Title 485)

Notices of Rulemaking Intent

Licensure of Practical and Registered Nurses (Chapter 10)	113
--	-----

TEACHERS' Retirement System (Title 715)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	114, 115
General Operations (Chapter 10)	116

WILDLIFE Conservation, Department of (Title 800)

Notices of Rulemaking Intent

Sport Fishing Rules (Chapter 10)	117
Restriction on Aquatic Species Introduction (Chapter 20)	118
Wildlife Rules (Chapter 25)	118
Department of Wildlife Lands Management (Chapter 30)	119

Emergency Adoptions

Wildlife Rules (Chapter 25)	123
-----------------------------------	-----

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
40:1-1-1.....	[AMENDED] (E)..... 95	165:59-7-18.....	[RESERVED] (E)..... 24
40:20-1-3.....	[AMENDED] (E)..... 96	165:59-7-19.....	[NEW] (E)..... 24
40:25-1-2.....	[AMENDED] (E)..... 98	165:59-9-1.....	[AMENDED] (E)..... 25
40:25-1-3.....	[AMENDED] (E)..... 99	165:59-9-3.....	[AMENDED] (E)..... 25
40:25-1-4.....	[REVOKED] (E)..... 99	165:59-9-5.....	[AMENDED] (E)..... 26
165:5-21-3.1.....	[NEW] (E)..... 53	165:59-9-6.....	[AMENDED] (E)..... 26
165:25-1-11.....	[AMENDED] (E)..... 121	165:59-9-11.....	[AMENDED] (E)..... 26
165:25-3-6.28.....	[AMENDED] (E)..... 123	165:59-9-13.....	[AMENDED] (E)..... 27
165:59-1-1.....	[AMENDED] (E)..... 5	165:59-9-15.....	[AMENDED] (E)..... 27
165:59-1-2.....	[AMENDED] (E)..... 6	165:59-9-17.....	[AMENDED] (E)..... 27
165:59-1-3.....	[AMENDED] (E)..... 6	165:59-9-21.....	[AMENDED] (E)..... 27
165:59-1-4.....	[AMENDED] (E)..... 6	165:59-9-23.....	[AMENDED] (E)..... 27
165:59-1-7.....	[AMENDED] (E)..... 8	165:59-9-25.....	[AMENDED] (E)..... 28
165:59-3-1.....	[REVOKED] (E)..... 8	165:59-9-27.....	[AMENDED] (E)..... 29
165:59-3-11.....	[AMENDED] (E)..... 8	165:59-9-29.....	[AMENDED] (E)..... 29
165:59-3-13.....	[AMENDED] (E)..... 8	317:30-5-42.17.....	[AMENDED] (E)..... 57
165:59-3-14.....	[AMENDED] (E)..... 8	317:30-5-241.1.....	[AMENDED] (E)..... 54
165:59-3-15.....	[REVOKED] (E)..... 9	317:30-5-432.1.....	[AMENDED] (E)..... 57
165:59-3-16.....	[AMENDED] (E)..... 9	340:40-1-2.....	[AMENDED] (E)..... 58
165:59-3-30.....	[AMENDED] (E)..... 10	340:40-3-1.....	[AMENDED] (E)..... 58
165:59-3-32.....	[AMENDED] (E)..... 10	340:40-7-3.....	[AMENDED] (E)..... 60
165:59-3-34.....	[AMENDED] (E)..... 10	340:40-7-5.....	[AMENDED] (E)..... 60
165:59-3-36.....	[AMENDED] (E)..... 11	340:40-7-6.....	[AMENDED] (E)..... 61
165:59-3-38.....	[AMENDED] (E)..... 11	340:40-7-7.....	[AMENDED] (E)..... 62
165:59-3-40.....	[AMENDED] (E)..... 11	340:40-7-8.....	[AMENDED] (E)..... 63
165:59-3-42.....	[AMENDED] (E)..... 11	340:40-7-9.....	[AMENDED] (E)..... 68
165:59-3-44.....	[AMENDED] (E)..... 11	340:40-7-11.....	[AMENDED] (E)..... 70
165:59-3-46.....	[AMENDED] (E)..... 12	340:40-7-12.....	[AMENDED] (E)..... 73
165:59-3-60.....	[AMENDED] (E)..... 12	340:40-9-1.....	[AMENDED] (E)..... 75
165:59-3-61.....	[AMENDED] (E)..... 12	340:40-9-2.....	[AMENDED] (E)..... 76
165:59-3-62.....	[REVOKED] (E)..... 12	340:40-13-3.....	[AMENDED] (E)..... 77
165:59-3-65.....	[RESERVED] (E)..... 14	340:65-3-8.....	[AMENDED] (E)..... 78
165:59-3-66.....	[NEW] (E)..... 14	710:45-9-81.....	[AMENDED] (E)..... 80
165:59-3-67.....	[RESERVED] (E)..... 15	710:45-9-82.....	[AMENDED] (E)..... 80
165:59-3-68.....	[NEW] (E)..... 15	710:45-9-83.....	[AMENDED] (E)..... 80
165:59-3-69.....	[RESERVED] (E)..... 16	710:45-9-84.....	[AMENDED] (E)..... 80
165:59-3-70.....	[NEW] (E)..... 16	710:50-3-35.....	[AMENDED] (E)..... 81
165:59-3-71.....	[RESERVED] (E)..... 17	710:50-9-3.....	[AMENDED] (E)..... 81
165:59-3-72.....	[NEW] (E)..... 17	710:50-15-50.....	[AMENDED] (E)..... 82
165:59-7-1.....	[AMENDED] (E)..... 18	710:50-15-74.....	[AMENDED] (E)..... 82
165:59-7-5.....	[REVOKED] (E)..... 21	710:50-15-76.....	[AMENDED] (E)..... 84
165:59-7-6.....	[AMENDED] (E)..... 21	710:50-15-90.....	[AMENDED] (E)..... 85
165:59-7-7.....	[REVOKED] (E)..... 22	710:50-15-103.....	[AMENDED] (E)..... 85
165:59-7-8.....	[AMENDED] (E)..... 23	710:50-15-104.....	[AMENDED] (E)..... 86
165:59-7-9.....	[REVOKED] (E)..... 23	800:25-37-12.....	[AMENDED] (E)..... 123
165:59-7-10.....	[AMENDED] (E)..... 24	800:25-37-13.....	[AMENDED] (E)..... 124
165:59-7-13.....	[AMENDED] (E)..... 24	800:25-37-14.....	[AMENDED] (E)..... 124
165:59-7-15.....	[AMENDED] (E)..... 24	800:25-37-16.....	[NEW] (E)..... 125
165:59-7-17.....	[AMENDED] (E)..... 24		

Agency/Title Index

[Assigned as of 12-1-16]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305	
Oklahoma ACCOUNTANCY Board	10	Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> 11-1-98)	205
State ACCREDITING Agency	15	EDGE Fund Policy Board	208
AD Valorem Task Force (<i>abolished</i> 7-1-93)	20	State Department of EDUCATION	210
Oklahoma AERONAUTICS Commission	25	EDUCATION Oversight Board (<i>merged under</i> Office of Educational Quality and Accountability 7-1-14 - <i>See</i> Title 218)	215
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted</i> 11-1-98)	30	Office of EDUCATIONAL Quality and Accountability	218
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	[RESERVED]	225
Board of Tests for ALCOHOL and Drug Influence	40	State ELECTION Board	230
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
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	Oklahoma EMPLOYMENT Security Commission	240
ARCHIVES and Records Commission	60	Oklahoma ENERGY Resources Board	243
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted</i> 11-1-98)	65	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Oklahoma ARTS Council	70	Board of Trustees for the ENID Higher Education Program (<i>exempted</i> 11-1-98)	250
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		Department of ENVIRONMENTAL Quality	252
ATTORNEY General	75	State Board of EQUALIZATION	255
State AUDITOR and Inspector	80	ETHICS Commission (<i>Title revoked</i>)	257
State BANKING Department	85	ETHICS Commission	258
Oklahoma State Employees BENEFITS Council (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	86	Office of MANAGEMENT and Enterprise Services (<i>Formerly</i> : Office of State FINANCE)	260
Oklahoma State Employees BENEFITS Council	87	State FIRE Marshal Commission	265
Council of BOND Oversight	90	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	Oklahoma FIREFIGHTERS Pension and Retirement System	270
State BURIAL Board (<i>abolished</i> 7-1-92)	95	[RESERVED]	275
[RESERVED]	100	FORENSIC Review Board	277
Oklahoma CAPITAL Investment Board	105	State Board of Registration for FORESTERS	280
Oklahoma CAPITOL Improvement Authority	110	FOSTER Care Review Advisory Board	285
State CAPITOL Preservation Commission	115	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	Oklahoma FUTURES	290
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
Board of Regents of CARL Albert State College (<i>exempted</i> 11-1-98)	125	GRAND River Dam Authority	300
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		Group Self-Insurance Association GUARANTY Fund Board	302
CEREBRAL Palsy Commission	130	Individual Self-Insured GUARANTY Fund Board	303
Commission on CHILDREN and Youth	135	STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED ; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	304
Board of CHIROPRACTIC Examiners	140	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma State Department of HEALTH	310
Oklahoma Department of COMMERCE	150	Oklahoma Basic HEALTH Benefits Board (<i>abolished</i> 11-1-97)	315
COMMUNITY Hospitals Authority	152	Oklahoma HEALTH Care Authority	317
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		HIGHWAY Construction Materials Technician Certification Board	318
Oklahoma CONSERVATION Commission	155	Oklahoma HISTORICAL Society	320
CONSTRUCTION Industries Board	158	Oklahoma HORSE Racing Commission	325
Department of CONSUMER Credit	160	Oklahoma HOUSING Finance Agency	330
CORPORATION Commission	165	Oklahoma HUMAN Rights Commission	335
Department of CORRECTIONS	170	Department of HUMAN Services	340
State Board of COSMETOLOGY and Barbering	175	Committee for INCENTIVE Awards for State Employees	345
Oklahoma State CREDIT Union Board	180	Oklahoma INDIAN Affairs Commission	350
CRIME Victims Compensation Board	185	Oklahoma INDIGENT Defense System	352
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma INDUSTRIAL Finance Authority	355
Board of DENTISTRY	195	INJURY Review Board	357
Oklahoma DEVELOPMENT Finance Authority	200	Oklahoma State and Education Employees Group INSURANCE Board (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	360
		INSURANCE Department	365

Agency/Title Index – *continued*

Agency	Title	Agency	Title
COMPSOURCE Oklahoma (Formerly: State INSURANCE Fund)	370	PUBLIC Employees Relations Board	585
Oklahoma State Bureau of INVESTIGATION	375	Oklahoma PUBLIC Employees Retirement System	590
Council on JUDICIAL Complaints	376	Department of PUBLIC Safety	595
Office of JUVENILE Affairs	377	REAL Estate Appraiser Board	600
Department of LABOR	380	Oklahoma REAL Estate Commission	605
Department of the Commissioners of the LAND Office	385	Board of Regents of REDLANDS Community College (<i>exempted</i> <i>11-1-98</i>)	607
Council on LAW Enforcement Education and Training	390	State REGENTS for Higher Education	610
Oklahoma LAW Enforcement Retirement System	395	State Department of REHABILITATION Services	612
Board on LEGISLATIVE Compensation	400	Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615
Oklahoma Department of LIBRARIES	405	Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620
LIEUTENANT Governor	410	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
Oklahoma LINKED Deposit Review Board	415	SCENIC Rivers Commission	630
Oklahoma LIQUEFIED Petroleum Gas Board	420	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions</i> <i>concluded 2-92</i>)	640
LITERACY Initiatives Commission	425	The Oklahoma School of SCIENCE and Mathematics	645
LONG-RANGE Capital Planning Commission	428	Oklahoma Center for the Advancement of SCIENCE and Technology	650
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators) - <i>See</i> Title 490		SECRETARY of State	655
LOTTERY Commission, Oklahoma	429	Department of SECURITIES	660
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	Board of Regents of SEMINOLE State College (<i>exempted</i> <i>11-1-98</i>)	665
Office of MANAGEMENT and Enterprise Services (Formerly: Office of State FINANCE) - <i>See</i> Title 260		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 (Formerly: Board of Examiners for SPEECH Pathology and Audiology)	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight Committee for (Formerly: STATE Agency Review Committee)	695
MERIT Protection Commission	455	STATE Use Committee (Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED) - <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 (<i>merged under</i> <i>Office of Educational Quality and Accountability 7-1-14 - See Title</i> <i>218</i>)	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College (<i>exempted</i> <i>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 (Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators)	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College (<i>exempted</i> <i>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</i> Oklahoma TURNPIKE Authority <i>11-1-05</i>) - <i>See</i> Title 731	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority (Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority) - <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</i> <i>11-1-98</i>)	740
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i> TRANSPORTATION Authority <i>11-1-99 - no rules enacted in this</i> <i>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</i> <i>11-1-98</i>)	750
Office of PERSONNEL Management (<i>consolidated under</i> Office of Management and Enterprise Services <i>8-26-11 - See Title</i> <i>260</i>)	530	UNIVERSITY Hospitals Authority	752
Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i> <i>35</i>)	532	UNIVERSITY Hospitals Trust	753
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i> <i>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	Statewide VIRTUAL Charter School Board	777
Oklahoma Board of PRIVATE Vocational Schools	565		
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570		
State Board of Examiners of PSYCHOLOGISTS	575		
Department of CENTRAL Services (Formerly: Office of PUBLIC Affairs; <i>consolidated under</i> Office of Management and Enterprise Services <i>8-26-11 - See Title 260</i>)	580		

Agency	Title	Agency	Title
Oklahoma Department of CAREER and Technology Education (Formerly: Oklahoma Department of VOCATIONAL and Technical Education)	780	Oklahoma WHEAT Commission	795
Oklahoma WATER Resources Board	785	Department of WILDLIFE Conservation	800
Board of Regents of WESTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	790	WILL Rogers and J.M. Davis Memorials Commission	805
		Oklahoma WORKERS' Compensation Commission	810

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

[OAR Docket #16-793]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules [AMENDED]

SUMMARY:

The proposed rule amendments revise fee structures to reflect the increased cost of labor and supplies required to manage the Poultry Health and Animal Disease Traceability programs. The continuing administration of the Poultry Health and Animal Disease Traceability programs by the Department are necessary to secure federal funding for related animal disease programs.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and 2-4(A)(20); 2 O.S. § 6-2; 2 O.S. § 6-91 et seq.; 2 O.S. § 6-121 et seq.; 2 O.S. § 6-131 et seq.; 2 O.S. § 6-141 et seq.; 2 O.S. § 6-150 et seq.; 2 O.S. § 6-400 et seq.; and 2 O.S. § 6-501 et seq.; State Board of Agriculture

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-793; filed 11-8-16]

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

[OAR Docket #16-794]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The proposed amendments update references to publications and reference materials.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-794; filed 11-8-16]

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

[OAR Docket #16-795]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

35:13-1-1 [AMENDED]

35:13-1-2 [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 11-20 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-795; filed 11-8-16]

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

[OAR Docket #16-796]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Biological Products and Laboratories [AMENDED]

Subchapter 11. Importation of Livestock, Poultry, and Pets [AMENDED]

Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]

Subchapter 15. Equine Infectious Anemia (EIA) [AMENDED]

Subchapter 16. Contagious Equine Metritis [AMENDED]

Subchapter 17. Bovine and Bison Brucellosis [AMENDED]

Subchapter 34. Feral Swine [AMENDED]

Subchapter 36. Scrapie [AMENDED]

Subchapter 38. Bovine Trichomoniasis [AMENDED]

Subchapter 40. Bovine Tuberculosis [AMENDED]

Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]

Subchapter 49. Miscellaneous Animal Diseases [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations; add and revise definitions; revise recordkeeping requirements for livestock auction markets; revise rules for EIA testing laboratories; revise rules related to feral swine; revise rules related to bovine trichomoniasis; revise rules related to bovine tuberculosis; revise rules related to miscellaneous animal diseases; and make grammatical corrections.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-1 et seq., 2 O.S. § 6-121 et seq., 2 O.S. § 6-141 et seq., 2 O.S. § 6-601 et seq., 2 O.S. § 9-130 et seq.,

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-796; filed 11-8-16]

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

[OAR Docket #16-797]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 6. Emerald Ash Borer Quarantine [NEW]
- Subchapter 17. Combined Pesticide [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations, establish a quarantine for emerald ash borer, prohibit cheating on certification examinations, limit credit for continuing education units to five years, and establish an annual expiration date of pesticide registrations and permits.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and (8); 2 O.S. § 3-3.29; and 2 O.S. § 3-81 et seq.; State Board of Agriculture

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 12:00 p.m. (noon), January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-797; filed 11-8-16]

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

[OAR Docket #16-798]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Meat Inspection [AMENDED]
- Subchapter 5. Poultry Products Inspection [AMENDED]
- Subchapter 7. Construction Standards for Meat Packing Plants [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations and revise construction standards for meat packing plants by updating contact information, reducing paperwork submitted during the approval process, making minor grammatical corrections, and deleting unnecessary or outdated regulations.

Notices of Rulemaking Intent

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. 6-181 et seq.; and 2 O.S. § 6-251 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-798; filed 11-8-16]

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

[OAR Docket #16-799]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Agriculture Environmental Permitting and AgPDES [AMENDED]

Subchapter 3. Permit Conditions and Requirements [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 2-18.2; 2 O.S. § 2A-1 et seq.; 2 O.S. § 2A-21 et seq.; 27A O.S. § 1-3-101(D).; State Board of Agriculture

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-799; filed 11-8-16]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 50. AQUACULTURE

[OAR Docket #16-800]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Private Commercial Production [AMENDED]

SUMMARY:

The proposed rule amendments revise fee structures to reflect the increased cost of labor and supplies required to manage the Aquaculture program.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and 2-4(A)(20); 2 O.S. § 6-311 et seq.; State Board of Agriculture

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-800; filed 11-8-16]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

[OAR Docket #16-801]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Standards of Care [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.; State Board of Agriculture

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 12:30 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-801; filed 11-8-16]

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

[OAR Docket #16-788]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process

Part 5. Land Protection Division Tiers and Time Lines

252:4-7-58. Solid waste management applications - Tier I [AMENDED]

252:4-7-59. Solid waste management applications - Tier II [AMENDED]

SUMMARY:

The Department is proposing amendments to OAC 252:4-7-58 and OAC 252:4-7-59 to modify and clarify the permitting process requirements and associated tiers that apply to solid waste composting facilities. In association with this proposed rulemaking, the Department is proposing

Notices of Rulemaking Intent

to create a new Subchapter, OAC 252:515-43, allowing for a tiered permitting and regulatory structure for different classes of composting facilities. The gist of this proposed rule is to amend the permitting process regulations pertaining to solid waste composting facilities to be consistent with the proposed new Subchapter referenced above, which will allow for a tiered permitting and regulatory structure based on the type and quantity of material to be received and composted at a particular facility.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-10-201, 2-10-301.2, and 2-14-201; Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2016 through January 11, 2017. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 12, 2017 and at the Environmental Quality Board meeting at 9:30 a.m. on February 17, 2017.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 12, 2017, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 17, 2017, at the Embassy Suites by Hilton Norman Hotel & Conference Center, 2501 Conference Drive, Norman, OK 73069.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPproprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPproprules.htm.

CONTACT PERSON:

David Cates, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at David.Cates@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

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

[OAR Docket #16-788; filed 11-7-16]

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

[OAR Docket #16-789]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:515-1-2. Definitions [AMENDED]

252:515-1-8. Special considerations [AMENDED]

Subchapter 3. Permit Provisions and Applications

Part 1. General Provisions

252:515-3-1. Permit required [AMENDED]

252:515-3-2. Permit not required [AMENDED]

Subchapter 11. Liner Design

Part 1. General Provisions

252:515-11-1. Applicability [AMENDED]

Subchapter 13. Leachate Collection and Management

Part 1. General Provisions

252:515-13-1. Applicability, with exceptions
[AMENDED]

Subchapter 19. Operational Requirements

Part 1. General Provisions

252:515-19-1. Applicability [AMENDED]

Part 11. Additional operating requirements for solid waste composting facilities [REVOKED]

252:515-19-111. Acceptable composting materials
[REVOKED]

252:515-19-112. Receiving area [REVOKED]

252:515-19-113. Debugging required [REVOKED]

252:515-19-114. Processing area [REVOKED]

252:515-19-115. Processing time [REVOKED]

252:515-19-116. Composting area [REVOKED]

252:515-19-117. Windrow construction [REVOKED]

252:515-19-118. Windrow turning [REVOKED]

252:515-19-119. In vessel composting [REVOKED]

252:515-19-120. Temperature monitoring [REVOKED]

252:515-19-121. Completed process [REVOKED]

252:515-19-122. Curing area and time [REVOKED]

252:515-19-123. Biosolids [REVOKED]

252:515-19-124. Odor control [REVOKED]

252:515-19-125. Other wastes [REVOKED]

252:515-19-126. Recordkeeping [REVOKED]

Subchapter 25. Closure and Post Closure Care

Part 3. Closure

- 252:515-25-32. Contents of closure plan [AMENDED]
- Subchapter 27. Cost Estimates and Financial Assurance
- Part 1. General Provisions
- 252:515-27-1. Applicability [AMENDED]
- Subchapter 29. Exclusion of Prohibited Wastes
- 252:515-29-1. Applicability [AMENDED]
- Subchapter 43. Composting Facilities [NEW]
- Part 1. General Provisions [NEW]
- 252:515-43-1. Applicability [NEW]
- 252:515-43-2. Definitions [NEW]
- 252:515-43-3. Feedstock types for composting facilities [NEW]
- 252:515-43-4. Composting facility classes [NEW]
- Part 3. Plans and Permits [NEW]
- 252:515-43-31. Exempt [NEW]
- 252:515-43-32. Plan requirements [NEW]
- 252:515-43-33. Permit requirements [NEW]
- 252:515-43-34. Reporting requirements [NEW]
- 252:515-43-35. Financial assurance [NEW]
- Part 5. Operational Standards [NEW]
- 252:515-43-51. Applicability [NEW]
- 252:515-43-52. Acceptable composting materials [NEW]
- 252:515-43-53. Prohibited materials [NEW]
- 252:515-43-54. Non-compostable and other waste [NEW]
- 252:515-43-55. Biosolids [NEW]
- 252:515-43-56. Bulking [NEW]
- 252:515-43-57. Operations plan [NEW]
- 252:515-43-58. Operating requirements [NEW]
- 252:515-43-59. Processing time [NEW]
- 252:515-43-60. Composting time [NEW]
- 252:515-43-61. Windrow turning [NEW]
- 252:515-43-62. Temperature and moisture monitoring [NEW]
- 252:515-43-63. Completed process [NEW]
- 252:515-43-64. Odor control [NEW]
- 252:515-43-65. In-vessel composting [NEW]
- 252:515-43-66. Recordkeeping and reporting [NEW]
- Part 7. Design Standards [NEW]
- 252:515-43-71. Class I and Class II design standards [NEW]
- 252:515-43-72. Class III design standards [NEW]
- 252:515-43-73. Class IV design standards [NEW]
- Part 9. Groundwater Monitoring [NEW]
- 252:515-43-91. Groundwater monitoring [NEW]
- Part 11. Compost Testing Standards [NEW]
- 252:515-43-111. Compost testing standards [NEW]

SUMMARY:

The Department is proposing to amend OAC 252:515 and to create a new Subchapter, OAC 252:515-43, to allow for a tiered permitting and regulatory structure for different classes of solid waste composting facilities. The classes of facilities are based on the type and quantity of material to be received and composted at a particular facility. All proposed amendments to OAC 252:515 are associated with the creation of the new

Subchapter and are necessary to ensure consistency with the new Subchapter. The gist of the rule is to replace the current regulations pertaining to solid waste composting facilities to allow for a tiered permitting and regulatory structure based on the type and quantity of material to be composted.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-10-201, and 2-10-301.2; Solid Waste Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2016 through January 11, 2017. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 12, 2017 and at the Environmental Quality Board meeting at 9:30 a.m. on February 17, 2017.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 12, 2017, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 17, 2017, at the Embassy Suites by Hilton Norman Hotel & Conference Center, 2501 Conference Drive, Norman, OK 73069.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPProprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

David Cates, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at David.Cates@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person

Notices of Rulemaking Intent

three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #16-789; filed 11-7-16]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 517. DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

[OAR Docket #16-790]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Groundwater Monitoring/Corrective Action
252:517-9-1. General provisions [AMENDED]

Subchapter 15. Closure and Post-closure Care
252:517-15-5. Inactive CCR surface impoundments [AMENDED]

252:517-15-7. Criteria for conducting the closure or retrofit of CCR units [AMENDED]

252:517-15-9. Post-closure care requirements [AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:517 in response to the United States Environmental Protection Agency (EPA) amendments to 40 CFR Part 257, Subpart D (Federal CCR Rule). Notably, DEQ incorporated the requirements of the Federal CCR Rule in its entirety to ensure the state and federal regulations pertaining to coal combustion residuals (CCR) disposal were uniform.

On October 4, 2016, EPA amended certain provisions of the Federal CCR Rule in response to an Order issued by the D.C. Circuit Court of Appeals on June 14, 2016 that vacated part of the Rule allowing for early closure of inactive CCR surface impoundments. The amendments to the Federal CCR Rule, as well as the proposed amendments to OAC 252:517, extend certain deadlines for owners/operators of the impoundments that had previously been eligible for "early closure" and are now subject to the requirements for existing surface impoundments. The gist of the rule is to amend OAC 252:517 to remove the early closure provisions for CCR surface impoundments, and references thereto, and extend certain timeframes, all for purposes of ensuring the state CCR rules are consistent with the Federal CCR Rule.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, and 2-10-201; Solid Waste Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2016 through January 11, 2017. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on

January 12, 2017 and at the Environmental Quality Board meeting at 9:30 a.m. on February 17, 2017.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 12, 2017, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 17, 2017, at the Embassy Suites by Hilton Norman Hotel & Conference Center, 2501 Conference Drive, Norman, OK 73069.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPProprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

David Cates, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at David.Cates@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

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

[OAR Docket #16-790; filed 11-7-16]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 624. MINOR PUBLIC WATER SUPPLY SYSTEMS

[OAR Docket #16-791]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

- 252:624-1-2 [AMENDED]
- 252:624-1-3 [AMENDED]
- 252:624-1-4 [AMENDED]
- 252:624-1-5 [NEW]
- Subchapter 3. Design and Construction Standards
- 252:624-3-1 [AMENDED]
- 252:624-3-2 [AMENDED]
- Subchapter 5. Pre-operational Disinfection and Testing
- 252:624-5-1 [AMENDED]
- 252:624-5-2 [AMENDED]
- Subchapter 7. Operation and Maintenance
- 252:624-7-1 [AMENDED]
- Subchapter 9. Closure
- 252:624-9-1 [AMENDED]
- Appendix A. Generic Plans for Minor Public Water Supply System [REVOKED]
- Appendix A. Generic Plans for Minor Public Water Supply System [NEW]

SUMMARY:

The gist of the rule that the Department is proposing is to: (1) clarify the definition of a "Minor Public Water Supply System"; (2) add the definitions for "Annular Space," "CAFO," "Human Consumption," "Individual Water System," "Multi-Family Dwelling," "PAS," and "WSC"; (3) add language to the minor public water supply rules that incorporates the existing Permit to Supply law as outlined in §27A-2-6-304; (4) create a "Certification of Exemption" for facilities that use the water solely for hand washing or toilet flushing; (5) grant authority for DEQ to approve requested variances; (6) add language creating separation distances from confined animal feeding operations and wastewater lagoons to be consistent with Water Resources Board regulations; (7) clarify language regarding separation distances from on-site sewage systems; (8) remove the requirement of a surface casing; (9) add language allowing bentonite clay as an acceptable grouting material; (10) add language to allow for the use of pitless well adapters; (11) amend Appendix A to show the changes to the rule and update drawings; and (12) make other minor clarifications and corrections.

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2016, through December 31, 2016.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 10, 2017, and at the Environmental Quality Board meeting on February 17, 2017.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 10, 2017, at 2:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 17, 2017, at 9:30 a.m. at the Embassy Suites by Hilton Norman Hotel & Conference Center, 2501 Conference Drive, Norman, OK 73069.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at http://www.deq.state.ok.us/eclsnew/Rules/Draft_OAC%20252-624.pdf.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

The contact person is George Russell. George may be contacted at: george.g.russell@deq.ok.gov (e-mail) or (405) 702-6100 (phone). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

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

[OAR Docket #16-791; filed 11-7-16]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 1. COMMISSION POWERS AND JURISDICTION**

[OAR Docket #16-802]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Commission Powers and Jurisdiction [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed amendments redefine the range of fines that may be imposed against licensees by the Boards of Stewards for violations of OHRC rules.

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-802; filed 11-8-16]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 45. MEDICATION AND EQUINE TESTING PROCEDURES**

[OAR Docket #16-803]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Medication and Equine Testing Procedures
[AMENDED]

SUMMARY:

The proposed amendments update citations to reference materials and make minor grammatical changes for the purpose of clarification.

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-803; filed 11-8-16]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 50. HUMAN SUBSTANCE ABUSE TESTING**

[OAR Docket #16-804]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Human Substance Abuse Testing
[AMENDED]

SUMMARY:

The proposed amendments clarify the procedures for substance abuse testing, payment of related costs, impose a license suspension for refusal to submit to testing, and make other minor grammatical changes for the purpose of clarity.

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-804; filed 11-8-16]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 75. OKLAHOMA-BRED PROGRAM**

[OAR Docket #16-805]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 75. Oklahoma Bred Program [AMENDED]

SUMMARY:

The proposed amendments revise the standards of care for retired and unwanted Oklahoma-Bred horses and the expenditure of funds from the Oklahoma Breeding Development Fund Special Account to care for retired and unwanted Oklahoma-Bred horses.

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard,

P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2016 and ending January 5, 2017.

PUBLIC HEARING:

A public hearing will be held at 3:30 p.m., January 5, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning December 1, 2016 and ending January 5, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #16-805; filed 11-8-16]

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

[OAR Docket #16-785]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

485:10-1-2. [AMENDED]

Subchapter 3. Regulations for Approved Nursing Education Programs

485:10-3-1. [AMENDED]

485:10-3-5. [AMENDED]

485:10-3-6. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-3.2. [AMENDED]

485:10-5-4.1. [AMENDED]

485:10-5-5.2. [AMENDED]

Subchapter 6. Minimum Standards for Approved Advanced Practice Registered Nursing (APRN) Education Programs (Effective January 1, 2016)

Notices of Rulemaking Intent

485:10-6-1. [AMENDED]
485:10-6-2. [AMENDED]
485:10-6-3. [AMENDED]
Subchapter 7. Requirements for Registration and Licensure
as a Registered Nurse
485:10-7-2. [AMENDED]
Subchapter 11. Disciplinary Action
485:10-11-1. [AMENDED]
Subchapter 15. Requirements for Practice as an Advanced
Practice Registered Nurse
485:10-15-9. [AMENDED]
Subchapter 18. Prescriptive Authority for CRNA
485:10-18-3. [AMENDED]

SUMMARY:

Proposed revisions include:

Subchapter 1 changes the academic semester credit hour to 16 contact hours in alignment with educational standards.

Subchapter 3 amendments, specific to nursing education programs, include lengthening the period of conditional approval status for a nursing program not meeting minimal requirements from 1 year to up to 2 years, if deemed necessary by the Board; allows 1 additional period of 2 years of conditional approval status; expands the submission time for faculty qualification records from 2 weeks to 30 days from the date of appointment; and authorizes Board staff to approve minor curriculum changes.

Effective 11-01-2016, current statutory language regulating practical nursing (PN) education administrators/faculty was deleted. Subchapter 5 includes the regulation of PN education administrators/faculty along with registered nursing administrator/faculty qualifications. Grandfathering language is included for PN education program administrators/faculty employed in the aforementioned positions on December 31, 2016, deeming educational qualifications as being met. OAC 485:10-5-3.2(d) defines Acting and Interim Nurse Administrator. OAC 485:10-5-4.1(i) requires 300 total program clinical hours prior to substituting 30% simulation for clinical hours for each clinical course.

OAC 485:10-6-1(2)(A)(i) replaces word descriptor with citation. OAC 485:10-6-2(4)(B)(C) requires APRN lead faculty/faculty to have on file with the nursing education program, documentation of related qualifications, experience and competence for coordinating/instructing in a similarly population focus. OAC 485:10-6-3(a) clarifies required elements in the APRN program application.

Subchapter 7 provides endorsement applicant requirements consistent with in-state initial applicants. Amendments in Subchapter 11 include additional information related to violation of professional boundaries.

Amendments in Subchapters 15 and 16 update the name of Certified Registered Nurse Anesthetist certifying body.

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S. §§ 567.2(A); 567.3a.10; 567.4(F); 567.5(D); 567.8(B)(7); 567.12; 567.12a(B)

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 16, 2017, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 24, 2017, at 5:30 p.m., at The Sheraton Oklahoma City Downtown, 2nd floor Ballroom, 1 North Broadway Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 24, 2017.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed *Rules* are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed *Rules*. Business entities may submit this information in writing by January 16, 2017, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

CONTACT PERSON:

Jackye Ward, MS, RN, NEA-BC, (405) 962-1809.

[OAR Docket #16-785; filed 11-3-16]

TITLE 715. TEACHERS' RETIREMENT SYSTEM

CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #16-786]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

715:1-1-16. General IRS qualifications rules [AMENDED]

SUMMARY:

715:1-1-16 is being amended to ensure continuing plan qualification under the Internal Revenue Code.

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 December 2, 2016, through December 9, 2016, 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 December 12, 2016, 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 December 9, 2016. 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 December 1, 2016, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746.

[OAR Docket #16-786; filed 11-3-16]

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

[OAR Docket #16-786A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

715:1-1-16. General IRS qualifications rules [AMENDED]

SUMMARY:

715:1-1-16 is being amended to ensure continuing plan qualification under the Internal Revenue Code.

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 December 15, 2016, through January 16, 2017, 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 2:00 p.m. to 3:00 p.m. on January 31, 2017, 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 January 27, 2017. 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

Notices of Rulemaking Intent

City, Oklahoma 73105, beginning December 1, 2016, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746.

[OAR Docket #16-786A; filed 11-3-16]

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

[OAR Docket #16-787]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 15. Service Retirement

715:10-15-3. Date of retirement; making application [AMENDED]

715:10-15-3.1. Employer's Verification of Retirement Information [NEW]

715:10-15-10. Retirement plans [AMENDED]

715:10-15-11.1. Designation of Trustee of Oklahoma Discretionary and Special Needs Trust as joint annuitant or beneficiary [NEW]

SUMMARY:

715:1-15-3 is being amended to provide a procedure for new retirement deadlines added by statute changes effective November 1, 2016.

715:10-15-3.1 is being added to provide a procedure for the Employer's Verification of Retirement Information that was added to statute effective November 1, 2016.

715:10-15-10 is being amended to provide allow trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

715:10-15-11.1 is being added to provide procedure for the approval of trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

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 December 2, 2016, through December 9, 2016, 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 December 12, 2016, 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 December 9, 2016. 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 December 1, 2016, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746.

[OAR Docket #16-787; filed 11-3-16]

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

[OAR Docket #16-787A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Service Retirement

715:10-15-3. Date of retirement; making application [AMENDED]

715:10-15-3.1. Employer's Verification of Retirement Information [NEW]

715:10-15-10. Retirement plans [AMENDED]

715:10-15-11.1. Designation of Trustee of Oklahoma Discretionary and Special Needs Trust as joint annuitant or beneficiary [NEW]

SUMMARY:

715:1-15-3 is being amended to provide a procedure for new retirement deadlines added by statute changes effective November 1, 2016.

715:10-15-3.1 is being added to provide a procedure for the Employer's Verification of Retirement Information that was added to statute effective November 1, 2016.

715:10-15-10 is being amended to provide allow trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

715:10-15-11.1 is being added to provide procedure for the approval of trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

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 December 15, 2016, through January 16, 2017, 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 2:00 p.m. to 3:00 p.m. on January 31, 2017, 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 January 27, 2017. 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 December 1, 2016, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746.

[OAR Docket #16-787A; filed 11-3-16]

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

[OAR Docket #16-781]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Sport Fishing Rules [AMENDED]

SUMMARY:

The proposed rule amendments define terminology and regulations for the new Oklahoma Land Access program (OLAP) and associated properties. Set largemouth bass size limit on Bull Lake (soon to be open to the public, Vinita, OK). Close snagging from 10:00 p.m. to 6:00 a.m. in the areas east of I-35 and north of I-40 except the Miami City Park from the south boat ramp to the 125 Highway bridge which shall remain open. Allow the use of artificial baits and treble hooks with barbs when using hooks 3/0 or larger when fishing for species other than Rainbow and Brown Trout in the lower Illinois river trout stream below Tenkiller Dam.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 4-136, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 12, 2017, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, Oklahoma 73111 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 5, 2017

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, OK 73111

Date: January 10, 2017

Time: 7:00 p.m.

Northeast Technology Center Auditorium, Afton Campus, 19901 US-69, Afton, OK 74331

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 2145 NE 36th Street, Oklahoma City, OK, 73111, Room 115.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2016 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

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

[OAR Docket #16-781; filed 11-1-16]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 20. RESTRICTION ON AQUATIC SPECIES INTRODUCTION

[OAR Docket #16-782]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Restriction on Aquatic Species Introduction
[AMENDED]

SUMMARY:

Re-name Subchapter 2 to be more general for the introduction of aquatic organisms into the Waters of the State and add new section making it illegal to stock any aquatic organisms into Waters of the State without ODWC permission.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401, 6-504, 7-801(A); Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 12, 2017, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, Oklahoma 73111 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 5, 2017

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, OK 73111

Date: January 10, 2017

Time: 7:00 p.m.

Northeast Technology Center Auditorium, Afton Campus, 19901 US-69, Afton, OK 74331

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 2145 NE 36th Street, Oklahoma City, OK, 73111, Room 115.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2016 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

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

[OAR Docket #16-782; filed 11-1-16]

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

[OAR Docket #16-783]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wildlife Rules [AMENDED]

SUMMARY:

The proposed rule amendments are to adjust regulations on several Corps of Engineers properties around Lake Texoma for safety, clarification of acres and to add hunter opportunity. Allow deer hunters the use of a leashed tracking dog to help locate wounded deer. Restrict peregrine take by non-resident falconers to no more than 50% of the number allowed by U.S. Fish and Wildlife Service. Establish dates for open access to Hunt Areas #4 and 6, and adjust season dates for spring turkey and gate closing times on Camp Gruber Training Center. Close squirrel, common snipe and woodcock during first nine days of deer gun season on Fobb Bottom WMA. Close predator/furbearer calling during the first nine days of deer gun season and open deer archery season same as statewide season dates on Hickory Creek WMA and Love Valley WMA. Add new rules, regulations, and definitions specific to lands leased under the Oklahoma Land Access program (OLAP) including providing exemption from written permission for hunting antelope and elk on actively enrolled Oklahoma Land Access Program properties. Add rules to allow landowners and their designees to shoot feral hogs at night.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 4-136, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 12, 2017, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, Oklahoma 73111 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 5, 2017

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, OK 73111

Date: January 10, 2017

Time: 7:00 p.m.

Northeast Technology Center Auditorium, Afton Campus, 19901 US-69, Afton, OK 74331

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 2145 NE 36th Street, Oklahoma City, OK, 73111, Room 115.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2016 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

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

[OAR Docket #16-783; filed 11-1-16]

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

[OAR Docket #16-784]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Department of Wildlife Lands Management [AMENDED]

SUMMARY:

These rule amendments would prohibit intoxicating beverage and low-point beer on shooting range parking areas. Allow suppressors on Department managed lands and at

shooting ranges owned or managed by the Department of Wildlife.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-201 A (5), 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 12, 2017, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, Oklahoma 73111 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 5, 2017

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 2145 NE 36th Street, Oklahoma City, OK 73111

Date: January 10, 2017

Time: 7:00 p.m.

Northeast Technology Center Auditorium, Afton Campus, 19901 US-69, Afton, OK 74331

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 2145 NE 36th Street, Oklahoma City, OK, 73111, Room 115.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2016 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

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

[OAR Docket #16-784; filed 11-1-16]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its 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 cites to 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 165. CORPORATION COMMISSION CHAPTER 25. UNDERGROUND STORAGE TANKS

[OAR Docket #16-777]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

Part 3. Definitions

165:25-1-11. Definitions [AMENDED]

Subchapter 3. Release Prevention and Detection Requirements

Part 2. Release Detection Requirements and Methods

165:25-3-6.28. Statistical Inventory Reconciliation (SIR) [AMENDED]

AUTHORITY:

Corporation Commission; OKLA. CONST. art. IX § 18, 17 O.S. §§ 301 et seq., 75 O.S. §§ 250 et seq., and OAPA.

COMMENT PERIOD:

July 12, 2016 through August 19, 2016

PUBLIC HEARING:

July 28, 2016, September 1, 2016 and September 8, 2016

ADOPTION:

September 8, 2016

EFFECTIVE:

Immediately upon Governor's approval.

APPROVED BY GOVERNOR:

October 24, 2016

EXPIRATION:

Effective through September 14, 2017, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Upon the facts presented to the Commission sitting en banc, the Commissioners acknowledged that an immediate need to satisfy EPA requirements for a rule change existed. The Commissioners further determined that an emergency situation existed. The Commissioners noted that the proposed emergency rules (vetted by and approved by EPA), would remedy the existing State Program Approval deficiency. The emergency rules were unanimously adopted by the Commissioners.

ANALYSIS:

A brief history is in order to fully appreciate the necessity for this emergency rulemaking. The federal government pre-empted all underground storage tank ("UST") regulation throughout the country. The EPA immediately realized it did not have the staff to regulate all 50 states and promulgated rules that allowed states the opportunity to regulate in lieu of the EPA. The states had to establish to EPA's satisfaction that enacted statutes and promulgated rules were sufficient to effectively regulate USTs. The state submission is called State Program Approval ("SPA"). Oklahoma promptly enacted statutes to

regulate USTs, establishing the Corporation Commission ("Commission") as the lead agency to regulate USTs. The Commission immediately promulgated rules and put together the SPA package for EPA. Subsequently, EPA approved Oklahoma's SPA. EPA requires each state program to submit a new SPA after EPA promulgates new UST rules. EPA promulgated new rules in 2015, giving state programs until October 18, 2018 to promulgate new rules and submit the same to EPA. Prior to last year's initiation of permanent rules, the Commission submitted the proposed rules to EPA and solicited comments from EPA regarding the proposed rules. EPA responded back that the proposed rules were acceptable. The Commission initiated a permanent rulemaking based upon the Commission's reliance on EPA's "Blessing" of the proposed rules. The Commission adopted the rules as presented. Before gubernatorial approval, EPA contacted the Commission and advised that it had an issue with two of the adopted rules. Absent revision by the Commission of the two suspect rules, an SPA package could not be submitted to EPA for approval. Admittedly, a long route to explain a mere two rules, but advises the reader of the necessity of performing an emergency rulemaking. In addition, the EPA has reviewed the two proposed rules and given its blessing.

CONTACT PERSON:

Jeffrey P. Southwick, Deputy General Counsel, Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, PO Box 52000, Oklahoma City, OK 73105, telephone (405) 522-4457, j.southwick@occcemail.com.

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

SUBCHAPTER 1. GENERAL PROVISIONS

PART 3. DEFINITIONS

165:25-1-11. Definitions

In addition to the terms defined in 17 O.S. § 303, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Agent**" means a person authorized by another to act on their behalf, either out of employment or contract.

"**Airport**" means landing facility for aircraft that are routinely available for public use (whether routinely used or not). Airports as used in this Chapter do not include private airstrips or private airports.

Emergency Adoptions

"Airport hydrant system" means an underground storage tank system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one (1) or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source, such as a pipeline, barge, rail car, or other motor fuel carrier.

"ATG" means automatic tank gauge.

"Ball float functionality" means the ball float is operational as designed.

"BTEX" means benzene, toluene, ethylbenzene and xylene.

"Bulk plant" means a petroleum storage tank facility where gasoline, aviation fuel, diesel and/or volatile blending materials used in motor fuels, like kerosene and ethanol, are received by tank vessels, tank cars or tank vehicles and are stored or blended in mass quantities or bulk for the purpose of distribution by a tank vessel, tank car, tank vehicle, portable tank or other container, for wholesale or retail sale.

"Cathodic protection" means a technique designed to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

"Commission" means the Oklahoma Corporation Commission (OCC) and includes its designated agents or representatives.

"Construction tank" means a fuel tank used for twelve months or less at a construction site.

"Division" means the Petroleum Storage Tank Division (PSTD) of the Corporation Commission.

"EPA" means the United States Environmental Protection Agency.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes but is not limited to fish hatcheries, rangeland, and nurseries with growing operations.

"Field constructed tank" means a tank constructed in the field such as a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field.

"Financial responsibility" shall have the same meaning in this Chapter as in 40 CFR 280 Subpart H.

"Financial security" means holding financial security in a tank system or facility site and is not considered ownership of a tank system unless certain criteria of 40 CFR 280 Subpart H is met.

"Fleet and Commercial" means any facility as defined in this Chapter that uses underground storage tanks to store regulated substances for use in its own vehicles or equipment.

"Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of material during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process.

"Lender liability" shall have the same meaning in this Chapter as in 40 CFR 280 Subpart I.

"Licensed Environmental Consultant" means an individual who has a current license issued by PSTD to perform corrective action.

"Marina" means any fuel storage tank system located on or by the water for the purpose of fueling watercraft.

"Out of Order tag" means tag, device or mechanism on the tank fill pipe that clearly identifies an underground storage tank as ineligible for delivery of product.

"Permanent out of use" or **"POU"** means a petroleum storage tank system that is not in service/use, does not contain regulated substances, and is not intended to be placed back in service/use.

"Private airport" means an airport used only by its owner and regulated as a fleet and commercial facility.

"Private airstrip" means a personal residential takeoff and landing facility part of the airstrip owner's residential property.

"PST" means petroleum storage tank.

"PSTD" means Petroleum Storage Tank Division.

"Public Utility" means any entity providing gas, electricity, water, or telecommunications services for public use.

"Regulated substance" means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel. It does not include compressed natural gas, liquid natural gas and propane.

"Release detection" means determining whether a release of regulated substances has occurred from a petroleum storage tank or system into the environment or into the interstitial area between the underground storage tank system and its secondary barrier.

"Residential tank" is a tank located on property used primarily for dwelling purposes.

"Retail facility" means a service station, convenience store or any other facility selling motor fuel that is open to the general public.

"Secondary containment" means an underground storage tank and/or piping with inner and outer barriers which provide a space for interstitial (the space between the inner and outer walls of a double walled tank or piping) monitoring.

"Tampering" means willful intention which makes an attempt to deceive, cheat or misrepresent the facts to the public. It also presents a risk to environmental welfare as well as public health, safety and welfare.

"Tank tightness testing" or **"precision testing"** means a procedure for testing an underground storage tank system's integrity.

"Temporary out of use" or **"TOU"** means the status of an underground storage tank system that has been taken out of service/use but not removed with the intent to return to service.

"TPH" means total petroleum hydrocarbons.

"Underground storage tank" or **"UST "** or **"tank"** means a regulated storage tank, including underground piping, that has ten percent or more of its volume beneath the surface of the ground. ~~Piping is also included in this definition when referring to an airport hydrant system tank.~~

"Underground storage tank system" means an underground storage tank and any connected aboveground or underground piping, dispensers, containment sump, if any, and ancillary equipment or transport truck connected to the storage tank system.

"Used Motor Oil" is any spent oil removed from a motor vehicle.

SUBCHAPTER 3. RELEASE PREVENTION AND DETECTION REQUIREMENTS

PART 2. RELEASE DETECTION REQUIREMENTS AND METHODS

165:25-3-6.28. Statistical Inventory Reconciliation (SIR)

(a) Deliveries, withdrawals and balance remaining must be recorded each operating day on the PSTD ~~Monthly~~ Inventory Reconciliation Form or an electronic equivalent and data must be reconciled ~~monthly~~ every thirty (30) days.

(b) SIR records must demonstrate the following:

(1) Report a quantitative result with a calculated leak rate;

(2) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of one hundred fifty (150) gallons within thirty (30) days, with a probability of detection of 0.95 and a probability of false alarm of 0.05; and

(3) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.

(bc) The tank must be equipped with a drop tube and measured for water at least ~~monthly~~ every thirty (30) days.

(ed) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8").

(de) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(ef) Records must be submitted to a certified SIR vendor for ~~monthly~~ evaluation. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at the NWGLDE Web Site, will be accepted (nwgldc.org).

(fg) SIR analysis reports ~~may~~ must include a summary report of the quantitative results and ~~must include~~ copies of all ~~Monthly~~ Inventory Reconciliation Forms.

(gh) Results of monthly SIR analysis must be on premises no later than the end of the following month. Beginning March 1, 2017, or six (6) months after the effective date of this rule, whichever is later, results of SIR analysis must be on premises for inspector review every thirty (30) days.

(hi) This method is approved as release detection for tanks only.

[OAR Docket #16-777; filed 10-26-16]

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

[OAR Docket #16-780]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 37. Nuisance Wildlife Control Program
- Part 3. Wildlife and Feral Hog Nuisance and Depredation Rules
- 800:25-37-12. General Provisions [AMENDED]
- 800:25-37-13. Exemptions [AMENDED]
- 800:25-37-14. Specific Provisions [AMENDED]
- 800:25-37-16. Feral Swine Night Shooting Exemptions [NEW]

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401 and Governor Mary Fallin's Executive Order 2016-16; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

ADOPTION:

September 12, 2016

EFFECTIVE:

November 1, 2016

APPROVED BY GOVERNOR:

October 24, 2016

EXPIRATION:

Effective through September 14, 2017, unless superseded by another rule or disapproved by the legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Pursuant to Governor Mary Fallin's Executive Order 2016-16 to promulgate emergency rules to allow landowners and their designees to shoot feral swine at night with an effective date of November 1, 2016.

ANALYSIS:

Pursuant to Governor Mary Fallin's Executive Order 2016-16 to promulgate emergency rules to allow landowners and their designees to shoot feral swine at night with an effective date of November 1, 2016.

CONTACT PERSON:

Bill Hale, Chief of Law Enforcement Division, Oklahoma Department of Wildlife Conservation, PO Box 53465, Oklahoma City, Ok 73152. Phone: 405/521-3719 or Rhonda Hurst, APA Liaison, phone: 405/522-6279.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2016:

SUBCHAPTER 37. NUISANCE WILDLIFE CONTROL PROGRAM

PART 3. WILDLIFE AND FERAL HOG NUISANCE AND DEPREDATION RULES

800:25-37-12. General Provisions

In addition to the statutory provisions of Title 29 OS 4-135, the following general provisions shall apply to the issuance of a Nuisance and Depredation Permit:

- (1) The Department of Wildlife Conservation (Department) shall create a complaint/permit form, which must

Emergency Adoptions

be completed and signed by the landowner/lessee and an authorizing Department employee before a permit can be issued.

(2) If the complaint form is approved, the Department shall issue a nuisance/depredation permit. A copy of the permit must be kept on the person of the permittee and all individuals authorized in writing to help the permittee while conducting nuisance wildlife ~~or feral swine~~ control. The permit will detail:

- (A) date of complaint received and effective dates of control activities;
- (B) location;
- (C) method of control;
- (D) landowner/lessee information and signature;
- (E) name and address of designated agent(s);
- (F) the signature of authorizing Oklahoma Department of Wildlife Conservation employee.

(3) Each permit holder shall:

(A) be in possession of a valid Hunting License or proof of exemption, and a valid Fishing & Hunting Legacy permit or proof of exemption and/or a valid Trapping License or proof of exemption. Landowners and/or lessees controlling nuisance wildlife on land owned or leased by them shall be exempt from the Hunting License, Trapping License and the Fishing & Hunting Legacy permit.

(B) be at least 16 years of age for wildlife ~~or feral swine~~ control at night with firearms.

(C) any person whose hunting or trapping license privileges are revoked and is not legally able to purchase a hunting or trapping license, shall not be allowed to possess, or operate under the authority of a depredation permit.

(4) Big game (deer, antelope, elk) complaints must comply with the provisions of 800:25, Subchapter 30.

800:25-37-13. Exemptions

(a) Employees of the Oklahoma Department of Wildlife Conservation and the Oklahoma Department of Agriculture Wildlife Services Division are exempt.

(b) Employees of any city, town or county government shall be exempt from purchasing or possessing the annual Hunting License and Fishing & Hunting Legacy permit while they are on duty.

(c) Certified Nuisance Wildlife Control Operators acting on a documented wildlife complaint in accordance with 800:25, Subchapter 37, Part 1.

~~(d) Permittees controlling feral swine only shall be exempt from possessing the hunting license and Fishing and Hunting Legacy permit.~~

800:25-37-14. Specific Provisions

The following provisions shall be in effect to establish the legal methods that may be used to control nuisance/depredating wildlife ~~or feral swine~~ under such a permit.

(1) permittees are authorized to trap, shoot or euthanize nuisance wildlife in accordance with the stipulations on the permit.

(2) The sale, trade, barter, gifting or retention of beavers and coyotes or parts thereof, including live coyotes, taken under authority of a Depredation Permit is allowed. A copy of the depredation complaint form including the permittee's name and signature must accompany the coyote, beaver or parts thereof. The provisions of Title 29 O.S. 7-503A apply to live coyotes.

(3) permittees must follow all state and federal laws that apply except as otherwise provided in this section.

(4) All wildlife ~~and or feral swine~~ taken under a Nuisance and Depredation Permit shall be disposed of in a proper manner to prevent harm to the public. Carcasses shall be disposed of in accordance with O.S. Title 21, Section 1223.

(5) Traps and other similar devices set shall be checked at least once every 24 hours.

(6) All traps, snares and similar devices shall have the permit holder's name attached (except landowners).

(7) Signs must be conspicuously posted to inform the public that traps are in use. Signs must have minimum dimensions of 5" by 8" and the wording "TRAPS" must be included and be conspicuous on the signs and printed in letters at least 2" tall (except landowners).

(8) The following are legal methods which may be allowed under a Nuisance and Depredation Permit:

(A) box or live traps;

(B) smooth-jawed single spring or double spring offset jawed leg-hold steel traps with a jaw spread of no more than eight inches;

(C) snares which have a locking device that prevents the loop from having a circumference less than 10 inches;

(D) body gripping style traps; size 330 may be used for water sets only; and

(E) shooting where permitted by law or by city ordinance.

(9) All trapping devices must be placed in a manner that will:

(A) minimize the risk of non-target species;

(B) minimize the risk to public and pets; and

(C) be out of the view of the general public.

(10) Shooting with firearms shall be subject to all state, county and municipal restrictions and ordinances.

(11) Night shooting may be allowed under a Depredation Permit only under the following conditions:

(A) Permittee must notify the game warden(s) in the county where activity will occur twenty-four (24) hours prior to such activity;

(B) night shooting beavers shall be with shotguns with buckshot or smaller only; and

~~(C) there are no firearm restrictions for night shooting feral swine; and~~

~~(D)~~ must be conducted in a safe manner to prevent injury to people, livestock ~~and~~ damage to personal property.

800:25-37-16. Feral swine night shooting exemptions

The following rules detail exemptions to shoot feral swine at night under provisions of T29 4-135:

- (1) Night Shooting exemptions will only be issued to the deed-holding landowner or a written designee. Only one exemption will be issued per property. The landowner or their written designee may obtain an immediate exemption to night shoot by contacting their game warden in the county in which their property is located. A game warden in an adjoining county may also be contacted to immediately issue the exemption. If the landowner or their written designee does not speak to the game warden by telephone, the landowner or their written designee may leave a voice mail message, send a text message or email to the game warden which will serve as sufficient means for an immediate exemption to shoot feral swine at night. The Wildlife Department may also create an electronic exemption issuance and notification system.
- (2) If the initial contact is through the game warden, then the game warden will be responsible for following up with the requesting party to issue a night shooting exemption.
- (3) Exemptions shall be valid for one year. Exemptions shall contain the landowner's name, the name of the written designee (if landowner designates someone in place of himself or herself) claiming the exemption, the person's address, and contact information, plus either a legal description or a listing of the landowner's acreage and location relative to the nearest roadways (eg: $\frac{1}{2}$ mile west of the intersection of Hwy 177 and Tooley Rd; on the north side of the roadway; 280 acres). Persons shooting feral swine on a night exemption may not shoot from, to, on or across any public roadway. Anyone under age 18 is recommended to be immediately accompanied by an adult.
- (4) Exemptions may be revoked for violations within the last three years of Title 800:25-37-16; Title 29 Section 5-411; Title 29 Section 5-203.1; or municipal law violations (night shooting in a prohibited area).
- (5) During the period outside of the 16-day regular firearms deer season - and in areas where firearms deer

season(s) is/are not in effect - the landowner or their written designee can allow anyone to night shoot on the landowner's property by providing written or electronic (text/email) permission. All shooters must carry a copy of their written landowner permission while night shooting. At least one person in the group must have a copy of the landowner's or written designee's exemption (written or electronic copy). Any person night shooting during this time period is encouraged to provide some type of advance notification to the local game warden, but advanced notification is not required.

- (6) During the 16-day regular firearms deer season - only the landowner or their written designee can night shoot on the property listed on their exemption, and he or she is required to provide some type of advanced notification to the local game warden. The advanced notification can be by text message, voice mail message, email, or through an electronic notification system. Family members (parents, children, grandchildren, sons-in-laws and daughters-in-laws) can assist an exemption holder. At least one person in the group must have a copy of the exemption while night shooting.
- (7) Night vision equipment, including image-enhancement technology and thermal imaging technology will be allowed, as will infra-red or what are commonly called 'night scopes'. The use of a hand-held or other powerful light (firearms mounted) shall be allowed and for the purposes of night shooting feral swine, vehicle headlights and vehicle mounted headlights will be allowed. Motor-driven land conveyances to pursue or follow feral swine will be allowed.
- (8) There are no firearm restrictions for night shooting feral swine.
- (9) Persons controlling only feral swine shall be exempt from possessing the hunting license and Fishing and Hunting Legacy permit.

[OAR Docket #16-780; filed 11-1-16]

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

1:2016-35.

EXECUTIVE ORDER 2016-35

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 Earthquakes beginning Sunday, November 6, 2016, and that are continuing, which have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this state, there is hereby declared an emergency that threatens the lives and property of the people of this State and the public's peace, health, and safety. The county included in this declaration is:

Payne County

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 of emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. 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.

4. 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.

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 hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 7th day of November 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #16-792; filed 11-8-16]

