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Mary Fallin, Governor
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Notices of Rulemaking Intent

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

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

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

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 10. PERSONNEL

[OAR Docket #12-48]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Blood Specimen Collectors

40:10-9-1. Persons authorized to withdraw blood
[AMENDED]

SUMMARY:

The rule change would authorize EMT personnel certified as intermediate (I), advanced(A) or paramedic (P) by the State of Oklahoma to withdraw blood samples as "other qualified persons authorized by the Board of Tests for Alcohol and Drug Influence" as referenced in 47 O.S. §752 (A). The need for the rule change is created by the conflict among the state's district courts whether board actions are authorized by 47 O.S. §759. The rule is intended to clarify what persons are authorized by the Board of Tests for Alcohol and Drug Influence to withdraw blood samples for testing drivers' blood for alcohol and other intoxicants.

AUTHORITY:

47 O.S. §752 (A); Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written and oral comments to J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111 during the period from February 15, 2012 to March 20, 2012.

PUBLIC HEARING:

A Public hearing has not been scheduled; However pursuant to 75 O.S. §303 (B) (9), "persons may demand a hearing by contacting J. Robert Blakeburn at 405-425-2406 no later than March 20, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed changes will not affect business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Tests for Alcohol and Drug Influence's office located at 3600 N. Martin Luther King Blvd., Bldg. 9, Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of J. Robert Blakeburn at P.O. Box 36307, Oklahoma City OK 73136 or will be available to view at <http://www.ok.gov/bot>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement is being prepared and will be available for review after February 15, 2012 at the above locations for the Board of Tests for Alcohol and Drug Influence.

CONTACT PERSON:

J. Robert Blakeburn, (405) 425-2460 (procedural and legal questions)

[OAR Docket #12-48; filed 1-25-12]

TITLE 75. ATTORNEY GENERAL CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

[OAR Docket #12-46]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 2. Domestic Violence and Sexual Assault Programs [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 7. Physical Environments [AMENDED]

Subchapter 9. Program Management and Performance Improvement [AMENDED]

Subchapter 13. Personnel and Volunteers [AMENDED]

Subchapter 17. Client Rights, Domestic Violence, Sexual Assault Programs and Shelters [AMENDED]

SUMMARY:

Amendments are necessary to comply with the Family Violence Prevention Services Act (FVPSA) which now requires states that receive FVPSA funds to institute domestic violence and sexual assault service approaches that reflect voluntary services and emphasize the self-determination of the victim, in a trauma-informed environment. The definitions for "sexual assault" and "stalking" were also added. Service components and records content were rearranged for clarification. Additionally, language was added to ensure all programs will provide non-residential services. A correction was made to requirements for transitional living programs to provide a commode, lavatory and bathing facility for clients.

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 17, 2012, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 21, 2012, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 the conclusion of the comment period or public hearing on March 21, 2012, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2012.

CONTACT PERSON:

Lesley March, Assistant Attorney General, 405-522-0042

[OAR Docket #12-46; filed 1-25-12]

TITLE 75. ATTORNEY GENERAL CHAPTER 25. STANDARDS AND CRITERIA FOR BATTERERS INTERVENTION PROGRAMS

[OAR Docket #12-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 2. Batterers Intervention [AMENDED]
- Subchapter 5. Personnel and Volunteers [AMENDED]
- Subchapter 7. Consultation [AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules and standards for certification of batterers intervention programs (BIPs) in this state. These rules set forth the

requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. Amendments are necessary to clarify the underlying philosophy and mission specific to batterers intervention programs, as opposed to domestic violence and sexual assault victim service programs. The program and personnel orientation training requirements have been overhauled to focus specifically on challenging batterer attitudes about power and control and violent and coercive behavior. Language was also added to guarantee that BIP groups focus on domestic violence for the entire 52 weeks, rather than substituting sessions for substance abuse or mental health treatment. Clarification is also necessary regarding reporting of absences in succession to the court. The service agreement requirements were re-worded to include other service types. The requirements for the individualized, written contract with the batterer and the batterer Client Rights were also amended to explain that the batterer is not afforded confidentiality with the courts, current or past partners, victims, probation and parole, law enforcement, Coordinated Community Response Teams, anyone at risk of imminent harm from the batterer, or domestic violence victim services programs.

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 17, 2012, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 21, 2012, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 the conclusion of the comment period or public hearing on March 21, 2012, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney

General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2012.

CONTACT PERSON:

Lesley March, Assistant Attorney General, 405-522-0042

[OAR Docket #12-47; filed 1-25-12]

**TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION
CHAPTER 10. ZONING REGULATIONS FOR THE CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT**

[OAR Docket #12-67]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. General District Provision and Additional Zoning Regulations [AMENDED]

Subchapter 15. Signage Regulations [AMENDED]

SUMMARY:

The propose rule amendment revises and clarifies the language for Reasonable Accommodation Permits. The amendment places a limitation on the occupancy and use of dwellings for the purpose of halfway houses. It simplifies the language that defines halfway house as a non conforming use. The proposed signage regulation is exclusive to the Oklahoma Health Center. The proposed new rule identifies permissible signage based on type, size, design, number, and location. The rule supports the continuing growth and development plan for the Oklahoma Health Center, and the recommendations in the Oklahoma Health Center Master Plan 2007.

AUTHORITY:

Capitol-Medical Center Improvement and Zoning Commission, 73 O.S., Section 83.4

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, March 16, 2012 at the following address: Denise Martin, Capitol-Medical Center Improvement and Zoning Commission, 2401 N. Lincoln Boulevard, Oklahoma City, Oklahoma, Suite 212, P O Box 53448, Oklahoma City, Ok 73152-3448.

PUBLIC HEARING:

A public hearing will be held on March 23, 2012 at 8:15 a.m. in the Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, Oklahoma, Conference Room 102/104, P. O. Box 53448, Oklahoma City, OK 73152-3448. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUEST FOR COMMENTS FROM BUSINESSES ENTITIES:

Business entities affected by these proposed rules are requested to provide the Commission with information, including, if possibly, direct and indirect costs by type with

dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on March 23, 2012 at Capitol-Medical Center Improvement and Zoning Commission, 2401 N. Lincoln Boulevard, Oklahoma City, Oklahoma, Suite 212, P O Box 53448, Oklahoma City, Ok 73152-3448.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at a cost of 25 cents per page coping charge from Denise Martin, Capitol-Medical Center Improvement and Zoning Commission, 2401 N. Lincoln Boulevard, Oklahoma City, Oklahoma, Suite 212, P O Box 53448, Oklahoma City, Ok 73152-3448.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 1, 2012 at the Capitol-Medical Center Improvement and Zoning Commission, 2401 N. Lincoln Boulevard, Oklahoma City, Oklahoma, Suite 212, P O Box 53448, Oklahoma City, Ok 73152-3448.

CONTACT PERSON:

Denise Martin, Capitol-Medical Center Improvement and Zoning Commission, (405) 521-3678.

[OAR Docket #12-67; filed 1-26-12]

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

[OAR Docket #12-58]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

210:10-1-20. Implementation of policies prohibiting harassment, intimidation, and bullying [NEW]

Subchapter 9. Lifelong Learning

210:10-9-6. General education development (GED) testing program [AMENDED]

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a System of School Improvement and Accountability [NEW]

SUMMARY:

Proposed rules implement provisions of the Oklahoma School Bullying Prevention Act, 70 O.S. § 24-100.2, et seq. Pursuant to this law, the State Board of Education shall adopt rules for monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section.

The purpose of the rule is to establish a GED computer-based testing fee. GED Testing Service is requiring

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all states to implement computer-based testing by 2013. GED paper-based testing will end in 2013.

Proposed rules implement new law, as enacted through H.B. 1456 (70 O. S. § 1210.545), which establishes an "A" through "F" grading system for certain public schools and school districts. Rules define and clarify criteria which relate to each letter grade, establish guidelines for the issuance of school report cards, and address information regarding school improvement.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 10:00 a.m., Monday, March 19, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 19, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 20, 2012.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-58; filed 1-25-12]

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

[OAR Docket #12-59]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Priority Academic Student Skills

Part 3. Pre-Kindergarten and Kindergarten

210:15-3-5.8. Social studies [REVOKED]

Part 11. Social Studies

210:15-3-90. ~~Overview~~Prekindergarten: Our America [AMENDED]

210:15-3-90.1. ~~Definitions~~Kindergarten: Symbols of America [AMENDED]

210:15-3-91. ~~Social Studies for grade 1~~Grade 1: American Heroes [AMENDED]

210:15-3-92. ~~Social Studies for grade 2~~Grade 2: Our Democratic Heritage [AMENDED]

210:15-3-93. ~~Social Studies for grade 3~~Grade 3: Oklahoma Studies [AMENDED]

210:15-3-94. ~~Social Studies for grade 4~~Grade 4: United States Studies: Regional Geography and History- The Why of Where: Places, Patterns of Settlement, and Global Interaction [AMENDED]

210:15-3-95. ~~Social Studies for grade 5~~Grade 5: United States Studies: Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1607-1806 [AMENDED]

210:15-3-96. ~~World studies for grade 6~~Grade 6: World Geography: The Western Hemisphere- The Why of Where: Places, Patterns of Settlement, and Global Interaction [AMENDED]

210:15-3-97. ~~World geography for grade 7~~Grade 7: World Geography: The Eastern Hemisphere- The Why of Where: Places, Patterns of Settlement, and Global Interaction [AMENDED]

210:15-3-98. ~~United States History 1760-1877 for grade 8~~Grade 8- Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1754-1877 [AMENDED]

210:15-3-99. ~~Economics for high school~~ Incentives and Disincentives: Land, Labor, Capital, and Entrepreneurship [AMENDED]

210:15-3-100. ~~Oklahoma history for high school~~and Government - The Foundation, Formation, and Transformation of the State of Oklahoma [AMENDED]

210:15-3-100.1. ~~Psychology-~~ Foundations and Formation of Human Development [NEW]

210:15-3-100.2. ~~Sociology-~~ Formations and Patterns of Group Behavior [NEW]

210:15-3-101. ~~United States government for high school~~- Freedom for all: Expanding Rights and Responsibilities [AMENDED]

210:15-3-102. ~~United States History 1850 to the present for high school~~Creating the United States: The American Nation in Transformation, 1978 to the present [AMENDED]

210:15-3-103. ~~World geography for high school~~World History- Cultural ConnectionsTurning Points, and Transformation of the World into the Modern [AMENDED]

210:15-3-104. ~~World History for high school~~World Human Geography- The Why of Where: Places, Patterns of Settlement, and Global Interactions [AMENDED]

Subchapter 8. Six-Year Comprehensive Local Education Plan

210:15-8-3. Component of the six-year plan [REVOKED]

Subchapter 23. Gifted and Talented Education Regulations and Program Approval Standards

210:15-23-10. Failure to report [NEW]

SUMMARY:

The purpose of this change is to alleviate the reporting burden for school districts and eliminate only this section of the rule that was not authorized by statute.

The State Department of Education recently completed an extensive process aimed at rewriting Social Studies curriculum framework. Sixty-five social studies educators, curriculum specialists, principals, district superintendents, higher education specialists, museum educators, social studies organization representatives, tribal members and community members met for a total of five days in open meetings to assist in drafting the curriculum. Twelve subcommittees were formed to review all grade levels of current PASS standards and to recommend new Oklahoma College, Career, Citizen (OC3) Standards for the Social Studies. Proposed rules formally enact recently revised Social Studies curriculum, adopted pursuant to 70 O.S. 11-103.6.

Proposed rules establishes process for withholding gifted and talented education funds for school districts who fail to submit a statutorily required gifted talented education report by August 1 of each school year. Proposed rule allows for withholding of gifted and talented funds until reporting requirements are met, pursuant to 70 O.S. § 3-104(13).

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 10:00 a.m., Monday, March 19, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 19, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State

Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 20, 2012.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-59; filed 1-25-12]

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

[OAR Docket #12-60]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-98. Administrative requirements of teacher certification [AMENDED]

210:20-9-104. Certification for languages with no subject area examination [NEW]

SUMMARY:

Proposed rules establish two certifications. First, proposed rules establish a process for the State Department of Education to issue international visiting teacher certification pursuant to 70 O.S. § 3-104(6). Second, proposed rules provide for the State Department of Education to issue a world language certification to individuals who meet qualifications and score intermediate high on a national exam in a foreign language in which Oklahoma has no current subject-matter competency examination.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 10:00 a.m., Monday, March 19, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 19, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 20, 2012.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-60; filed 1-25-12]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #12-61]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Budgeting and Business Management

Part 1. Implementation

210:25-5-5. Auditing [AMENDED]

SUMMARY:

The purpose of the proposed rule change is to provide clarification to the term "deficiencies" in the existing rule and identify situations that would be considered as a deficiency. Authority: 70 O.S. 3-104, *et seq.* 70 O.S. 5-135.4, 70 O.S. 5-135, *et seq.*

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 10:00 a.m., Monday, March 19, 2012, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 19, 2012, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 20, 2012.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #12-61; filed 1-25-12]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 20. RACING OFFICIALS AND RACING PERSONNEL

[OAR Docket #12-71]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:20-1-21. Duties of the Official Veterinarian [AMENDED]

325:20-1-22. Duties of the Racing Veterinarian [AMENDED]

SUMMARY:

Mr. Constantin A. Rieger, Commission Executive Director, recommends that the rules be amended to specify the approved actions of the Racing Veterinarian in the case of a horse who suffers a catastrophic injury at a racetrack.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity

due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 16, 2012.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 17, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #12-71; filed 1-26-12]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 40. VETERINARIAN PRACTICES**

[OAR Docket #12-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:40-1-9. Labeling of medication [AMENDED]

SUMMARY:

Mr. Constantin A. Rieger, Commission Executive Director, proposes rule amendments to toughen the rule for possessing illegal substances.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at

the above address, before the close of the comment period on March 16, 2012.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 17, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #12-72; filed 1-26-12]

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

[OAR Docket #12-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:45-1-18. Taking of samples [AMENDED]

SUMMARY:

Mr. Constantin A. Rieger, Commission Executive Director, recommends that the rule be amended to specify the approved actions of the Racing Veterinarian in the case of a horse who suffers a catastrophic injury at a racetrack.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at

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the above address, before the close of the comment period on March 16, 2012.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 17, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #12-73; filed 1-26-12]

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

[OAR Docket #12-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:75-1-15, Distribution of funds for Oklahoma-Bred pari-mutuel races [AMENDED]

SUMMARY:

One of the eight statutory purposes for use of the Oklahoma Breeding Development Fund Special Account is to provide monies for equine research through state institutions accredited for the same [Title 3A, Oklahoma Horse Racing Act, § 208.3(A)(5)]. The Commission has an annual contract with the Oklahoma Animal Disease Diagnostic Laboratory at Oklahoma State University (OSU) to provide funding for the Veterinary Medical Diagnostic Program (Necropsy Study). The annual \$50,000 contract provides funding for the Necropsy Study to study and evaluate the cause of the catastrophic injury and provide written findings and an annual report.

The funding for the Necropsy Study is derived from a percentage of the unclaimed ticket proceeds deposited into the Oklahoma Breeding Development Fund Special Account. With the diminishing revenues of unclaimed ticket proceeds in the past two years, the Oklahoma-Bred Advisory Council recommends that the current share of funding to Equine Research be increased from 5% to 15%. This would require a rule amendment to Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Friday, March 16, 2012, at the following

address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Friday, March 16, 2012, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 16, 2012.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by February 17, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #12-74; filed 1-26-12]

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

[OAR Docket #12-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 1. General Provisions

340:2-1-8 [AMENDED]

Part 4. Alcohol and Drug Testing Applicable to OKDHS Employees and Applicants

340:2-1-42 [AMENDED]

(Reference APA WF 12-03)

SUMMARY:

The proposed revisions to Subchapter 1 of Chapter 2 amend the rules to: (1) remove an obsolete definition, add new definitions, and amend a definition as enacted by the Oklahoma

State Legislature in House Bill (HB) 2033; and (2) make minor changes to clarify language.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2 and 4 of the Oklahoma Constitution; HB 2033; and Section 554 of Title 40 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted February 15, 2012 through March 16, 2012 during regular business hours by contacting Kevin M. Sharp, Human Resources Management Division, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-6829.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 16, 2012 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #12-45; filed 1-25-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES DIVISION**

[OAR Docket #12-37]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Client Services
Part 3. Service Provisions
340:100-5-35 [AMENDED]
(Reference APA WF 12-02)

SUMMARY:

The proposed amendments to Chapter 100 Subchapter 5 amend the rule to allow for exceptions for members of the Homeward Bound Waiver.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, and 4 of the Oklahoma Constitution.

COMMENT PERIOD:

Written and oral comments are accepted February 15, 2012 through March 16, 2012, during regular business hours by contacting Samantha Galloway, Oklahoma Department of Human Services, Developmental Disabilities Services Division (DDSD), P.O. Box 25352, Oklahoma City, OK 73125, 405-521-4989.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by the above listed person, no later than 5:00 p.m., March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #12-37; filed 1-13-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #12-38]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]
(Reference APA WF 12-01)

SUMMARY:

The proposed amendments to Chapter 110 Subchapter 1 amend the rules to: (1) clarify division policy and practice; (2) assist with the consistent enforcement of licensing requirements; (3) separate criteria for the quality rating and improvement system from the approval process and procedures; and (4) increase quality criteria for facilities participating in the differential quality rating system.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, and 4 of the Oklahoma Constitution; Child Care Facility Licensing Act, Section 401 et seq. of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments are accepted February 15, 2012 through March 16, 2012, during regular business hours

Notices of Rulemaking Intent

by contacting Mitzi Lee, Oklahoma Department of Human Services, Oklahoma Child Care Services, P.O. Box 25352, Oklahoma City, OK 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by the above listed person, no later than 5:00 p.m., March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #12-38; filed 1-13-12]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 30. PROTECTION OF LABOR

[OAR Docket #12-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
380:30-1-2 [AMENDED]

SUMMARY:

Several provisions of Title 85 of the Oklahoma Statutes were repealed in 2011 and were recodified under different section numbers. The proposed rule amendment will correct the outdated reference to Title 85 of the Oklahoma Statutes.

AUTHORITY:

Department of Labor; 40 O.S. § 165.7, Protection of Labor

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 19, 2012, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:30 p.m., March 20, 2012, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 5:00 p.m., March 19, 2012, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2012 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Ray Andrews, Employment Standards Division Director, (405) 521-6600 or ray.andrews@labor.ok.gov.

[OAR Docket #12-75; filed 1-26-12]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 70. ELEVATOR SAFETY ACT

[OAR Docket #12-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licenses
380:70-5-3 [AMENDED]

SUMMARY:

The proposed revision to Subchapter 5 will correct an inconsistency between 59 O.S. § 3021 and OAC 380:70-5-3. The statute allows for the issuance of emergency elevator mechanic licenses and temporary elevator mechanic licenses under certain circumstances. However, OAC 380:70-5-3 combines the requirements for the two separate licenses. The administrative rule has been revised to mirror the statutory language and effectuate legislative intent.

AUTHORITY:

Department of Labor; 59 O.S. § 3023, Elevator Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 19, 2012, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 20, 2012, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 5:00 p.m., March 19, 2012, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 15, 2012 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or tiffany.wythe@labor.ok.gov or Bettye Finch, Statistical, Safety and Licensing Division Director, (405) 521-6855 or bettye.finch@labor.ok.gov.

[OAR Docket #12-76; filed 1-26-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #12-49]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
- 475:1-1-1. Purpose [AMENDED]
- Subchapter 5. Administrative Actions
- 475:1-5-6. Submission and receipt of evidence [AMENDED]
- 475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]

SUMMARY:

The proposed rule amendments would correct the title of the Diversion Division. Further, the proposed rule amendments would correct an error and ensure that the evidence presented at

a hearing or pre-hearing conference is not unduly repetitious. The rule amendments would also prevent a person from using another person's registration upon revocation, suspension or surrendering of their own registration, and would state that the misuse of another's registration may be considered a crime under Title 63 of the Oklahoma Statutes.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-301.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-49; filed 1-25-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 10. REQUIREMENTS FOR REGISTRATION**

[OAR Docket #12-50]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:10-1-2. Time and method of payment of registration fees [AMENDED]
- 475:10-1-3. Exemption from registration or payment of fees [AMENDED]
- 475:10-1-5. Exemption of agents and employees [AMENDED]
- 475:10-1-9. Application for registration pursuant to Title 63 Okl.St. Ann. §2-302 [AMENDED]

Notices of Rulemaking Intent

475:10-1-10. Application forms ~~forms~~ notices for registration and re-registration [AMENDED]

475:10-1-11. Operational protocols [AMENDED]

475:10-1-15. Amendments to and withdrawal of applications [AMENDED]

475:10-1-16. Inspection [AMENDED]

475:10-1-20. Modification of registration [AMENDED]

475:10-1-21. Change of business address [AMENDED]

475:10-1-22. Termination of registration [AMENDED]

SUMMARY:

The proposed rule amendments would delete the requirement for a specific form of payment, correct statutory references, clarify terms, correct a spelling error, and delete the specification of a type of mailing. Further, the proposed rule amendments would state the responsibility of the registrant to keep his/her registration up to date. The rule amendments would also clarify who may inspect a registrant's establishment. Additionally, the rule amendments would change the notification provision for a modification of registration. The rule amendment would also require a certain type of notification for change of business address, and when the Director shall be notified of a termination of registration.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-50; filed 1-25-12]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 15. IMMINENT DANGER SUSPENSION

[OAR Docket #12-51]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:15-1-2. Immediate suspension of registration [AMENDED]

475:15-1-3. Hearing following immediate suspension [AMENDED]

SUMMARY:

The proposed rule amendments would add a section regarding the immediate suspension of the registration of a registrant who commits a new violation while on a term of probation. Further, the proposed rule amendments would allow the parties to waive a hearing.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-301.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-51; filed 1-25-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 20. SECURITY REQUIREMENTS**

[OAR Docket #12-52]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]
- 475:20-1-7. Physical security controls for drug canine handlers [AMENDED]
- 475:20-1-8. Other security controls for registrants [AMENDED]

SUMMARY:

The proposed rule amendments would delete certain requirements regarding the distribution of samples of controlled substances. The proposed rule amendments would elaborate on the list of persons not to employ in controlled substance related positions. The proposed rule amendments would correct a spelling error, as well as, would require immediate notification upon loss or theft.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-301.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of

Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-52; filed 1-25-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 25. RECORDS AND REPORTS OF REGISTRANTS**

[OAR Docket #12-53]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 475:25-1-7. Biennial inventory date [AMENDED]
- 475:25-1-9. Inventories of manufacturers [AMENDED]
- 475:25-1-10. Inventories of distributors [AMENDED]
- 475:25-1-12. Inventories of scientific analyst [AMENDED]

SUMMARY:

The proposed rule amendments would delete a non-existing reference and update several statutory references.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-301.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-53; filed 1-25-12]

Notices of Rulemaking Intent

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 30. LABELING REQUIREMENTS

[OAR Docket #12-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:30-1-4. Manner of issuance of prescriptions
[AMENDED]

475:30-1-6. Requirements of prescriptions for controlled
dangerous substances listed in Schedule II [AMENDED]

475:30-1-10. Requirements of prescriptions for controlled
dangerous substances listed in Schedules III and IV
[AMENDED]

475:30-1-11. Refilling of prescriptions [AMENDED]

475:30-1-15. Identification requirement [AMENDED]

SUMMARY:

The proposed rule amendments would allow for electronic prescriptions for schedule II controlled substances. The proposed rule amendments would require refill history to be maintained by the pharmacy, and would add a reference to the Board of Pharmacy rule requiring the same. Further, the rule amendments would specify the requirement for a valid form of identification.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§2-301, 2-309H.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-54; filed 1-25-12]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS

[OAR Docket #12-55]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:45-1-1. Purpose [AMENDED]

475:45-1-2. Required reporting of certain information
[AMENDED]

475:45-1-3. Method of reporting [AMENDED]

475:45-1-4. Waiver of ~~UCF~~electronic submissions
[AMENDED]

475:45-1-5. Time limit for reporting [AMENDED]

SUMMARY:

The proposed rule amendments would require reporting for schedule V controlled substances. The proposed rule amendments would require additional reporting information for a recipient's agent. The proposed rule amendments would delete outdated methods of reporting. The proposed rule amendments would change a subheading, and would allow for reporting in paper format if appropriate hardship exists. The proposed rule amendments would require a review of such hardship every thirty (30) days, rather than annually. Further, the proposed rule amendments would require reporting to the central repository within five (5) minutes of dispensation.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-309H.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-55; filed 1-25-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 50. ANIMAL CONTROL OFFICERS**

[OAR Docket #12-56]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:50-1-4. Special Conditions on Ordering Controlled Substances [AMENDED]

SUMMARY:

The proposed rule amendments would delete an unnecessary parenthetical comment.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §2-301.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-56; filed 1-25-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 55. PSEUDOEPHEDRINE CONTROL**

[OAR Docket #12-57]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

475:55-1-2. Characteristics of exempt pseudoephedrine products [AMENDED]

475:55-1-5. Electronic Reporting [AMENDED]

SUMMARY:

The proposed rule amendments would delete a section regarding pseudoephedrine products obtained by prescription. The proposed rule amendments would add a requirement to check the Methamphetamine Registry before selling pseudoephedrine products. The proposed rule amendments would delete the requirement of a valid identification to be in a certain form. Further, the proposed rule amendments would require a date of birth identifier. The proposed rule amendments would change the allowable unavailability period for the electronic log from twenty (20) to thirty (30) seconds. The proposed rule amendments would add a provision for handling sales when information in the electronic log is reported inaccurately.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105 during the period from February 15, 2012, to March 16, 2012.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. §303(B)(9), "persons may demand a hearing" by

Notices of Rulemaking Intent

contacting Marie Schuble, Staff Attorney, at (405) 521-2885, no later than 5:00pm on March 16, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 440 NE 39th Street, Oklahoma City, Oklahoma 73105 beginning on March 1, 2012.

CONTACT PERSON:

Marie Schuble, Staff Attorney, (405) 521-2885.

[OAR Docket #12-57; filed 1-25-12]

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

[OAR Docket #12-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Affirmative Action and Equal Employment Opportunity

Part 2. Discrimination Complaints Investigations
530:10-3-22 [AMENDED]

Subchapter 7. Salary and Payroll

Part 1. Salary and Rate of Pay
530:10-7-19 [REVOKED]

Subchapter 9. Recruitment and Selection

Part 3. Written and Performance Tests
530:10-9-37 [AMENDED]

530:10-9-38 [AMENDED]

Part 5. Registers

530:10-9-52 [AMENDED]

Part 9. Classified Appointments

530:10-9-100 [AMENDED]

Part 11. Direct Hire Authority

530:10-9-111 [AMENDED]

Part 13. Veterans Preference

530:10-9-131 [AMENDED]

Subchapter 15. Time and Leave

Part 5. Miscellaneous Types of Leave

530:10-15-58 [NEW]

Subchapter 17. Performance Evaluation and Career Enhancement Programs

Part 7. Carl Albert Public Internship Program

530:10-17-77 [AMENDED]

Appendix A. Pay Band Schedule [REVOKED]

Appendix A. Pay Band Schedule [NEW]

SUMMARY:

The proposed amendments to 530:10-3-22 are necessary to improve the efficiency of the training requirements of discrimination complaints investigators. The revocation of amendments 530:10-7-19 is necessary because the OK Health Incentive Pay has been abolished. The proposed amendments to 530:10-9-37 and 530:10-9-38 are necessary to establish set guidelines for repeating and reviewing examinations for exams administered pursuant to the state job application process for the classified service. The proposed amendments to 530:10-9-52 are necessary to update the language as a result of technological advancements of the State Online Application Process. The proposed amendments to 530:10-9-100 are necessary to update the Optional Program for Hiring Applicants with Disabilities reapplication process as a result of technological advancements and to improve the efficiency of the reapplication process. The proposed amendment to 530:10-9-111 is necessary to correct grammatical errors and to improve efficiency and clarify the definition in the Hard-to-fill positions definition. The proposed amendments to 530:10-9-131 are necessary to make grammatical corrections. The proposed rule, 530:10-15-58, is necessary to incorporate the new leave provision for state employees who are reserve municipal police officers and deputy sheriffs and perform such duties in cases of emergency into the Merit Rules, pursuant to SB 666's (2011 Legislative Session) statutory amendments to Title 74 O.S. §840-2.20. The proposed amendments to the Appendix A. Pay Band Schedule are necessary so that the schedule is in compliance with the provisions of Title 74 O.S. §840-2.16, which requires the State Employee Minimum Wage Rate to be that of a three-person household as established by the Federal Poverty Guidelines, issued by the United States Department of Health and Human Services. The United States Department of Health and Human Services recently revised the Federal Poverty Guidelines. The proposed amendments to the Pay Band Schedule reflect the revisions of the guidelines. The proposals to 530:10-15-58 and Appendix A have gone through the emergency rule process and are now being proposed to make the amendments permanent. The proposed amendments to 530:10-17-77 are necessary to improve efficiency of the Carl Albert Internship appointment process.

AUTHORITY:

The Administrator of the Office of Personnel Management, Division of the Office of State Finance: 74 O.S., §§ 840-1.6A, 840-2.20, 840-2.27C, 840-2.27D, 840-2.27E.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to kara.smith@osf.ok.gov. The comment period will begin on Wednesday, February 15, 2012. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Wednesday, March 21, 2012.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:30 a.m., Thursday, March 22, 2012, at the State Office of Personnel Management, Jim Thorpe Building, 2101 N. Lincoln, OPM Conference Room, Fifth Floor, Room 560, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 521-2177.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning Wednesday, March 1, 2012. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

CONTACT PERSON:

Kara I. Smith, OPM/OSF General Counsel, (405) 521-2177.

[OAR Docket #12-68; filed 1-26-12]

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

[OAR Docket #12-64]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Use of Best Value Competitive Proposals to Award a Contract [NEW]

SUMMARY:

The rules and regulations are necessary to implement statutory changes made by Senate Bill 96 [2011].

AUTHORITY:

The Director of the Department of Central Services; 61 O.S. Section 103.

COMMENT PERIOD:

Written comments may be made from this date until close of business on March 16, 2012. Comments should be filed in the office of John Morrison, Administrator, Department of Central Services, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

10 a.m., March 16, 2012, in Room 214/216 of the Will Rogers Building, 2401 N. Lincoln, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Construction and Properties Division, Department of Central Services, PO Box 53448, Oklahoma City, OK 73152-3448; (405) 521-2112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting the Construction and Property Division of the Department of Central Services.

CONTACT PERSON:

Mike Jones, Construction and Properties Division, (405) 521-3171.

[OAR Docket #12-64; filed 1-26-12]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 55. COMMITTEE OF ALTERNATIVE FUELS TECHNICIAN EXAMINERS**

[OAR Docket #12-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed amendments are necessary to provide clarity, promote efficiency, conform to legislation, and correct scrivener's errors.

AUTHORITY:

The Department of Central Services; 74 O.S. Section 130.18.

COMMENT PERIOD:

Written comments may be made from this date until close of business on March 16, 2012. Comments should be filed in the office of John Morrison, Administrator, Department of Central Services, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

1:30 p.m., March 16, 2012, in Room 214/216 of the Will Rogers Building, 2401 N. Lincoln, Oklahoma City, Oklahoma.

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Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Fleet Management Division, 2307 N. Central Avenue, Oklahoma City, OK 73105-3240, (405) 521-2052.

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting: Fleet Management Division, 2307 N. Central Avenue, Oklahoma City, OK 73105-3240, (405) 521-2052.

CONTACT PERSON:

Tom Bogdanowicz, Deputy Fleet Manager, Fleet Management Division, (405) 521-2206, ext. 219.

[OAR Docket #12-66; filed 1-26-12]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES

CHAPTER 61. OKLAHOMA STATE GOVERNMENT ASSET REDUCTION AND COST SAVINGS PROGRAM

[OAR Docket #12-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 61. Oklahoma State Government Asset Reduction and Cost Saving Program [NEW]

SUMMARY:

These rules are established pursuant to the Oklahoma State Government Asset Reduction and Cost Savings Program contained in Title 74, Section 61.7 of the Oklahoma Statutes for the Department of Central Services to obtain the necessary data to develop a comprehensive report detailing state owned properties and to identify the five percent (5%) most underutilized properties.

AUTHORITY:

74 O.S. Section 61.7(D). Department of Central Services

COMMENT PERIOD:

Written comments may be made from this date until close of business March 16, 2012. Comments should be filed in the office of John W. Morrison, Administrator, Department of Central Services, located at 2401 N. Lincoln Boulevard, Suite 212, Oklahoma City, OK 73112

PUBLIC HEARING:

8:30 a.m., March 16, 2012, in Room 214/216 of the Will Rogers Building, 2401 N. Lincoln, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Department of Central Services
Office of State Leasing
P.O. Box # 53187
Oklahoma City, OK 73152-3187
(405) 521-3819

RULE IMPACT STATEMENT:

The agency has issued a Rule Impact Statement which may be obtained for review by contacting the Office of State Leasing.

CONTACT PERSON:

Melissa Milburn, Administrator, 405-521-3819

[OAR Docket #12-65; filed 1-26-12]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY

CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #12-62]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 1. Purpose

595:10-1-1. Purpose [AMENDED]

Part 2. Application for Initial Driver License

595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]

595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [AMENDED]

595:10-1-8. Applicability, substitutions, limitations, and additions to federal rules adopted by reference [REVOKED]

595:10-1-9. Waiver of certain physical conditions for Class A, B, or C commercial driver license applicants [REVOKED]

Part 3. Driver License Renewal

595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]

595:10-1-12. Oklahoma licensee temporarily residing out of the state [AMENDED]

Part 5. Driver License Replacement

595:10-1-18. Procedure for obtaining a replacement driver license [AMENDED]

595:10-1-19. Oklahoma licensee temporarily residing out of the state [REVOKED]

Part 7. Identification Cards

595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]

595:10-1-28. Oklahoma identification card holder temporarily residing out of the state [AMENDED]

- Part 9. Change of Name on a Driver License or Identification Card
 - 595:10-1-35. Procedure to make a change of name on a driver license or an identification card [AMENDED]
- Part 13. Motor License Agents
 - 595:10-1-50. Identification required [AMENDED]
 - 595:10-1-51. Operational procedures [AMENDED]
 - 595:10-1-56. Renewal of driver license or identification cards [AMENDED]
- Part 19. Driver License and Identification Card Content
 - 595:10-1-91. Information displayed on driver licenses [AMENDED]
 - 595:10-1-92. Driving restriction codes [AMENDED]
 - 595:10-1-93. Information displayed on identification cards [AMENDED]
- Subchapter 3. Examination
 - 595:10-3-1. Purpose [AMENDED]
 - 595:10-3-4. Application for examination [AMENDED]
 - 595:10-3-9. Skills examination [AMENDED]
- Subchapter 5. Medical Aspects
 - Part 1. Medical Conditions
 - 595:10-5-5. Metabolic diseases [AMENDED]
 - Subchapter 13. Parent-taught Driver Education
 - 595:10-13-5. Requirements for parents and students [AMENDED]

SUMMARY:

Amendments to this chapter would update procedures relating to the issuance of driver licenses and identification cards, motor license agent activities, and parent-taught driver education and continue to separate commercial driver license requirements from regular Class D driver license requirements.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are the need to update information related to the issuance of driver licenses and identification cards, motor license agent activities, and parent-taught driver education and to comply with ESB 1908 (2010) regarding graduated driver licenses.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

AUTHORITY:

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

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30 p.m., Tuesday, March 27, 2012, in the Conference Room of the Robert Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

[OAR Docket #12-62; filed 1-26-12]

**TITLE 655. SECRETARY OF STATE
CHAPTER 10. ADMINISTRATIVE RULES
ON RULEMAKING**

[OAR Docket #12-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 655:10-1-2. [AMENDED]
- Subchapter 7. Preparation of Documents
 - Part 1. General Provisions
 - 655:10-7-1 [AMENDED]
 - Part 3. Rule Documents
 - 655:10-7-11 [AMENDED]
 - 655:10-7-13 [AMENDED]
 - Part 5. Notice Documents
 - 655:10-7-32 [AMENDED]
 - 655:10-7-33 [AMENDED]
- Subchapter 9. Submission of Documents
 - 655:10-9-1 [AMENDED]

SUMMARY:

Rules are being revised to reflect statutory requirements enacted in HB 1044 (2011) for legislative approval of "any [proposed] rule which establishes or increases fees or any rule [proposed] by an agency, board, or commission created by or that receives its authority from Title 59 of the Oklahoma Statutes" [75:308(F)].

Notices of Rulemaking Intent

Outdated provisions requiring submission of documents to the Office of Administrative Rules (OAR) on floppy disk are being replaced with a requirement to submit documents on compact disc. In addition, current provisions related to compressing (zipping) large documents will no longer be needed and are being stricken from the rules.

Rules are also being amended to clarify that, when an agency withdraws and "resubmits" a filing, within 10 calendar days after adoption, on the State Online Filing System, the agency does not need to file the Notice of Withdrawn Rules with the OAR for publication in the Register. The System provides a mechanism for agencies to "resubmit" a filing to correct errors in the earlier filing, but only when the resubmission occurs within 10 calendar days after the adoption date of the rules that were filed in the original submission.

Cites and cross references, as well as quoted and paraphrased language, are being updated to reflect recent changes in statutes.

AUTHORITY:

Secretary of State; 75 O.S., Sections 250 et seq.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by March 19, 2012. Written comments should be submitted to Peggy Coe at 2300 N. Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105 (postal); 2401 N. Lincoln Boulevard, Suite 220 (interagency mail); peggy.coe@sos.ok.gov (email); or 405-522-3555 (fax).

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views at 1:30 p.m. on Tuesday, March 20, 2012 at the Will Rogers Building, 2401 N. Lincoln Boulevard, Suite 216 in Oklahoma City. Persons who wish to speak must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Peggy Coe at 405-521-4911, or at the addresses or fax number identified above, as well as on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>.

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement will be prepared and available on and after March 1, 2012 on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, and from Peggy Coe at 2300 N. Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105 (postal); 2401 N. Lincoln Boulevard, Suite 220 (interagency mail); peggy.coe@sos.ok.gov (email); or 405-522-3555 (fax).

CONTACT PERSON:

Peggy Coe, Director/Editor-in-Chief, Office of Administrative Rules, 405-521-4911 or peggy.coe@sos.ok.gov.

[OAR Docket #12-82; filed 1-26-12]

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

[OAR Docket #12-42]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

748:1-1-2. Address [AMENDED]

748:1-1-4. Meetings [AMENDED]

SUMMARY:

The proposed rule amendments are to update the office address of the Oklahoma Uniform Building Code Commission

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.23, 1000.24, and 1000.29.

COMMENT PERIOD:

Written and oral comments will be accepted during regular business hours beginning February 16, 2012 and will be accepted through March 19, 2012, at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 60410, Oklahoma City, OK 73146.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:00 p.m. on March 20, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehny at the above address, before the close of the comment period on March 19, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at, 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107, before the close of the comment period on March 19, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: www.ok.gov/oubcc

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.271.1595
Kathy Hehnly, Commission Secretary 405.271.1595

[OAR Docket #12-42; filed 1-23-12]

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

[OAR Docket #12-43]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed rule amendments add the definitions for commercial construction, hardship waiver of late fees, and residential construction to the section.

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.23, 1000.24, and 1000.29.

COMMENT PERIOD:

Written and oral comments will be accepted during regular business hours beginning February 16, 2012 and will be accepted through March 19, 2012, at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 60410, Oklahoma City, OK 73146.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:00 p.m. on March 20, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if

possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on March 19, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107, before the close of the comment period on March 19, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: www.ok.gov/oubcc

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.271.1595
Kathy Hehnly, Commission Secretary 405.271.1595

[OAR Docket #12-43; filed 1-23-12]

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

[OAR Docket #12-44]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. IBC® 2009 Edition [NEW]

748:20-1-1. Adoption of International Building Code® 2009 [NEW]

748:20-1-2. Effect of Adoption [NEW]

748:20-1-3. IBC® 2009 Appendices [NEW]

748:20-1-4. IBC® 2009 Provisions Adopted and Modified [NEW]

748:20-1-5. IBC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]

748:20-1-6. IBC® 2009 Chapter 1 Scope and Administration [NEW]

748:20-1-7. IBC® 2009 Chapter 2 Definitions [NEW]

748:20-1-8. IBC® 2009 Chapter 3 Use and Occupancy Classification [NEW]

748:20-1-9. IBC® 2009 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [NEW]

748:20-1-10. IBC® 2009 Chapter 8 Interior Finishes [NEW]

748:20-1-11. IBC® 2009 Chapter 9 Fire Protection Systems [NEW]

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748:20-1-12. IBC® 2009 Chapter 10 Means of Egress [NEW]
748:20-1-13. IBC® 2009 Chapter 16 Structural Design [NEW]
748:20-1-14. IBC® 2009 Chapter 18 Soils and Foundations [NEW]
748:20-1-15. IBC® 2009 Chapter 26 Plastic [NEW]
748:20-1-16. IBC® 2009 Chapter 30 Plumbing System [NEW]
748:20-1-17. IBC® 2009 Chapter 32 Encroachments into the Public Right-of-Way [NEW]
748:20-1-18. IBC® 2009 Chapter 34 Existing Buildings and Structures [NEW]
748:20-1-19. IBC® 2009 Chapter 35 Referenced Standards [NEW]
Subchapter 3. IFC® 2009 [NEW]
748:20-3-1. Adoption of International Fire Code® 2009 Edition [NEW]
748:20-3-2. Effect of Adoption [NEW]
748:20-3-3. IFC® 2009 Appendices [NEW]
748:20-3-4. IFC® 2009 Provisions Adopted and Modified [NEW]
748:20-3-5. IFC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
748:20-3-6. IFC® 2009 Chapter 1 Scope and Administration [NEW]
748:20-3-7. IFC® 2009 Chapter 2 Definitions [NEW]
748:20-3-8. IFC® 2009 Chapter 5 Fire Service Features [NEW]
748:20-3-9. IFC® 2009 Chapter 6 Building Services and Systems [NEW]
748:20-3-10. IFC® 2009 Chapter 8 Interior Finish, Decorative Materials and Finishes [NEW]
748:20-3-11. IFC® 2009 Chapter 9 Fire Protection Systems [NEW]
748:20-3-12. IFC® 2009 Chapter 10 Means of Egress [NEW]
748:20-3-13. IFC® 2009 Chapter 46 Construction Requirements for Existing Buildings [NEW]
748:20-3-14. IFC® 2009 Chapter 47 Referenced Standards [NEW]
Subchapter 7. IEBC® 2009 [NEW]
748:20-7-1. Adoption of International Existing Building Code® 2009 Edition [NEW]
748:20-7-2. Effect of Adoption [NEW]
748:20-7-3. IEBC® 2009 Appendices [NEW]
748:20-7-4. IEBC® 2009 Provisions Adopted and Modified [NEW]
748:20-7-5. IEBC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
748:20-7-6. IEBC® 2009 Chapter 1 Scope and Administration [NEW]
748:20-7-7. IEBC® 2009 Chapter 2 Definitions [NEW]
748:20-7-8. IEBC® 2009 Chapter 13 Performance Compliance Methods [NEW]

748:20-7-9. IEBC® 2009 Chapter 15 Referenced Standards [NEW]

SUMMARY:

748:20-1-1, 20-1-2, 20-1-3, and 20-1-4 adopt the IBC7 2009, without appendices, as the minimum standards for commercial building construction in the State of Oklahoma. 748:20-1-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-1-6 establishes that Chapter 1 of the IBC® 2009 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-1-7, 20-1-8, 20-1-9, 20-1-10, 20-1-11, 20-1-12, 20-1-13, 20-1-14, 20-1-15, 20-1-16, 20-1-17, 20-1-18 and 20-1-19 set forth the Commission's adoption of Oklahoma modifications to the provisions of the IBC® 2009.

748:20-3-1, 20-3-2, 20-3-3, and 20-3-4 adopt the IFC® 2009, with all appendices except Appendix J, as the minimum standards for commercial fire construction in the State of Oklahoma. 748:20-3-5 provides for an exemption to the code when requirements of federal programs or federally funded or financed projects require compliance with an alternate code. 748:20-3-6 establishes that Chapter 1 of the IFC® 2009 is adopted to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-3-7, 20-3-8, 20-3-9, 20-3-10, 20-3-11, 20-3-12, 20-1-13 and 20-3-14 set forth the Commission's adoption of Oklahoma modifications to the provisions of the IFC® 2009.

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

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.23, 1000.24, and 1000.29.

COMMENT PERIOD:

Written and oral comments will be accepted during regular business hours beginning February 16, 2012 and will be accepted through 5:00 p.m. on March 19, 2012, at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 60410, Oklahoma City, OK 73146.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:00 p.m. on March 20, 2012, at a regular meeting of the Uniform Building Code Commission 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on March 19, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107, before the close of the comment period on March 19, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: www.ok.gov/oubcc

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.271.1595
Kathy Hehnly, Commission Secretary 405.271.1595

[OAR Docket #12-44; filed 1-23-12]

Submissions for Review

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

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

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

[OAR Docket #12-69]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Fee Schedules

35:2-3-2.1 [AMENDED]

35:2-3-2.2 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.5 [AMENDED]

35:2-3-2.6 [AMENDED]

SUBMITTED TO GOVERNOR:

January 20, 2012

SUBMITTED TO HOUSE:

January 20, 2012

SUBMITTED TO SENATE:

January 20, 2012

[OAR Docket #12-69; filed 1-26-12]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

[OAR Docket #12-70]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 15. Plasticulture Program [NEW]

35:40-15-1 [NEW]

35:40-15-2 [NEW]

35:40-15-3 [NEW]

35:40-15-4 [NEW]

35:40-15-5 [NEW]

35:40-15-6 [NEW]

35:40-15-7 [NEW]

SUBMITTED TO GOVERNOR:

January 20, 2012

SUBMITTED TO HOUSE:

January 20, 2012

SUBMITTED TO SENATE:

January 20, 2012

[OAR Docket #12-70; filed 1-26-12]

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

[OAR Docket #12-77]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions [NEW]

532:1-1-1 [AMENDED]

532:1-1-1.1 [NEW]

532:1-1-2 [AMENDED]

532:1-1-3 [REVOKED]

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

532:1-1-5 [REVOKED]

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

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

Subchapter 3. Organization and Operation [NEW]

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

Subchapter 5. Declaratory Ruling Procedures [NEW]

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

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

Subchapter 7. Rulemaking Procedures [NEW]

532:1-7-1 [NEW]

SUBMITTED TO GOVERNOR:

January 26, 2012

SUBMITTED TO HOUSE:

January 26, 2012

SUBMITTED TO SENATE:

January 26, 2012

[OAR Docket #12-77; filed 1-26-12]

Submissions for Review

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

[OAR Docket #12-78]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

532:10-1-1 [AMENDED]

Subchapter 3. Licensing

532:10-3-1 [AMENDED]

532:10-3-2 [AMENDED]

532:10-3-3 [AMENDED]

532:10-3-4 [AMENDED]

532:10-3-5 [AMENDED]

532:10-3-6 [AMENDED]

532:10-3-11 [AMENDED]

Subchapter 5. Violations, Complaints, Investigations, and Enforcement Fine Matrix and Procedure [AMENDED]

532:10-5-1 [AMENDED]

532:10-5-2 [AMENDED]

532:10-5-3 [AMENDED]

532:10-5-7 [AMENDED]

532:10-5-8 [AMENDED]

532:10-5-9 [AMENDED]

532:10-5-10 [AMENDED]

532:10-5-11 [AMENDED]

532:10-5-13 [AMENDED]

SUBMITTED TO GOVERNOR:

January 26, 2012

SUBMITTED TO HOUSE:

January 26, 2012

SUBMITTED TO SENATE:

January 26, 2012

[OAR Docket #12-78; filed 1-26-12]

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

[OAR Docket #12-79]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

532:15-1-2 [AMENDED]

Subchapter 3. Minimum Housing and Care Standards

532:15-3-1 [AMENDED]

532:15-3-4 [AMENDED]

532:15-3-5 [AMENDED]

532:15-3-9 [AMENDED]

532:15-3-11 [AMENDED]

532:15-3-12 [AMENDED]

Subchapter 5. Minimum Transportation and Sales Standards

532:15-5-2 [AMENDED]

532:15-5-5 [AMENDED]

Subchapter 7. Recordkeeping and Sales Requirements

532:15-7-2 [AMENDED]

SUBMITTED TO GOVERNOR:

January 26, 2012

SUBMITTED TO HOUSE:

January 26, 2012

SUBMITTED TO SENATE:

January 26, 2012

[OAR Docket #12-79; filed 1-26-12]

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

[OAR Docket #12-63]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. NEC® 2011 Edition [NEW]

748:20-9-1. Adoption of National Electrical Code® 2011 [NEW]

748:20-9-2. Effect of Adoption [NEW]

748:20-9-3. NEC® 2011 Informative Annexes [NEW]

748:20-9-4. NEC® 2011 Provisions Adopted and Modified [NEW]

748:20-9-5. NEC® 2011 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]

748:20-9-6. NEC® 2011 Article 90 Introduction [NEW]

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

Subchapter 11. IFGC® 2009

748:20-11-1. Adoption of International Fuel Gas Code® 2009 Edition [NEW]

748:20-11-2. Effect of Adoption [NEW]

748:20-11-3. IFGC® 2009 Appendices [NEW]

748:20-11-4. IFGC® 2009 Provisions Adopted and Modified [NEW]

748:20-11-5. IFGC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]

748:20-11-6. IFGC® 2009 Chapter 1 Scope and Administration [NEW]

748:20-11-7. IFGC® 2009 Chapter 3 General Regulations [NEW]

- 748:20-11-8. IFGC® 2009 Chapter 4 Gas Piping Installations [NEW]
748:20-11-9. IFGC® 2009 Chapter 6 Specific Appliances [NEW]
748:20-11-10. IFGC® 2009 Chapter 8 Referenced Standards [NEW]
Subchapter 13. IMC® 2009
748:20-13-1. Adoption of International Mechanical Code® 2009 Edition [NEW]
748:20-13-2. Effect of Adoption [NEW]
748:20-13-3. IMC® 2009 Appendices [NEW]
748:20-13-4. IMC® 2009 Provisions Adopted and Modified [NEW]
748:20-13-5. IMC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
748:20-13-6. IMC® 2009 Chapter 1 Scope and Administration [NEW]
748:20-13-7. IMC® 2009 Chapter 2 Definitions [NEW]
748:20-13-8. IMC® 2009 Chapter 3 General Regulations [NEW]
748:20-13-9. IMC® 2009 Chapter 5 Exhaust Systems [NEW]
748:20-13-10. IMC® 2009 Chapter 6 Duct Systems [NEW]
748:20-13-11. IMC® 2009 Chapter 15 Referenced Standards [NEW]
Subchapter 15. IPC® 2009
748:20-15-1. Adoption of International Plumbing Code® 2009 Edition [NEW]
748:20-15-2. Effect of Adoption [NEW]
748:20-15-3. IPC® 2009 Appendices [NEW]
748:20-15-4. IPC® 2009 Provisions Adopted and Modified [NEW]
748:20-15-5. IPC® 2009 Participation in Federal Programs and/or Federally Funded or Financed Projects [NEW]
748:20-15-6. IPC® 2009 Chapter 1 Scope and Administration [NEW]
748:20-15-7. IPC® 2009 Chapter 2 Definitions [NEW]
748:20-15-8. IPC® 2009 Chapter 3 General Provisions [NEW]
748:20-15-9. IPC® 2009 Chapter 4 Fixtures, Faucets and Fixture Fittings [NEW]
748:20-15-10. IPC® 2009 Chapter 5 Water Heaters [NEW]
748:20-15-11. IPC® 2009 Chapter 6 Water Supply and Distribution [NEW]
748:20-15-12. IPC® 2009 Chapter 7 Sanitary Drainage [NEW]
748:20-15-13. IPC® 2009 Chapter 8 Indirect/Special Waste [NEW]
748:20-15-14. IPC® 2009 Chapter 9 Vents [NEW]
748:20-15-15. IPC® 2009 Chapter 10 Traps, Interceptors, and Separators [NEW]
748:20-15-16. IPC® 2009 Chapter 11 Storm Drainage [NEW]
748:20-15-17. IPC® 2009 Chapter 13 Referenced Standards [NEW]
- SUBMITTED TO GOVERNOR:**
January 24, 2012
- SUBMITTED TO HOUSE:**
January 24, 2012
- SUBMITTED TO SENATE:**
January 24, 2011
- [OAR Docket #12-63; filed 1-26-12]*
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Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to final adoption (approval by Governor/Legislature) by notifying the Governor and the Legislature and by publishing a notice in the *Register* of such a withdrawal.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. The withdrawal notice is not published in the *Register*, however, unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the EMERGENCY rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

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

[OAR Docket #12-40]

RULEMAKING ACTION:

Withdrawal of PERMANENT Rulemaking

WITHDRAWN RULES:

150:140-1-1 through 150:140-1-4 [NEW]

DATES:

Adoption:

December 2, 2011

Submitted to Governor:

December 5, 2011

Submitted to House:

December 5, 2011

Submitted to Senate:

December 5, 2011

Withdrawn:

January 18, 2012

[OAR Docket #12-40; filed 1-18-12]

Emergency Adoptions

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

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

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

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

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

[OAR Docket #12-41]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 11. Risk Management

Part 1. Drug Policy

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

377:3-11-6. Substances to be tested [AMENDED]

377:3-11-8. Collection procedures [AMENDED]

377:3-11-9. Consequences of refusal [AMENDED]

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

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

377:3-11-12. Severability [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

December 2, 2011.

Approved by Governor:

January 11, 2012

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

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

ANALYSIS:

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

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 11. RISK MANAGEMENT

PART 1. DRUG POLICY

377:3-11-5. Substance screening

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

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

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

(2) ~~Reasonable suspicion testing.~~ **For-cause testing.**

~~Any employee may be tested, at the request of the Executive Director or, if he is unavailable, the Chief of Staff, if a reasonable suspicion exists that the employee has violated this policy while on duty. A reasonable suspicion may be drawn from specific objective and articulate facts and reasonable inferences drawn from those facts in light of experience, and, among other things, may be based upon:~~ may be requested or required to undergo drug or alcohol testing at any time it is reasonably believed that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- (A) Observable phenomena such as:
 - (i) The physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty; or
 - (ii) The direct observation of drug or alcohol use while at work or on duty;
- (B) A report of drug or alcohol use while at work or on duty provided by reasonable and credible sources and which has been independently corroborated;
- (C) ~~Evidence that an individual has tampered with a drug or alcohol test during his employment with~~

Emergency Adoptions

~~OJA, or~~ Information that an employee has tampered with drug or alcohol testing at any time;

(D) Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while on duty or while on any OJA premises or premises with which OJA has contracted services, or operating any OJA vehicle, machinery, or equipment;

(E) Drugs or alcohol on or about the employee's person or in the employee's vicinity;

(F) Negative performance patterns; or

(G) Excessive or unexplained absenteeism or tardiness.

(3) **Post-accident testing.** Any employee may be tested when the Director of Safety and Risk Management has a reasonable suspicion that the employee or another person has sustained a ~~work-related~~ injury while at work or that Office of Juvenile Affairs property has been damaged as a direct result of the employee's use of drugs or alcohol, including damage to equipment, ~~in an amount reasonably estimated at the time of the accident to exceed \$500.00.~~ No employee who tests positive for the presence of substances, as set forth in 63 O.S., § 465.20, or who consumes or intakes such substances in a manner prohibited by such section, or who refuses to take a drug or alcohol test shall be eligible for Workers' Compensation Benefits.

(4) **Post-rehabilitation.** Any employee who has had a ~~confirmed~~ positive test or has participated in a drug or alcohol dependency treatment program may be tested ~~without prior notice~~ for a period of up to two (2) years, commencing with the employee's return to work.

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

377:3-11-6. Substances to be tested

~~The following substances or their metabolites will be subjects for testing~~ Testing for substances or their metabolites shall include, but not be limited to, the following:

- (1) **alcohol;**
- (2) **marijuana;**
- (3) **opiates/synthetic narcotics such as:**
 - (A) codeine (a.k.a. Tylenol #3 and #4, etc., cough syrups, Robitussin AC);
 - (B) hydrocodone (a.k.a. Vicodin or Lortab);
 - (C) hydromorphone (a.k.a. Dilaudid);
 - (D) meperidine (a.k.a. Demerol);
 - (E) methadone (a.k.a. Dolophine);
 - (F) oxycodone (a.k.a. Percodan or Percocet);
 - (G) propoxyphene (a.k.a. Darvon);
 - (H) heroin;
 - (I) morphine;
- (4) **cocaine;**
- (5) **phencyclidine;**
- (6) **amphetamines:**

(A) amphetamines (a.k.a. Dexadrine, Benzedrine);

(B) methamphetamines (a.k.a. Desoxyn);

(C) methylenedioxyamphetamines;

(D) methylenedioxymethamphetamines;

(E) phentermine (a.k.a. Adipex, Fastin, Ioamin);

(7) **barbiturates:**

(A) amobarbital (a.k.a. Amytal);

(B) butalbital (a.k.a. Fiorinal, Fioricet);

(C) pentobarbital (a.k.a. Nembutal);

(D) secobarbital (a.k.a. Seconal; **NOTE:** Amobarbital and secobarbital combination to form Tuinal.

(8) **benzodiazepines:**

(A) diazepam (a.k.a. Valium);

(B) chlordiazepam (a.k.a. Librium);

(C) alprazolam (a.k.a. Xanax);

(D) clorazepate (a.k.a. Tranxene); and

(9) **methaqualone** (a.k.a. Quaalude, Parest, Sopor).

(10) Any other substance approved for testing by the Commissioner of Health of the Oklahoma State Department of Health (OSDH).

377:3-11-8. Collection procedures

Collection of samples for drug and alcohol testing shall be in accordance with the Drug and Alcohol Testing Rules of the OSDH. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.

377:3-11-9. Consequences of refusal

(a) **Employees.** Any employee who refuses testing under this policy shall be subject to discipline up to and including discharge from employment. Inability to give an adequate urine sample shall be deemed a refusal, but the employee may overcome this conclusion by providing conclusive medical evidence of a pre-existing condition, which prevents the production of an adequate sample. Adulteration of a specimen of a drug or alcohol test shall be considered as a refusal to test.

(b) **Job applicants.** Any job applicant who has received a conditional offer of employment from OJA and who refused to undergo drug and alcohol testing will not be hired by OJA. Unreasonable delay in submitting to testing shall be deemed a refusal.

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

(a) ~~Any positive test results shall be confirmed by gas chromatography, gas chromatography mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as prescribed by the State Board of Health.~~

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

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

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

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

(a) Explanation of test results.

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

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

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

~~(b) Confidentiality. All information relating to employee drug testing will be treated with strict confidence. All records~~

~~relating to drug testing will be kept separate from personnel files.~~

~~(e) Information. Test records~~ Records of all drug and alcohol test results and related information shall be the property of OJA and, upon the request of the job applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. OJA will not release such records to any person other than the job applicant, employee, or the employee's review officer, unless the job applicant or employee, in writing and following receipt of the test results, has expressly granted permission for OJA to release such records or pursuant to in order to comply with a valid judicial or administrative court order. If OJA contracts with another employer, OJA may share drug or alcohol testing results of any tested person who works pursuant to such contractual agreement.

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

377:3-11-12. Severability

If any portion of this policy is declared or adjudged unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ~~Policy policy.~~

[OAR Docket #12-41; filed 1-20-12]

